



# Cathedral City

## Legislation Text

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### *Planning Commission*

**MEETING DATE: 3/29/2017**

**CASE NO.** Conditional Use Permit No. 17-003

**APPLICANT:** Crescere, Inc., Bernard Steimann

**LOCATION:** 68739 Summit Drive (APN: 687-162-003)

**REQUEST:** Consider a Conditional Use Permit application to operate a medical cannabis business (cultivation site and manufacturing site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68739 Summit Drive.

**STAFF PLANNER:**

Pat Milos, Community Development Director

**RECOMMENDATION:**

**APPROVE** an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

**APPROVE** Conditional Use Permit No. 17-003 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

**FINDINGS:**

**APPROVAL OF AN EXEMPTION TO CEQA** based on the finding that the project qualifies as Categorical Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

**APPROVAL OF CONDITIONAL USE PERMIT NO. 17-003**, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 68739 Summit Drive in the I-1 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.40.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis business will

comply with all relevant building codes, zoning, and the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted local licenses (MCL 16-038- C & M) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

5. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all site development standards.

6. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business primary collector street is Perez Road, which has adequate capacity to serve the limited traffic that will be generated by the use.

7. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

#### **BACKGROUND:**

City ordinances allow for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapters 5.88 and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans. In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his

designee, shall decide whether to approve or deny a local license application.

A Local License application was submitted on September 29, 2016 and Conditional Use Permit application for a cultivation and manufacturing site was submitted on December 14, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on January 24, 2017 (see Attachment 4 and 5).

There are no exterior changes proposed to the building. Therefore, no review from the Architectural Review Subcommittee is needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

### **ANALYSIS:**

The project site is located within the I-1 (Light Industrial) zoning district. The surrounding uses include automobile body and repair facilities, retail and service uses, and medical cannabis businesses. Pursuant to CCMC section 9.108.090, a combined cultivation and manufacturing site may only be located within the I-1 (Light Industrial) Zoning District.

Furthermore, no cultivation and manufacturing site shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; b) within three hundred (300) feet of a residential zone, or C) within two hundred and fifty (250) feet of East Palm Canyon Drive. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The site is licensed for cultivation and manufacturing. However, the facility will primarily be manufacturing orientated with cultivation expected to be limited to cloning and preparation of the cannabis for the manufacturing process. The extraction equipment will be butane based and located within a separate room (B.H.O. Room). The Fire Department has reviewed the proposal and approved the conceptual plan subject to the formal review and approval of a plan check submittal which shall comply with the requirements and standards contained in the Cannabis Extraction for Commercial Manufacturing Facilities section of the Fire Department Development Guidelines (see Attachment 7).

The proposed facility will be located in the front unit of the building (addressed as 68739 Summit Drive). The approximately 7,729 square foot building consists of two units, which will both be occupied by separate medical cannabis businesses (adjacent suite to be considered under Conditional Use Permit No. 17-002). This unit is approximately 3,874 square feet and will include extraction and processing related rooms, office, bathroom, break area and other ancillary space.

There are no exterior changes or the addition of square footage proposed to the building. Therefore, there are no issues with setbacks, building height or number of parking spaces. However, upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. A new trash enclosure shall be constructed per City standard.

2. The existing parking area shall be repaved, parking stalls restriped and signed in accordance with ADA (American with Disabilities Act) standards.
3. All existing broken or damaged sidewalk, curb, gutter and drive approaches shall be replaced and/or repaired as determined by the City Engineer.
4. Illuminated building address numbers, a minimum of 8 inches in height, shall be placed on the building.
5. The existing front parking area shall be defined with curbs.
6. The asphalt area at the front of the building shall be removed and replaced with landscape.

**ENVIRONMENTAL ANALYSIS:**

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

**PUBLIC NOTIFICATION:**

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 6).

**ATTACHMENTS:**

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| Attachment 1: | Conditions of Approval                    |
| Attachment 2: | Site Plan                                 |
| Attachment 3: | Floor Plan                                |
| Attachment 4: | Local License Cultivation                 |
| Attachment 5: | Local License Manufacturing               |
| Attachment 6: | Public Hearing Notice                     |
| Attachment 7: | Cathedral City Fire Department Guidelines |