



Cathedral City

Legislation Text

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Planning Commission

MEETING DATE: 4/19/2017

CASE NO. Conditional Use Permit No. 16-031

APPLICANT: The Hi Collective, Drew Milburn

LOCATION: 68333 Perez Road (APN: 687-322-018)

REQUEST: Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary with delivery, cultivation site, and manufacturing site) within an existing commercial building in the I-1 (Light Industrial) Zoning District located at 68333 Perez Road.

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. 16-031 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 Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-031, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 68333 Perez Road 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 a local license (MCL No. 16-030- D, 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 number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are three (3) operating dispensaries located in the vicinity of the proposed dispensary. There is no evidence that any negative secondary effects associated with dispensaries are occurring in the area.

5. 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, consistent with the general plan, and will not be detrimental to other uses in the zones.

6. 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.

7. 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.

8. 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 Chapter 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 a 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 and Conditional Use Permit for a dispensary (with delivery), cultivation site, and manufacturing site application were submitted on August 17, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the licenses were granted on December 12, 2016 (see Attachment No. 4 through 6).

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 zoning district. The surrounding uses include automobile sales, general automotive repair, automotive body repair facilities, adult oriented business, retail and services uses. Pursuant to CCMC Section 9.108.090, a combined dispensary, cultivation site and manufacturing facility may only be located within the I-1 (Light Industrial) Zoning District.

Furthermore, no combined dispensary, cultivation site and manufacturing facility 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 existing 17,638 square foot building is located on a 23,167 square foot site. The floor plan consists of approximately 12,306 square feet of cultivation, 770 square feet dedicated to the manufacturing process, 1,080 square feet of dispensary and an additional 3,482 square feet of ancillary space which includes offices, bathroom, waiting room, secure lobby area and miscellaneous space.

The applicant is proposing to construct a new trash enclosure (per City Standard) at the easterly side of the property.

There are no exterior changes or the addition of square footage proposed to the building. Therefore, there are no issues with setbacks and building height. 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. The new trash enclosure shall be constructed per City standard and located at the discretion of the City Engineer and Burrtec.
2. Illuminated building address numbers, a minimum of 8 inches in height, shall be placed on the building, plainly visible from the street.
3. All existing signage on the north side elevations will be removed and repainted to match the building.
3. The existing parking will need to meet the zoning guidelines. The existing parking area shall be repaved, parking stalls restriped and signed in accordance with ADA (American with Disabilities Act) standards. All existing broken or damaged sidewalk, curb, gutter and drive approaches shall be replaced and/or repaired as determined by the City Engineer.
4. The existing landscaping shall be renovated to comply with current City design standards and requirements.
5. All existing exterior lighting must be operable and shielded to prevent spillover to adjacent properties.
6. All existing chain link fence on the property will be removed and replaced with an acceptable fencing material such as block or tubular steel.
7. The associated roof top mechanical systems will be screened from public view from Perez Road.

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 No. 1 Exemption.

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

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 7).

ATTACHMENTS:

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| Attachment 1: | Conditions of Approval |
| Attachment 2: | Site Plan |
| Attachment 3: | Floor Plan |

Attachment 4: Local License for Dispensary
Attachment 5: Local License for Cultivation
Attachment 6: Local License for Manufacturing
Attachment 7: Public Hearing Notice
Attachment 8: Cathedral City Fire Department Guidelines