



# Cathedral City

## Legislation Text

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File #: 2018-48, Version: 1

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### *Planning Commission*

**MEETING DATE: 2/21/2018**

**CASE NO.** Conditional Use Permit No. 16-022A

**APPLICANT:** Nug Labs, LLC, Michael Barton/Cody Garcia

**LOCATION:** 36385 Bankside Drive (APN: 687-311-010)

**REQUEST:** Consider a Conditional Use Permit application to operate a cannabis business (cultivation and distribution and transportation site) within an existing commercial building in the CBP-2 (Commercial Business Park) Zoning District located at 36385 Bankside Drive.

**STAFF PLANNER:**

Salvador Quintanilla, Associate Planner

**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. 16-022A 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 findings, 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. 16-022A**, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 36385 Bankside Drive, in the CBP-2 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.36.
2. The 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 cannabis business will comply with all

relevant building codes, zoning, and the ADA.

3. The 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 in this conditional use permit. The applicant has been granted local licenses (MCL No. 17-023) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The 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 cannabis businesses in certain zones, the City Council has determined that 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 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 cannabis business meets all site development standards.

6. The site for the 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 cannabis business primary collector street is East Palm Canyon Drive, 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 subjected to a revocation hearing.

#### **BACKGROUND:**

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

Under the ordinance, cannabis businesses are required to obtain both a cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the 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 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.

The project site was previously approved by the Planning Commission on October 5, 2016, for the establishment of a dispensary and cultivation facility (Cathedral City Collective). The existing cannabis licenses have been transferred to another location. The applicant has been approved for new cannabis licenses and is requesting to amend the existing Conditional Use Permit (CUP 16-022) to remove the dispensary and add distribution/transportation to the previously approved cultivation facility.

A Local License application for cultivation and distribution/transportation was submitted on August 9, 2017. The Conditional Use Permit (CUP) Amendment was submitted on September 26, 2017. The Local License application was reviewed by staff including the Police Department, the background check completed and the cultivation and distribution/transportation licenses were granted on October 24, 2017 (see Attachment 6 and 7).

The project site consists of an existing single-story commercial building. As part of the previous Conditional Use Permit, some improvements were started but many remain uncompleted. The building never received occupancy clearance and has remained vacant.

The Architectural Review Committee (ARC) reviewed the project on January 17, 2018 and approved the project to move forward to the Planning Commission with a vote of 5-0, incorporating the following comments and revisions:

1. Provide mounding, boulders and a creek design element within the front landscape area.
2. Screen the electrical transformer with landscaping.

The changes were incorporated into the landscape plan prior to the Planning Commission meeting. 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 CBP-2 (Commercial Business Park) Zoning District. The surrounding uses include automotive repair and body shops, commercial service uses, and other cannabis businesses. Pursuant to CCMC section 9.108.090, a combined cultivation and distribution/transportation site may only be located within the I-1 (Light Industrial) or CBP-2 (Commercial Business Park) zoning districts.

Furthermore, no cultivation and distribution/transportation 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 existing building is approximately 7,743 square feet and will be compromised of 5,693 square feet of cultivation, 169 square feet of distribution/transportation, and approximately 1,881 square feet of office and break room, bathroom and other ancillary space.

There are a number of improvements proposed to the site including the addition of a new handicap space, new trash enclosure, loading area, renovation of the existing, new asphalt paving and restriping of the westerly parking area.

The applicant is proposing to repaint the building with tan base color and dark brown accent band. A corrugated metal screen wall will be installed on the roof, screening the mechanical equipment from the public right-of-way. The storefront frame and glass color is not proposed to be changed.

### **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 custodian of the documents or other material, which constitute the record of proceedings upon 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 8).

### **ATTACHMENTS:**

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| Attachment 1: | Conditions of Approval                    |
| Attachment 2: | Site Plan                                 |
| Attachment 3: | Floor Plan                                |
| Attachment 4: | Colored Elevations                        |
| Attachment 5: | Landscape Plan                            |
| Attachment 6: | Local License Distribution/Transportation |
| Attachment 7: | Local License Cultivation                 |
| Attachment 8: | Public Hearing Notice                     |