



# Cathedral City

## Legislation Text

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File #: 2018-230, Version: 1

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### *Planning Commission*

**MEETING DATE: 6/6/2018**

**CASE NO.** Conditional Use Permit No. 18-003

**APPLICANT:** Miracle Education Distributors, Inc., Danna Digiulio

**LOCATION:** 68366 Kieley Road, (APN: 687-072-029)

**REQUEST:** Consider a Conditional Use Permit application to operate a cannabis business (manufacturing and distribution/transportation site) in an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68366 Kieley Road.

**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. 18-003 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 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. 18-003**, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 68366 Kieley 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 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 Disabilities 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. 18-001) 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 Cathedral 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/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.

A Local License and CUP applications for manufacturing and distribution/transportation was submitted on January 8, 2018. The Local License application was reviewed by staff including the Police Department, the background check completed and the manufacturing and distribution/transportation licenses were granted on March 27, 2018 (see Attachment 6 and 7).

The Architectural Review Committee (ARC) reviewed the project on April 4, 2018 and voted to continue the project with the following comment:

1. Change the color scheme of the building to a darker gray and maintain the blue tower element.
2. Remove the existing palm trees along Kieley Road.

The ARC reviewed the project again on May 2, 2018. The applicant provided several gray color scheme options. The ARC approved the project to move forward to the Planning Commission with a vote of 5-0, incorporating the Light Gray option.

The changes were incorporated into the site plan, elevations, and 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 I-1 (Light Industrial) Zoning District. The surrounding uses are primarily auto service related, cannabis businesses, and the City's public works yard. Pursuant to CCMC section 9.108.070, a combined manufacturing and distribution/transportation site may only be located within the I-1 (Light Industrial) or CBP-2 (Commercial Business Park) zoning districts.

Furthermore, no manufacturing 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 Cathedral 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 manufacturing and distribution/transportation. 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 9).

The existing one-story building is approximately 1,800 square feet and will be comprised of 700 square feet of manufacturing, 580 square feet of distribution/transportation, and 520 square feet of break room, office and ancillary space.

There are a number of improvements proposed to the site including the construction of a new trash

enclosure per City standard, redesign of the parking area that will be repaved and restriped including a designated loading space, van accessible ADA parking space and ADA path travel, retention basin and renovation of the existing landscaping.

The building will be redesigned in a Modern architectural style featuring an approximately 14' high tower element painted blue with a stucco finish, a decorative metal awning in the same blue color, and stone veneer on the front elevation. The building will be painted in a light gray color scheme with a blue band around the building, matching the color of the tower and awning.

### **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: | Color Elevation                           |
| Attachment 5: | Landscape Plan                            |
| Attachment 6: | Local License Distribution/Transportation |
| Attachment 7: | Local License Manufacturing               |
| Attachment 8: | Public Hearing Notice                     |
| Attachment 9: | Cathedral City Fire Department Guidelines |