



# Cathedral City

## Legislation Text

---

File #: 2018-255, Version: 1

---

### *Planning Commission*

**MEETING DATE: 6/20/2018**

**CASE NO.** Conditional Use Permit No. 16-044B

**APPLICANT:** We Care Cat City, Inc., Dan Lennon

**LOCATION:** 36450 Bankside Drive, (APN: 687-312-016)

**REQUEST:** Consider an amendment to a Conditional Use Permit to convert the approved cultivation area into additional cannabis manufacturing and add distribution/transportation within the existing commercial building in the CBP-2 (Commercial Business Park) Zoning District located at 36450 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. 16-044B 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. 16-044B**, subject to the attached conditions of approval, and based on the following findings:

1. The cannabis business to be located at 36450 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 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 conditional use permit. The applicant has been granted a local license (MCL No. 16-036) 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 issuance of a conditional use permit to the Applicant will not result in or add to an excessive concentration of dispensaries and/or result in a need for additional law enforcement resources. The dispensary, which was previously approved on March 15, 2017, is located south of Interstate 10 and the approval of the conditional use permit will not result in more than twenty dispensaries being approved to operate south of Interstate 10.

5. 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.

6. 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.

7. 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.

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:**

On March 15, 2017, the Planning Commission approved Conditional Use Permit No. 16-044 to operate a cannabis business (dispensary and cultivation site) at 36450 Bankside Drive. On September 20, 2017, an amendment (CUP No. 16-044A) was approved to add manufacturing to the cannabis business. Building permits were issued and improvements completed to the site in 2018.

However, the cannabis business is currently not open or operating.

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

Local License and Conditional Use Permit applications to add distribution/transportation were submitted on April 4, 2018. The Local License application was reviewed by staff and the license granted on April 10, 2018 (see Attachment 5).

#### **ANALYSIS:**

The project site is located within the CBP-2 (Commercial Business Park) Zoning District. The surrounding uses includes other cannabis businesses, an automobile body and repair facility and an air conditioning business. Pursuant to CCMC section 9.108.090, a combined dispensary, manufacturing and distribution/transportation site may only be located within the I-1 (Light Industrial) and CBP-2 (Commercial Business Park) Zoning Districts.

Furthermore, the combined site shall not be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or three-hundred (300) feet from residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The applicant is proposing to convert the approved cultivation area into additional cannabis manufacturing. Due to the volatile nature of the majority of manufacturing processes, the Fire Department is required to review all proposals. 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 to the requirements and standards contained in the Cannabis Extraction for Commercial Manufacturing Facilities section of the Fire Department Development Guidelines (see Attachment 7). Also, the applicant is proposing to add distribution/transportation to the existing cannabis business.

The existing one-story building is approximately 8,054 square feet on a .48-acre site. The applicant is proposing to remove and convert the previously approved cultivation area into additional cannabis manufacturing and add distribution/transportation to the existing cannabis business operations. The

applicant has modified the previously approved floor plan to add an additional 2,106 square feet of manufacturing and 581 square feet of distribution/transportation. There is no additional square footage proposed to the building. Therefore, there are no issues with setbacks or building height. Additionally, the applicant is not proposing to make any changes to the previously approved site.

The previous CUP approval was conditioned to install illuminated building address numbers, construct a new trash enclosure per City standard, repave, restripe and sign the parking lot, replace and/or repair all broken or damaged sidewalk, curb and gutter, and renovate the landscaping to City design standards. These improvements have been completed but the conditions maintained with updated conditions included within the Conditions of Approval to reflect current requirements and standards.

### **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 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:**

Attachment 1:	Conditions of Approval
Attachment 2:	Site Plan
Attachment 3:	Floor Plan
Attachment 4:	Color Elevation
Attachment 5:	Distribution/Transportation Local License
Attachment 6:	Public Hearing Notice
Attachment 7:	Cathedral Fire Department Development Guidelines