



STAFF REPORT

**CATHEDRAL CITY
PLANNING
COMMISSION**

MEETING DATE: November 6, 2024

CASE NO.: Discussion of Cannabis Locational Regulations

APPLICANT: City of Cathedral City

LOCATION: Citywide

REQUEST: Presentation and Discussion of Cannabis Locational Regulations.

STAFF PLANNER: Manuel Rocha, Assistant Planner

RECOMMENDATION:

Receive and discuss the presentation on the City's cannabis locational regulations.

BACKGROUND/ ANALYSIS:

On October 25, 2017, the City Council adopted Ordinance Nos. 800 and 801 establishing a set of regulations allowing adult-use cannabis businesses to operate within the City. These regulations were created to provide the public with a clear understanding of the process for obtaining City approval to operate a Cannabis Business within the City. These regulations were codified within the Cathedral City Municipal Code in chapters 5.88 and 9.108 and have been amended since their adoption, with the last amendment in 2022.

Chapter 5.88 provides for the regulation and licensing of medical and adult-use cannabis business throughout the City in conformance with applicable state and local laws and regulation pertaining to medicinal and adult use cannabis. Chapter 5.88 is attached.

Chapter 9.108, as currently codified is contained in Title 9 of (Zoning Ordinance) of the Municipal Code, regulates cannabis business land uses, including the zone districts where cannabis uses are permitted, as authorized by section 26200 of the California Business and Professions Code, in a manner designed to minimize negative impacts on the City and neighboring uses, and to promote the health, safety, morals, and general welfare of residents

and businesses within the City. Chapter 9.108 is attached.

On January 27, 2021, the City Council adopted Ordinance No. 848 to establish a Cannabis Task Force to ensure that cannabis businesses in the City are conducted in a safe and orderly manner to protect the welfare of medical cannabis patients, primary caregivers, adult users and the community. The task force consists of seven members. These members include the City Manager, who serves as the chair of the task force and six other qualified members. These qualified members consist of owners or managers of cannabis business located within the City, and three residents of the City. Ordinance No. 848 was codified within the Cathedral City Municipal Code and can be found in Chapter 2.32.

The Cannabis Task Force serves as an advisory body to the City Council, in which they provide recommendations to the City Council relating to ongoing cannabis issues throughout the City. Additionally, the Cannabis Task Force discusses and proposes amendments to the code, or any regulations to improve the efficacy of the regulatory system or public safety associated with the operation of cannabis businesses within the City.

Zoning

The City allows for five types of cannabis businesses: dispensaries, cultivation, manufacturing, distribution, and testing laboratories. These cannabis uses are solely allowed in specified Zoning Districts with the approval of a Conditional Use Permit (CUP), with the exception being testing laboratories which are allowed by right in certain zones.

The table below identifies the zone districts that the different types of cannabis uses are permitted or conditionally permitted.

Cannabis Business Type	Zoning Districts
Dispensary	I-1, CBP-2, PCC, MU-U, MU-N, BP (Permitted with a CUP)
Cultivation	I-1, CPB-2, PCC, MU-U, MU-N, BP (Permitted with a CUP)
Manufacturing	I-1, CBP-2, MU-U, MU-N, BP (Permitted with a CUP)
Distribution	I-1, CBP-2, PCC, MU-U, MU-N, BP (Permitted with a CUP)
Testing Laboratory	NBP, PPO, PLC (Permitted by Right) I-1, CPB-2, PCC, MU-U, MU-N, BP (Permitted with a CUP)

Locational Requirements

Section 9.108.070 of the Cathedral City Municipal Code establishes locational requirements for cannabis dispensaries, cultivation, manufacturing and distribution uses. It further mandates that a CUP shall not be approved for a cannabis business unless it meets the required locational requirements applicable to the type of cannabis business proposed.

The following cannabis uses must maintain the minimum distances identified in the table below:

Cannabis Use	Locational Requirements
Dispensary	<ul style="list-style-type: none">• 600 feet from a school, day-care center, or youth center• 250 feet from a residential zone (R1, R2, R3, R4, RM, RE, OS-R)

	<ul style="list-style-type: none"> • 250 feet from the RR (Resort Residential) zone, if the dispensary includes an area for the outdoor consumption of cannabis and cannabis products pursuant to Section 5.88.070 (J)
Cultivation, Manufacturing and Distribution	<ul style="list-style-type: none"> • 600 feet from a school, day-care-center, or youth center • 300 feet from a residential zone

Distances pertaining to the setbacks are measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is located from the residential, school, day-care and youth centers setback requirements, or until the city limit is reached. If the cannabis business is to be located in a multi-unit building, the distance is measured from the nearest point of the suite in which the cannabis business is or will be located.

Setbacks from residential zones are measured to the nearest point of any legally permitted structure located in a residential zone, or if there is land within a residential zone with no legally permitted structure, the measurement shall be to the nearest property line unless the nearest property line is within the public right-of-way. If this scenario were to occur, the measurement of the setback would be measured to the edge of the right-of-way furthest from the proposed cannabis business.

While there are no limits on the number of cultivation, manufacturing, distribution, and testing laboratories within the city, there is a limit on dispensaries. Section 9.108.030 defines excessive concentration as more than twenty dispensaries being approved to operate south of Interstate 10. Currently, there are 9 operating dispensaries within the City. The established cannabis regulations do not otherwise address over concentration of cannabis uses within proximity of one another. Cannabis uses are located throughout the City where they meet the permitted zoning and locational requirements.

Local License Application Process

The City currently has a moratorium on permitting dispensaries south of Interstate 10. As established in Section 5.88.040 of the CCMC, the local licensing authority shall not accept an application for a dispensary proposed to be located south of Interstate 10 after November 23, 2016. However, per section 5.88.050.C.30, the local licensing authority may permit a dispensary that is located south of Interstate 10 to relocate to a new location north or south of Interstate 10. A dispensary that is located north of Interstate 10 may only be relocated to a new location that is north of Interstate 10.

Cannabis Business Licenses

The City currently has 48 operating cannabis licenses and 26 non-operating cannabis licenses for a total of 74 cannabis licenses. This total includes both operating and non-operating cannabis uses.

These cannabis licenses include:

	Operating	Non-Operating	Total
Dispensary	9	5	14
Cultivation	28	16	44
Manufacturing	10	5	15
Laboratories	1	0	1
Total	48	26	74

Conditions of Approval/Regulations

Section 5.88.065 (attached) establishes operational requirements for cannabis uses including: background checks, age restrictions, on-site signage, advertising, waste disposal, general sanitary requirements, record keeping, and other additional requirements.

Section 9.108.080 (attached) establishes standard operating conditions of approval for cannabis uses pertaining to general requirements, operational requirements, odor control, security, and lighting. In addition, there are specific conditions of approval that are associated with each cannabis business use.

For example, Section 9.108.080.A. states the following odor control regulations:

1. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside the cannabis business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment or any other equipment which local licensing authority determines has the same or better effectiveness:

- a.** An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
- b.** An air system that creates negative air pressure between the cannabis businesses' interior and exterior so that the odors generated inside the cannabis business are not detectable outside the cannabis business.

The code does not mandate a particular system; however, it must be accounted for and shown on construction drawings. Before final approval, installation of the system is confirmed. Other requirements that are verified prior to final include security camera installation, exterior lighting, and that all windows are secured.

Additionally, these operational requirements are included in the conditions of approval.

ATTACHMENTS:

Attachment 1- CCMC Chapter 5.88

Attachment 2- CCMC Chapter 9.108

Attachment 3- Ordinance 848 (CCMC Chapter 2.32)

Attachment 4- Cannabis Uses Zoning Map