

## REPORT TO THE ARCHITECTURE AND LANDSCAPE REVIEW COMMITTEE - **REVISED**



**DATE:** July 14, 2016

**TITLE:** Conditional Use Permit No. 10-16. A recommendation to the Planning Commission and City Council for the approval of the design elements of a Conditional Use Permit to establish a medical marijuana cultivation facility within a new 82,594 square foot one- and two-story building in two phases (max. height not to exceed 35 feet) on a vacant 2.31 acre parcel. Other proposed improvements include on-site parking and circulation, trash enclosure, retention basin and landscaping. The project is located approximately 350 east of Little Morongo Road and 1,000 feet north of Two Bunch Palms Trail within the General Plan Light Industrial (I-L) Zone. Applicant: Bert Culha

**Prepared by:** Craig A. Ewing, Consulting Planner

**Reviewed by:** Nathan Bouvet, Community Development Director

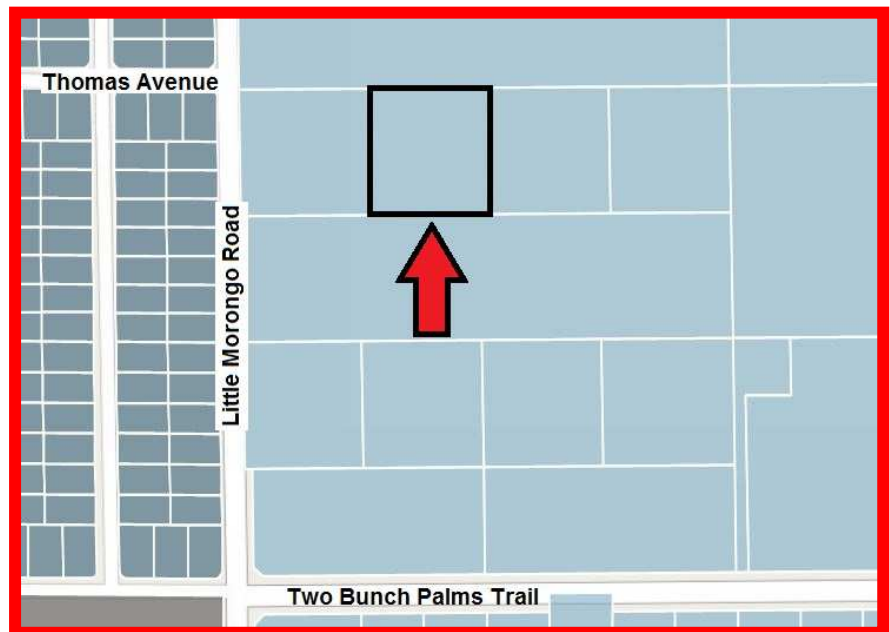
### RECOMMENDATION

Staff recommends that the Architectural and Landscape Review Committee (ALRC) recommend that the Planning Commission make a positive recommendation to the City Council.

### DISCUSSION

#### **BACKGROUND**

Sections 5.50 and 17.180 of the Desert Hot Springs Municipal Code (DHSMC), allow medical marijuana cultivation facilities in Industrial Districts subject to a Conditional Use Permit (CUP) and Development Agreement approved by the City Council and a Regulatory Permit approved by the City Manager. The applicants, Adam Gillman and Bert Culha, have filed an application to construct a facility for the indoor cultivation of medical marijuana.



The site is located approximately 350 east of Little Morongo Road and 1,000 feet north of Two Bunch Palms Trail and is nearly square in shape (329 x 336 ft) and unimproved. Gross area is 109,717 square feet (2.52 acres); a dedication of thirty (30) feet of street right-of-way on the south side will reduce the net area to 100,871 sf (2.32 acres). The site is relatively flat and has a very slight downward slope from north to south. The site does not appear to have been developed in the past and is presently covered with scrub brush, cobbles and debris. The site is zoned Light Industrial (I-L) District where the proposed use may be developed, subject to

approval of a conditional use permit. Public street improvements accessing Little Morongo Road will be required.

Surrounding properties consist of:

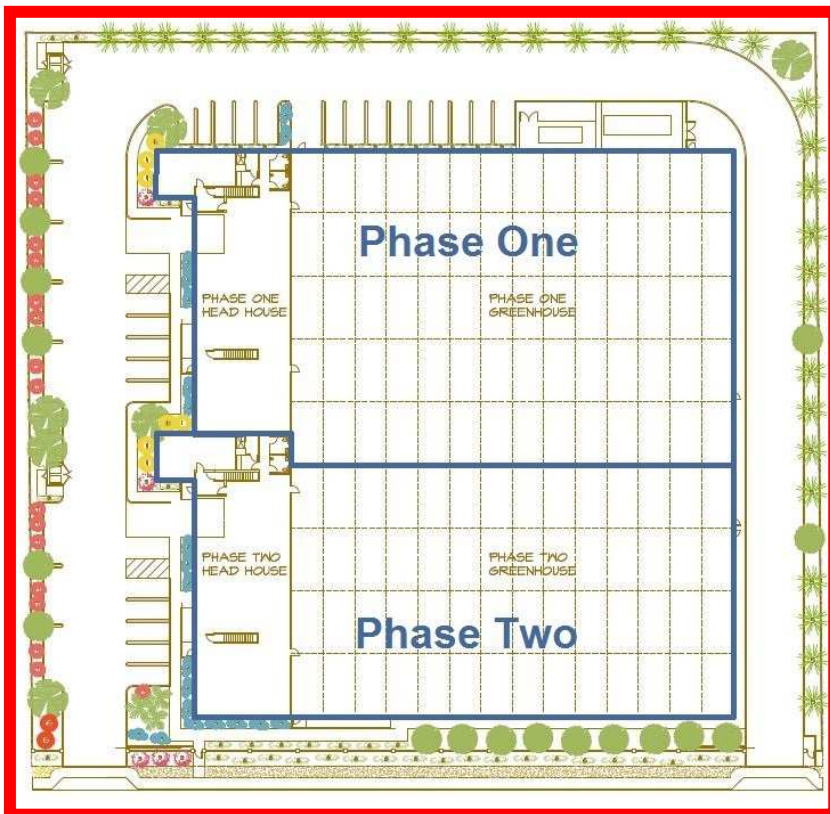
<b><u>Zoning &amp; General Plan Designations</u></b>	<b><u>Current Land Use</u></b>
<b>North, East, South and West</b> I-L (Light Industrial) District	Vacant and Industrial Development

### **PROJECT SUMMARY**

The applicant, Bert Culha, has filed a Conditional Use Permit (CUP) application to construct a new building for the indoor cultivation of medical marijuana located on Assessor Parcel Number (APN) 663-280-002. The 2.52 acre site (gross area) is presently vacant, flat and generally undisturbed. The proposed one- and two-story development will have a total floor area of 62,994 square feet. Two phases of development are proposed: Phase One will total 33,908 sq. ft (including a 24,108 sq. ft. greenhouse); Phase Two will total 29,086 sq. ft. (including a 19,286 sq. ft. greenhouse). Uses within the total complex building will consist of approximately 43,394 square feet of cultivation area, approximately 17,436 square feet of product processing area and about 2,164 square feet for administrative uses.

The two-phased development, once complete, will occupy the center of the site, with the two-story “head houses” located on the west side of the structure. On-site vehicle access is provided by a loop two-way drive aisle that accesses a future street along the property’s south side via two driveway aprons. A thirty-foot dedication along the south side of the property will be provided for the future street. The applicant will construct the street, including curb, gutter and sidewalk along the south property line.

Paved vehicular circulation includes a 24-foot wide two-way drive aisle that runs along the west, north and east ends of the site, and thirty-three parking spaces are provided (four for disabled access). No delivery parking is provided. On-site retention will be provided by an underground holding tank located under the vehicle drive aisle. Two trash enclosures are proposed along the west property line. Six-foot high tube steel fencing is proposed around the site’s perimeter with controlled gates at the driveways. Landscaping is proposed around the entire perimeter of the site. The two phases will be constructed based on a schedule determined by the applicant.



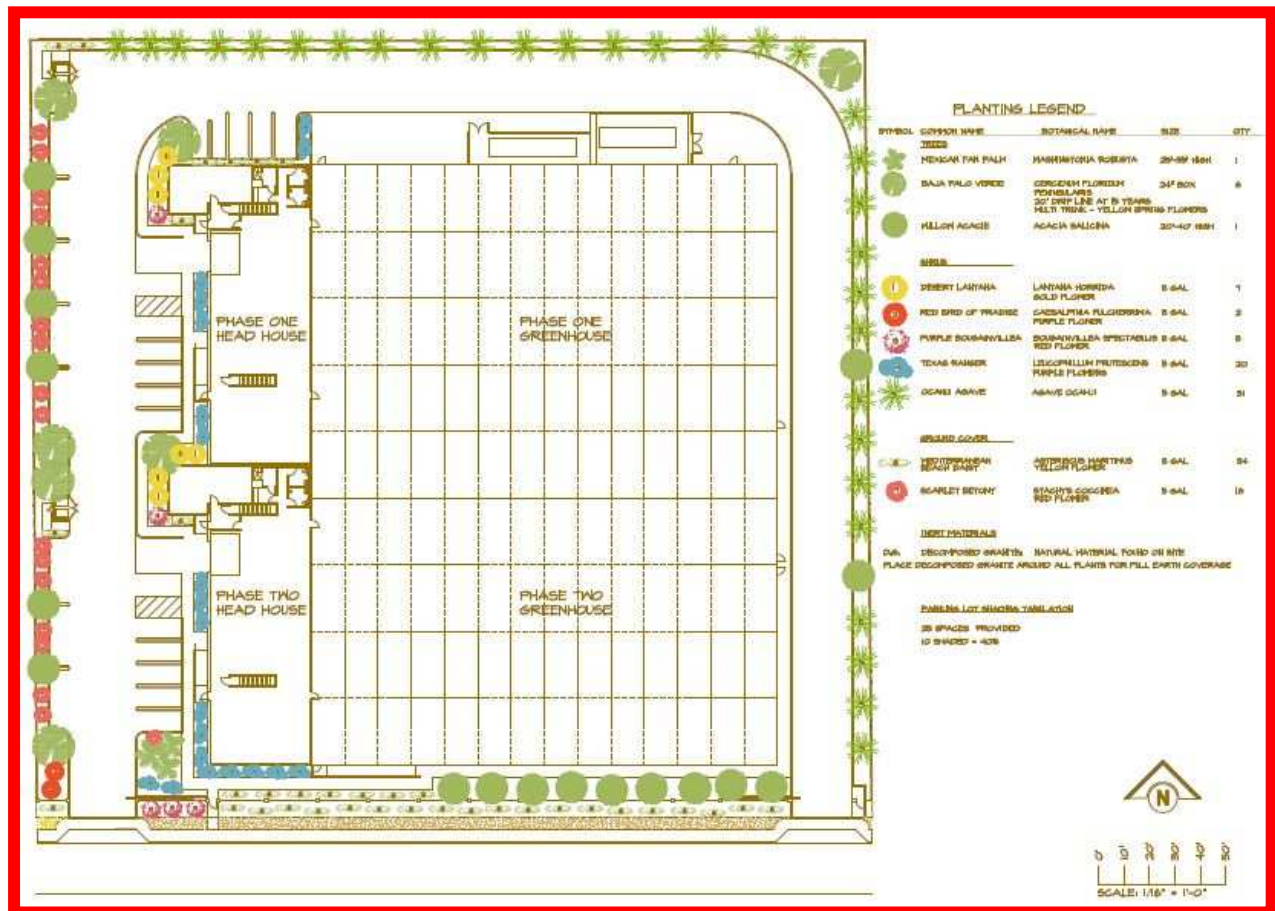
The two-phased project proposes for each phase the construction of a concrete block head-house on the west side that acts as the front entry to that phase’s buildings. The head-houses for each phase are identical two-story, 9,800 square foot buildings designed with concrete

masonry block in a light tan color (“Champaign”) and set in a precision pattern (rectangular grid / no overlap). A top course of vertically-set blocks provides an upper edge to the exterior elevations and a lower wainscot of five or six courses in dark brown (“Oak”) provides a visual base.

Roof equipment will be screened with metal in light tan (“Oatmeal”) and a metal edge trip in brown (“Coca Bean”). The elevations include a number of windows set in formal groupings on the west and south elevations (both phases) and include horizontal metal shades in a green turquoise (“Treasure Isle”) accent color. Main entry doors – glass with bronze trim – and a roll-up delivery door painted “Oatmeal” are located on the west elevation of both head-houses.

The greenhouses to the rear (east) of the head-houses are metal structures with metal siding in off-white (“Sourdough”) with a 40-inch wainscot provided around the base of the building in dark brown (“Cocoa Bean”). The roof is a series of gables (five in Phase One; four in Phase Two) composed of metal framing and glass panels. The gable ends are also metal frames with glass. Greenhouse doors are painted “Sourdough” to match the adjacent metals walls

Landscaping is provided along the perimeter of the property on all sides with additional plantings around the front (west side) of the head-houses. The plant palette includes palo verde, willow acacia and fan palm trees, a variety of shrubs including ocahui agave, leucophillum spectabilis, bougainvillea, bird-of-paradise and lantana. Groundcover plants include Mediterranean Beach Daisy and Scarlet Betony. Decomposed granite will cover all landscape areas. The plantings are distributed around the site, with the largest plantings along the street frontage (south) and west yard areas, and all plants appear suited to the desert climate.



## **CUP ANALYSIS**

**General Plan and Zoning Consistency:** The project proposes to establish a Medical Marijuana Cultivation Facility in accordance with Section 17.180 of the DHSMC, which allows this use with approval of a CUP and Regulatory Permit.

**Site Coverage:** The project site consists of one lot totaling 109,717 square feet (2.52 acres); a dedication of thirty (30) feet of street right-of-way on the south side will reduce the net area to 100,871 square feet (2.32 acres). Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the 'footprint' of the two proposed buildings is 53,812 square feet, or 53% of the 2.32 acre project site, placing the project within the maximum allowed coverage.

**Building Height:** The highest point on all proposed buildings will be no more than 30 feet above adjacent grade. This is below the maximum height of 50 feet allowed in the IL District.

**Building Setbacks:** The minimum setbacks in the City's Industrial Zoning Districts are 20 feet in front, 10 feet in the rear, and 10 feet on the sides. Proposed setbacks are 20' 6" in the front (south side), 34 feet on the east side, 51 feet on the west side and 48 feet on the south (rear) side. The proposed building meets minimum setback requirements.

**Circulation and Parking:** Ingress and egress to the site will be provided from one driveway accessing the future street at two points along the southerly property boundary. The two entries will have controlled gates and be monitored by onsite security personal.

Off-Street parking standards for Medical Marijuana Cultivation uses are not specifically defined in the City Zoning Code. Staff has applied parking ratios for Office (1 space per 250 square feet) to administrative activities and Plant Nurseries (1 space per 2,500 square feet) to all cultivation activities, based on the floor plan provided:

### **Parking Calculation**

<b><u>Use</u></b>	<b><u>Area (Sq. Ft.)</u></b>	<b><u>Ratio</u></b>	<b><u>Number of Spaces</u></b>
Administration	2,164	1 per 250 square feet	8.7
Cultivation Activities	60,830	1 per 2,500 square feet	<u>24.3</u>
<b>Total Spaces Required</b>			<b><u>33</u></b>
<b>Total Spaces Provided</b>			<b>33</b>

Based on this calculation, the parking standard is met.

**Elevations, Colors and Materials:** The proposed development is a mix of concrete block and metal frame and metal panel construction. The overall look on the west elevation is a modern style, with precision-patterned concrete block, formal window clusters and a warm palette of colors, plus an accent green on the horizontal shades. The green houses buildings also have simple modern look with vertical-seam metal panels in warm tones. The gables, roof equipment screen materials, window shades and exterior doors are complementary and appropriate. The warm, muted color scheme complements the building materials and proposed architectural style. Staff recommends the ALRC consider:

1. Building Articulation;
2. Color schemes for the metal siding;
3. Elevation views and material numbering on plans;
4. Parking lot shading;

5. Window shades; and
6. Phasing: Preferably the first phase is the one close to the street.

**Landscaping:** Landscaping is proposed on all four sides of the property and along the west side of the building at the main entry points. Low-water use plants have been selected and the plan appears to provide an attractive and appropriate landscape setting. The project proposes to install a perimeter fence composed of tube steel to a maximum allowed height of six feet, including controlled gates at the driveway entrances.

**Lighting:** Exterior lighting to illuminate the parking and drive aisle are all shown as 16-foot high poles with LED lighting placed around the perimeter of the site and facing inward toward the building. No fixtures are shown on the buildings. Additional lighting may also be required, subject to review by the Police Department. Lighting will be oriented downwards and shielded within the property to contain illumination within the project boundary. Lighting will also be reviewed as part of the City's required Regulatory Permit. Staff recommends the ALRC consider:

7. Any wall lighting proposed shall be installed to align with building architectural features.

**Phasing:** The applicant proposes to contrast the project in two phases as indicated. No specific schedule is provided and staff has no concerns about the proposed phasing.

**Security:** Security measures have been considered and incorporated into the facility. The site will be enclosed within perimeter fencing. Gated entry/exit drives will control vehicular access to and from the property. A detailed, comprehensive security plan will be reviewed by the City Manager during the Regulatory Permit phase. This will include specific locations and areas of coverage by security cameras; location of audible interior and exterior alarms; location of exterior lighting; fencing; background checks; name and contact information of Security Company monitoring the site and any additional information required by the City.

**Odor Control:** The project will implement best management practices to reduce the effects of plant odors during flowering which include the use of odor masking agents and neutralizers. Carbon filters will also be installed as part of the air conditioning and cooling system.

**Hours of Operation:** Hours will be consistent with chapter 5.50.100 of the DHSMC. Medical Marijuana Cultivation Facilities may operate between the hours of 8:00 am and 10:00 pm up to seven days per week. This facility is geared to the cultivation of marijuana and may require staff to be present on premises 24 hours per day. Only authorized staff and delivery personnel will be allowed to enter the premises during the off-hours.

## **RECOMMENDATION**

Staff recommends that the Architectural and Landscape Review Committee recommend to the Planning Commission approval of the design plans for Conditional Use Permit No. 06-16, subject to any additional conditions deemed appropriate by the ALRC.

## **EXHIBITS:**

Revised exhibits to be provided to ALRC members at the July 14<sup>th</sup> meeting.