

REPORT TO THE PLANNING COMMISSION



DATE: January 31, 2017

TITLE: A recommendation to the City Council for approval of a Conditional Use Permit to establish a medical marijuana cultivation facility within a new 45,000 square feet (sf) steel frame facility on an approximately 9.75 acre parcel (APN 663-270-001). The project is located at the southeast corner of Little Morongo Road and Hacienda Avenue, in the Light Industrial (I-L) zone. Applicant: Chris Ganan/Desert Hot Springs Green Horizons, Inc.

Prepared by: Scott Taschner, Associate Planner

Reviewed by: Charles Rangel, Interim Community Development Director

RECOMMENDATION

At the request of the applicant, staff is recommending that the Planning Commission continue the item to a date certain of February 14th, 2017.

BACKGROUND

Sections 5.50 and 17.180 of the Desert Hot Springs Municipal Code (DHSMC), allow medical marijuana cultivation and manufacturing facilities in Industrial Districts subject to a Conditional Use Permit (CUP) approved by the Planning Commission and a Regulatory Permit approved by the City Manager. The applicant, Chris Ganan/Desert Hot Springs Green Horizons, Inc., a California non-profit mutual benefit corporation has filed an application to build and operate a facility for the indoor cultivation and extraction of medical marijuana.

The project site (APN 663-270-001, Figure 1. Parcel Map) is located at the southeast of Little Morongo Road and Hacienda Avenue and is currently undeveloped. The project site is rectangular in shape, generally flat, and has an area of approximately 424,710 sf (9.75 acres). The project site's width and street frontage along Little Morongo Road are approximately 355 feet with a depth of approximately 1,316 feet. Within the project area Little Morongo Road is paved; however, it is not fully improved (missing curb and gutter, sidewalk). Within the project area Hacienda Avenue is currently unimproved.

The project is proposing to develop a steel frame facility for the indoor cultivation of medical marijuana. The proposed project is located on a qualifying site, zoned Light Industrial (I-L) District. Chapter 17.16 of the Desert Hot Springs Municipal Code directs development in Industrial Districts.



Figure 1. Parcel Map

Immediately surrounding properties are developed as follows:

	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	Residential Low District (5/ac)/ Specific Plan Overlay District (R-L/SP)	Vacant Lands
West	Residential Low District (5/ac) (R-L)	Residential
South	Light Industrial District (I-L)	Vacant Lands
East	Floodways (OS/FW)	Vacant Lands

PROJECT SUMMARY

The applicant, Desert Hot Springs Green Horizons, Inc. (Chris Ganan), has filed a Conditional Use Permit (CUP) application to build and operate a single steel frame facility for the indoor cultivation and extraction of medical marijuana (the “Facility”) on a 9.75 acre project site (Figure 2. Site Plan).

The facility would be located near the western boundary of the project site (frontage along Little Morongo Road) and have a footprint of approximately 45,000 sf. The facility would house cultivation and extraction processing with approximately 22,000 sf used for cultivation, 6,000 sf used for post-harvest, 2,000 sf dedicated for extraction, 9,200 sf for manufacturing and warehouse and 5,800 sf for offices and general facilities. This portion of the facility would have a maximum height of 34 feet, a width of 125 feet, and a length of 150 feet. The office, processing, and warehouse portion of the facility shall have metal facility panel siding and a metal roof. The remaining approximately 26,000 sf portion of the proposed facility would include a greenhouse

(18,644 sf) and support rooms (7,462 sf). The greenhouse and support rooms would have a maximum height of 21 feet and 6 inches, a width of 175 feet, and a length of 150 feet. The greenhouse portion of the facility would have metal insulated panel siding and a glass roof.

Construction of the Facility is in a single phase with the estimated time from start of construction to completion being 8 months. As required by City ordinance, the Facility shall include sufficient odor absorbing ventilation and exhaust systems.

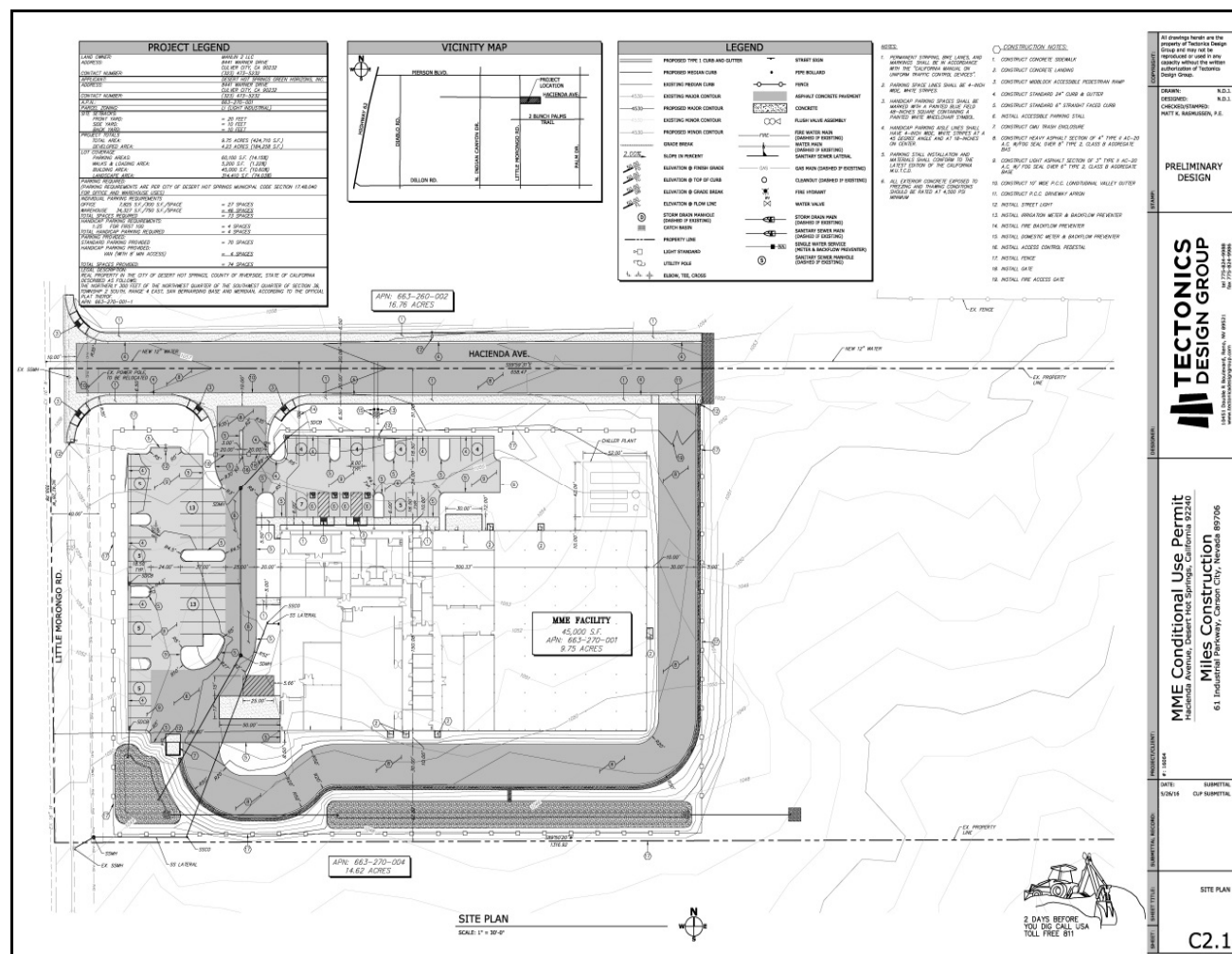


Figure 2. Site Plan

Landscaping has been designed to balance aesthetic, water use, and security objectives. A rock lined detention basin would be constructed south of the proposed facility in compliance with Condition 24 (Engineering Department) from the Conditions of Approval. Fifteen exterior light emitting diode (LED) area lights would be installed along the exterior walls of the proposed facility and in the parking lot. The Facility requires 45 parking spaces and a total of 74 parking stalls and a perimeter security fence with a security gate are proposed. As required by City ordinance, the security plan would also include security cameras, alarms, and a licensed security guard in addition to additional security measures volunteered by the applicant. A 30-foot wide fire lane would be provided along the east and southern side of the proposed facility with access from the improved Hacienda Avenue.

The proposed project is anticipated to include the following off-site improvements:

- Dedicate 20 feet of right of way on the east side of Little Morongo Road and 50 feet on the south side of Hacienda Avenue per Condition 7 (Engineering Department) of the Conditions of Approval;
- One-half street improvements on the east site of Little Morongo Road along the entire frontage of the project site and the intersection with Hacienda Avenue;
- One-half street improvements on the south side of Hacienda Avenue from Little Morongo Road east for the entire length of the proposed facility; and
- A new 12 inch water main would also be installed for the entire length of the project parcel along its northern boundary.

Street improvements would include pavement, curb and gutter, sidewalk, streetlights, catch basins, and storm drains.

The proposed project is consistent with chapter 17.16 as it meets all necessary design, and development standards, including setbacks, facility height, lot coverage, and parking. No phasing is indicated and staff anticipates that the entire site will be constructed in one phase estimated to be approximately 8 months .

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 Desert Hot Springs Municipal Code, which allows this use with approval of a CUP and Regulatory Permit.

Site Coverage: The project site consists of one lot totaling 9.75 gross acres (424,710 sf) in size. Under the Industrial Zoning District standards, the maximum allowable coverage is 75 percent of the site area. The proposed project would construct a 45,000 sf facility or 9.4 percent of the site. The proposed project conforms to this standard.

Facility Height: The highest point of the proposed facility would be 34 feet from adjacent grade. This is below the maximum height of 50 feet allowed in the I-L District.

Facility Setbacks: The minimum setbacks in the City's Light Industrial (I-L) Zone are 20 feet in front, 10 feet in the rear, and 10 feet on the side. The proposed facility would maintain a setback of approximately 186 feet from the western property line along Little Morongo Road, approximately 112 feet from the northern property line, approximately 82 feet from the southern property line, and approximately 830 feet from the eastern property line. Therefore, all existing and proposed structures meet minimum setback standards.

Circulation, Fire Access and Parking: Ingress and egress to the site will be provided from Hacienda Avenue via one driveway apron. Access to the site would be controlled via a perimeter security fence with a security gate. A total of 74 parking spaces will be provided (70 standard and 4 handicap). The parking lot would be paved with asphalt, interspersed with 20 large deciduous trees would be planted including Chinese Pistache and Ash . A 30-foot wide fire lane would be provided along the east and southern side of the proposed facility with a separate access from the improved Hacienda Avenue.

Per DHSMC Section 17.48.040, parking requirements include 1 parking space per 2,500 sf of cultivation use, 1 parking space per 750 sf of industrial warehousing uses, and 1 parking space per 250 sf of office and general uses (projects with 2,001 to 7,500 sf of office and general uses). Per DHSMC Section 17.48.050, projects with 25-75 parking spaces require 3, including 1 van accessible, handicap spaces. The project provides an excess of the required parking based on the following staff calculation:

Parking Calculation			
Proposed Uses	Zoning Requirements ¹	Number of Spaces Required	Number of Spaces Provided
Total Cultivation: 22,472.9 sf	1 spaces/ 2500 sf	8.99	74 (including 4 for Handicap Access)
Total Industrial Warehousing: 17,729.09 sf	1 space/750 sf	23.64	
Total Offices, General: 3,203.31 sf	1 space/250 sf	12.81	
Total		45.44 (45)	
Handicap Spaces Required ²			
Total Number of Parking Spaces Provided		Number of Handicapped Parking Spaces Required	
25 - 50		2, including 1 van accessible	
51-75		3, including 1 van accessible	

Notes: 1. DHS Municipal Code Section 17.48.040
2. DHS Municipal Code Section 17.48.050

Please see attached Excel document for Parking calculations. The square footages presented above and in the Excel document were calculated for the sole purpose of determining parking requirements per the City of Desert Hot Springs Municipal Code. The previously listed square footages do not represent the total cultivation canopy area that would be established by the Proposed Project.

Elevations, Colors and Materials: The proposed facility would be a steel frame structure with metal facility panel siding and a metal roof. The greenhouse portion of the facility would have metal insulated panel siding and a glass roof. The facility would be painted white while the chiller plant panels would be gray. Facility elevations are shown on Figure 3. The overall architectural character would be that of an attractive, well-maintained industrial facility.

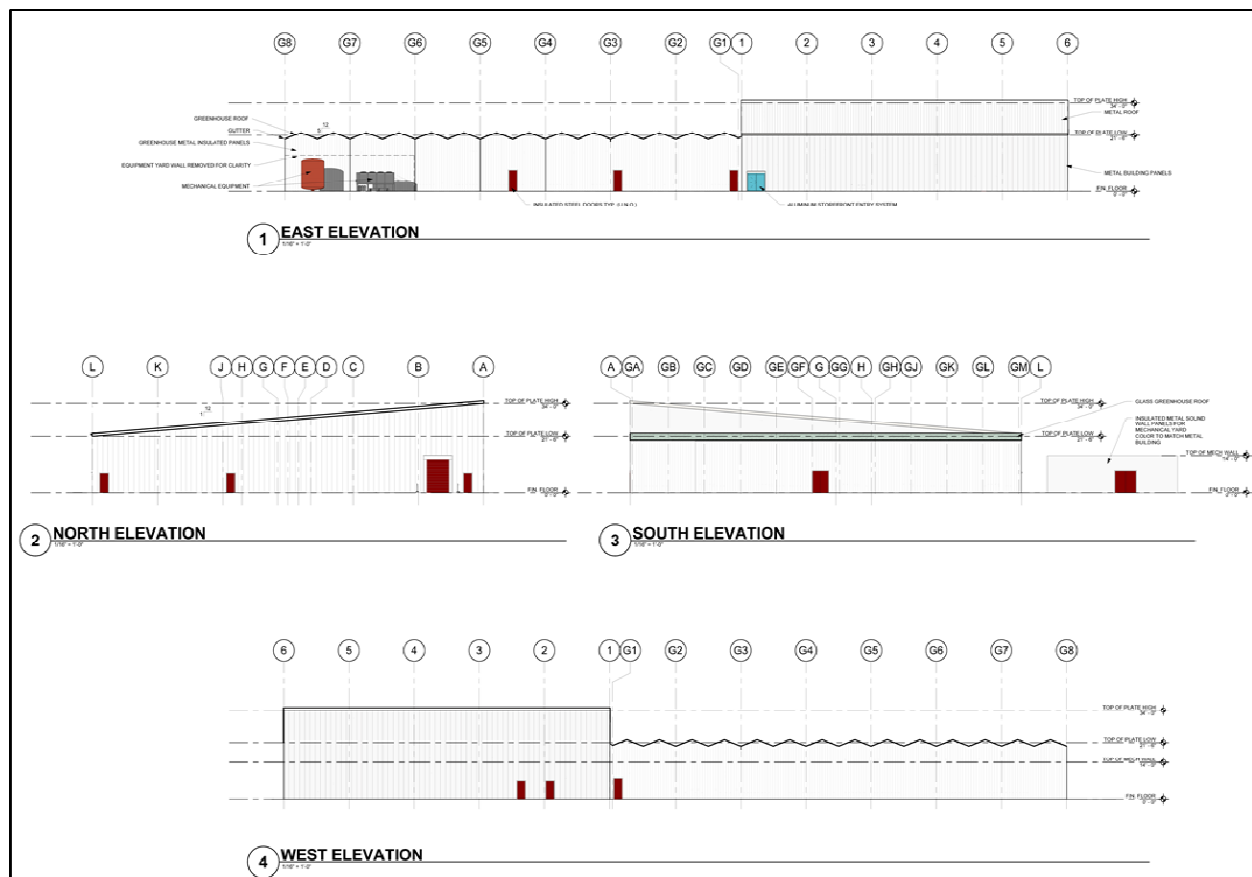


Figure 3. Facility Elevations

Landscaping: The proposed project includes 8,695 sf of landscaping (Figure 4. Conceptual Landscape Plan). To achieve an enhanced appearance from public streets (Little Morongo Road and Hacienda Avenue), perimeter landscaping would be provided between Little Morongo Road and the proposed parking lot and between Hacienda Avenue and the proposed parking lot. Perimeter landscaping includes 15 palo verde trees, various species of low to medium shrubs (e.g. Baja fairy duster, Mexican bird of paradise, giant yucca, autumn sage), and rock mulch accents with grasses. The perimeter landscaping would not only enhance the off-site views of the project site it would work in conjunction with the perimeter fence to provide site security deterring unauthorized intruders from entering the proposed facility. The southeast corner of Little Morongo Road and Hacienda Avenue would be landscaped with six chitalpa trees and low flowering shrubs and accent perennial (e.g. desert marigold, orange globe mallow, yarrow, California buckwheat). Throughout the parking lot 20 large deciduous trees would be planted including Chinese pistache and ash. Additional strips of landscaping would be provided along the proposed facility along its western side and along half of the northern side. These areas would be planter with low flowering shrubs and include accent perennials. Drought-tolerant plants as approved by the City of Desert Hot Springs will be used for all plantings. Environmental and rain moisture sensors would be incorporated into the irrigation system to avoid overwatering and promote water efficiency.

Two rock lined detention basins would be provided on the south side of the project site. Rock mulch in tan color would be used in areas surrounding the detention basins and along then non-landscaped areas at the rear of the proposed facility and around the chiller plant. The proposed project would include a perimeter fence with a height of 8 feet.

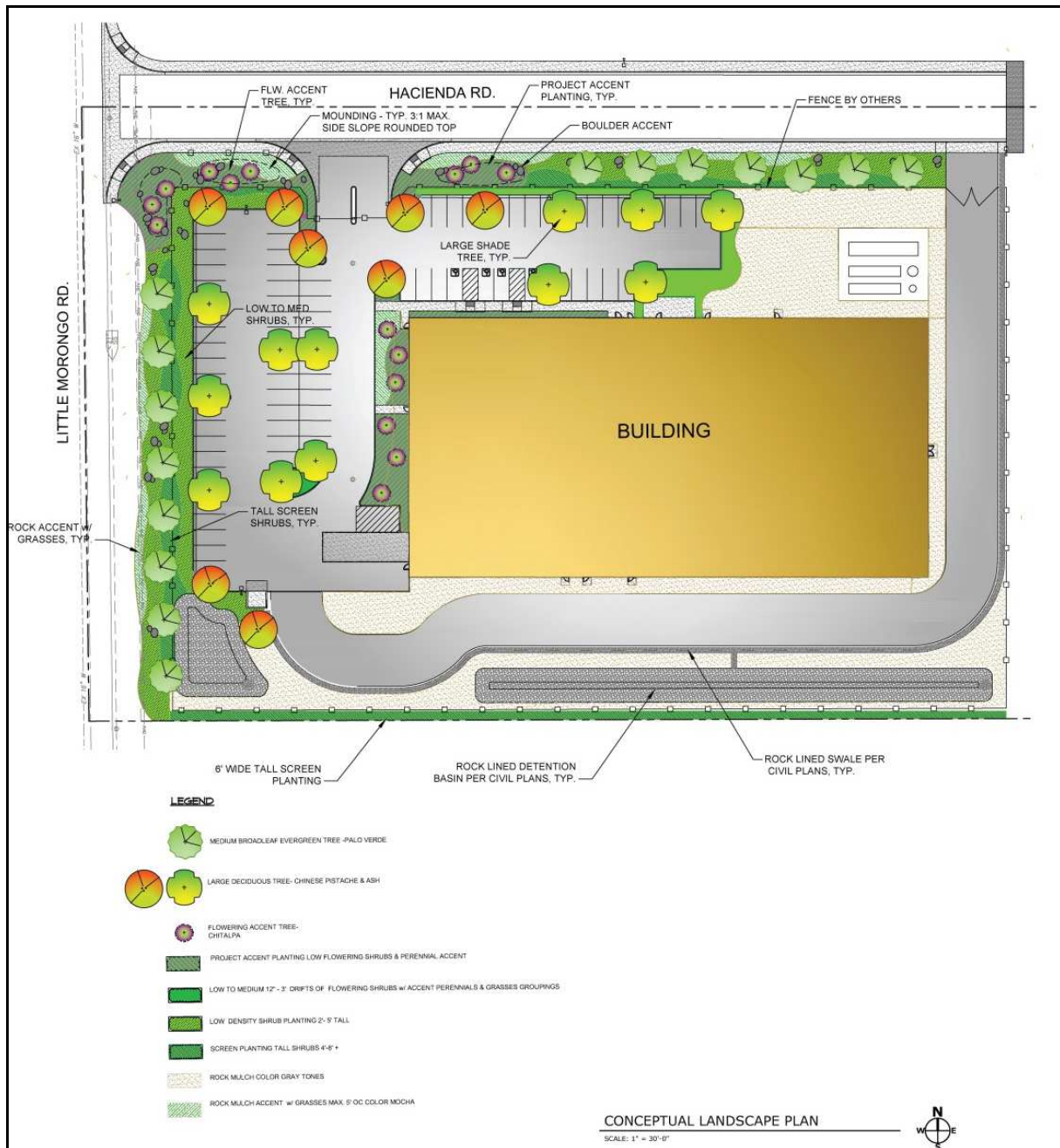


Figure 4. Conceptual Landscape Plan

Lighting: Exterior perimeter, exterior and parking area lighting will be provided, subject to review and approval by the Police and Planning Departments. 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.

Phasing: No phasing is proposed. The applicant will construct the site in one phase which will take approximately 8 months.

Security: No specific security plan has been submitted. The site is will be enclosed with 8 ft. perimeter fencing. The project site will have gated entry/exit drives. A more 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 proposed project would include the installation of a facility wide odor abatement system exceeding the industry standard designed to eliminate potential odors emanating from the cultivation operations.

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 developed for the cultivation of marijuana and may require staff and security services to be present on premises 24 hours per day.

CONDITIONAL USE PERMIT FINDINGS

Conditional Use Permits are regulated under Section 17.76 of the Desert Hot Springs Municipal Code and require that certain findings be made by the Planning Commission before granting a CUP request. Staff has developed recommendations for each finding, as follows:

1. *That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance.*

The application is for a medical marijuana cultivation facility which is identified in Section 17.180.060 of the City of Desert Hot Springs Zoning Ordinance as permitted within any industrial zone which includes the I-L (Light Industrial) zone, subject to approval of a Conditional Use Permit. The proposed project would be developed in an undeveloped property that is zoned I-L and would comply with applicable provisions of the Zoning Ordinance. Conditions of approval have been prepared and are recommended to assure the proposed use will comply with applicable Zoning Ordinance provisions. Staff recommends this finding.

2. *That the proposed use would not impair the integrity and character of the land use district in which it is to be located.*

Section 17.12.010.B.2 of the Desert Hot Springs Zoning Ordinance identifies the underlying I-L (Light Industrial) zone as intended for, “...*business parks and the development of any and all industrial uses operating entirely in enclosed facilities, and those requiring limited and screenable outdoor storage. Examples include clean manufacturing operations, warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing businesses.*” The proposed medical marijuana cultivation facility qualifies as “industrial uses operating entirely in enclosed *facilities*” and as “clean manufacturing operations, warehousing and distribution facilities”, and will occupy existing commercial / industrial *facilities* similar to other industrial *facilities* in the area. The proposed use will produce goods and products in a manner similar to other industrial uses and will not introduce any activities outside of industrial uses that could impair the integrity or character of the land use district in which it is to be located. Staff recommends this finding.

3. *That the subject site is physically suitable for the type and intensity of land use being proposed.*

The project site is raw land. . The proposed medical marijuana facility is physically organized similar to other existing industrial establishments. The site provides more than sufficient space for parking. On this basis, the site is physically suitable for the type and intensity of the proposed cultivation facility. Staff recommends this finding.

4. *That the proposed use is compatible with the land uses presently on the subject property.*

The project site is currently undeveloped. The proposed medical marijuana cultivation Facility is an industrial use and can be considered similar to other industrial establishments allowed in the I-L (Light Industrial) zone, such as plant nurseries, food products, distribution, light manufacturing and wholesaling. The proposed Facility does not appear to be outside the range of activities typical for a commercial/industrial facility, which proposed as the sole use of the facility.. Moreover, the project is not seeking any modification to the required DHSMC I-L Zone height restriction, setbacks, permitted floor area, and parking required. Staff recommends this finding.

5. *That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.*

Surrounding land uses include:

	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	Residential Low District (5/ac)/ Specific Plan Overlay District (R-L/SP)	Vacant Lands
West	Residential Low District (5/ac) (R-L)	Residential
South	Light Industrial District (I-L)	Vacant Lands
East	Floodways (OS/FW)	Vacant Lands

Lands to the north, east, and south are vacant. The project site shares half of its northern border (eastern half) and its entire eastern border with the Morongo Wash Special Provisions Area which lies within the Upper Mission Creek/Big Morongo Canyon Conservation Area. The proposed development would be located in the western half of the project site (portion of the project parcel closest to Little Morongo Road). As such, the proposed development would not be located directly adjacent to the Upper Mission Creek/Big Morongo Canyon Conservation Area. Little Morongo Road abuts the project site along its western border. There are existing rural residential uses on the western side of Little Morongo Road. All cultivation activities will be contained within the proposed facility, and the operation will appear as a commercial/industrial use consistent with the permitted uses of the I-L (Light Industrial) zone. Consequently, the proposed cultivation facility is expected to be compatible with existing and future land uses in the surrounding general area. Staff recommends this finding.

6. *That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.*

The proposed project would develop an industrial steel-framed cultivation facility surrounded by parking and landscaping for the indoor cultivation of medical marijuana. Lands to the north, east, and south are vacant. Lands to the west are sparsely developed with rural residential uses. Future commercial/industrial development is currently prohibited by the Municipal Code from exceeding 50 feet in height and 75 percent lot coverage. The maximum height of the proposed facility would be 34 feet. The project site consists of one lot totaling 9.75 gross acres (424,710 sf) in size. The proposed project would construct a 45,000 sf facility or 9.4 percent of the site. The scale, mass, coverage, density and intensity of the proposed use will be consistent with general commercial/industrial activities, and the site's

location and development plan are compatible with adjacent commercial/industrial uses and religious institutions in the vicinity. Staff recommends this finding.

7. *That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.*

The project site is currently undeveloped and lack water, sanitation, and other public utilities. The proposed project would construct all water, sewer, and electric utilities to the project site. The proposed medical marijuana cultivation facility will not create an extraordinary demand for water, sanitation or other public utilities and services that would result in any detriment to public health and safety. The proposed project would employ an irrigation recirculation system to minimize water needs of the cultivation operations. Staff recommends this finding.

8. *That there will be adequate provisions for public access to serve the site.*

The proposed project would construct a new driveway from Hacienda Avenue, which will be improved by the proposed project. The proposed project would provide 74 parking spaces. The Public Works Department is recommending conditions to assure that street driveway access meets current design standards. Staff recommends this finding.

9. *That there will not be an adverse effect upon desirable neighborhood characteristics.*

Desirable neighborhood characteristics include long-range views from existing businesses of surrounding mountains. The proposed medical marijuana cultivation facility will fully occupy a newly proposed facility that would be below allowed height limits and is not expected to affect long-range views from surrounding areas. Staff recommends this finding.

10. *That the proposed use is necessary and essential to the community.*

The proposed medical marijuana cultivation facility can be considered necessary and essential to the community to the extent that it is supported by customers that cause it to succeed as a local commercial/industrial business. Further, the proposed use must also operate under City regulations and conditions of approval so that only the necessary and essential elements of the business – as determined by the City – are expressed over the life of the business. Staff recommends this finding.

11. *That the proposed use is consistent with applicable goals and policies of the General Plan.*

Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

Administration

Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.

The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of individual development projects. The proposed medical marijuana cultivation facility will be subject to all requirements of this Conditional Use

Permit, as prescribed by the Zoning ordinance and the adopted conditions of approval.

Policy 7: The City shall encourage in-fill development within already urbanized areas of the corporate boundaries of the City, and expansion of new development shall be logically phased and, as appropriate, guided by the development of existing and new Specific Plans.

The proposed medical marijuana cultivation facility will be located on an undeveloped parcel zoned I-L (Light Industrial). No specific plan has been adopted for the subject property.

Policy 8: City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.

Prior to Planning Commission review of the project application, notice of the proposed medical marijuana cultivation facility conditional use permit hearing was provided to property owners within 300 feet of the proposed site. In addition, a public hearing before the Planning Commission has in fact been held where persons were provided a meaningful opportunity to be heard.

Industrial Land Use

Goal: Lands that provide for the development of non-polluting, energy-related and other clean industrial development that broadens the economic and employment base of the City, and assures compatible integration with other, non-industrial land uses.

The proposed medical marijuana cultivation facility will be a clean industrial development and will expand the economic and employment base of the community by the products it will offer dispensaries throughout the State of California and the new employees that will be hired. The proposed cultivation facility will operate with security and environmental measures that will assure its compatibility with all surrounding uses.

Policy 2: Industrial lands shall be located in areas that maximize all available and planned infrastructures, including but not limited to water and sewer service, electric and natural gas service, and major transportation corridors, and should minimize the impact on public health and safety.

The project site is currently undeveloped vacant land and is not served by existing utilities. The proposed project would connect to existing infrastructure located along Little Morongo Road, which border the project site along its western boundary. The proposed project would also improve the southern one-half of Hacienda Avenue from Little Morongo Road for the entire length of the proposed facility. The proposed project would also install a new 12-inch water main along the entire length of the project parcel along its northern boundary. A review of the project indicates that no significant impact on public health and safety will occur.

Policy 4: The City of Desert Hot Springs shall seek to attract appropriate industrial users for which the area is particularly suited and encourage those industries to take advantage of the local labor force and markets with which the City has a comparative advantage.

The City has adopted policies and standards to encourage the development of a medical marijuana cultivation industry. The applicant has proposed a cultivation facility in conformance with these policies and standards, and is expected to take advantage of the local labor force and markets.

Policy 6: The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.

The proposed project has been reviewed against applicable local development standards and guidelines. The proposal has been determined to meet these standards and guidelines or conditions have been imposed to assure that the project conforms.

Community Design

Goal 2: Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.

The proposed project would build a one story steel-frame facility compatible with the visual character of light industrial zones in the City. A landscaping plan has been created that is compatible with the City's desert setting and enhances the view of the project site from public viewpoints along Little Morongo Road and Hacienda Avenue. The proposed project would landscape areas along the perimeter of the project site between Little Morongo Road and Hacienda Avenue and the proposed facility. The landscaping plan has been reviewed by staff to assure compatibility.

Policy 1: Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.

The proposed project would be located within a partially developed area with a light industrial zoning and General Plan designation southeast of the intersection of Little Morongo Road and 13th Avenue/Hacienda Avenue. Existing land uses in the vicinity of the project area include Little Morongo Road and rural residential to the west, vacant land and the Upper Mission Creek/Big Morongo Canyon Conservation Area to the north and east, and vacant land to the south. The visual character of the district can be described as an industrial setting with parcels of undisturbed vacant land. The Proposed Project property has distant and partially obstructed views of the Santa Rosa Mountains toward the south, the San Jacinto Mountains to the southwest, and the San Bernardino Mountains to the northwest. Distant and unobstructed views of the Little San Bernardino Mountains are also available from the project site to the north. No designated scenic vistas are in the vicinity of the project site. The proposed project consists of an industrial steel-framed facility with a maximum height of approximately 34 feet. The proposed project features would blend with the existing setting and are not anticipated to adversely alter the existing viewshed of any scenic vistas.

Policy 9: Signs shall be limited to the minimum size, scale and number needed to provide functional identification and exposure necessary to convey messages, while minimizing impacts on traffic safety, streetscape and scenic viewsheds.

No signs are approved as part of this Conditional Use Permit. All exterior signs shall reviewed under a separate application and be subject to approval under the Desert

Hot Springs Zoning Code, including limitations on size, scale and number. The code does not permit signs to exceed the height of existing construction which will result in no impacts on scenic viewsheds. No exposed neon shall be used for signs or window graphics.

Policy 10: Lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification in residential, commercial and industrial development, taking every reasonable measure to preserve the community's night skies.

Any exterior lighting shall comply with Section 17.40.170 (Outdoor Lighting) to assure that only the minimum level of lighting necessary to provide the needed security is installed. All proposed exterior lighting shall be reviewed by staff for conformance to the applicable standards. Therefore, the proposed medical marijuana cultivation facility is taking reasonable steps to preserve the night skies.

Economic Development:

Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

The proposed medical marijuana cultivation facility will expand the type of commercial/industrial services available in the community and provide opportunities for new employment and business support services.

Goal 2: Continued growth, which assures the maintenance of a revenue base adequate to support present and future public services and facilities needs.

The establishment of a medical marijuana cultivation facility will provide additional tax and fee revenues to the City to support present and future public needs.

Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.

The application for a Conditional Use Permit is required by the Desert Hot Springs zoning code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation in concert with the City's development goals. The application was received on **6/6/2016**, deemed complete **9/7/2016** and since then the application has been processed expeditiously.

Hazardous and Toxic Materials

Goal: The assured safety of City of Desert Hot Springs residents and visitors through the regulation of the manufacture, transport, use and disposal of toxic and hazardous materials.

Any hazardous or toxic materials associated with the proposed operation shall be regulated by the provisions of all applicable law, including the Desert Hot Springs Municipal Code, including Section 5.50 (Medical Marijuana Facilities Regulatory Permit), Section 17.40 (Property Development Standards) and Section 17.180 (Medical Marijuana Facilities Location).

Fire and Police Protection

Goal: A high level of police and fire protection and service.

A security plan has been developed for the proposed project. The proposed project has also been designed with security measures, including door locking systems, exterior lighting, camera monitoring, and other systems to minimize the impact on police protection services. Fire suppression systems will also be incorporated into the operation to minimize the impact on fire protection service. Consequently, the proposed medical marijuana cultivation facility is not expected to demand a high level of police and fire protection services.

Policy 1: All new and improved developments shall be reviewed for their impact on safety and the provision of police and fire protection services.

The proposed application and associated regulatory permits will include requirements for review of the proposed operation by City police and fire services. Any identified impacts on safety will be addressed by conditions of approval or regulatory requirements.

Policy 2: Enforce fire standards and regulations in the course of reviewing facility plans and conducting facility inspections.

All project plans will be subject to review and enforcement under fire codes and regulations. The project is consistent with the applicable goals and policies of the General Plan. Staff recommends this finding.

- 12. That there will not be significant harmful effects upon environmental quality and natural resources.*

The proposed medical marijuana cultivation facility would be located on a property with a Light Industrial (I-L) zoning and General Plan land use designation. A cultivation facility is an allowed use within this zoning subject to a Conditional Use Permit. Project operations would be conducted in accordance with the City's regulations and conditions of approval. Consequently, no significant adverse or harmful effects on the environment or on any natural resources are anticipated. Staff recommends this finding.

- 13. That the negative impacts of the proposed use are mitigated and/or a mitigated negative declaration may be filed.*

An Initial Study has been prepared, which determined that development of the proposed project would not have a significant impact on the environment, with the implementation of mitigation measures. A Mitigation Monitoring Program has been developed for the proposed project which outlines the potential impacts, mitigation measures, and assigns responsibility for the oversight of each mitigation measure. As such, a Mitigated Negative Declaration has been prepared for the proposed project.

- 14. That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.*

The proposed medical marijuana cultivation facility has been reviewed by City's departments and other public agencies for any potential detrimental effects on public

interests, health, safety, convenience or welfare of the City. Any potential concerns have been addressed by recommended conditions of approval, and no unresolved concerns remain. Staff recommends this finding.

In reviewing this application, plans, documents and other supporting information, staff has determined that the Planning Commission can make these findings.

ENVIRONMENTAL ANALYSIS

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), an Initial Study has been prepared and which determined that development of the proposed project would not have a significant impact on the environment, with the implementation of mitigation measures. A Mitigated Negative Declaration is proposed and contains mitigation measures to minimize potential significant impacts to biological and cultural resources to a less than significant level. The Mitigated Negative Declaration is attached for consideration by the Commission during the statutory public comment period ending March 6th, 2017. The City Council will consider certification of a Mitigated Negative Declaration prior to final action on the project.

ARCHITECTURAL AND LANDSCAPE REVIEW COMMITTEE (ALRC)

Staff, in acting as the ALRC, has reviewed the projects architecture, materials, solar control features, landscaping, lighting, etc and has determined that the project has a reasonably well-designed landscape palette and is architecturally compatible with the surrounding land uses and building designs found in the light-industrial zone.

FISCAL IMPACT

The proposed project has paid all required fees for processing and will contribute \$25 per square foot for the first 3,000 square feet, and then \$10 per square foot for the remaining space once it opens.

RECOMMENDATION

At the request of the applicant, staff is recommending that the Planning Commission continue the item to a date certain of February 14th, 2017.

EXHIBIT(S)

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Elevations
5. Landscape Plan
6. Initial Study/Mitigated Negative Declaration