

REPORT TO THE PLANNING COMMISSION



DATE: August 8, 2017

TITLE: Conditional Use Permit No. 21-17, Development Agreement 14-17 and Tentative Parcel Map No. 37342. A recommendation to the City Council for the approval of Conditional Use Permit, Development Agreement and Tentative Parcel Map for the development a medical marijuana cultivation facility, including three (3) new single-story buildings totaling approximately 64,000 square feet on a vacant 3.38 acre site (APN 665-050-010, -012, -013 and 665-070-001). The project is located on the south side of Palomar Lane (unimproved) approximately 1300 feet east of Little Morongo Road in the I-L (Light Industrial) zone. Applicant: Nickolas Marotta / Desert Highlanders.

Prepared by: Craig A. Ewing, Consulting Planner

Reviewed by: Daniel Porras, Community Development Director

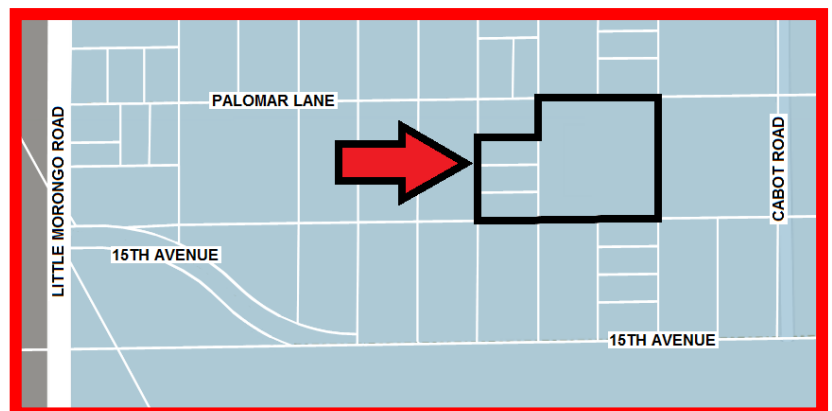
RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission recommends approval of Conditional Use Permit No. 21-17, Development Agreements 14-17 and Tentative Parcel Map No. 37342; for the development of an indoor marijuana cultivation facility for a total area of 64,000 square feet on 3.38 acres located on the south side of Palomar Lane (unimproved) approximately 1300 feet east of Little Morongo Road in the I-L (Light Industrial) zone.

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) approved by the Planning Commission and a Regulatory Permit approved by the City Manager. The applicant, Nickolas Marotta / Desert Highlanders has filed an application to establish a facility for the indoor cultivation of medical marijuana.



The site is located on the south side of Palomar Lane (unimproved) about 1300 feet east of Little Morongo Road. It is made up of four existing lots resulting in an irregularly shaped, but generally flat site with a combined gross area of approximately 3.38 acres. Its total street frontage along Palomar Lane is approximately 330 feet. Following dedication of rights-of-way for both streets, the site will have a net area of approximately 3.15 acres. The site is currently vacant.

The proposed project includes three new buildings – one detached and two attached – totaling 64,000 square feet of floor area. The two attached building (Nos. 1 and 2) are each about 21,400 square feet in area and detached building No. 3 has an area of about 20,320 square feet. The buildings are of tilt-up panel construction, with one-story interiors (no mezzanines are indicated); overall building heights are about 30 feet. Accessory improvements include parking for 51 vehicles and about 17,000 square feet (0.4 acre) of landscaping (Exhibit 2). A Tentative Parcel Map to reconfigure the property into three lots is also proposed (Exhibit 3).

The proposed project is zoned Light Industrial (I-L) District. Public street dedication and improvements on Palomar Lane will be required.

Immediately surrounding properties are developed as follows:

| | <u>Zoning & General Plan Designations</u> | <u>Current Land Use</u> |
|---|--|--------------------------------|
| North, East, South, and West | IL (Light Industrial) District | Vacant Lands |

PROJECT SUMMARY

The applicant, Nickolas Marotta / Desert Highlanders, has filed a Conditional Use Permit (CUP) application to develop the site for indoor cultivation of medical marijuana on a 3.38 gross acre property (APN 665-050-010, -012, -013 and 665-070-001). New construction of three tilt-up concrete buildings (total gross floor area of 64,000 square feet) and ancillary facilities is proposed on the vacant site.

| Building Area | Bldg. 1 | Bldg. 2 | Bldg. 3 | Total |
|-------------------------------|---------------|---------------|---------------|---------------|
| Office | 1,415 | 1,415 | 1,422 | 4,252 |
| Processing / Manufacturing | 1,480 | 1,480 | 1,410 | 4,370 |
| Cultivation | 18,482 | 18,482 | 17,391 | 54,355 |
| Total Sq Ft. | 21,377 | 21,377 | 20,223 | 62,977 |

The applicant has provided examples of future interior improvements (floor plans); however, actual uses within the building will be determined by future tenants who will submit their own interior improvement plans, subject to the limits and conditions of the Permit (Exhibits 4A – C).

Vehicular circulation is provided by two driveways accessing Palomar Lane (future). The interior vehicle circulation plan is composed of drive aisles along the south and east edges of the property, with a drive aisle between building Nos. 2 and 3. Vehicle parking spaces are distributed around the site. Loading doors are provided in all buildings. Parking spaces are provided for 51 vehicles, including six disability-accessible stalls.

The proposed buildings share a single design theme, with exterior colors a variety of light tans with light green accents. The exteriors are tilt-up concrete panels with widths up to 30 feet. Painted vertical panels provide contrast and visual interest, while loading and entry doors are painted a slightly darker shade of light brown. Canopies over doors and windows are painted a light greyish green; this color is also used in thin horizontal accent lines across portions of the building. Windows are framed in dark bronze. (See colored elevations, Exhibits 5A & B.) Landscaping and fencing are provided around the perimeter of the site, as described below (Exhibit 6). No phasing is proposed.

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 three lots have a gross area of 3.38 acres. After dedication of public rights-of-way, the net lot size will be approximately 3.15 acres. Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the proposed buildings on site is 64,000 square feet which represent 46.6% site coverage. The project conforms to this standard.

Building Height: The highest point on all proposed buildings will be about 30 feet from adjacent grade. This is below the maximum height of 50 feet allowed in the I-L District.

Building 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. Building Two is approximately 65 feet from the front property line, and Building One is about 50 feet from the rear property line. Exterior side setbacks range from 10 to about 37 feet. The tentative parcel map places a new lot line between Buildings One and Two – which are attached – creating a zero side setback for both buildings. Section 17.16.030 of the zoning code allows zero side setbacks in the I-L (Light Industrial) zone when attached buildings are proposed. Therefore, the project meets minimum setback standards.

Circulation and Parking: Ingress and egress to the site will be provided from two driveways, one each at the opposite corners of the site and accessing both Little Morongo Road and San Gorgonio Lane. As noted above, 51 vehicle parking spaces are provided; among them are six handicap-accessible spaces. Based on the proposed floor plan and a parking standard of 1 space for every 2500 square feet of cultivation / storage areas, 1 space for every 750 square feet for industrial use and 1 space for 250 feet of office and administrative uses, staff provides the following parking calculation:

| Parking Calculation | | | |
|--------------------------------|----------------------------|----------------------------------|--|
| Proposed Uses (Sq. Ft.) | Zoning Requirements | Number of Spaces Required | Number of Spaces Provided |
| Office / Administration 4,252 | 1 spaces/ 250 sf | 17.01 | 51 (including 6 for disabled access) |
| Manufacturing 4,370 | 1 space / 750 sf | 5.82 | |
| Cultivation 54,355 | 1 spaces/ 2500 sf | <u>21.74</u> | |
| Total: 62,977 | | 44.57 or 45 spaces | |

Actual uses may vary once tenants submit interior improvement plans; however, no second floor area is proposed in any building. Staff includes a standard condition to assure that interior uses do not create a demand for parking greater than provided on site and in accordance with the parking standards of the zoning code. Lastly, since other industrial uses have higher parking demand than cultivation, staff supports the project's provision of additional parking so that future uses are not as likely to be constrained by available parking. Based on the above analysis, the project provides sufficient parking for the proposed use.

Truck Access and Parking

The project will provide on-site circulation and turning radii to accommodate for access and circulation of semi-trucks and has provided an area for temporary parking of semi-trucks. The building will also provide roll-up doors large enough for box-sized trucks to pull into the building.

Elevations, Colors and Materials: The proposed structures are similar to other concrete tilt-up industrial buildings. The applicant is proposing to add architectural treatments on the "front" (north or west-facing elevations) via contrasting wall panels. Six panels at 30 feet in height and painted medium blue-grey will alternate with twelve panels at 28 feet in white. Entry doors will have canopies to shade the pedestrian entries. Loading docks are provided with canopies on the north elevations on Buildings One and Two; however, canopies over the doors on the south and east elevations will provide greater protection from the sun and are recommended to be added. The overall color scheme include shades of tan, with light green trim. Windows will be framed in dark bronze. The overall architecture is simple and modern, and the color scheme is appropriate to the design.

Landscaping: The landscape plan shows planted areas around the perimeter of the site, as well as along the 'front' elevation of each building. Low-water use trees and plants are listed on the plan, including Palo Verde, Willow Acacia, Bird of Paradise, Desert Lantana, Bougainvillea, Texas Ranger and Agave. The overall planting plan is appropriate in scale and plant selection.

A six-foot tube-steel fence is proposed across the front of the property with six-foot chain link along the sides and rear property boundaries. Controlled access gates are found within the entry driveway, about 10 south of the driveway apron. The gates' location will accommodate no vehicles on site, and a queue of vehicles may result the public street. Given the size of the project, staff recommends relocating the gates to allow for two or three vehicles to queue on the property.

Lighting: Existing exterior lighting is provided, including a photometric study that indicates one foot-candle minimum lighting is provided throughout the vehicle circulation and parking area, with an average two foot-candles provided at entrances and loading doors (Exhibit 7). The plan appears to meet the requirements of Section 17.16.260.e for lighting in the industrial zone:

One foot-candle evenly distributed across a parking lot is the required minimum. At entrances, loading docks and other limited areas, up to 2 foot-candles may be appropriate.

In the event that any changes to the lighting plan is proposed, a revised plans shall be submitted to the city for review of design, placement, and configuration of any changed lighting fixtures.

Phasing: the project is proposed to be constructed in three phases; however, no timing schedule has been established at this time. Staff has included conditions to assure the construction of necessary public improvements in the appropriate phase. Otherwise, staff has no concern with the proposed phasing. As future phases come on line, any changes to the site plan, elevations or other approved plans will be reviewed by staff; substantial changes may require an amendment to this permit in accordance with the requirements of the municipal code.

Security: No specific security plan has been submitted; however, the site is will be enclosed with new tube-steel and chain link perimeter fencing, including gated entry/exit drives as indicated. 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: No specific odor control is indicated. At such time as tenant improvements are submitted, odor control will be required, subject to review and approval by the Fire Department.

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.

TENTATIVE PARCEL MAP ANALYSIS

The current lot configuration includes three undersized parcels and one large parcel. The applicant proposes to reconfigure the lots and create three lots that generally match the development pattern of the three buildings and associated parking. The resulting lots range in size from 0.86 to 1.15 acres and comply with the 0.46 acre (20,000 square feet) minimum area of required in the I-L (Light Industrial) zone. Parcel No. 3 is proposed to be landlocked (that is, no street frontage) and an easement over Parcel No. 2 will be required to provide adequate vehicle access.

DEVELOPMENT AGREEMENT ANALYSIS

The City is requiring all Medical Marijuana Cultivation to process a Development Agreement that incorporates indemnification provisions in favor of the City. The Development Agreement format was prepared by the City Attorney and will be reviewed and approved in final form prior to its presentation to the City Council for approval (Exhibit 8).

The Desert Hot Springs Municipal Code (17.84 Development Agreements) and State law provide that the City and a developer may enter into a development agreement for the purpose of providing the developer with assurances that their development entitlements will not be subject to revocation, termination or modification because of future changes in the City's zoning, planning and land use regulations. In exchange, the City receives certain benefits in the form of revenue, improvements, etc. that the City could not otherwise legally impose on the particular project for a variety of reasons. Such reasons include, but are not limited to, (a) the lack of a nexus between a certain condition of approval and the scope of the project's impacts on the environment or surrounding neighborhood or (b) the legal exclusion of a certain use from the imposition of certain fees or taxes. Development agreement authority is essentially one of the only exceptions to the general principle that prohibits cities from contracting away their future police powers. Moreover, development agreement authority has served as an effective means for cities to encourage economic development, which has become increasingly important to some cities in the absence of redevelopment authority.

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 project is proposed to be located within five new commercial / industrial buildings that 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 buildings, 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 buildings" and as "clean manufacturing operations, warehousing and distribution facilities", and will occupy three new commercial / industrial buildings similar to other industrial buildings 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 that would 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 site will be developed with three commercial / industrial buildings and will include parking, landscaping and other features and amenities appropriate to the development. The proposed medical marijuana cultivation facility is physically organized in a manner similar to other industrial establishments. The site provides sufficient parking and delivery access. Further, the proposed site plan is similar to industrial development in the vicinity. On this basis, the site is physically suitable for the type and intensity of the proposed dispensary. Staff recommends this finding.

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

The site is presently vacant. 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 commercial / industrial buildings can accommodate a wide variety of commercial / industrial uses. The proposed cultivation facility does not appear to be outside the range of activities typical for a commercial / industrial building, and is proposed to entirely occupy the proposed buildings. 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.*

All surrounding lands within 1/4 mile (1320 feet) feet of the subject property are zoned for light industrial use, so future land uses in the vicinity can be expected to be commercial / industrial uses similar to the proposed cultivation facility. Lands to the surrounding the site are vacant. The applicant proposes to entirely occupy the site, and the proposed use is not directly accessed from surrounding land uses. All

activities will be contained within the proposed buildings, 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 medical marijuana cultivation facility will be located within three new commercial / industrial buildings. The proposed one-story buildings will be of conventional tilt-up concrete construction with appropriate and necessary accessory features (parking, landscaping, etc.) Lands immediately abutting the site are vacant. Future commercial / industrial development is currently prohibited by the Municipal Code from exceeding 50 feet in height and 75% lot coverage. The subject 3.38 gross acre site is presently vacant, but would be occupied by three buildings that do not exceed about 30 feet in height and contain a total area of about 64,000 square feet; lot coverage is approximately 46.6%. 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 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 subject site is proposed to be developed with three commercial / industrial buildings and will be provided with necessary public services and utilities prior to occupancy. 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. Staff recommends this finding.

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

The subject site has sufficient on-site parking – 51 spaces are provided, 45 are required. 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. At build-out the proposed medical marijuana cultivation facility will fully occupy the site within buildings at approximately 30 feet in overall height. The proposal is expected to result in no adverse affect on 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 within proposed commercial / industrial buildings within the I-L (Light Industrial) zone of the City and all public improvements will be provided prior to occupancy. 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 within the State of California and the new employees that will be hired. The only non-industrial uses in the vicinity are heavy commercial businesses which are similar in character to light industrial activities. 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 proposed site will be served with necessary utilities and is located near a Major Collector (Little Morongo Road). 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 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 project proposes to construct three commercial / industrial buildings with attractive and appropriate colors, materials, architectural features and landscaping. Any changes to the exterior elevations, color / material board, landscape plan or lighting plan will be reviewed by staff to assure compatibility with the City's desert setting and surrounding development.

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 site is presently vacant, and the applicant proposes to construct three new concrete tilt-up buildings at a height not to exceed approximately 30 feet. Therefore, the proposed medical marijuana cultivation facility will not affect the community's scenic viewsheds.

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.

The proposed lighting plan appears to comply with the City's lighting standards for industrial development, and appears designed 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 dispensary 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 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 31 May 2017, deemed complete 29 June 2017 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.

The proposed medical marijuana cultivation facility will include 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 dispensary 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 building plans and conducting building inspections.

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under fire codes and regulations.

The project appears to be 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 will occupy three new commercial / industrial buildings, located in a designated industrial zone, and operated 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.*

The proposed medical marijuana cultivation facility will be operated as a commercial / industrial use within three new commercial / industrial buildings. It will be operated in accordance with all applicable regulations and conditions of approval. A review of the proposed project has identified the potential for certain environmental impacts; however, mitigation measures have been developed which will reduce all identified potential impacts to less-than-significant levels. A draft Negative Declaration with Mitigation Measures has been prepared for the 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 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.

TENTATIVE PARCEL MAP FINDINGS:

According to Municipal Code Section 16.24.150 (Commission determination) a tentative map may be denied by the Commission on any of the grounds contained in the Map Act, General Plan or the municipal code. The Commission shall deny the tentative map if it makes any of the following mandatory findings contained in Map Act Section 66474. Staff has developed a response to each finding, as follows:

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

As noted in the findings (above) for the associated Conditional Use Permit, the proposed development of a medical marijuana cultivation facility conforms to the General Plan. The proposed tentative map subdivides four existing lots into three lots to allow for this development. The conclusions related to the CUP findings regarding General Plan consistency may also apply to the proposed tentative map. There are no specific plans adopted for this site.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*

The proposed tentative map re-subdivides four existing lots into three lots. Of the existing lots, three do not meet the minimum 20,000 square foot lot area of the I-L (Light Industrial) zone. The lots proposed by the tentative map will all comply with the minimum zone standard for lot area. Consequently, the proposed tentative map will fulfill the goals and policies of the General Plan, as indicated in the CUP findings (above).

3. *That the site is not physically suitable for the type of development.*

The lots proposed by the tentative map will each be of a size (lot area), width, depth and surface (generally flat) to allow development, including accessory activities and features, such as vehicular access, drainage and flood control. As proposed, the site appears physically suitable for the type of development

4. *That the site is not physically suitable for the proposed density of development.*

The proposed map will create three lots each having sufficient area and shape (rectangular) to allow for development of a light industrial facility of approximately 20,000 square feet, while also conforming to applicable development standards such as setbacks, height and parking. As proposed, the site appears physically suitable for the proposed density of development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed map and related development proposal have been evaluated for potential impacts to the environment. While potential impacts were identified, adequate mitigation measures to reduce such impact to non-significant levels have been developed and incorporated into the project's design, development and implementation. With these mitigation measures, the design of the subdivision and

the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed map and related development proposal have been evaluated for potential impacts to public health, including geologic hazards, hazardous materials and emergency services. Standard conditions were determined to be sufficient so that no serious public health problems are anticipated to result from the project.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The proposed tentative map will include a dedication of right-of-way for a portion of Palomar Lane to provide vehicular access to the site and development. No other access easements have been identified as necessary for the site or surrounding area that would pass through or make use of the subject property.

ENVIRONMENTAL ANALYSIS

The Applicant proposes to develop on vacant land three commercial / industrial buildings and ancillary development. In accordance with the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq*, and the CEQA Guidelines, Title 14, Chapter 3 of California Code of Regulations, a draft Initial Study was prepared which identified potential impacts and sufficient mitigation measures (Exhibit 9). All potential environment impacts have been reduced to less-than-significant levels and a draft Negative Declaration with Mitigation Measures has been prepared for this project.

FISCAL IMPACT

Development of this project will generate revenues to the City in the form of building permit fees to defray plan check and inspection costs. In addition, the City will receive on-going revenue from marijuana taxes **(\$75,000 + \$513,550 = \$588,550).**

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the I-L (Light Industrial) zoning district. Staff recommends that the Planning Commission recommend to the City Council approval of Conditional Use Permit No. 21-17, Development Agreement No. 14-17 and Tentative Parcel Map No. 37342, subject to the Conditions of Approval (Exhibit 1).

EXHIBIT(S)

- No. 1 – Recommended Conditions of Approval
- No. 2 – Site Plan (showing temp. parking)
- No. 3 – Tentative Parcel Map
- No. 4a – Bldg. 1 Floor Plan
- No. 4b – Bldg. 2 Floor Plan
- No. 4c – Bldg. 3 Floor Plan
- No. 5a – Building 1 and 2 Elevations (showing roll-up doors)
- No. 5b – Building 3 Elevations (showing roll-up doors)
- No. 6 – Landscape Plan
- No. 7 – Lighting Plan

No. 8 – Draft Development Agreement

No. 9 – Draft Initial Study / Negative Declaration with Mitigation Measures