

## REPORT TO THE PLANNING COMMISSION

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**DATE:** September 25, 2017

**TITLE:** Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322. A recommendation to the Planning Commission for the approval of Conditional Use Permit for the development a medical marijuana cultivation facility totaling approximately 68,400 square feet, and a Tentative Parcel Map to merge two parcels and subdivide for condominium purposes on a vacant 3.56 acre site (APN 665-030-039, -040). The project is located on the northeast corner of Little Morongo Road and San Gorgonio Lane (unimproved) in the I-L (Light Industrial) zone. Applicant: David Scheppers / Innovative Investment Company LLC.

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

**Reviewed by:** Daniel Porras, Community Development Director

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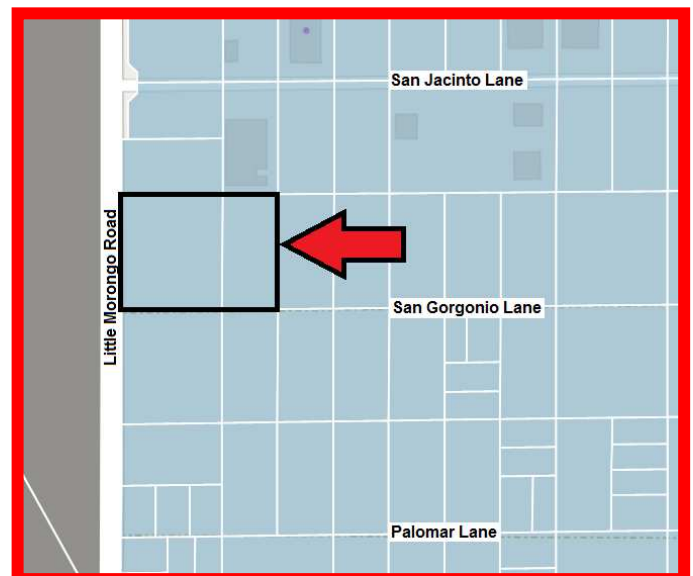
### RECOMMENDATION

- 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 certify the associated Negative Declaration, and approve Conditional Use Permit No. 13-17 for the development of an indoor marijuana cultivation facility for a total area of 68,400 square feet and Tentative Parcel Map 37322 to merge and resubdivide for condominium purposes on 3.56 acres located on the northeast corner of Little Morongo Road and San Gorgonio Lane 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. Further, Title 16 (Subdivisions) of the Desert Hot Springs Municipal Code (DHSMC), allows the division of properties, subject to compliance with the California Subdivision Map Act (California Government Code Section 66410 et seq.) and approval of a tentative map by the Planning Commission. The applicant, David Scheppers / Innovative Investment Company LLC, has filed a CUP application to establish a



facility for the indoor cultivation of medical marijuana, and an application for a tentative parcel map to merge two parcels and re-subdivide for condominium purposes.

The site is located on the northeast corner of Little Morongo Road and San Gorgonio Lane (unimproved). It is rectangular and generally flat, made up of two parcels having a combined gross area of approximately 3.56 acres. Its total street frontage along Little Morongo Road is approximately 334 feet, while its San Gorgonio Lane frontage is approximately 464 feet. Following dedication of rights-of-way for both streets, the site will have a net area of approximately 3.06 acres. The site is currently vacant.

The proposed project includes four attached buildings totaling 68,400 square feet of floor area; all buildings are identical, each having a floor area of 17,100 square feet (Exhibit 2). The tentative parcel map will allow the development of these buildings as industrial condominiums (Exhibit 3). The buildings are of steel frame and panel construction and each one has an office / administration area and an attached greenhouse. The greenhouses are not screened from street views by the office portions of the buildings; instead, they directly front San Gorgonio Lane. All buildings are single story (no mezzanines are indicated) and overall building heights are about 21 feet. Accessory improvements include parking for 55 vehicles and about 28,500 square feet (2/3 acre) of landscaping.

The proposed project is zoned Light Industrial (I-L) District. Public street dedications and improvements on Little Morongo Road and San Gorgonio Lane will be required. Immediately surrounding properties are developed as follows:

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

### **PROJECT SUMMARY**

The applicant, David Scheppers / Innovative Investment Company LLC, has filed Conditional Use Permit (CUP) and Tentative Parcel Map applications to develop the site for indoor cultivation of medical marijuana on a 3.56 gross acre property (APN 665-030-039, -040). New construction of four metal frame buildings (total gross floor area of 68,400 square feet) and ancillary facilities is proposed on the vacant site.

Building Area	Bldgs. 1 through 4	Total
Office	1661 each	6,644
Processing / Manufacturing	594 each	2,376
Cultivation	14,844 each	59,376
Total Sq Ft.	<b>17,099 each</b>	<b>68,396</b>

The applicant has provided examples of future interior improvements (floor plans, Exhibit 4); 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.

Vehicular circulation is provided by two driveways – one at the northwest corner of the site accessing Little Morongo Road, and one at the southeast corner accessing San Gorgonio Lane (future). The interior vehicle circulation plan includes drive aisles along the north and east

edges of the property, with parking placed along the property lines. Loading doors are provided in all buildings. Parking spaces are provided for 55 vehicles, including four disability-accessible stalls.

The proposed buildings are identical in design, and exterior colors are medium greys with red-orange elements and translucent greenhouse roofs. The base of each building is constructed of concrete masonry (CMU) block in medium grey with the remainder of the exterior clad in vertical seamed metal panels, also in medium grey. Loading and entry doors, window canopies, fan vent enclosures and lighting fixtures are red-orange. Window and greenhouse roof frames are satin anodized aluminum or stainless steel. Landscaping and fencing are provided around the perimeter of the site, as described below. Four project phases are 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 two lots have a gross area of 3.56 acres. After dedication of public rights-of-way, the net lot size will be approximately 3.06 acres. Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the proposed buildings on site is 68,400 square feet which represent 51.3% site coverage. The project conforms to this standard.

**Building Height:** The highest point on all proposed buildings will be about 21 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 (whether interior or street side). Building One is approximately 32 feet from the front property line, Building Four is 65 feet from the rear property line and at the nearest actual setback from either side property line is 29 feet. 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, 55 vehicle parking spaces are provided; among them are four 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:

<b>Parking Calculation</b>				
Proposed Uses (Square Feet)		Zoning Requirements	Number of Spaces Required	Number of Spaces Provided
Total Administration	6,644	1 space / 250 sf	26.58	<b>55</b> (including 4 for disabled access)
Total Processing / Mfg.	2,376	1 space / 750 sf	3.17	
Total Warehouse:	59,376	1 space / 2500 sf	<u>23.75</u>	
<b>Total:</b>	<b>68,398 sf</b>		53.50 or <b>54 spaces</b>	

As noted above, actual uses may vary as tenants submit interior improvement plans. Since these buildings include dedicated greenhouses for a substantial portion of the total building

area, staff is not concerned about the lack of extra parking. Other more intense industrial uses are not likely suited for the proposed buildings. Nevertheless, staff includes a standard condition to assure that any future use will be limited so that all future parking demand will conform to zoning code standards and the approved site plan. Based on the above analysis, the project provides sufficient parking for the proposed use.

**Elevations, Colors and Materials:** The proposed structures are similar to other metal frame and panel industrial buildings in the area. The overall color scheme is grey, for both the split-face concrete masonry (CMU) block foundations and the metal building sides (Exhibit 5). The applicant proposes to add architectural interest through bright red-orange trim elements on all building sides, where the color will be used on doors, ventilation screens, awnings and light fixtures. The transparent or translucent green house roof will be framed in anodized aluminum or stainless steel (Exhibit 6). The overall architecture is simple and industrial in appearance, 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, along the south side of all buildings and at the corners of the drive aisle intersections (Exhibit 7). Low-water use trees and plants are listed on the plan, including Palo Verde, Mesquite, Mexican Fan Palm, Ocotillo, Agave, Texas Ranger, Pyracantha and Red Yucca. The overall planting plan is appropriate in scale and plant selection.

An eight-foot tube-steel fence or tube-steel / block wall combination is proposed around the entire property, and controlled access gates are found within the entry driveway, about 25 to 30 feet inside from the driveway apron. The gates' location will accommodate a queue of only one vehicle at each driveway; however, staff believes the dedicated nature of the development as a cultivation / greenhouse facility will mitigate the need to accommodate a longer queue.

**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 8). 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 plan shall be submitted to the city for review of design, placement, and configuration of any changed lighting fixtures.

**Phasing:** The applicant proposes to construct the project in four (4) phases; however, no specific timing for each phase is proposed. 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 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 site is composed of two parcels with a combined area of 3.56 acres. The lots are rectangular and generally flat. The combined site is also rectangular. The applicant proposes to merge the two lots and subdivide for condominium purposes (Exhibit 3). Following dedication of street right-of-way, the merged lot will have a net area of 3.05 acres, which complies with the 0.46 acre (20,000 square feet) minimum area of required in the I-L (Light Industrial) zone. The proposed condominium subdivision will support the development of four common-wall buildings proposed under the requested Conditional Use Permit.

### **DEVELOPMENT AGREEMENT**

On 8 August 2017, the Planning Commission conducted a public hearing on CUP 13-17 and an associated Development Agreement (DA 11-17). At that hearing, the Commission recommended to the City Council approval of both requests.

On 15 September 2017, the City Council amended regulations governing medical marijuana facilities to delete the requirement for a Development Agreement (DA). While this project was originally filed with an application for a DA, the City no longer requires it and the applicant has withdrawn the DA application.

Staff notes that as a result of this change, the authority to grant CUP's for medical marijuana facilities (and related tentative maps) is returned to the Planning Commission. The CUP has been returned to the Commission, with the Tentative Parcel Map for final approval, subject to appeal.

### **ENVIRONMENTAL ANALYSIS**

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), an Initial Study has been prepared and which as determined that development of the proposed medical marijuana cultivation facility and tentative parcel map would not have a significant impact on the environment, with the implementation of mitigation measures. A draft Mitigated Negative Declaration (MND) is proposed and contains certain mitigation measures for Cultural and Biological Resources. The draft Initial Study and Mitigated Negative Declaration have been circulated for comments (comment period ended 17 August 2017). No comments were received during the comment period, and no comments have been received up to the time this report was prepared. The MND is attached for consideration by the Planning Commission (Exhibit 10), which must certify the MND prior to final action on the 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, for each project phase. In addition, the City will receive on-going revenue from marijuana taxes (**\$75,000 + \$587,520 = \$662,520.**)

### **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 four 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 new commercial / industrial building 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 four 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 no expansion of the buildings is proposed. 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 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.*

Lands to the north, east and south within 1/4 mile (1320 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 west are unincorporated and either vacant or developed with single family residential uses. Lands to the north and northeast are developed with industrial land uses. Lands to the south and southeast are vacant. Other developed uses in the vicinity include a variety of heavy commercial uses and a religious institution. 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 four new commercial / industrial buildings. The proposed one-story buildings will be of conventional metal frame and panel construction with appropriate and necessary accessory features (parking, landscaping, etc.) Land uses immediately abutting the site are either existing industrial uses or vacant land, with some residential uses to the west, across Little Morongo Road. Future commercial / industrial development is currently prohibited by the Municipal Code from exceeding 50 feet in height and 75% lot coverage. The subject 3.56 gross acre site (3.06 net acreage) is presently vacant, but would be occupied by four buildings that do not exceed about 21 feet in height and contain a total area of about 68,400 square feet; lot coverage is approximately 51.3%. 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.*
8. The subject site is proposed to be developed with four 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.
9. *That there will be adequate provisions for public access to serve the site.*

The subject site has sufficient on-site parking – 55 spaces are provided, 54 are required. The Public Works Department is recommending conditions to assure that street driveway access meets current design standards. Staff recommends this finding.

10. *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 21 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.

*11. 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.

*12. 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 in place 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 and some residential uses in unincorporated lands to the west. 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 is presently served with necessary utilities and is located adjacent to a Major Arterial (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 four 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 four new metal frame and panel buildings at a height not to exceed approximately 21 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 13 April 2017, deemed complete 26 April 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.

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

The proposed medical marijuana cultivation facility will occupy four new commercial / industrial buildings, located adjacent to an established commercial / industrial area, 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.

- 14. 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 four 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.

15. *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.

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

### **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, including reference to the draft findings (Exhibit 3) for the associated Conditional Use Permit (CUP 13-17), as follows:

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

The proposed subdivision conforms to the development objectives of the General Plan. The proposed tentative map merges two lots and re-subdivides for condominium purposes to allow for development of an indoor medical marijuana facility, which is allowed in the underlying I-L (Light Industrial) zone. The conclusions of the findings for the associated Conditional Use Permit 13-17 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 merges two lots and re-subdivides for condominium purposes. The lot 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 findings of CUP 13-17.

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

The lot proposed by the tentative map will each 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 one lot having sufficient area and shape (rectangular) to allow for development of a light industrial facility (medical marijuana cultivation), and will yield a project that conforms 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 Little Morongo Road to provide vehicular access to the site and development. Existing easements for water purposes are proposed to be relocated or abandoned. Public utility easements run along the north and west edges of the property. 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.

Staff has concluded that the proposed map meets the tests of the above mandatory findings and may be approved.

## **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 and conforms to all findings. Staff recommends that the Planning Commission certify the associated Negative Declaration, and approve Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322, 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 37322
- No. 4 – Floor Plan, Typical
- No. 5 – Building Elevations (showing roll-up doors)
- No. 6 – Roof Plan, Typical
- No. 7 – Landscape Plan

No. 8 – Lighting Plan

No. 9 – Site Photographs

No. 10 – Draft Initial Study / Negative Declaration with Mitigation Measures