

## REPORT TO THE PLANNING COMMISSION

---



**DATE:** November 14, 2017

**TITLE:** Conditional Use Permit No. 24-17. A recommendation to the Planning Commission regarding a Conditional Use Permit for development of a 35,400 square foot two-story building for medical marijuana cultivation, temporary cultivation facilities, as well as associated parking and other improvements on a vacant parcel totaling 1.25 gross acres (APN: 665-040-011), located on the east side of Little Morongo Road, approximately 200 feet north of Palomar Lane (unimproved) and within the General Plan Light Industrial (I-L) Zone . Applicant: Kamran Amirianfar.

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

**Reviewed by:** Daniel Porras P.E., Community Development Director

---

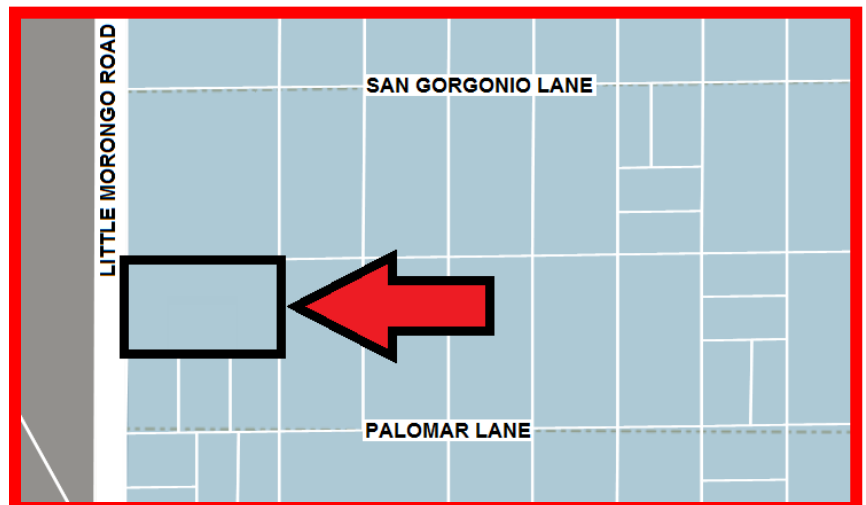
### RECOMMENDATION

- 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 approve Conditional Use Permit No. 24-17; for the development of a 35,400 square foot two-story building for medical marijuana cultivation, temporary cultivation facilities as well as associated parking and other improvements on a vacant parcel totaling 1.25 gross acres located on the east side of Little Morongo Road, approximately 200 feet north of Palomar Lane (unimproved) and within the General Plan Light Industrial (I-L) 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, Kamran Amirianfar, has filed application to establish a facility for the indoor cultivation of medical marijuana.



The site is located on the east side of Little Morongo Road, approximately 200 feet north of Palomar Lane (unimproved). The property is a single parcel, rectangular in shape, and has a gross area of approximately 1.25 acres. It is generally flat, with a total width and street frontage along Little Morongo of approximately 182 feet, and a depth of 300 feet. Following dedication of an additional 20 feet of right-of-way for Little Morongo Road, along the entire west side of the property, the site will have a net area of approximately 1.17 acres. The site is currently vacant.

The proposed project includes one free-standing two-story building totaling 35,400 square feet of floor area; the building is of steel, wood and stucco construction. The floor plan indicates a single interior unit with each floor have any area of about 17,700 square feet; the overall building height does not exceed approximately 40 feet. Accessory improvements include parking for twenty vehicles and approximately 5,600 square feet of landscaping. A request for temporary cultivation facilities to precede the main construction project is also included.

The site is zoned Light Industrial (I-L) District. Public street dedications and improvements on Little Morongo Road (along west property line) 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, East and South</b>	IL (Light Industrial)	Vacant and Developed Industrial Lands
<b>West</b>	IL (Light Industrial) and OS-FW (Open Space Floodway)	Vacant Lands

### **PROJECT SUMMARY**

The applicant, Kamran Amirianfar has filed a Conditional Use Permit (CUP) application to develop the site for indoor cultivation of medical marijuana on a 1.18 net acre property (APN: 665-040-011). New construction of a metal frame and panel two-story building (total gross floor area of 35,400 square feet) and ancillary facilities is proposed on the vacant site.

The applicant has provided a floor plan indicating possible future interior improvements with the following allocation of floor area:

<b>Interior Building Area</b>	<b>Total SF</b>
Office / Admin / Misc.	800
Processing	978
Cultivation	33,622
<b>Total Sq Ft.</b>	<b>35,400</b>

It should be noted that actual uses within the building may change and will be determined by future interior improvement plans, subject to the Permit's limits and conditions.

Vehicular access is provided at two locations – new driveways at the northwest and southwest corners of the site on Little Morongo Road (which will be widened as part of the project). The interior vehicle circulation plan is a loop drive with a single loading door provided along the southwest corner of the building. Parking spaces are provided for twenty vehicles, including two disability-accessible stalls.

The proposed buildings' exterior colors are shades of light and dark greys. The building's walls are each divided into three vertical panels, with light grey at the ends and dark grey in the center. Accents are contrasting greys with dark grey doors. Landscaping and fencing are provided around the site's perimeter, as described below. The project is proposed to be constructed in a single phase.

A site plan for a temporary facility is also proposed which would develop about 40% of the site within a temporary security fence with gates. Two 8 x 40-foot cultivation trailers, a 12 x 60-foot administration trailer, loop driveway, parking for six vehicles and retention basin would be installed within the temporary enclosure. The temporary facility would operate in advance of the main facility, and would be removed as the main facility is built.

## **CUP ANALYSIS**

**General Plan and Zoning Consistency:** The project proposes to establish a Medical Marijuana Cultivation Facility, including a temporary cultivation facility, within the Light Industrial (I-L) zone and in accordance with Section 17.180 of the DHSMC, which allows this use with approval of a CUP and Regulatory Permit. The permanent facility is analyzed in the following sections, with a separate discussion of the temporary facility below.

**Site Coverage:** The project site consists of one lot totaling 1.25 gross acres. After dedication of public right-of-way, the net lot size will be approximately 1.17 acres (50,919 square feet). Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the proposed building's "footprint" on site is 17,700 square feet which represent 34.8% site coverage. The project conforms to the lot coverage standard.

**Building Height:** The highest point on all proposed buildings will be about 40 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 sides (both interior and street sides). The proposed building is approximately 63 feet from the front property line, about 50 feet from the rear and no less than 33 feet from all side property lines. Therefore, the project meets minimum setback standards.

**Circulation and Parking:** Access to the site will be provided from two driveways fronting Little Morongo Road. As noted above, parking for twenty vehicles is provided. Roll-up doors for large deliveries are provided on the front (west) elevation and temporary parking / staging for delivery trucks is provided nearby. The loop drive aisle allows for emergency vehicle access. Staff provides the following parking calculation, based on the proposed floor plan and these parking standards:

- 1 space for 250 square feet of office and administrative uses,
- 1 space for every 750 square feet for processing / manufacturing use, and
- 1 space for every 2500 square feet of cultivation / warehouse areas,

<b>Parking Calculation</b>				
Proposed Uses		Zoning Requirements	Number of Spaces Required	Number of Spaces Provided
Office / Admin	800 sf	1 spaces/ 250 sf	3.20	<b>20</b> (including 2 for disabled access)
Processing:	978 sf	1 space / 750 sf	1.30	
Cultivation:	33,622 sf	1 spaces/ 2500 sf	<u>13.45</u>	
<b>Total:</b>	<b>35,400 sf</b>		17.95, or <b>18</b>	

While the project as described provides sufficient parking, staff notes that the applicant proposes to use 95% of the floor area for cultivation and about 5% for office / administration and manufacturing. If more of the building is used for processing or administrative uses, the project would generate a higher parking demand. To avoid excess parking demand, staff recommends limiting future uses so that parking demand does not exceed twenty spaces.

**Elevations, Colors and Materials:** The proposed two-story structure is similar to other industrial / manufacturing developments in the area. The exterior is finished in stucco in a variety of light and dark greys. Doors, windows and window frames match adjacent dark grey trim. The overall look is subtle, modern and attractive, and blends well with desert colors; however, a contrasting accent color would bring some life to the all-grey palette.

**Landscaping:** The landscape plan shows planted areas around the perimeter of the site, with larger planting areas facing Little Morongo Road and around the retention basin in the rear. All plant species are low- or moderate-water use trees (Palo Verde, and Live Oak) and shrubs, including Carissa "Boxwood Beauty", Indigo Bush, Brittlebush, Red Yucca, Rosemary and others. The overall planting plan is appropriate in scale and plant selection. A 6-foot tall tube-steel fence is proposed around the perimeter of the property which, along with controlled access gates, provide security and complete enclosure of the site's interior.

**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. 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 main project in a single phase. The proposed temporary operation would precede construction of the main facility, but then removed as the main building and associated works are built. Separate conditions to address both proposals have been developed for the Commission's consideration.

**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. More detailed, comprehensive security plans will be reviewed by the City Manager during the Regulatory Permit phases for both the temporary and permanent facilities. These plans 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. The city has added two standard conditions (COA's No 4 & 5) to bring the security plans under the aegis of the conditional use permit.

**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.

**Temporary Cultivation Facilities:** The temporary facilities are comprised of three small portable trailer-type structures totaling 1400 square feet. Located in the western half of the site, but well away from property lines, they comply with all lot coverage, height and setback standards. Six

parking spaces are provided, which are adequate for the size of the buildings (1400 / 250 sq. ft per space = 5.6 spaces). All operational requirements, including security, odor control and hours of operation will be subject to the requirements of the Municipal Code, the CUP conditions of approval and the required Regulatory Permit for temporary operations.

### **ENVIRONMENTAL ANALYSIS**

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), an Initial Study has been prepared and which has determined that development of the proposed medical marijuana cultivation facility and temporary cultivation facility 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 Mitigated Negative Declaration is being circulated for comments (comment period ending 13 November 2017) and no comments have been received as of 9 November 2017. The MND is attached for consideration by the Commission, and the City Council will consider certification of a Mitigated Negative Declaration prior to final action on the project.

### **FISCAL IMPACT**

The proposed cultivation facility has paid all required fees for application processing and the permanent facility will annually contribute \$25 per square foot for the first 3,000 square feet, plus \$10 per square foot for the remaining cultivation / processing space once it opens. The exact amount of cultivation / processing space cannot be known at this time. **The permanent facility plans show an estimated total cultivation / processing area of 33,622 square feet, which would yield \$381,220 annually (\$75,000 + \$306,220).**

### **CONDITIONAL USE PERMIT FINDINGS**

Conditional Use Permits are regulated under Chapter 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 (Section 17.76.050). Staff has developed responses to each required finding, which are attached to this report (Exhibit 1), and staff recommends that they be adopted as the Commission's own findings of fact.

### **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 certify the draft Initial Study and Mitigation Monitoring Program, adopt the recommended Findings of Fact (Exhibit 1), and approve Conditional Use Permit No. 24-17, subject to the Conditions of Approval (Exhibit 2).

### **EXHIBITS**

- No. 1 Recommended Findings of Fact
- No. 2 Recommended Conditions of Approval
- No. 3 Site Plan
- No. 4 Floor Plans – 1<sup>st</sup> Floor
- No. 5 Floor Plans – 2<sup>nd</sup> Floor
- No. 6 Building Elevations
- No. 7 Building Elevations
- No. 8 Landscape Plan
- No. 9 Lighting Plan
- No. 10 Temporary Site Plan
- No. 11 Draft Initial Study and Mitigated Negative Declaration