

REPORT TO THE PLANNING COMMISSION



DATE: December 12, 2017

TITLE: Conditional Use Permit No. 08-16A (Amendment). A recommendation to the Planning Commission regarding an amendment to a Conditional Use Permit to develop an additional 24,300 square foot two-story building on a 1.15-acre lot (APN 665-030-049) which is presently developed with a free-standing building which is to remain. The project is located at 65265 San Jacinto Lane, approximately 400 feet west of Cabot Road in the Light Industrial (I-L) Zone. Applicant: Kamran Amirianfar.

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Reviewed by: Daniel Porras, Community Development Director

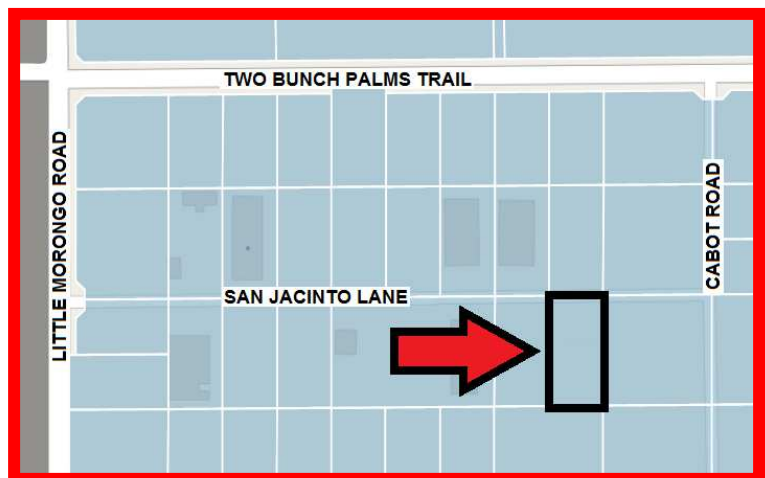
RECOMMENDATION

- 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 approve Conditional Use Permit No. 08-16A (Amendment) to develop an additional 24,300 square foot two-story building on a 1.15-acre lot (APN 665-030-049) which is presently developed with a free-standing building which is to remain and located at 65265 San Jacinto Lane, approximately 400 feet west of Cabot Road in the 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. 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, Kamran Amirianfar has filed an application to amend a CUP to develop an additional building to an existing facility for the indoor cultivation of medical marijuana.



The site is located on the south side of San Jacinto Lane about 400 feet west of Cabot Road. It is rectangularly shaped and generally flat site with a gross area of approximately 1.15 acres. Its total street frontage along San Jacinto Lane is approximately 165 feet. No dedications for street right-of-way is required for the requested amendment. The site is currently developed with an industrial building and related support features (parking, landscaping, etc.)

On 12 April 2016, the Planning Commission granted Conditional Use Permit 08-16 to allow an existing building to be used for medical marijuana cultivation, subject to certain conditions of approval.

The proposed project is to construct a new, additional 24,300 square foot two-story building to the rear (south) of the existing building (Exhibit 3). Total floor area of the entire project will be approximately 29,200 square feet. The additional building will be of metal frame and panel construction, with a two-story interior; overall building height is about 30 feet. Accessory improvements include parking for twenty-three vehicles and about 9,800 square feet (0.23 acre) of landscaping.

The proposed project is zoned Light Industrial (I-L). 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 and Developed Lands (Industrial and Religious Institution)

PROJECT SUMMARY

The applicant, Kamran Amirianfar, has filed an amendment to an existing Conditional Use Permit (CUP) to develop an additional building on the site of an approved indoor cultivation of medical marijuana facility on a 1.15 gross acre property (APN 665-030-049). New construction of a 24,300 square foot, two story metal frame and panel building (total gross floor area of both buildings will be about 29,200 square feet) and ancillary facilities is proposed on the vacant rear half of the site.

Building Area	Existing Building	Proposed Building	Total
Office	1,127	1,126	2,253
Processing / Manufacturing	0	753	753
Cultivation	3,813	22,389	26,202
Total Sq Ft.	4,940	24,268	29,208

The applicant has provided examples of future interior improvements; however, actual uses within the building will be determined by future interior improvement plans, subject to the limits and conditions of the Permit.

Vehicular circulation is provided by two driveways accessing San Jacinto Lane. One driveway provides access to a small parking area in the front (northwest) corner of the site; the other provides access to a drive aisle along the eastern edge of the entire property, including access to parking and loading at the new building. Vehicle parking spaces for twenty-three vehicles, including four disability-accessible stalls, are distributed around the site. Loading doors are provided in both buildings.

The proposed buildings share a single design theme, with exterior colors composed of a variety of light, medium and dark teal blues. The exterior of the new building is clad in corrugated metal panels painted in the teal blue palette in random horizontal arrangement. Changes in colors at a diagonal are provided on each elevation to create additional interest. Doors are painted dark teal; there are no windows or awnings proposed. Landscaping and fencing are provided around the perimeter of the site, as described below. No phasing is proposed.

CUP ANALYSIS

General Plan and Zoning Consistency: The project proposes to amend an existing CUP for a Medical Marijuana Cultivation Facility in accordance with Section 17.180 of the DHSMC, which allows this use with approval of an amendment to the existing CUP and Regulatory Permit. Approval of the amendment would extend the two-year deadline for establishing the facility (from 11 April 2018 to 11 December 2019.)

Site Coverage: The project site has a gross area of 1.15 acres. Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the proposed buildings' lot coverage is about 15,950 square feet which represent 31.8% 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. The existing building is approximately 44 feet from the front property line, and the new building is about 45 feet from the rear property line. Exterior side setbacks range from 10 to about 54 feet. Therefore, the project meets minimum setback standards.

Circulation and Parking: Ingress and egress to the site will be provided from two driveways on San Jacinto Lane. One driveway accesses the entire site, including the new building, along the eastern edge of the property. As noted above, twenty-three vehicle parking spaces are provided; among them are four handicap-accessible spaces. Based on the proposed floor plan for both buildings 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.) for Both Buildings		Zoning Requirements	Number of Spaces Required	Number of Spaces Provided
Office / Administration	2,253	1 spaces/ 250 sf	9.01	23 (including 4 for disabled access)
Manufacturing	753	1 space / 750 sf	1.00	
Cultivation	26,202	1 spaces/ 2500 sf	<u>10.48</u>	
Total:	29,208		20.49 or 21 spaces	

Actual uses may vary once interior improvement plans are submitted. 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. 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. The applicant is proposing to contrasting blue colors to provide visual interest and branding identity (Exhibit 6). Entry doors and loading docks are provided in both buildings; however, no canopies over the doors are provided. The overall architecture is simple and modern, and the color scheme is bright, but appropriate to the design.

Landscaping: The landscape plan shows a continuation of the previously-approved plan, including additional planting areas in the rear of the site, behind the new building (Exhibit 7). Low-water use trees and plants are listed on the revised and expanded plan, including Palo Verde, California Fan Palm, Oleander, Training Indigo, Leucophyllum, Rosemary, Pyracantha, and others. The overall planting plan is appropriate in scale and plant selection.

A tube-steel fence is proposed to surround the property with an anticipated height six feet. Controlled access gates are found past the first seven parking spaces and provide adequate on-site queueing of vehicles.

Lighting: Existing exterior lighting is provided, including a photometric study that indicates one foot-candle minimum lighting is provided throughout the parking areas, 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 plans shall be submitted to the city for review of design, placement, and configuration of any changed lighting fixtures.

Phasing: No phasing schedule has been submitted for the amendment request. However, on 25 July 2017, a building permit was issued for interior improvements to the existing building. So, staff assumes that the entire project will be established in two phases – occupancy of the existing building followed by construction and use of the new building. Staff has no concern with this approach. Any changes to the site plan, elevations or other approved plans that may result from phasing the project will be reviewed by staff; substantial changes may require another 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.

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 (Exhibit 9). The draft Initial Study and Mitigated Negative Declaration have been circulated for comments (comment period ended on 7 December 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, 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, based on the floor plans the City will receive estimated on-going revenue from marijuana taxes of **\$307,020 (\$75,000 + \$232,020.)**

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. For the requested amendment, staff has developed recommendations for each finding as found attached to this report (Exhibit 1). It is recommended that the Commission adopt the recommended findings as its own findings of fact.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan, conforms to the development standards of the I-L (Light Industrial) zoning district and meets the required findings. Staff recommends that the Planning Commission certify the associated Negative Declaration and Mitigation Monitoring Program, and approve the amendment (CUP 08-16A) to Conditional Use Permit No. 08-16, subject to the Conditions of Approval (Exhibit 2).

EXHIBIT(S)

- No. 1 – Recommended Findings
- No. 2 – Conditions of Approval (draft)
- No. 3 – Site Plan (showing temp. parking)
- No. 4 – Building Floor Plan, 1st Floor
- No. 5 – Building Floor Plan, 2nd Floor
- No. 6 – Building Elevations (showing roll-up doors)
- No. 7 – Landscape Plan
- No. 8 – Lighting Plan
- No. 9 – Draft Initial Study / Negative Declaration with Mitigation Measures