

REPORT TO THE PLANNING COMMISSION



DATE: March 13, 2018

TITLE: Amendment to Conditional Use Permit (CUP 14-16) to relocate the site entrance from Hacienda to Little Morongo Road on a 9.75 -acre site located on the southeast corner of Little Morongo Road and Hacienda Ave. APN: 663-270-001. Applicant: Green Horizons Inc. (Medmen).

Prepared by: Fernando Herrera, Assistant Planner

**Scott Taschner, Senior Planner &
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) A recommendation from staff for approval of the Amendment to Conditional Use Permit (CUP 14-16) for the relocation of the site entrance from Hacienda Avenue to Little Morongo Road for the project located on the southeast corner of Morongo Road and Hacienda Avenue in the I-L (Light Industrial) District. APN: 663-270-001.

PRIOR ACTIONS

On April 18, 2017 the City Council of Desert Hot Springs approved the original project, CUP 14-16.

BACKGROUND

Sections 5.50 and 17.180 of the Desert Hot Springs Municipal Code (DHSMC), allow cannabis cultivation facilities in Industrial Districts subject to a Conditional Use Permit (CUP) approved by the City Council and a Regulatory Permit approved by the City Manager. The applicant, Green Horizons Inc. (Medmen) has filed an application to amend CUP 14-16 to change the site main entrance from Hacienda Avenue to Little Morongo.



The site is located on the southeast corner of Little Morongo Road and Hacienda Avenue. It's approximately 9.75 acres in size. Topographically, the site is relatively flat. The project site is currently undeveloped, natural open space and is primarily undisturbed. The site is zoned Light Industrial (I-L) District where the proposed use may be developed. Draft Conditions of Approval

and a draft Negative Declaration with Mitigation Measures for the Permanent Development were adopted by the City Council on April 18, 2017.

Surrounding properties consist of:

	Jurisdiction	Zoning & General Plan Designations	Current Land Use
North	City	IL (Light Industrial) District	Vacant Land
West	County	RL (Residential Low Density) District	Vacant Land and Residential
South	City	IL (Light Industrial) District	Vacant Land
East	City	IL, RL, OS/FW (Light Industrial, Residential Low Density, Open Space Floodway) District, M.S.H.C.P	Vacant Land

PROJECT SUMMARY

The applicant, Green Horizons Inc. (Medmen) has filed for an amendment to CUP 14-16 to change the site entrance of the project site from Hacienda to Little Morongo Road. The project site is located on the southeast corner of Little Morongo Road and Hacienda Avenue in the City of Desert Hot Springs, California (Assessor's Parcel No. 663-270-001). The site is currently vacant. Parking areas will be provided on the north and western portions of the site with a total of 105 parking spaces of which, 6 will be handicapped accessible. An interior driveway will provide access to the site.

CUP AMENDMENT ANALYSIS

General Plan and Zoning Consistency: The project proposes to establish a Cannabis Cultivation Facility in accordance with Section 17.180 of the DHSMC, which allows this use with approval of a CUP and Regulatory Permit.

Circulation and Parking: Access to the site will be provided from Little Morongo Road. A driveway is proposed, for site access. Parking areas will be provided along the western and northern portion of the property. An interior driveway will provide access to all sides of the site.

Off-Street parking standards for Cannabis Cultivation uses are not specifically defined in the City Zoning Code. Therefore, Staff has applied parking ratios for similar uses including Office (1 space per 250 square feet) and plant nurseries (1 space per 2,500 square feet), resulting in a requirement of 47 total parking spaces. The proposed site improvements will provide 105 parking stalls, 6 of which will be ADA accessible.

Parking Calculation

Use	Area (Sq. Ft.)	Ratio	Number of Spaces
Office	2,616	1 per 250 square feet	11
Industrial	19,978	1 per 750 square feet	27
Cultivation Activities	23,406	1 per 2,500 square feet	10
Total Spaces Required			47
Total Spaces Provided			105

ENVIRONMENTAL DETERMINATION

On April 18, 2017, The City Council approved the permanent project / development (known as Medmen) cultivation project and in doing so certified the Mitigated Negative Declaration for the Project. Pursuant to Section 15162(a) of the CEQA regulations, once an MND has been certified for a project, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review. The planning commission only needs to make a finding that the request for an amendment is consistent with the original MND, and no further analysis is required. No significant changes are proposed as a part of the proposed change in site access.

FISCAL IMPACT

The current proposal has paid all application fees and the permanent development / cultivation facility will contribute \$25 per square foot for the first 3,000 square feet. The applicant will also have to pay for a performance bond to allow the City to clean up the site, if the facility is abandoned.

RECOMMENDATION

Staff recommends that the Planning Commission approve the amendment to Conditional Use Permit 14-16, subject to the Conditions of Approval and including the following findings:

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

Section 17.16.010.B.1 of the Desert Hot Springs Zoning Ordinance identifies the underlying I-L (Light Industrial) zoning district as, “...*intended to retain, enhance, and intensify existing and provide for the new development of lighter industrial uses along major transportation routes serving the City.*” The previously approved cannabis cultivation facility qualifies as a “lighter industrial operation” in that no heavy manufacturing operations will be conducted on the site.

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

The site is proposed to be developed as a light industrial site with parking, landscape and other features and amenities appropriate to the development. The proposed change to the circulation is physically organized to provide adequate parking, loading and pedestrian circulation for the proposed use. Consequently, the site is physically suitable for the type and intensity of the proposed dispensary. Staff recommends this finding.

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

The proposed cannabis cultivation facility is a light industrial use, and can be considered similar to other industrial establishments allowed in the I-L (Light Industrial) zone, such as plant nurseries without on-site sales and light manufacturing operations. The proposed building is developed to accommodate the proposed use and appears to be able to accommodate a wide variety of industrial uses, if needed. The proposed cultivation facility is not outside the range of activities typical for a light industrial site and appears compatible with surrounding light industrial uses. Staff recommends this finding.

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

The permanent project /site will be fully developed with vehicular and pedestrian access, from the public right-of-way as well as within and throughout the site. The proposed cannabis cultivation facility will not create any additional demand for access than will be provided by the associated parking and drive aisle. Staff recommends this finding.

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

Desirable neighborhood characteristics include long-range views from existing properties and business of surrounding mountains, and the future development of light industry on the site and surrounding area. The cultivation facility will fully occupy the subject site, surrounding lands available for other businesses will not be limited in their future development by the proposed use. Staff recommends this finding.

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

The proposed cannabis cultivation facility can be considered necessary and essential to the community to the extent that it is supported by wholesale customers that cause it to succeed as a local light 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.

7. *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.

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 cannabis cultivation facility will be located on a vacant property within a partially-developed industrial area, located in the I-L (Light Industrial) zone. All public improvements are either in place or will be constructed 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 change in circulation to the cannabis cultivation facility was provided to property owners within 300 feet of the proposed site and in a local publication of general circulation. One comment was received from the Coachella Valley Association of Governments in regard

to the Multiple Species Conservation Plan. Planning has added a condition that the applicant shall comply with the Multiple Species Conservation Plan.

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 cannabis cultivation facility is anticipated to be a non-polluting and clean industrial use that will generate jobs and revenue for the community, thereby broadening the economic and employment base of the city. The operation will be located on a vacant property within a partially-developed industrial area, located in the I-L (Light Industrial) zone, and be developed with all support amenities (parking, trash enclosures, landscaping, etc.) to assure compatible integration with all industrial and non-industrial land uses.

Community Design

Goal 2: Variety of community design, architecture and landscaping compatible 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, but will be developed and used for light industrial use. The proposed building exterior (including height), site landscaping, fencing and other improvements are designed with appropriate materials, colors, plant types and other design elements that protect scenic viewsheds, provide community cohesion and enhance the image of the City.

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.

All exterior signs shall be required to pull separate permits and will be subject to approval under the Desert Hot Springs Zoning Code. The city sign regulations do not permit signs to exceed the height of building eave lines which will result in no impacts on scenic viewsheds.

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.

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

Fire and Police Protection

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

The proposed cannabis 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 cannabis cultivation facility is not expected to demand a high level of police and fire protection services.

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

The proposed application and associated regulatory permit 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.

Staff recommends this finding.

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

The proposed cannabis cultivation facility will be sited on vacant property currently zoned for light industry. Further, the cultivation facility will operate in accordance with the City's regulations and conditions of approval. Based on the environmental document, no significant adverse or harmful effects on the environment or on any natural resources are anticipated, subject to the implementation of specific mitigation measures and conditions of approval. Staff recommends this finding.

The applicant shall follow the Multiple Species Conservation Plan.

RECOMMENDATION

Recommendation from staff for approval of the Amendment to Conditional Use Permit 14-16, for the relocation of the site entrance from Hacienda Avenue to Little Morongo Road. The project is located on the southeast corner of Little Morongo Road and Hacienda Avenue in the I-L (Light Industrial) District. APN: 663-270-001, subject to the attached conditions and the findings contained herein.

EXHIBITS:

- 1) Draft Conditions of Approval
- 2) Proposed Site Plan
- 3) Multiple Species Conservation Plan Comment Section Excerpt