

REPORT TO THE PLANNING COMMISSION



DATE: August 14, 2018

Title: Amendment to CUP No. 12-14 for the Harborside (formerly Accucanna Health Center) proposing a drive-through at the previously approved cannabis dispensary located on the southwest corner of Paul Road and Rita Way in the Commercial Retail (CR) Zone. APN: 660-160-008, -009, -010, -011.

Prepared by: Patricia Meza, Planning Technician

Reviewed by: Scott Taschner, Senior Planner
Daniel Porras, Community Development Director

RECOMMENDATION

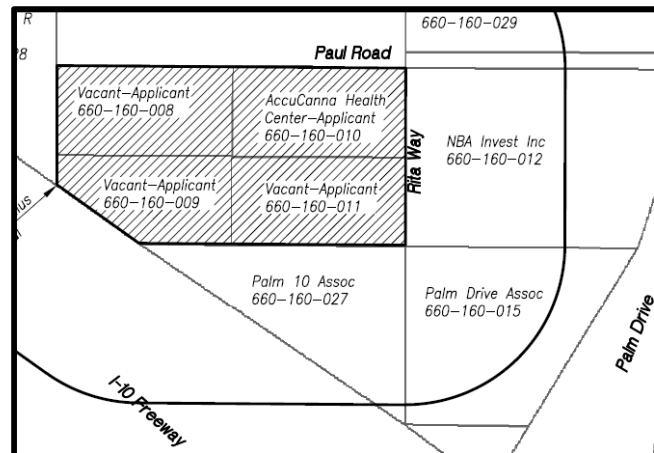
- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Recommendation from staff for approval of an Amendment to Conditional Use Permit No. 12-14, proposing a drive-through at the previously approved cannabis dispensary, subject to staff's recommended conditions of approval. APN 660-160-008, -009, -010, -011.

PRIOR ACTIONS

On July 28, 2015 the Planning Commission approved Conditional Use Permit No. 12-14 for the approximately 3,300 SF Harborside (formerly Accucanna Health Center) Cannabis Sales Facility with limited cultivation operations of up to 99 mature plants.

PROJECT SUMMARY

On May 30, 2018, the Applicant, Michael Platt Consulting, LLC, filed an application for an Amendment to Conditional Use Permit for the Harborside (formerly Accucanna Health Center) Cannabis Sales Facility (CUP 12-14). The application proposes to add a drive through which will include a cashier window and a pick-up window to a previously approved Cannabis Sales Facility. The project site is located on the southwest corner of Paul Road and Rita Way. The proposed drive through will be located on the south side of the building and will be fronting the I-10 Freeway. The project site is currently



under construction and is within the Commercial Retail (CR) Zone. This amendment proposes to add two (2) drive-up windows on the south side of the building, and a drive aisle for car stacking. The proposed design accommodated a minimum stacking of four (4) cars, but due to the large size of the facility staff has added a condition of approval to increase the capacity and accommodate a minimum stacking of at least five (5) cars at all times.

Since the two (2) windows face south, staff has added a condition of approval to add an eyebrow over the drive-through windows for solar control in the summer months. Approval of the eyebrow materials and architectural compatibility will be subject to the review of the planning Department. Staff would also like to note that two conditions have been added to ensure compliance with State Laws regarding the use of drive-through facilities at cannabis dispensaries.

ZONING & GENERAL PLAN CONSISTENCY

The only change to the project is the proposal to add the two (2) windows, a cashier window and a pick-up window, and a drive-aisle for stacking of cars up to the drive-thru windows. No other changes are proposed (e.g. the building footprint, architecture, parking, landscaping, etc.). The project is consistent with the development standards of the Desert Hot Springs Zoning Code (DHSZC), and has already received "Use" clearance for the dispensary under the original Conditional Use Permit and the project remains consistent with the goals & policies of City's General Plan.

ENVIRONMENTAL ANALYSIS

On July 28, 2015, the Planning Commission approved the Harborside (formerly Accucanna Health Centers) Cannabis Sales Facility and in doing so certified the Mitigated Negative Declaration (MND) 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 a drive-through window is consistent with the original MND, and no further analysis is required. No significant changes are proposed as a part of revised project. In addition, this project also qualifies to be Categorically Exempt from environmental review pursuant to Section No. 15311, Class No. 11 (Accessory Structures), of the California Environmental Quality Act, since only minor changes to the main structure are proposed.

RECOMMENDATION

Staff finds that the proposed amendment to Conditional Use Permit No. 12-14 is substantially consistent with the General Plan and satisfies the Zoning Code requirements through the amendment process. Staff recommends that the Planning Commission approve Amendment to Conditional Use Permit No. 12-14, to allow the proposed drive-through windows and car stacking drive aisle, subject to the Conditions of Approval, the mitigation measures outlined in the projects Mitigated Negative Declaration, and including the following findings:

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 an amendment of the previously approved cannabis retail sales facility (hereinafter referred to as a "dispensary"), which is identified in Section 17.180.040 of the City of Desert Hot Springs Zoning Ordinance as permitted within any zone which includes the C-R (Commercial Retail) zone, subject to approval of a Conditional Use Permit. The project as proposed, will be compliant with all applicable provisions of the Zoning Ordinance. Conditions of approval have been prepared and are recommended to assure that the proposed use will comply with all 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;*

The proposed for an amendment to the previously approved cannabis retail sales facility (hereinafter referred to as a "dispensary"), which is identified in Section 17.180.040 of the City of Desert Hot Springs Zoning Ordinance as permitted within the Commercial District

which includes the C-R (Commercial Retail) zone, subject to approval of a Conditional Use Permit. The project as proposed, will be compliant with all applicable provisions of the Zoning Ordinance. Conditions of approval have been prepared and are recommended to assure that the proposed use will comply with the integrity and character of the land use district where 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 is proposed to be developed as a retail commercial site with parking, landscape and other features and amenities appropriate to the development. The proposed amendment of the previously approved cannabis retail sales facility will have no impact on the adjacent properties or the land use district. Consequently, 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 proposed to be developed as a retail commercial site with parking, landscape and other features and amenities appropriate to the development. The proposed amendment of the previously approved cannabis retail sales facility will have no impact on the adjacent properties or the land use district. Consequently, the site is physically suitable for the type and intensity of the proposed dispensary. 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.*

The site is proposed to be developed as a retail commercial site with parking, landscape and other features and amenities appropriate to the development. The proposed amendment of the previously approved cannabis retail sales facility will have no impact on the adjacent properties or the land use district. Consequently, the site is physically suitable for the type and intensity of the proposed dispensary. Staff recommends this finding.

6. *That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.*

The site is proposed to be developed as a retail commercial site with parking, landscape and other features and amenities appropriate to the development. The proposed amendment of the previously approved cannabis retail sales facility will have no impact on the adjacent properties or the land use district. Consequently, the site is physically suitable for the type and intensity of the proposed dispensary. 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 will be developed as a retail commercial use with all public services and utilities installed prior to occupancy. The proposed Amendment to the Conditional Use Permit in use 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 proposed amendment will not create any additional demand for access than will be provided by the associated parking and drive aisle. 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 properties and business of surrounding mountains, and the future development of light industry on the site and surrounding area. Thus, the proposed amendment shall not create any adverse effect upon the desirable neighborhood characteristics. Staff recommends this finding.

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

The proposed amendment to the previously approved cannabis sales facility to add two (2) drive-through windows, and a drive aisle for car stacking to the project. This is necessary and essential to the operations and success of the business and therefore to the community to the extent that it is supported by wholesale customers that cause it to succeed as a local retail commercial 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.

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 project will be located on an undeveloped property within a commercial area. All public improvements are in place or will be in place once the project site is operational.

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.

The project was noticed to neighboring owners within 300 feet of the project (on August 2, 2018), and in the Desert Star Weekly on August 3, 2018, per state noticing requirements. No comments have been received at the time of this writing and the Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

The application for an Amendment to Conditional Use Permit was submitted on May 30, 2018 and it has been processed in a timely manner.

EXHIBITS:

- 1 – Draft Conditions of Approval
- 2 – Site Plan
- 3 – Floor Plan
- 4 - Elevations
- 4 - Site Photographs