

REPORT TO THE PLANNING COMMISSION



DATE: 14 November 2017

TITLE: Conditional Use Permit No. 27-17. A recommendation to the Planning Commission regarding a Conditional Use Permit for development of a 79,800 square foot facility for medical marijuana cultivation, temporary cultivation facilities, as well as associated parking and other improvements on a vacant parcel totaling 5.03 gross acres (APN: 665-070-011), located on the northeast corner of 15th Ave. (unimproved) and Cabot Road (unimproved), approximately 2000 feet east of Little Morongo Road, within the General Plan Light Industrial (I-L) Zone. Applicant: Kamran Amirianfar.

Prepared by: Craig A. Ewing, Consulting Planner

Reviewed by: Daniel Porras, Community Development Director

RECOMMENDATION

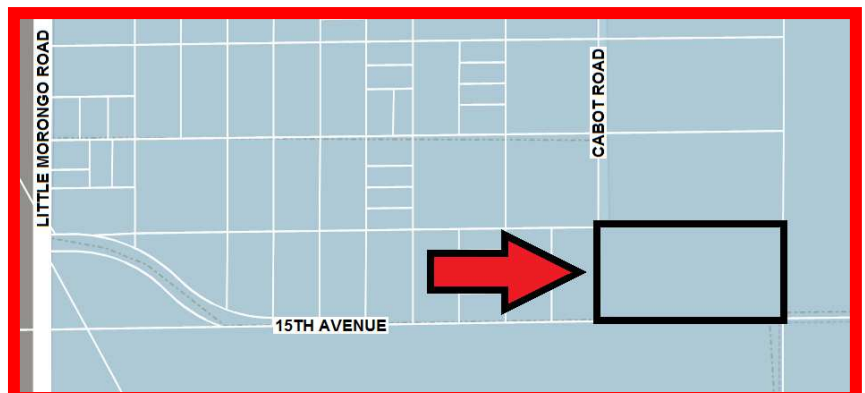
- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission approve Conditional Use Permit No. 27-17; for development of a 79,800 square foot facility for medical marijuana cultivation, temporary cultivation facilities, as well as associated parking and other improvements on a vacant parcel totaling 5.03 gross acres (APN: 665-070-011), located on the northeast corner of 15th Ave. (unimproved) and Cabot Road (unimproved), approximately 2000 feet east of Little Morongo Road, 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 northeast corner of 15th Ave. (unimproved) and Cabot Road (unimproved), approximately 2000 feet east of Little Morongo Road. The property is a single parcel, rectangular in shape, and has a gross area of approximately 5.03 acres. It is generally flat, with a total width and street frontage



along the Cabot Road right-of-way (unimproved) of approximately 333 feet. It has a south frontage along 15th Avenue (unimproved) of about 659 feet. The easterly quarter of the property is subject to an easement for flood control (Big Morongo Wash). Following dedication of street rights-of-way for 15th Avenue and Cabot Road, and of an easement for flood control, the site will have a net area of approximately 3.19 acres. The site is currently vacant.

The proposed three-building project includes one free-standing two-story building with 39,900 square feet of floor area. The floor plan of this building show a single interior unit with each floor have an area of about 19,950 square feet; the overall building height does not exceed approximately 30 feet. Two free-standing green houses are also proposed, each having an area of 19,950 square feet and a height that does not exceed about 16 feet. All three buildings are of steel frame and panel construction. Accessory improvements include parking for sixty-three vehicles and approximately 19,800 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 15th Avenue and Cabot Road will be required.

Immediately surrounding properties are developed as follows:

	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North, South and West	IL (Light Industrial)	Vacant and Developed Industrial Lands
East	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 3.19 net acre property (APN: 665-070-011). New construction of three metal frame and panel two-story building (total gross floor area of 39,800 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:

Interior Building Area	Total SF
Office / Admin / Misc.	3,635
Processing	2,241
Cultivation	73,924
Total Sq Ft.	79,800

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 – a new driveway at the site's northwest corner at Cabot Road (unimproved) and a new driveway at the site's southeast corner along 15th Avenue (unimproved). The interior vehicle circulation plan is a loop drive with a single loading door provided along the southwest corner of the building of the two-story building. Parking spaces are provided for sixty-three vehicles, including fourteen disability-accessible stalls.

The proposed buildings' exterior colors are a mix of orange, light grey and dark grey, with black and tan accents. The building's walls are clad in a series of offset vertical panels with the main color mixed throughout. A contrasting design element are several bow-shaped black awnings placed over the entry and loading doors; the doors are tan colored. 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 15% of the site within a temporary security fence with gates. Two 8 x 40 foot cultivation trailers for, a 12 x 60-foot administration trailer, loop driveway, parking for eight 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 5.03 gross acres. After dedication of public rights-of-way (for streets) and easements (for flood control), the net lot size will be approximately 3.19 acres (138,718 square feet). Under the Industrial Zoning District standards, the maximum allowable coverage is 75%. The total square footage of the proposed buildings' "footprint" on site is 59,850 square feet which represent 43.1% site coverage. The project conforms to the lot coverage standard.

Building Height: The highest point on the proposed two-story building will be about 30 feet from adjacent grade (the two green houses will top out at about 16 feet). 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 buildings are approximately 52 feet from the front property line, over 230 feet from the rear and no less than 50 feet from side property lines. Therefore, the project meets minimum setback standards.

Circulation and Parking: Access to the site will be provided from two driveways at the opposite (northwest and southeast) corners of the site. As noted above, parking for sixty-three vehicles is provided. A roll-up door for deliveries is provided at the southwest corner of Building 1 and temporary parking / staging for delivery trucks is provided nearby. Staff provides the following parking calculation, based on the proposed floor plan and City parking standards:

Parking Calculation			
Proposed Uses	Zoning Requirements	Number of Spaces Required	Number of Spaces Provided
Office / Admin 3,635	1 spaces/ 250 sf	14.54	63 (including 14 for disabled access)
Processing: 2,241	1 space / 750 sf	2.99	
Cultivation: 73,924	1 spaces/ 2500 sf	<u>29.57</u>	
Total: 79,800		47.10 or 48 (see discussion below)	

While the project as described provides sufficient parking, staff notes that the applicant proposes to use 93% of the floor area for cultivation and about 7% 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. Since fifteen additional parking spaces are provided, the site can accommodate more intense uses. Nevertheless, to avoid excess parking demand, staff recommends limiting future uses so that parking demand does not exceed sixty-three spaces.

Elevations, Colors and Materials: The proposed two-story structure and green houses are similar to other industrial / manufacturing developments in the area. The exteriors are finished in metal panels in a palette of orange and light and dark greys. Black awnings and tan doors will complete the look, which presents an energetic, modern and attractive appearance. The overall color scheme blends well with desert colors.

Landscaping: The landscape plan shows planted areas around the perimeter of the site and the buildings. All plant species are low- or moderate-water use trees (Palo Verde, Live Oak, Mexican Fan Palm) and shrubs, including Red Yucca, Desert Spoon, Indigo Bush, Brittlebush, Rosemary and others. The overall planting plan is appropriate in scale and plant selection.

No perimeter fence and no security gates are shown on the plans. It is anticipated that such security fencing will be required as part of the security plan to be submitted with the application for a Regulatory Permit. A condition to require a minimum 6-foot tall tube-steel perimeter fence and controlled access gates at the driveways is included in the set of recommended conditions of approval.

Lighting: Existing exterior lighting is provided, including a photometric study prepared for an earlier iteration of the site plan. That study indicated one foot-candle minimum lighting would be provided throughout the vehicle circulation and parking area, with an average two foot-candles provided at entrances and loading doors. The plan must 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.

Staff has included a requirement in the recommended conditions of approval that the photometric study be updated for the revised site plan and conform to the above lighting standard.

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, 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 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 northwestern corner of the site, the proposed buildings comply with all lot coverage, height and setback standards. Eight 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 73,924 square feet, which would yield \$784,240 annually (\$75,000 + \$709,240).**

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. 27-17, 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 Main Building 1st Floor Plans
- No. 5 Main Building 2nd Floor Plans

- No. 6 Green House Floor Plans
- No. 7 Main Building Elevations 1
- No. 8 Main Building Elevations 2
- No. 9 Green House Elevations
- No. 10 Green House Roof Plan
- No. 11 Landscape Plan
- No. 12 Lighting Plan
- No. 13 Temporary Facilities Site Plan
- No. 14 Draft Initial Study and Mitigated Negative Declaration