

## REPORT TO THE PLANNING COMMISSION

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**DATE:** February 11, 2020

**TITLE:** Conditional Use Permit No. 20-1: A Request to Re-Entitle a Previously Approved CUP (35-17) for Development of a Cannabis Cultivation Facility on a 1.26 Acre Vacant Lot Located on the North Side of San Jacinto Lane, Approximately 1000 Feet East of Little Morongo Road (Applicant: Andrey Shmykov/San Jacinto II)

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**Reviewed by:** Rebecca Deming, Community Development Director

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### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take testimony from those in favor of the project;
- 6) Take testimony from those opposed to the project;
- 7) Take testimony from those in a neutral position;
- 8) Opportunity for Applicant Rebuttal
- 9) Close the Public Hearing;
- 10) Planning Commission discussion and questions to Staff; and
- 11) Approve Conditional Use Permit No. 20-1; to develop a two-story cultivation facility with ancillary uses on APN 665-030-020.

### EXECUTIVE SUMMARY

Andrey Shmykov is requesting a new Conditional Use Permit for a cannabis cultivation facility with ancillary operations (extraction, distribution, etc.) The request is to re-entitle a previously approved (January 9<sup>th</sup>, 2017 Planning Commission) Conditional Use Permit that recently expired. The proposal includes development of one two-story building, totaling approximately 32,888 square feet, as well as associated parking, vehicular access, trash enclosure, landscaping and related improvements on a 1.26



acre vacant lot (APN: **665-030-020**). The project is located on the north side of San Jacinto Lane, approximately 1000 feet east of Little Morongo Road and within the General Plan Light Industrial (I-L) Zone. Staff would like to note that the only changes from the original approval are a change in the roof line (façade), a change in the interior layout and proposed uses on the approved first floor plan, and the removal of one tree to accommodate the SCE transformer on near the front corner of the building. No change to the site layout or the building footprint are proposed.

## **BACKGROUND**

Sections 5.50 and 17.180 of the Desert Hot Springs Municipal Code (DHSMC), allows cannabis cultivation, distribution, and extraction facilities in Industrial Districts subject to approval of a Conditional Use Permit (CUP) approved by the Planning Commission and a Regulatory Permit approved by the City Manager. The applicant, Andrey Shmykov/San Jacinto II, has filed application to establish a facility for the indoor cultivation of cannabis, research and development, as well as several other ancillary uses.

The project site is generally flat, with a total width and street frontage along the San Jacinto right-of-way (unimproved) of approximately 165 feet. The property is about 333 feet deep. Following dedication of street right-of-way for San Jacinto Lane, the site will have a net area of approximately 1.15 acres. The site is currently vacant.

The proposed project includes one free-standing two-story building with about 32,888 square feet of floor area. The floor plans of this building show a single interior unit with each floor having an area of under 16,400 square feet; the overall building height does not exceed approximately 35 feet. The building is of steel frame and panel construction. Accessory improvements include parking for twenty-eight vehicles and approximately 5,000 square feet of landscaping. No temporary cultivation facilities to precede the main construction project are proposed.

The site is zoned Light Industrial (I-L) District. Public street dedications and improvements on San Jacinto Lane 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, South and West</b>	Vacant and Developed Industrial Lands

## **PROJECT SUMMARY**

The applicant, Andrey Shmykov, has filed a Conditional Use Permit (CUP) application to develop the site for indoor cultivation of cannabis and other related activities on a 1.26 gross acre property (APN: 665-030-020). New construction of a metal frame and panel two-story building (total gross floor area of 32,650 square feet) 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.	3,130
Processing	1,220
Cultivation	28,538
<b>Total Sq Ft.</b>	<b>32,888</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 on San Jacinto Lane, at the southeast and southwest corners of the site. The interior vehicle circulation plan is a loop drive with a single loading door provided along the east elevation of the building. Parking spaces are provided for twenty-eight vehicles, including two disability-accessible stalls.

The proposed buildings' exterior colors are a mix of orange, light grey and dark grey. The building's walls are clad in light grey; a series of dark grey, square arch pilasters are located on the sides and corners of the building. The southeast corner entry is enclosed by an enlarged square arch in a robust orange and includes a square design element above the entry. A metal roof equipment screen is painted dark grey. Landscaping and fencing are provided around the building and around the site's perimeter, as described below. The project is proposed to be constructed in a single phase.

## **CUP ANALYSIS**

**General Plan and Zoning Consistency:** The project proposes to establish a Cannabis 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 facility is analyzed in the following sections.

**Site Coverage:** The project site consists of one lot totaling 1.26 gross acres. After dedication of public right-of-way for San Jacinto Lane, the net lot size will be approximately 1.15 acres (slightly under 50,000 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 16,325 square feet which represents a 32.7% site coverage. The project conforms to the lot coverage standard.

**Building Height:** The highest point on the proposed two-story building is the top of the mechanical equipment screen and will not exceed about 35 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 50 feet from the front property line, about 45 feet from the rear and no less than 28 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 on San Jacinto Lane (southwest and southeast corners of the site). As noted above, parking for twenty-eight vehicles is provided. A roll-up door for deliveries is provided on the building's east elevation and temporary parking/staging for delivery trucks is available nearby. Staff provides the following parking calculation, based on the proposed floor plan and City parking standards:

<b>Parking Calculation</b>			
Proposed Uses	Zoning Requirements	Number of Spaces <b>Required</b>	Number of Spaces <b>Provided</b>
Office/Admin 3,130	1 spaces/ 250 sf	12.52	<b>12.52</b>
Processing: 1,220	1 space/750 sf	1.63	<b>1.63</b>
Cultivation: 28,538	1 spaces/ 2500 sf	<u>11.41</u>	<b>11.41</b>
<b>Total: 32,650</b>		25.56 or <b>26</b> (see discussion below)	<b>27*</b> (including 2 for disabled access)

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.

Elevations, Colors and Materials: The proposed two-story structure is similar to other industrial/manufacturing developments in the area. The exteriors are finished in stucco panels in a palette of orange and light and dark greys. The roof equipment screen color matches the dark grey pilasters. Staff notes that the circular design elements on the entry corner have no other reference to the building and appear out of place. Staff recommends that these elements be replaced with rectangles that balance the arch's space above the entry. The overall color scheme blends well with desert colors.

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

A security perimeter fence and security gates are shown on the plans; however, no fence height is specified. A condition to require a minimum 6-foot tall tube-steel or similar construction perimeter fence is included in the set of recommended conditions of approval.

Lighting: An exterior lighting is provided and indicates 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 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 project in a single phase.

Security: No specific security plan has been submitted; however, a detailed, comprehensive security plan will be reviewed by the City Manager during the Regulatory Permit phase for the facilities. This plan 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. Cannabis 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.

## **FINDINGS OF FACT**

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 (Section 17.76.050). Staff has developed responses to each finding, presented below, and staff recommends that they be adopted as the Commission's own findings of fact.

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 a cannabis cultivation facility which is identified in Section 17.180.060 of the City of Desert Hot Springs Zoning Ordinance as permitted within any industrial zone which includes the I-L (Light Industrial) zone, subject to approval of a Conditional Use Permit. The project is proposed to be located within a new two-story commercial/industrial building that complies with applicable provisions of the Zoning Ordinance. Conditions of approval have been prepared and are recommended to assure that the proposed use will comply with 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.*

Section 17.12.010.B.2 of the Desert Hot Springs Zoning Ordinance identifies the underlying I-L (Light Industrial) zone as intended for, "...business parks and the development of any and all industrial uses operating entirely in enclosed buildings, and those requiring limited and screenable outdoor storage. Examples include clean manufacturing operations, warehousing and distribution facilities, mini-warehouse storage, and a variety of light manufacturing businesses." The proposed cannabis cultivation facility qualifies as "industrial uses operating entirely in enclosed buildings" and as "clean manufacturing operations, warehousing and distribution facilities", and will occupy a new commercial/industrial building similar to other industrial buildings in the area. The proposed use will produce goods and products in a manner similar to other industrial uses and will not introduce any activities that would impair the integrity or character of the land use district in which they are 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 will be developed with one commercial/industrial building, including parking, landscaping and other features and amenities appropriate to the development. The proposed cannabis cultivation facility is physically organized in a manner similar to other industrial establishments. The site provides sufficient parking based on the proposed use and is subject to conditions to avoid excess parking demand. Further, the proposed site plan is similar to industrial development in the vicinity. On this basis, the site is physically suitable for the type and intensity of the proposed cultivation facility. Staff recommends this finding.

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

The site is presently vacant. The proposed cannabis cultivation facility is an industrial use and can be considered similar to other industrial establishments allowed in the I-L (Light Industrial) zone, such as plant nurseries, food products, distribution, light manufacturing and wholesaling. The proposed commercial/industrial building may accommodate a wide variety of commercial/industrial uses. The proposed cultivation facility does not appear to be outside the range of activities typical for commercial/industrial buildings and is proposed to entirely occupy the proposed building. 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.*

All surrounding lands within 1000 feet of the subject property are zoned for light industrial use (or floodway), so future land uses in the vicinity can be expected to be commercial/industrial uses similar to the proposed cultivation facility. All surrounding lands to the north, east, south and west are vacant or developed lands; the developed parcels include industrial and institutional (religious facilities) uses. In addition, some of the surrounding parcels are either proposed or under development for industrial use. The applicant proposes to occupy the entire site, and the proposed use is not directly accessed from surrounding land uses. All activities will be contained within the proposed building, and the operation will appear as a commercial/industrial use consistent with the permitted uses of the I-L (Light Industrial) zone. Consequently, the proposed cultivation facility is expected to be compatible with existing and future land uses in the surrounding general area. Staff recommends this finding.

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

The proposed cannabis cultivation facility will be located within a new two-story commercial/industrial building. The proposed two-story building will be of conventional construction with appropriate and necessary accessory features (parking, landscaping, etc.) Land uses immediately abutting the site are vacant or developed at a similar scale. Future commercial/industrial development is currently prohibited by the Municipal Code from exceeding 50 feet in height and 75% lot coverage. The subject 1.26 gross acre site is presently vacant but would be occupied by a building that does not exceed about 35 feet in height and contains a total area of about 32,888 square feet; lot coverage is approximately 61% of the net lot area (after street dedications). The scale, mass, coverage, density and intensity of the proposed use will be consistent with general commercial/industrial activities, and the site's location and development plan are compatible with adjacent industrial and institutional uses in the vicinity. 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 is proposed to be developed with a commercial/industrial building and all public services and utilities will be installed and available. The proposed cannabis cultivation facility 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 subject site has sufficient on-site parking; the cultivation facility is proposed with twenty-seven spaces where twenty-six are required. The Public Works Department is recommending conditions to assure that street driveway access meets current design standards. 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 lands of surrounding mountains. At build-out, the proposed cannabis cultivation facility will fully occupy the site within a building at approximately 35 feet in overall height. The proposal is expected to result in no adverse effect on long-range views from surrounding areas. Staff recommends this finding.

10. *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 customers that causes it to succeed as a local commercial/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.

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.*

The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of individual development projects. The proposed cannabis cultivation facility will be subject to all requirements of this Conditional Use Permit, as prescribed by the Zoning ordinance and the adopted conditions of approval.

*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 within a proposed commercial/industrial building in an area presently designated as I-L (Light Industrial) on the adopted zoning map of the City and all public improvements are in place or will be constructed. 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 cannabis cultivation facility conditional use permit hearing was provided to property owners within 300 feet of the proposed site. In addition, a public hearing before the Planning Commission has in fact been held where persons were provided a meaningful opportunity to be heard.

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 will be a clean industrial development and will expand the economic and employment base of the community by the products they will offer dispensaries within the State of California and the new employees that will be hired. The only non-industrial uses in the vicinity are heavy commercial businesses and a religious institution. The industrial use is similar in character to light industrial activities. The proposed

cultivation facility will operate with security and environmental measures that will assure its compatibility with all industrial and non-industrial surrounding uses.

*Policy 2: Industrial lands shall be located in areas that maximize all available and planned infrastructures, including but not limited to water and sewer service, electric and natural gas service, and major transportation corridors, and should minimize the impact on public health and safety.*

The proposed site is presently served with necessary utilities and is located near a Major Arterial (Little Morongo Road). A review of the project indicates that no significant impact on public health and safety will occur.

*Policy 4: The City of Desert Hot Springs shall seek to attract appropriate industrial users for which the area is particularly suited and encourage those industries to take advantage of the local labor force and markets with which the City has a comparative advantage.*

The City has adopted policies and standards to encourage the development of a cannabis cultivation industry. The applicant has proposed a cultivation facility in conformance with these policies and standards, and is expected to take advantage of the local labor force and markets.

*Policy 6: The City shall require adherence to applicable development standards and guidelines to assure aesthetically acceptable industrial developments for all new industrial sites.*

The project has been reviewed against applicable local development standards and guidelines. The proposal has been determined to meet these standards and guidelines or conditions have been imposed to assure that the project conforms.

### Community Design

*Goal 2: Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.*

The project proposes to construct a commercial/industrial building with attractive and appropriate colors, materials, architectural features and landscaping, subject to recommended conditions. Any changes to the exterior elevations, color/material board, landscape plan or lighting plan will be reviewed by staff to assure compatibility 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, and the applicant proposes to construct a new metal frame and panel building at a height not to exceed approximately 37 feet. Therefore, the proposed cannabis cultivation facility will not affect the community's scenic viewsheds.

*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.*

No signs are approved as part of this Conditional Use Permit. All exterior signs shall be reviewed under a separate application and be subject to approval under the Desert Hot



Springs Zoning Code, including limitations on size, scale and number. The code does not permit signs to exceed the height of existing construction which will result in no impacts on scenic viewsheds. No exposed neon shall be used for signs or window graphics.

*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.*

The proposed lighting plan appears to comply with the City's lighting standards for industrial development and appears designed 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. Therefore, the proposed cannabis dispensary is taking reasonable steps to preserve the night skies.

#### *Economic Development:*

*Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.*

The proposed cannabis cultivation facility will expand the type of commercial/industrial services available in the community and provide opportunities for new employment and business support services.

*Goal 2: Continued growth, which assures the maintenance of a revenue base adequate to support present and future public services and facilities needs.*

The establishment of a cannabis cultivation facility will provide additional revenues to the City to support present and future public needs.

*Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.*

The application for a Conditional Use Permit is required by the Desert Hot Springs zoning code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation in concert with the City's development goals. The application was received on January 8<sup>th</sup>, 2020, deemed complete January 16<sup>th</sup>, 2020 and since then the application has been processed expeditiously.

#### *Hazardous and Toxic Materials*

*Goal: The assured safety of City of Desert Hot Springs residents and visitors through the regulation of the manufacture, transport, use and disposal of toxic and hazardous materials.*

Any hazardous or toxic materials associated with the proposed operation shall be regulated by the provisions of all applicable law, including the Desert Hot Springs Municipal Code, including Section 5.50 (Cannabis Facilities Regulatory Permit), Section 17.40 (Property Development Standards) and Section 17.180 (Cannabis Facilities Location).

#### *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 dispensary 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 permits 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.

The project appears to be consistent with the applicable goals and policies of the General Plan. Staff recommends this finding.

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

The proposed cannabis cultivation facility will occupy a new two-story commercial/industrial building within the Light Industrial (I-L) zone. The facility will be operated in accordance with the City's regulations and conditions of approval. Consequently, no significant adverse or harmful effects on the environment or on any natural resources are anticipated. Staff recommends this finding.

- 13. That the negative impacts of the proposed use are mitigated and/or a mitigated negative declaration may be filed.*

The proposed cannabis cultivation facility will be operated as a commercial/industrial use within a new two-story commercial/industrial building. The facility will be operated in accordance with all applicable regulations and conditions of approval. A review of the proposed project has identified the potential for certain environmental impacts; however, mitigation measures have been developed which will reduce all identified potential impacts to less-than-significant levels. The City adopted a Negative Declaration with Mitigation Measures and the revised project will be required to comply with those mitigation measures. The City has also determined that only minor changes are being proposed from the originally approved project and that no further environmental review is required. has been prepared for the project.

- 14. That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.*

The proposed cannabis cultivation facility has been reviewed by City departments and other public agencies for any potential detrimental effects on public interests, health, safety, convenience or welfare of the City. Any potential concerns have been addressed by recommended conditions of approval, and no unresolved concerns remain. Staff recommends this finding.

In reviewing this application, plans, documents and other supporting information, staff has determined that the Planning Commission can make these findings for the proposed project.

### **ENVIRONMENTAL ANALYSIS**

In accordance with the provisions of the Pursuant to Section 15162(a) of the CEQA regulations, once a Mitigated Negative Declaration (MND) has been adopted for a project (January 9<sup>th</sup>, 2017), 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 proposed development is consistent with the original MND and that no further analysis is required. The City has determined that the proposed project is consistent with the approved MND.

### **FISCAL IMPACT**

The proposed cultivation facility has paid all required fees for application processing and the facility will annually contribute \$25.50 per square foot for the first 3,000 square feet, plus \$10.20 per square foot for the remaining cultivation/processing space once it opens.

### **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 Commission adopt the recommended Findings of Fact (Exhibit 1), and approve Conditional Use Permit No. 20-1, subject to the Conditions of Approval (Exhibit 2).

### **EXHIBITS**

- 1) Draft Conditions of Approval
- 2) Proposed Site Plan
- 3) Proposed Building First Floor Plan
- 4) Proposed Building Second Floor Plan
- 5) Proposed Building Elevations
- 6) Proposed Color Elevations
- 7) Color and Materials Board
- 8) Building Sections
- 9) Proposed Roof Plans
- 10) Proposed Landscape Plan
- 11) Proposed Lighting Plan
- 12) Preliminary Grading Plan
- 13) Adopted IS/MND (2017)