

## REPORT TO THE PLANNING COMMISSION

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**DATE:** September 12, 2017

**TITLE:** Tentative Tract Map 37331. A recommendation to the City Council for the approval of a Tentative Tract Map to subdivide a property into eight lots and one common area, in support of a proposed indoor medical marijuana facility (Conditional Use Permit 12-17). The 15.10 acre project site (APN 665-110-006) is located on the north side of Dillon Road, approximately 750 feet east of Little Morongo Road in the Light Industrial (I-L) zone. Applicant: Gregory Restum / Green Acres Enterprises LLC

**Prepared by:** Craig A. Ewing, Consulting Planner

**Reviewed by:** Daniel Porras, Community Development Director

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### RECOMMENDATION

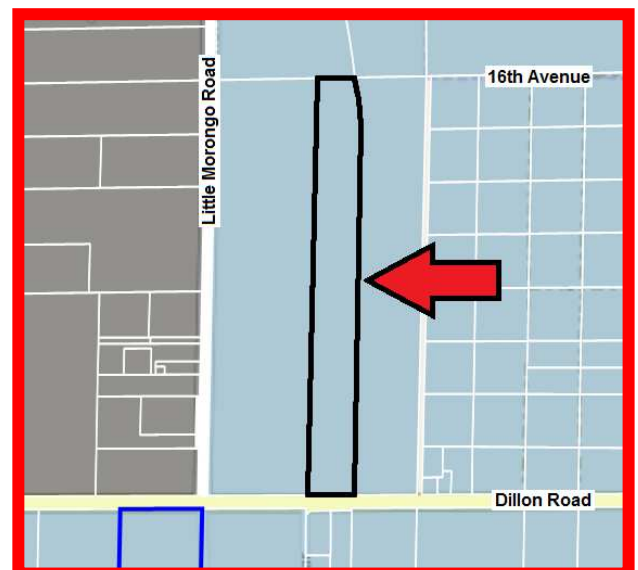
- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission recommends approval of Tentative Tract Map 37331 to subdivide an existing parcel into eight lots and one common area, for the development of an indoor marijuana cultivation facility (CUP 12-17) on a vacant 15.10 acre site located on the north side of Dillon Road, approximately 750 feet east of Little Morongo Road in the Light Industrial (I-L) zone.

### DISCUSSION

#### **BACKGROUND**

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 City Council. The applicant, Gregory Restum, Green Acres Enterprises LLC, has filed application to subdivide a vacant property into eight lots and one common area in support of a proposed indoor medical marijuana cultivation facility (CUP 12-17).

The site is located on the north side of Dillon Road, approximately 750 feet east of Little Morongo Road. It is long, narrow, and generally flat, with a gross area of approximately 15.10 acres. Its total width



and street frontage along Dillon Road (improved) is approximately 260 feet, and it has a depth of approximately 2,600 feet. Following dedication of street right-of-way, the site will have a net area of approximately 15.01 acres. On 8 August 2017, the Planning Commission recommended approval of a Conditional Use Permit CUP 12-17 to allow development of a medical marijuana cultivation facility at the site; the present application for a tentative tract map is consistent with, and will support development of the cultivation facility. The site is currently vacant.

### **TENTATIVE PARCEL MAP ANALYSIS**

The current lot configuration one large parcel. The applicant proposes to subdivide the lot and create eight lots and a common area (Exhibit 2). The eight lots generally match the development pattern of the eight buildings and their respective parking areas proposed under Conditional Use Permit (12-17); the common area covers the proposed development's landscaping and common driveways. The eight lots each have an area of about 1.19 acres and the common lot area is 5.35 acres. All lots created by the proposed tentative tract map comply with the 0.46 acre (20,000 square feet) minimum area of required in the I-L (Light Industrial) zone.

### **TENTATIVE PARCEL MAP FINDINGS:**

According to Municipal Code Section 16.24.150 (Commission determination) a tentative map may be denied by the Commission on any of the grounds contained in the Map Act, General Plan or the municipal code. The Commission shall deny the tentative map if it makes any of the following mandatory findings contained in Map Act Section 66474. Staff has developed a response to each finding, including reference to the draft findings (Exhibit 3) for the associated Conditional Use Permit (CUP 12-17), as follows:

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The proposed subdivision conforms to the development objectives of the General Plan. The proposed tentative map subdivides on lot into eight lots and a common area to allow for development of an indoor medical marijuana facility, which is allowed in the underlying I-L (Light Industrial) zone. The conclusions of the findings for the associated Conditional Use Permit 12-17 regarding General Plan consistency may also apply to the proposed tentative map. There are no specific plans adopted for this site.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*

The proposed tentative map subdivides one existing lots into eight lots and a common area. The lots proposed by the tentative map will all comply with the minimum zone standard for lot area. Consequently, the proposed tentative map will fulfill the goals and policies of the General Plan, as indicated in the findings of CUP 12-17.

3. *That the site is not physically suitable for the type of development.*

The lots proposed by the tentative map will each be of a size (lot area), width, depth and surface (generally flat) to allow development, including accessory activities and features, such as vehicular access, drainage and flood control. As proposed, the site appears physically suitable for the type of development

4. *That the site is not physically suitable for the proposed density of development.*

The proposed map will create eight lots each having sufficient area and shape (rectangular) to allow for development of a light industrial facility of approximately 37,000 square feet, while together with the common area will yield a project that conforms to applicable development standards such as setbacks, height and parking. As proposed, the site appears physically suitable for the proposed density of development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed map and related development proposal have been evaluated for potential impacts to the environment. While potential impacts were identified, adequate mitigation measures to reduce such impact to non-significant levels have been developed and incorporated into the project's design, development and implementation. With these mitigation measures, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed map and related development proposal have been evaluated for potential impacts to public health, including geologic hazards, hazardous materials and emergency services. Standard conditions were determined to be sufficient so that no serious public health problems are anticipated to result from the project.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The proposed tentative map will include a dedication of right-of-way for a portion of Dillon Road to provide vehicular access to the site and development. No other access easements have been identified as necessary for the site or surrounding area that would pass through or make use of the subject property.

Staff has concluded that the proposed map meets the tests of the above mandatory findings and may be approved.

## **ENVIRONMENTAL ANALYSIS**

The Applicant proposes to subdivide vacant land into eight lots and a common area to in support of a commercial / industrial development (indoor medical marijuana cultivation facility / CUP 12-17). In accordance with the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq*, and the CEQA Guidelines, Title 14, Chapter 3 of California Code of Regulations, a draft Initial Study was prepared which identified potential impacts and sufficient mitigation measures (Exhibit 4). All potential environment impacts have been reduced to less-than-significant levels and a draft Negative Declaration with Mitigation Measures has been prepared for this project.

## **FISCAL IMPACT**

Development of this map will generate revenues to the City to defray the costs of processing the map. The underlying indoor medical marijuana facility (CUP 12-17) will generate revenues in

the form of building permit fees to defray plan check and inspection costs, for each project phase. In addition, the City will receive on-going revenue from marijuana taxes **(\$75,000 + \$2,677,680 = \$2,752,680)**.

## **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 recommend to the City Council approval of Tentative Tract Map 37331, subject to the Conditions of Approval (Exhibit 1).

## **EXHIBIT(S)**

No. 1 – Recommended Conditions of Approval

No. 2 – Tentative Tract Map 37331

No. 3 – Draft Findings for Conditional Use Permit 12-17

No. 4 – Draft Initial Study / Negative Declaration with Mitigation Measures