

## REPORT TO THE PLANNING COMMISSION

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**DATE:** December 12, 2017

**TITLE:** Tentative Tract Map (TTM) No. 37012 (Time Extension); A request for a one-year time extension for TTM 37012, the previously approved Subdivision Map for the DHS Facilities Cultivation Development Project located at the northeast corner of Little Morongo Road and Two Bunch Palms Trail.

**Prepared by:** Scott Taschner, Senior Planner

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

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### RECOMMENDATION

- 1) Staff Report;
- 2) Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Invite Applicant to speak;
- 5) Questions for the Applicant;
- 6) Take Public Testimony;
- 7) Opportunity for Applicant Rebuttal;
- 8) Close the Public Hearing;
- 9) Planning Commission discussion and questions to Staff; and
- 10) Recommendation from Staff for approval of a one-year extension of time for TTM 37012, the subdivision map for the DHS Facilities / CV Patients Collective Development located at the northeast corner of Little Morongo Road and Two Bunch Palms Trail. APN 663-280-025.

### PRIOR ACTIONS

On November 17, 2015, the City Council approved 1) Conditional Use Permit No. 04-15, 2) Development Agreement 02-15, and 3) Tract Map 37012, for the development of 381,053 square foot medical marijuana cultivation facility.

### DISCUSSION

The project has been issued a grading permit, a temporary use permit for temporary cultivation facilities, and a building permit for the construction of phase1 (building 5) of the project. The applicant intends on pulling successive permits during the site development/construction process so that the Conditional Use Permit will not be subject to expiration. However, the during the meanwhile the client is requesting to extend the Tentative Map to maintain entitlements on the subdivision /tract map.

The current request is for a one-year (1) extension of time for the Tentative Tract Map, from November 17, 2017 to November 17, 2018.

### BACKGROUND

Pursuant to Section 16.24.170(D) Map Extensions, *"The time at which the tentative map expires may be extended by the Commission for a period not exceeding a total of 3 years."*

The applicant is requesting a one (1) year extension of time, however this is a discretionary action and the commission may grant another extension other than a one-year extension.

In order to approve a request for Time Extension the City needs to find the following:

1. *The Applicant satisfies all aspects of 17.092.100 of the Desert Hot Springs Municipal Code with respect of Time Extensions;*

The applicant has satisfied all aspects of Section 17.092.100 of the Desert Hot Springs Municipal Code.

2. *There have been no substantial changes to the Project since it was initially approved;*

There are no substantial changes to the project or site that would warrant further review or study.

3. *The Applicant has presented good cause for requesting the extension of time, in that economic conditions and lack of infrastructure have prevented the Applicant from constructing the Project; and*

The project has already been entitled by the City Council on November 17, 2015. The project has since been issued a grading permit, a temporary use permit for temporary cultivation facilities, and a building permit for the construction of phase 1 (building 5) of the project. The applicant intends on pulling successive permits during the site development/construction process so that the Conditional Use Permit will not be subject to expiration. However, in the meanwhile the client is requesting to extend the Tentative Map (Condo Map) to maintain entitlements on the subdivision/condo map.

## **NOTICING**

The Public Hearing Notice was advertised in the Desert Star Weekly on December 1<sup>st</sup>, 2017, and notice was sent to all property owners within a 300-foot radius on November 30, as required.

## **FISCAL IMPACTS**

The applicant has paid all required fees for the requested extension of time and has paid/will pay all building permit fees at the time of permit issuance. In addition to those fees, the cultivation facility will contribute \$25 per square foot for the first 3,000 square feet, and then \$10 per square foot for the remaining space once it opens.

## **ENVIRONMENTAL ANALYSIS**

An Initial Study was prepared for this project, in accordance with the California Environmental Quality Act ("CEQA"). The study revealed that the project, as proposed, would not have significant impacts on the environment. Therefore, a Mitigated Negative Declaration ("MND") was prepared and circulated for public review. In conjunction with the project entitlements, the City Council adopted the MND on November 17, 2015.

Pursuant to Section 15162(a) of the CEQA Regulations, once an MND has been adopted for a project, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review. The overall project characteristics, in terms remain the same as approved by the City. The Planning Commission only needs to make a finding that the Time Extension is consistent with the original Mitigated Negative Declaration and no further analysis is required.

**RECOMMENDATION**

Staff recommends that the Planning Commission grant a one (1) year extension from November 17, 2017 to November 17, 2018 for Tentative Tract Map 37012, DHS Facilities, LLC located on the northeast corner of Little Morongo Road and Two Bunch Palms Trail on approximately 18.25 acres.

**EXHIBITS**

- 1) Conditions of Approval (Time Extension)
- 2) Original Project Conditions (from November 17, 2015)
- 3) Tentative Tract Map 37012