

REPORT TO THE PLANNING COMMISSION



DATE: September 10, 2019

TITLE: Request for a two-year extension of time for Tentative Tract Map No. 37331 to subdivide a property into eight lots and one common area on the New Green Acres Cultivation project site located on the north side of Dillon Road, approximately 750 feet east of Little Morongo Road.

Prepared by: Scott Taschner, Senior City Planner

Reviewed by: Rebecca Deming, 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) Staff Recommends the Planning Commission approval of a two-year extension of time of Tentative Tract Map 37331 subject the Conditions of Approval and based on the findings stipulated.

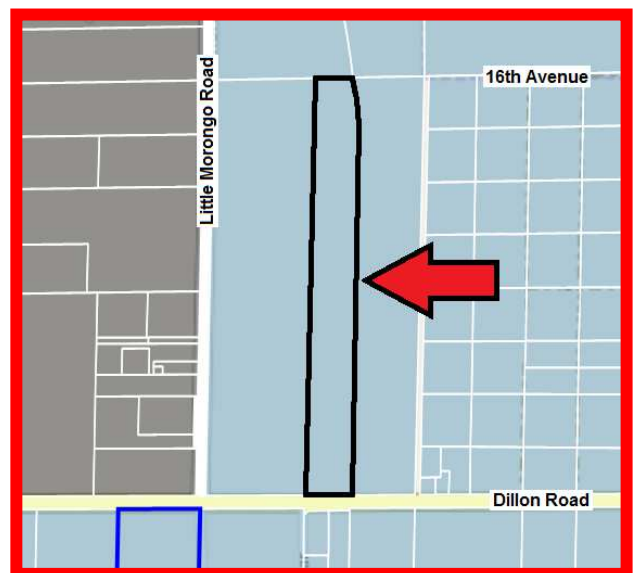
PRIOR ACTIONS

On September 25, 2017 the Planning Commission approved Tentative Tract Map (TTM) No. 37331 for the future subdivision of the properties and Conditional Use Permit CUP 12-17 to allow for development of a cannabis cultivation business park.

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 Tract Map by the Planning Commission. The applicant, Mirali Zarrabi, on behalf of New Green Acres Enterprises LLC, has filed an application requesting a two-year extension of time to complete the subdivision of the property into eight lots (with one common area) in support of the indoor cannabis cultivation facility (CUP 12-17) that is currently under construction. The

applicant has indicated that “Due to the cost of the Bond for the entire project, and the construction costs, an extension of time is needed to raise enough capital to pay for the bond and finalizing the map.”



SETTING

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 August 8, 2017, the Planning Commission approved Conditional Use Permit (CUP 12-17) to allow development of a cannabis cultivation facility at the site; the present application for a tentative tract map time extension is consistent with and will support development of the cannabis business park. The first phase of the project is currently under construction and the first building is scheduled for completion in January 2020.

The original Planning Commission staff report for the Conditional Use Permit and Tentative Tract Map is attached (Exhibit 5) and provides more detailed information regarding the project.

FINDINGS

To approve this time extension the Planning Commission needs to determine the following findings:

- 1. The applicant has satisfied all aspects of Section 16.24.170 (Time Extensions for Subdivisions) of the City of Desert Hot Springs Municipal Code;*

The applicant submitted the application and fees on Tuesday, August 20, 2019 which is consistent with 16.24.170(A) which states that the application and fees shall be filed not less than 30 days before the map is set to expire. The applicant has also provided a letter stating the reasons for requesting the extension (pursuant to the same section).

Pursuant to Section 176.24.170(B) staff has prepared a report with a recommended conditional approval (which was provided to the developer prior to the public hearing) and staff has added a condition that subdivider shall pay any increase in unpaid applicable development fees which have occurred since the date of approval or conditional approval of the tentative map.

the required materials, the application, and the required fees to process the request for an extension of time of the tentative tract map.

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

The request for an extension of time for Tentative Tract Map No. 37331 is not proposing any changes from the original approval and no new circumstances have been presented which would require further review.

- 3. The Owner/Applicant has presented good cause for requesting the extension of time in that economic conditions along with the size of the project and the extent of required improvements to complete the project have made the project impossible to market at this time. The applicant is hopeful that this extension will give him the opportunity to re-energize the original developer/applicant without losing hard-won entitlement progress.*

The applicant has indicated that the project is under construction under approvals of Conditional Use Permit No. 12-17, and recently issued grading and building permits from the City. The applicant has also indicated that they're phasing the project so that on-site and off-site improvements can be phased as the project moves onto adjacent portions of the site, and as construction of the remaining buildings is completed. The applicant has not reached a point in the project phasing where they have had to process and record the final map, but understand the Tentative Map is about to expire. Hence, they are requesting additional time to complete the subdivision and record the final map.

4. There is no change to environmental circumstances.

The request for an extension of time for Tentative Tract Map No. 37331 is not proposing any changes from the original approval and no new circumstances or impacts have been presented that would require further review.

FISCAL IMPACT

The applicant has paid the required application fee of \$2,125 to defer the costs of staff review, advertising, and public hearing preparation for the requested time extension, and will contribute a biannual tax of twenty-five dollars and fifty cents (\$25.50) per square foot for the first 3,000 square feet of cultivation, and ten dollars and twenty cents (\$10.20) per square foot for the remaining space utilized in connection with the cultivation of cannabis once it opens.

ENVIRONMENTAL REVIEW

In 2017 the City undertook and completed a mitigated negative declaration (MND) for the project in accordance with the California Environmental Quality Act (CEQA). The MND showed that the project as conditioned and with mitigation measure will have no significant effects on the environment.

Pursuant to Section 15162(a) of the CEQA regulations, once an EIR (or a Mitigated Negative Declaration in this case) 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 planning commission only needs to make a finding that the time extension is consistent with the original MND, and that the request for a time extension requires no further analysis. Note that no changes have been proposed for the project by the applicant in conjunction with this proposed extension of time.

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 adopt the recommended findings and approve the request for a two-year time extension for Tentative Tract Map No. 37331, subject to the attached Conditions of Approval (Exhibit 1).

EXHIBIT(S)

- No. 1 – Draft Conditions of Approval
- No. 2 – Letter of request
- No. 3 – Tentative Tract Map 37331
- No. 4 – September 25, 2017 Commission Staff Report
- No. 5 – Commission Approved Site Plan (2017)

