

## REPORT TO THE PLANNING COMMISSION



**DATE:** September 10, 2019

**TITLE:** Request for a one-year Extension of Time for Conditional Use Permit No. 28-17 and Tentative Parcel Map 37332: for the Desert Harvest Project located at the northeast corner of the intersection of Interstate 10 and North Indian Canyon Drive approximately one-half mile east of Indian Canyon Drive, and fronting the north side of 20th Avenue.

**Prepared by:** Patricia M Villagomez, Planning Technician

**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 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 approve a one-year extension of time for Conditional Use Permit No. 28-17 and Tentative Parcel Map 37332 subject to the Conditions of Approval and based on the findings stipulated.

### PRIOR ACTIONS

On October 10, 2017, the Planning Commission reviewed the project and, following a public hearing, adopted staff's recommendation of approval, to City Council.

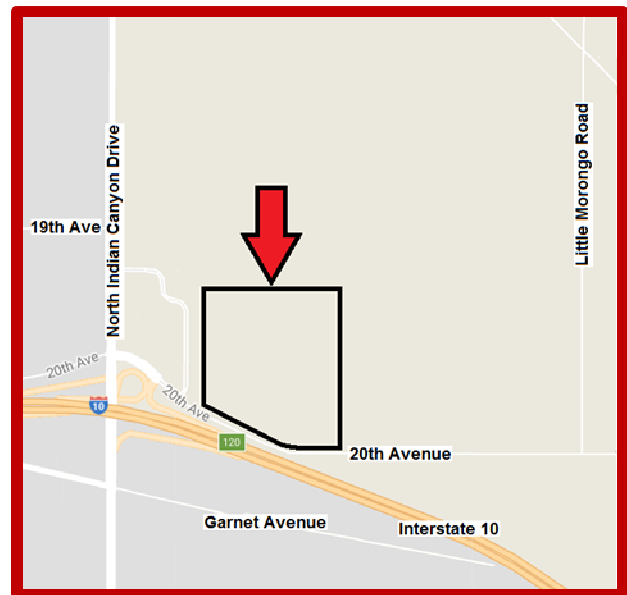
On November 7, 2017, the City Council approved Specific Plan No. 02-17, General Plan Amendment No. 03-17, Zoning Ordinance Amendment No. 02-17, Conditional Use Permit No. 28-17, and Tentative Parcel Map No. 37332.

On November 21, 2017, City Council approved the Second Reading of Specific Plan No. 02-17, and Ordinance.

### BACKGROUND

Staff has received a request for a one year time extension for Conditional Use Permit 28-17 and Tentative Tract Map 37332. The Conditional Use permit was approved to develop an indoor cannabis cultivation facility totaling approximately 1.5 million square feet with interim cultivation of 10,560 square feet. Tentative Tract Map 37332 is for the subdivision of 64.9 acres into 3 lots.

Pursuant to Section 17.76.090 Time extension, *"The Planning Commission upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed*



12 months. Upon granting of an extension, the Planning Commission shall ensure that the Conditional Use Permit complies with all current Zoning Ordinance provisions.” Title 16 (Subdivisions) of the Desert Hot Springs Municipal Code, allows the division of the properties, subject to compliance with the California Subdivision Map Act.

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

## **FINDINGS:**

### **Tentative Parcel Map**

- 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 6, 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 sub divider 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. Staff recommends this finding.

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

The request for an extension of time for Tentative Parcel Map No. 37332 is not proposing any changes from the original approval and no new circumstances have been presented which would require further review. Staff recommends this finding.

- 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. 28-17, 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. Staff recommends this finding.

- 4. There is no change to environmental circumstances.*

The request for an extension of time for Tentative Tract Map No. 37332 is not proposing any changes from the original approval and no new circumstances or impacts which have been presented that would require further review. Staff recommends this finding.

### **Conditional Use Permit**

Upon granting of an extension of time for a conditional use permit the Commission only needs to make the finding that the project is in compliance with the City's Zoning Code. The project is not proposing any changes as part of the request for a time extension therefore the project remains in compliance with the specific regulations of the Zoning Code. Staff recommends this finding.

### **NOTICING REQUIREMENT**

The project was noticed to neighboring owners within a 300-foot radius of the project site on August 28, 2019 and was advertised in the Desert Star Weekly on August 30, 2019 per state noticing requirements. No public comments have been received as of this writing.

### **FISCAL IMPACTS**

Development of this project will generate revenues to the City in the form of building permit fees for each project phase. In addition, the City will receive on-going revenue from cannabis taxes. Based on the proposed cultivation space of 1,401,172 square feet, total annual cannabis tax revenue is estimated to be **\$14,086,720** (\$75,000 + \$ 14,011,720.)

### **ENVIRONMENTAL ANALYSIS**

On November 7, 2017, the City Council adopted the Mitigated Negative Declaration for the Project. 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 Planning Commission only needs to make a finding that the request for the One-Year Time Extension is consistent with the original MND, and no further analysis is required. No significant changes are proposed as a part of the proposed extension of time.

### **EXHIBIT(S)**

1. Draft Conditions of Approval
2. Good Cause Letter
3. Original Staff Report
4. Approved Site Plan
5. Approved Tentative Tract Map 37332