

REPORT TO THE PLANNING COMMISSION



DATE: November 12, 2019

TITLE: Request for a one-year extension of time for the following:

- Conditional Use Permit No. 24-17
- Conditional Use Permit No. 27-17
- Conditional Use Permit No. 14-17 & TTM 37360

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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 Applicants;
- 5) Take Public Testimony;
- 6) Opportunity for Applicants' Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Planning Commission approval of a one-year extension of time, based on the findings stipulated and subject to the proposed Conditions of Approval for:
 - Conditional Use Permit No. 24-17
 - Conditional Use Permit No. 27-17
 - Conditional Use Permit No. 14-17 & TTM 37360

PRIOR ACTIONS

On December 12, 2017, the Planning Commission approved the following:

- Conditional Use Permit No. 24-17 (APN 665-040-011) for the development of a 35,400-sq. ft. cultivation facility
- Conditional Use Permit No. 27-17 (APN 665-070-011) for the development of a 79,800-sq. ft. cultivation facility
- Conditional Use Permit No. 14-17 & TTM 37360 (666-310-011) for the development of six (6) cultivation facilities totaling 96,000 sq. ft.

DISCUSSION

The applicants are requesting a one (1) year extension of time to extend the entitlements to help manage their potential risks and to make sure their project does not lose any entitlements.

BACKGROUND

Pursuant to Section 17.76.090 Time extension, *"The Commission may, 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 Commission shall ensure that the Conditional Use Permit complies with all current Zoning Ordinances."*

NOTICING REQUIREMENT

The project was noticed to neighboring owners within a 300-foot radius of the project site on October 31, 2019 and was advertised in the Desert Star Weekly on November 1, 2019 per state noticing requirements. No public comments have been received as of this writing.

FISCAL IMPACTS

Each cultivation facility has paid all required fees for processing of entitlements and will contribute \$25.50 per square foot for the first 3,000 square feet, and \$10.20 per square foot for the remaining space once the business becomes operational.

ENVIRONMENTAL ANALYSIS

On December 12, 2017, the Planning Commission approved the three (3) cultivation projects (CUP Nos. 24-17, 27-17, and 14-17/TTM 37360), and in doing so adopted the Mitigated Negative Declaration (MND) for each 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(s) for the One-Year Extension(s) of Time is (are) consistent with the original MNDs, and no further analysis is required. No significant changes are proposed as a part of the proposed extension(s) of time.

REQUIRED FINDINGS FOR A TENTATIVE TRACT MAP EXTENSION

To approve this time extension for Tentative Tract Map 37360, the City needs to adopt the following findings:

- 1. That the tentative map, as approved or conditionally approved, together with the provisions for its design and improvements, are consistent with the General Plan and applicable Specific Plan, and all applicable provisions of the municipal code;*

The proposed subdivision, as approved, conforms to the development objectives of the General Plan. The Tentative Tract Map proposes to subdivide the project site into ten (10) parcels, for the development of six (6) cultivation facilities totaling approximately 96,000 square feet on a 13-acre site, with an interim phase consisting of approximately 5,800 square feet of cultivation pods and administrative trailers, which uses and industrial activities are allowed and encouraged in the underlying I-L (Light Industrial) zone, with the approval of a Conditional Use Permit. There are no specific plans adopted for this site.

The General Plan Land Use Element, at Section II, page 7, states as follows: *"This designation provides 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."*

This project was approved to establish cannabis cultivation, testing, processing, and distribution facilities in conjunction with Section 17.180 of the Desert Hot Springs Municipal Ordinance for Marijuana Facilities operation and locations. The industrial project is similar in appearance, function, and design to other industrial operations in the district in which it is sited, and is consistent with the General Plan. Staff recommends this finding.

- 2. 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 September 30, 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 two-year limitation for the tentative tract map expires on December 12, 2019. Staff recommends this finding.

- 3. 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. 37360 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.

4. *The owner/applicant has presented good cause for requesting the extension of time;*

Applicant has submitted a letter of good cause based upon acquisition of experienced consultants and financial resources to begin the project. Obtaining financial resources are standard grounds for good cause to extend time. Staff recommends this finding.

5. *There is no change to environmental circumstances.*

The request for an extension of time for Tentative Tract Map No. 37360 is not proposing any changes from the original approval and no new circumstances or impacts have been presented that would require further review. Staff recommends this finding.

RECOMMENDATION

Staff recommends the Planning Commission grant a one (1) year extension from December 12, 2019 to December 12, 2020 for:

- Conditional Use Permit No. 24-17 (APN 665-040-011)
- Conditional Use Permit No. 27-17 (APN 665-070-011)
- Conditional Use Permit No. 14-17 & TTM 37360 (666-310-011)

EXHIBITS

- 1) CUP 24-17 Draft Conditions of Approval
- 2) CUP 24-17 Original Staff Report
- 3) CUP 24-17 Approved Site Plan
- 4) CUP 24-17 Approved Building Elevations
- 5) CUP 27-17 Draft Conditions of Approval
- 6) CUP 27-17 Original Staff Report
- 7) CUP 27-17 Approved Site Plan
- 8) CUP 27-17 Approved Building Elevation
- 9) CUP 14-17 & TTM 37360 Draft Conditions of Approval
- 10) CUP 14-17 & TTM 37360 Original Staff Report
- 11) CUP 14-17 & TTM 37360 Approved Plans
- 12) CUP 14-17 & TTM 37360 Approved Tentative Map