

REPORT TO THE PLANNING COMMISSION



DATE: August 11, 2020

TITLE: Request for a One-Year Time Extension for Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322 for the Innovative Investment Company, LLC Located on the Northeast Corner of Little Morongo Road and San Gorgonio Lane

Prepared by: Patricia M. Villagomez, Assistant Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open 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) Approve a one-year extension of time, subject to the proposed Conditions of Approval and Findings for: Conditional Use Permit No. 13-17 and Tentative Parcel Map No. 37322. APN: 665-030-039, -040

PRIOR ACTIONS

On October 8, 2019, the Planning Commission conducted a Public Hearing and approved a one-year Time Extension for Conditional Use Permit (CUP 13-17) and Tentative Parcel Map (No. 37322).

On August 8, 2017, the Planning Commission conducted a public hearing and adopted a motion to recommend to the City Council approval of Conditional Use Permit (CUP 13-17) and associated Development Agreement.

On September 12, 2017, the Planning Commission conducted a public hearing and recommended approval of Tentative Tract Map 37322 for condominium purposes in conjunction with recommended approval of Development Agreement 11-17 to the City Council.

On September 19, 2017, the City Council conducted a second reading and adopted an Ordinance Amending DHS Municipal Code 17.180 (Medical Marijuana Facilities Operation and Location) to Eliminate the Requirement for Developers to Enter into Development Agreements in Certain Circumstances.

On September 25, 2017, the Planning Commission conducted a public hearing and special meeting and adopted a motion to approve Conditional Use Permit (CUP 13-17) for a Marijuana Facility with Tentative Tract Map (TPM 37322) for merger of two lots and re-subdivision for condominium purposes and associated Initial Study and Mitigated Negative Declaration. Applicant requested withdrawal of the pending Development Agreement tentatively set for the October 3, 2017 City Council Meeting.

DISCUSSION

The applicant, Innovative Investment Company, LLC, is requesting a one-year (1) extension of time for Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322, from September 25, 2020, to September 25, 2021.

Pursuant to DHSMC 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 Ordinance provisions.”*

The applicant filed for the time extensions for the Conditional Use Permit and Tentative Parcel Map on June 10, 2020, and accordingly meets the requirements of DHSMC Section 17.76.090 that the application be filed 30 days prior to expiration.

BACKGROUND

Conditional Use Permit (CUP 13-17) is for a Cannabis Facility and Tentative Parcel Map (TPM 37322) for commercial condominium purposes was approved by the Planning Commission on September 25, 2017, with associated environmental, to construct four (4) attached 1 story buildings totaling 68,400 square feet of floor area (each building having a floor area of 17,100 square feet) on a 3.56-acre site in the Light Industrial (I-L) Zone.

Applicant is requesting the time extension with no proposed changes to the approved Conditional Use Permit or Tentative Parcel Map.

FINDINGS

To approve this time extension for Tentative Tract Map 37322, 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 proposed tentative map merges two lots and re-subdivides for condominium purposes to allow for development of an indoor marijuana facility, which is allowed in the underlying I-L (Light Industrial) zone. The conclusions of the findings for the associated Conditional Use Permit 13-17 regarding General Plan consistency may also apply to the proposed tentative map. There are no specific plans adopted for this site.

- 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 June 10, 2020, 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.

- 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. 37322 is not proposing any changes from the original approval and no new circumstances have been presented which would require further review.

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

The applicant has filed a letter of good cause stating that the time extension is required from the attempts to obtain financing, which have recently resulted in a potential investor and developer. One of the conditions for reaching a binding agreement is the extension of the Conditional Use Permit and Tentative Tract Map.

5. There is no change to environmental circumstances.

The request for an extension of time for Tentative Tract Map No. 37322 is not proposing any changes from the original approval and no new circumstances or impacts which have been presented that would require further review.

NOTICING REQUIREMENT

The project was noticed to neighboring owners within a 300-foot radius of the project site on July 30, 2020 and was advertised in the Desert Star Weekly on July 31, 2020 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 September 25, 2017, the Planning Commission approved the Innovative Investment Company, LLC, Marijuana Facility Project (CUP 13-17) with associated Tentative Parcel Map (TPM 37322), and in doing so certified the Mitigated Negative Declaration for the project. Pursuant to Section 15162(a) of the CEQA regulations; once an MND has been certified 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 a 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 extension of time.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one (1) year extension from September 25, 2020 to September 25, 2021 for Conditional Use Permit No. 13-17 and Tentative Parcel Map 37322, subject to the originally approved Conditions of Approval.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) Good Cause Letter
- 3) Staff Report (September 25, 2017)
- 4) Approved Site Plan