

REPORT TO THE PLANNING COMMISSION



DATE: December 12, 2017

TITLE: CUP 03-15 (TE); A request for a one-year time extension for Conditional Use Permit No 03-15, for the Oxford Properties Cultivation Project located at the northeast corner of Dillon Road and Little Morongo Road. Applicant; Bernard Steinman

Prepared by: Scott Taschner, Senior Planner

Reviewed by: Daniel Porras, Community Development Director

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 Conditional Use Permit No. 03-15 for the Oxford Properties Cultivation Project located at the north east corner of Dillon Road and Little Morongo Road. APN . 665-110-004 & 006.

PRIOR ACTIONS

On December 15, 2015, the City Council approved Conditional Use Permit No. 03-15 and Development Agreement 04-15, for the development of 1,001,000 square foot medical marijuana cultivation / industrial building complex.

DISCUSSION

The applicant is requesting a one-year (1) extension of time for the Conditional Use permit, from December 15, 2017 to December 15, 2018, the developer is in the process of pulling permits but to help manage their potential risks and to make sure they project does not lose any entitlements, the applicant is requesting the extension of time.

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.

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 17.902.11 of the DHSMC, with respect to extensions of time. Staff Recommends this finding.

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

The request is for a one-year extension of time on the project entitlements. There are no changes proposed to the project at this time. Staff Recommends this finding.

3. *There are no substantial changes to the area that would warrant further review or study.*

The City Council certified the Mitigated Negative Declaration for the project on December 15, 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. In addition, there have been no changes to the site or the area that would warrant further review. Staff Recommends this finding.

4. *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 property owner/applicant has begun pulling permits with the building department and is getting ready to submit complete building plans, but would like to mitigate the risks by getting an extension of time to make sure that the project does not lose its entitlements.

NOTICING REQUIREMENT

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

FISCAL IMPACTS

The proposed cultivation facility has paid all required fees for processing and 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 December 15, 2017 to December 15, 2018 for Conditional Use Permit No 03-15, the Oxford Properties project, located on the northeast corner of Little Morongo Road and Dillon Road.

EXHIBITS

- 1) Conditions of Approval (Time Extension)
- 2) Original Project Conditions (December 15, 2015)
- 3) Site Plan
- 4) Elevations