

REPORT TO THE PLANNING COMMISSION



DATE: January 9, 2018

TITLE: CUP 08-15 (TE); A request for a one-year time extension for Conditional Use Permit No 08-15, for the CV Pharms cultivation project located at 13500 Little Morongo Road. Applicant; Jason Elsasser

Prepared by: Fernando Herrera, Assistant Planner

Reviewed by: Scott Taschner, Senior Planner
& 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. 08-15 for the CV Pharms cultivation project located 13500 Little Morongo Road. APN: 663-280-001

PRIOR ACTIONS

On January 12, 2016, the Planning Commission approved Conditional Use Permit No. 08-15, for the occupation of an existing building located at 13500 Little Morongo Road for the purposes of marijuana cultivation.

DISCUSSION

The client is requesting a one-year (1) extension of time for the Conditional Use permit, from January 12, 2018 to January 12, 2019. 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 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 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.

In order to approve a request for Time Extension the City needs to find the following:

1. *The Applicant satisfies all aspects of 17.76.050 of the Desert Hot Springs Municipal Code with respect of Time Extensions;*

The applicant has satisfied all aspects of Section 17.76.050 of the Desert Hot Springs Municipal Code, 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 Planning Commission certified the Mitigated Negative Declaration for the project on January 12, 2016. 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 is getting ready to submit complete building plans, but would like to get 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 Wednesday, December 27, 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 Planning Commission adopted the MND on January 12, 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 January 12, 2018 to January 12, 2019 for Conditional Use Permit No 08-15, the CV Pharms project, located 13500 Little Morongo Road.

EXHIBITS

- 1) Conditions of Approval
- 2) Approved Site Plan
- 3) Approved Floor Plan
- 4) Approved Building Elevations
- 5) Approved Landscape Plan