

REPORT TO THE PLANNING COMMISSION



DATE: May 8, 2018

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, AMENDING CHAPTER 17.180 ALLOWING CERTAIN ADMINISTRATIVE APPROVALS FOR CERTAIN ENTITLEMENTS, CREATING A MORE STREAMLINED PROCESS FOR ALREADY APPROVED ENTITLEMENTS IN GOOD STANDING WITH THE CITY.

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Reviewed by: Daniel Porras, Community Development Director & Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 5) Take Public Testimony;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) A recommendation from staff for the approval of an Ordinance to allow certain administrative approvals for previously approved cultivation facilities to expand their uses to include distribution, testing, and manufacturing subject to a Minor Modification of the Conditional Use Permit.

BACKGROUND:

Currently, City of Desert Hot Springs Municipal Code ("DHSMC") regulates Marijuana Facilities in Section 17.180.010-130. The DHSMC currently requires approved cultivation facilities that wish to add more ancillary uses to their project (i.e. distribution & testing) to file an application to amend their Conditional Use Permit. Each one of these requests currently requires a significant amount of work and time to process, and ultimately requires a public hearing at Planning Commission. In May of 2017 the City Council adopted an ordinance to allow administrative approval of Minor Modifications to add manufacturing uses to previously approved cultivation. This ordinance would effectively make the same process available for distribution and testing uses.

ORDINANCE:

The proposed Ordinance would allow holders of entitlements for cultivation facilities in the light industrial zones to be able to take advantage of all of marijuana uses outlined in Chapter 17.180, as may be amended in a streamlined fashion by allowing entitlement holders to apply for a Minor Modification to their entitlements, to be approved administratively, so long as 1) the entitlement holder is in good standing with the City, 2) the added use(s) does not result in any additional impact or expansion of use or structure, and 3) is in compliance with CEQA; and

The Ordinance requires that the Director, or his designee, make the following findings in order to approve the Minor Modification administratively:

A. There are no impacts or changes to the following:

- i. On-site circulation and parking, loading and landscaping;
- ii. Placement and/or height of walls, fences, and structures;

- iii. Exterior architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme;
- iv. The density or intensity of a development project;
- v. Size of structure(s) or expansion of use, other than the use of manufacturing;
- vi. Existing or approved grade elevations;
- vii. Paving; and
- viii. Hours of operation.

B. The Marijuana Testing Facility and its use is consistent with the goals, objectives, policies and programs of the general plan;

C. The Marijuana Testing Facility and its use complies with all applicable zoning and other regulations;

D. The Marijuana Testing Facility and its use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;

E. The location, design and operation of the Marijuana Testing Facility and its use will be compatible with existing and planned land uses in the vicinity.

F. Any project contemplating this Administrative Approval must comply with the California Environmental Quality Act ("CEQA"), and any and all applicable State and local laws and regulations. If CEQA is in fact implicated, as so determined by the Director of Community Development, CEQA must be adhered to, as so required by law.

G. Applications for a modification of a Conditional Use Permit under this Administrative Approval Section shall be on a form proscribed by the Director and shall be filed with the Department, pursuant to Chapter 17.68 (Applications and Fees) and must be approved by the Director, or his or her designee, who may establish additional conditions to further the intent of this Section. Any modification request which exceeds the prescribed limitations outlined in this Section shall comply with requirements set forth in Section 17.180.060(b)(2). Minor modifications shall not apply when a nonconforming use, structure or site is involved. Marijuana Testing Facility applications under this section may be referred to the planning commission at the discretion of the Director.

The Ordinance further allows for Minor Modifications to be brought to Planning Commission in certain circumstances. Lastly, the Ordinance clarifies the definition of "light manufacturing"

FISCAL IMPACT:

None.

EXHIBITS

No. 1 – Strikethrough Version of Ordinance