

REPORT TO THE PLANNING COMMISSION



DATE: October 8, 2019

TITLE: Request for a one-year Extension of Time for Conditional Use Permit No. 15-17 and Tentative Parcel Map 37323 for Hot Desert Springs, LLC project located on the east side of Little Morongo Road, North of Two Bunch Palms Trail.

Prepared by: Patricia M. Villagomez, Planning Technician

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 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) Staff recommends the Planning Commission (1) approve a one-year extension of time for Conditional Use Permit No. 15-17, subject to the proposed Conditions of Approval & (2) approve a one-year extension of time for Tentative Parcel Map 37323, based on the finding stipulated and subject to the proposed Conditions of Approval.

PRIOR ACTIONS

On October 23, 2017, the Planning Commission reviewed the project and, following a public hearing, adopted staff's recommendation of approval.

BACKGROUND

Pursuant to Section 17.76.090 Time extension, "*The Planning 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 Planning Commission shall ensure that the Conditional Use Permit complies with all current Zoning Ordinance provisions.*" Title 16 (Subdivisions) of the Desert Hot Springs Municipal Code, allows the division of the properties, subject to compliance with the California Subdivision Map Act.

To approve this time extension the City needs to determine the following findings:



FINDINGS:

1. *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 Monday, September 9, 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 applicant has also provided a letter stating the reasons for requesting the extension (pursuant to the same section).

Pursuant to Section 176.24.170(B) staff has prepared a report with a recommended conditional approval (which was provided to the developer prior to the public hearing) and staff has added a condition that sub divider shall pay any increase in unpaid applicable development fees which have occurred since the date of approval or conditional approval of the tentative map.

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

The request for an extension of time for Tentative Parcel Map No. 37323 is not proposing any changes from the original approval and no new circumstances have been presented which would require further review.

3. The owner/applicant has presented good cause for requesting the extension of time in that economic conditions along with the size of the project and the extent of required improvements to complete the project have made the project impossible to market at this time. The applicant is hopeful that this extension will give him the opportunity to re-energize the original developer/applicant without losing hard-won entitlement progress.

The applicant is currently working on the building plans and has not reached a point in the project where they have had to process and record the final map, but understand the Tentative Map is about to expire. Hence, they are requesting additional time to complete the subdivision and record the final map.

4. There is no change to environmental circumstances.

The request for an extension of time for Tentative Tract Map No. 37323 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 September 25, 2019 and was advertised in the Desert Star Weekly on September 27, 2019 per state noticing requirements. No public comments have been received as of this writing.

FISCAL IMPACTS

The previously approved project will contribute \$25.50 for the first 3,000 square feet, and then \$10.20 per square feet for the remaining space once it opens for business.

ENVIRONMENTAL ANALYSIS

On October 23, 2017, the City Council adopted the Mitigated Negative Declaration for the 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 for the 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 proposed extension of time.

EXHIBITS

1. Draft Conditions of Approval
2. Good Cause Letter
3. Original Staff Report (October 23, 2017)
4. Approved Site Plan (October 23, 2017)
5. Approved Tentative Parcel Map (October 23, 2017)