

## REPORT TO THE PLANNING COMMISSION

---



**DATE:** July 28, 2020

**TITLE:** An Ordinance of The City Council of the City of Desert Hot Springs, California Amending Desert Hot Springs Municipal Code Sections: 17.04.050 “Definitions,” 17.76.070 “Conditional Use Permit Expiration,” 17.76.090 “Time Extension” For Conditional Use Permit, 17.92.070 “Development Permit Expiration,” 17.92.100 “Time Extension” For Development Permit, and 17.74.070 “Administrative Conditional Use Permit Approval Expiration” and Adding Section 17.74.075 “Time Extension” For Administrative Conditional Use Permit”

**Prepared 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 public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Planning Commission recommends to City Council approve "An Ordinance of The City Council of the City of Desert Hot Springs, California Amending Desert Hot Springs Municipal Code Sections:
  1. 17.04.050 “Definitions”
  2. 17.76.070 “Conditional Use Permit Expiration”
  3. 17.76.090 “Time Extension” For Conditional Use Permit
  4. 17.92.070 “Development Permit Expiration”
  5. 17.92.100 “Time Extension” For Development Permit
  6. 17.74.070 “Administrative Conditional Use Permit Approval Expiration”And Adding Section 17.74.075 “Time Extension” For Administrative Conditional Use Permit”

### BACKGROUND

The City of Desert Hot Springs Municipal Code (“DHSMC”) regulates expirations and time extensions. Currently the Development Permit and Conditional Use Permit approvals have different expirations and require an applicant to apply for a time extension 30 days prior to expiration. The proposed Ordinance provides for the same approval expiration and allows for time extension applications prior to expiration. Additionally, the proposed ordinance updates the definition of commencement of construction to include grading permits as commencement of construction.

The proposed amendments include:

Section 17.04.050 Definitions.

“Construction commencement” means **the date the City issues a building permit, or the date the City issues a grading permit, whichever date is earlier in time.** ~~the start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.~~

Section 17.74.070 Administrative Conditional Use Permit approval expiration.

**A. Administrative Conditional Use Permits which are not exercised by the commencement of construction within two years from the date of approval shall become null and void. In addition, if after issuance of a building permit, work is discontinued for a period of one year, the Administrative Conditional Use Permit shall become null and void, unless extended.**

**Further, if after issuance of a grading permit, work is discontinued for a period of six months, then the Administrative Conditional Use Permit shall become null and void, unless extended. Projects may be built in phases if pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have two years from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Administrative Conditional Use Permit shall become null and void.**

**B. For any Administrative Conditional Use Permit not requiring issuance of a building permit or grading permit, exercise of the approval shall be issuance of a business license.**

Section 17.76.070 and 17.76.090 Conditional Use Permits:

**17.76.070 Conditional Use Permit expiration.**

Conditional Use Permits **which are not** shall be exercised by the commencement of construction within 2 years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after **issuance of building permit** commencement of construction, work is discontinued for a period of 1 year, then the Conditional Use Permit shall become null and void, **unless extended**.

**Further, if after issuance of grading permit, work is discontinued for a period of six months, then the Conditional Use Permit shall become null and void, unless extended.**

Projects may be built in phases if pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have ~~2~~**1** years from the previous phase's date of construction commencement **or first certificate of occupancy is issued** to the next phase's date of construction commencement to have occurred, or the Conditional Use Permit shall become null and void. **If no building permit is required for the conditional use permit, the conditional use permit shall expire if it is not exercised within two years of the approval.**

**17.76.090 Time extension.**

The Commission may, upon an application being filed **and fees paid** ~~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. **Unless otherwise permitted by law, the maximum number of extensions shall be limited to three (3), for a total maximum term of five (5) years, inclusive of any phasing.**

Section 17.92.070 and 17.92.090 Development Permits:

**17.92.070 Development Permit expiration.**

Commencement of construction shall have occurred within **2** ~~4~~ years of Development Permit approval, or the permit shall become null and void. In addition, if after **issuance of building permit**, commencement of construction, work is discontinued for a period of **2** ~~4~~ years, then the Development Permit shall become null and void. **Further, if after issuance of grading permit, work is discontinued for a period of six months, then the Development Permit shall become null and void, unless extended.** Projects may be built in phases if so pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase

shall have 2\_4 years from the previous phase's date of ~~construction commencement~~ **completion or first Certificate of Occupancy** to the next phase's date of construction commencement to have occurred, or the Development Permit shall become null and void. **If no building permit is required for the development permit, the development permit shall expire if it is not exercised within two years of the approval.**

#### **17.92.100 Time extension.**

**The review authority may, upon an application being filed and associated fees paid prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions. The maximum number of extensions shall be limited to three (3), for a total maximum term of five (5) years.**

~~The review authority 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 the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions. (Prior code § 159.44.100)~~

#### **FISCAL IMPACT**

None.

#### **EXHIBIT(S)**

1) Proposed Ordinance