

City of Desert Hot Springs

Approval of Temporary Facilities for Medical Marijuana Facilities

Option 1 - Amendment to a Conditional Use Permit (CUP) to add a “Temporary Interim Phase”

The Applicant may submit an Amendment (pursuant to the Desert Hot Springs Municipal Code) to an existing CUP to add a “Temporary Interim Phase” to the project to allow for the construction of temporary medical marijuana facilities and allow the issuance of a Temporary Certificate of Occupancy and Temporary Regulatory Permit.

1. The Amendment to the CUP requires a noticed hearing before the Planning Commission, in which case the Planning Commission will make a decision on the Amendment.
2. Staff’s recommended Conditions of Approval for the Amendment to the CUP will include that the (1) Temporary Interim Phase, (2) Temporary Certificate of Occupancy, and (3) Temporary Regulatory Permit for medical marijuana facilities may be issued if all the following minimum items are met. The Planning Commission still has the discretion to add, remove or amend any Condition of Approval.
 - i. Proper Access for Police and Fire Department, with proper access to site, entry, and turn-around areas.
 - ii. All requirements for National Pollutant Discharge Elimination System (NPDES) and Storm Water On-Site Retention apply to the temporary phase.
 - iii. All Police and Fire Department Codes must be met (1) for the site and (2) for the Temporary Facilities Structure(s).
 - iv. All Building and Safety Codes must be met for Temporary Facilities Structures and for Temporary Certificate of Occupancy (structural, HVAC, plumbing, etc.).
 - v. Site must be secured (with fencing, cameras, security, etc.) pursuant to all Conditional Use Permit approvals.
 - vi. All original Conditions of Approvals for all entitlements or approvals still apply, unless amended by the Planning Commission.
 - vii. Corresponding utility agencies must approve the proposed permanent or temporary utility services for the Temporary Interim Phase.
 - viii. All corresponding permitting and associated fees for proposed temporary utilities must be completed.
 - ix. City Staff reviews each application individually and adds project-specific Conditions of Approval, as deemed necessary.
 - x. The applicant shall submit an application fee of \$3,725.00
 - xi. Project must continue to show progress after Temporary Certificate of Occupancy has been issued; Developer shall provide documentation to the Community Development Director evidencing such progress. Any Temporary Certificate of Occupancy will become void if there is no progress for a period of (or in excess of) 180 days.

Each project is different in size, location, and proposed facilities. Therefore, other project-specific conditions may apply. It is recommended that you set up a meeting with the Community Development Director to discuss your project and any proposed temporary facilities, prior to taking any action.

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Option 2 – Construct a portion of the already approved project per an existing CUP

Applicant may submit a Minor Modification to the CUP to allow the construction of a portion of an already approved project per the existing CUP, to allow for issuance of a Temporary Certificate of Occupancy and Temporary Regulatory Permit.

1. The Minor Modification to the CUP requires City Staff review and approval.
2. The following are the minimum requirements to obtain a Temporary Certificate of Occupancy and Temporary Regulatory Permit.
 - i. The project must have approved entitlements, including a CUP.
 - ii. All associated fees are paid in full.
 - iii. A temporary facility may be constructed but must be either (1) the complete construction or (2) partial construction of the project in accordance with all approvals and entitlements, including the approved CUP.
 - iv. The temporary facility must be in accordance with the facility that was approved as part of the already-approved CUP (exact location, size, shape, color, architecture, etc.).

Examples:

 1. The temporary facility may not be a storage container if the CUP was approved for a concrete Tilt-Up Structure.
 2. The temporary facility may be the front portion of the building exactly as approved in the CUP.
 - v. All public improvements must be completed prior to issuance of the Temporary Certificate of Occupancy.
 - vi. All storm water/drainage facilities must be completed prior to issuance of the Temporary Certificate of Occupancy.
 - vii. The property must contain proper access for Police and Fire Department with proper access to site, entry, and turn-around areas.
 - viii. The temporary facility (proposed portion of construction) must meet all code requirements for occupancy (structural, HVAC, plumbing, etc.).
 - ix. Site must be secured (with fencing, cameras, security, etc.) pursuant to all approvals, including the approved Conditional Use Permit.
 - x. All Conditions of Approvals for all entitlements or approvals still apply.
 - i. The applicant shall submit an application fee of \$245.00
 - xi. Project must continue to show progress after Temporary Certificate of Occupancy has been issued; Developer shall provide documentation to the Community Development Director evidencing such progress. Any Temporary Certificate of Occupancy will become void if there is no progress for a period of (or in excess of) 180 days.

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Option 3 – Temporary Permit to the Conditional Use Permit

The Applicant may submit an application for a Temporary Permit to the approved Conditional Use Permit (pursuant to the Desert Hot Springs Municipal Code Chapter 17.136) to allow 1 (One) Administrative Trailer and 1(One) Shipping Container that may be used for Temporary Indoor Cultivation, to allow the issuance of a Temporary Certificate of Occupancy and Temporary Regulatory Permit while the rest of the project is under construction.

17.136.020 C.

- *The Temporary Use Permit may only be issued for a cultivation / manufacturing project with an approved Conditional Use Permit (CUP)*
- *The Temporary Use Permit to the CUP for cultivation / manufacturing will ONLY allow the follow:*
 - *1 (One) – Administrative Trailer – for the use of security and administrative activities ONLY. The trailer may not exceed a size of 12 feet x 60 feet in size. The trailer must be installed and inspected, and meet all curing building codes. (sample attached)*
 - *1 (One) – Container (shipping container) – For the purposes of Cultivation / Manufacturing. The Container may not exceed a size of 8 feet (width) x 40 feet (Length) x 9 feet (height). The container must be installed and inspected and meet all current building codes. (sample attached)*
- *All corresponding permitting and associated fees for proposed temporary utilities must be completed.*
- *The applicant shall submit an application fee of \$7,986.00.*
- *The applicant shall submit a cash security deposit of \$40,000. The deposit will be returned after the temporary site is completely returned to the original condition by the applicant, or the permanent project is completed, at the option of the City.*

17.136.050 A.

- *The Temporary Use Permit and Temporary Certificate of Occupancy shall be valid for 180 days, but may be extended if progress is shown on the construction of the permanent project / facilities (not to exceed one year). The applicant must submit a request for extension (30 days prior to expiration) to the Community Development Director in writing stating the details of the progress of the project. The Community Development Director will review and approve or deny the request for extension. If the permit becomes void, the applicant shall within 30 days remove all structures and return the site to the original condition, subject to the satisfaction of the Community Development Director. If the applicant does not restore the site, the City will remove all structures and return the site to the original condition and the cash deposit will be forfeited.*

17.136.050 B.

- *Provide a minimum 4 Parking Spaces with 1 space designated as ADA Van accessible.*
- *ADA accessibility shall be proved from parking to all buildings.*

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17.136.050 C.

- *All requirements for National Pollutant Discharge Elimination System (NPDES) and Storm Water On-site Retention apply to the temporary phase.*

17.136.050 D.

- *All Building and Safety Codes must be met for Temporary Facilities Structures and for Temporary Certificate of Occupancy (structural, HVAC, plumbing, etc.)*

17.136.50 E.

- *Corresponding utility agencies must approve the proposed temporary utility services for the Temporary Facilities Structures(s).*
- *All corresponding permitting and associated fees for proposed temporary utilities must be completed.*

17.136.050 F.

- *The Applicant/Developer/Contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code and file a Plan with the City's Building Department prior to the start of any construction*

17.136.050 G.

- *Provide paved access for Police and Fire Department with property access to site, entry and turn-around areas.*
- *All Police and Fire Department Codes must be met (1) for the site, and (2) for the Temporary Facilities Structure(s).*
- *Site must be secured (with fencing, cameras, security, etc.) pursuant to all Conditional Use Permit approvals.*
- *Adequate lighting must be provided for the entire temporary site.*

17.136.050 H.

- *Any proposed signs shall be reviewed under separate permit under the Sign Ordinance.*

17.136.050 I.

- *See Subsection A, above.*

17.136.050 J.

- *The applicant shall submit a cash security deposit of \$40,000. The deposit will be returned after the temporary site is completely returned to the original condition, or the permanent project is completed.*

17.136.050 K.

- *A site plan showing all improvements proposed with the Temporary Use Permit shall be submitted with the application. Additional plans required for the TUP application include:*
 - *Grading Plan showing temporary improvements*
 - *Hydrology Report*
 - *Soils Report,*
 - *Strom Water Pollution Prevention Plan*
 - *Water Quality Management Plan*
 - *PM 10 Dust Mitigation Plan*
 - *Lighting Plan Security Camera Plan*
 - *Landscape plan, including all proposed fences, walls and gates.*

17.136.050 L.

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- *All original Conditions of Approvals for all entitlements or approvals shall apply, unless amended by the Planning Commission in accordance with Municipal Code Section 17.76.080 (Modification of Conditional Use Permit).*

17.136.050 M.

- *The CFD 2010-1 and PTAX2 documents must be submitted.*
- City Staff will review each application individually and add project-specific Conditions of Approval, as deemed necessary.
- The applicant shall provide all waives as required by the City Attorney

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