

## REPORT TO THE PLANNING COMMISSION

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**DATE:** January 8, 2019

**TITLE:** Request for a one-year Extension of Time for Conditional Use Permit Nos. 01-16 & 19-16: for the DHS Therapeutics Medical Marijuana Cultivation Project located east of Cabot Road and south of Two Bunch Palms Trail.

**Prepared by:** Scott Taschner, Senior City Planner

**Reviewed by:** Rebecca Deming, Community Development Director

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### 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) Recommendation from staff that the Planning Commission take two actions for the DHS Therapeutics Cultivation Project

**A) Approve a one-year extension of time for Conditional Use Permit No. 01-16, &**

**B) Approve a one-year extension of time for Conditional Use Permit No. 19-16**

**For the project located on the east side of Cabot Road, south of Two Bunch Palms Trail in the I-L (Light Industrial Zone). APN: 665-030-064**

### PRIOR ACTIONS

On February 22, 2016 Parcels A and B of Lot Line Adjustment (LLA No. 01-15) was recorded by Riverside County.

On January 31, 2017 the Planning Commission held a special meeting and made a recommendation to City Council to approve four (4) Conditional Use Permits (CUP Nos. 09-15, 18-16, 01-16, 19-16), a Tentative Parcel Map (TPM No. 37065), and Development Agreements (DA Nos. 08-15 and 01-16) for the construction of four (4) 36,000 square foot industrial buildings for indoor cultivation of Medical Marijuana.

On February 21, 2017, the City Council reviewed the DHS Therapeutics Project and all the related applications for development entitlements, and approved the four (4) Conditional Use Permits (CUP Nos. 09-15, 18-16, 01-16, 19-16), a Tentative Parcel Map (TPM No. 37065), and the First Reading of two (2) Development Agreements (DA Nos. 08-15 and 01-16) for the construction of four (4) 36,000 square foot industrial buildings for indoor cultivation of Medical Marijuana.

On March 7, 2017, City Council approved the Second Reading of Development Agreement No. 08-15 with Cabot Building Partners and Development Agreement No. 01-16 with AB&D Holdings to establish a medical marijuana building complex.

## **DISCUSSION**

The applicant (DHS Therapeutics) for the two Conditional Use Permits (CUP's) on the southern portion of the project site has requested a one-year (1) extension of time for Conditional Use Permits No. 01-16 & 19-16, from February 21, 2019 to February 21, 2020. The developer has indicated that they are in the process of putting together their submittal package for the building department but to help manage their potential risks and to make sure their project does not lose any entitlements; the applicant is requesting the extension of time for their two CUP's.

## **BACKGROUND**

Pursuant to Section 17.76.090 Time extension, *"The Planning Commission for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure the Conditional Use Permit complies with all current Zoning Ordinance provisions."*

## **NOTICING REQUIREMENT**

The project was noticed to neighboring owners within a 300-foot radius of the project site on December 20, 2018 and was advertised in the Desert Star Weekly on December 21, 2018 per state noticing requirements. No public comments have been received as of this writing.

## **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**

On February 21, 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) Conditions of Approval
- 2) Staff Report (February 21, 2017)
- 3) Approved Site Plan (February 21, 2017)
- 4) Approved Elevations (February 21, 2017)