

REPORT TO THE PLANNING COMMISSION



DATE: October 8, 2019

TITLE: Request for a one-year Extension of Time for Conditional Use Permit No. 13-16 for the Ocean Springs Tech cannabis cultivation project located at 65145 Two Bunch Palms Trail.

Prepared by: Scott Taschner, Senior City Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report;
- 2) Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Invite Applicant to speak;
- 5) Questions for the Applicant;
- 6) Take Public Testimony;
- 7) Opportunity for Applicant Rebuttal;
- 8) Close the Public Hearing;
- 9) Planning Commission discussion and questions to Staff; and
- 10) Staff recommends Planning Commission to approve a one-year extension of time for Conditional Use Permit No. 13-16, subject to the proposed Conditions of Approval.

PRIOR ACTIONS

On October 11, 2016, the Planning Commission approved Conditional Use Permit No. 13-16 for the development of a 6,600 square foot Cannabis Cultivation Facility on a 1.07-acre parcel.

On November 13, 2018 the Planning Commission approved a one-year time extension for the project (from October 11, 2018 to October 10, 2019).

DISCUSSION

The applicant, Armando Rodriguez is requesting a one-year (1) extension of time for Conditional Use Permit No. 13-16, from October 10, 2019 to October 10, 2020. The developer is in the process of pulling permits but to help manage their potential risks and to make sure the project does not lose any entitlements, the applicant is requesting the extension of time.

BACKGROUND

Pursuant to Section 17.76.090 Time extension, *"The Planning Commission may, 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 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 proposed cultivation facility has paid all required fees for processing and will contribute a biannual tax of twenty-five dollars and fifty cents (\$25.50) per square foot for the first 3,000 square feet of cultivation, and ten dollars and twenty cents (\$10.20) per square foot for the remaining space utilized in connection with the cultivation of cannabis.

ENVIRONMENTAL ANALYSIS

On October 11, 2016 the Planning Commission approved the Ocean Springs Tech Cannabis Cultivation Project and in doing so certified the CEQA Exemption for the project as a Class 1 Exemption, under Section 15301(a)(d)(e)(f) Existing Facilities. Pursuant to Section 15162(a) of the CEQA regulations, no further review is required once an environmental determination has been certified for a project, and there are no substantial changes to the project or new impacts that would 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 project and the CEQA Exemption, that no substantial changes are being proposed, no additional impacts are being introduced, and no new mitigation measures are required.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one (1) year extension from October 11, 2019 to October 10, 2020 for Conditional Use Permit No. 13-16, subject to the Conditions of Approval.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) 2016 PC Staff Report
- 3) Approved Site Plan
- 4) Approved Building Elevations
- 5) Approved Floor Plan – Main Level
- 6) Approved Floor Plan – Upper Level
- 7) Approved Landscape Plan
- 8) Approved Lighting Plan
- 9) Approved Site Photometric Plan
- 10) Approved Roof Plan
- 11) Good Cause Letter