

REPORT TO THE PLANNING COMMISSION



DATE: December 10, 2019

TITLE: Request for a One-Year Extension of Time for the Following:

- **Conditional Use Permit No. 21-17**
(Applicant: Nickolas Marotta/Desert Highlanders)
- **Conditional Use Permit No. 31-17**
(Applicant: Spencer Jianan Li/Redshield Capitol, LLC)

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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(s);
- 5) Take public testimony;
- 6) Opportunity for Applicant(s) rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Approve a one-year extension of time, subject to the proposed Conditions of Approval for:
 - Conditional Use Permit No. 21-17 (APN: 665-050-010)
 - Conditional Use Permit No. 31-17 (APN: 665-050-018)

PRIOR ACTIONS

On December 12, 2017, the Planning Commission held a public hearing and approved:

- Conditional Use Permit No. 21-17
- Conditional Use Permit No. 31-17

DISCUSSION

The applicants are requesting a one-year (1) extension of time to extend the entitlements to December 12, 2020 to help manage their potential risks and to make sure their project does not lose any entitlements.

(Applicant: Nickolas Marotta/Desert Highlanders) Conditional Use Permit No. 21-17 is for the development of three (3) cultivation facilities totaling approximately 64,000 sq. ft. on a 3.38-acre parcel located on the south side of Palomar Lane approximately 1,300 feet east of Little Morongo Road in the Light Industrial Zone (I-L)

(Applicant: Spencer Jianan Li/Redshield Capitol, LLC) Conditional use Permit No. 31-17 is for the development of a two (2) story cannabis facility totaling approximately 35,777 sq. ft. on a 1.26-acre parcel located north of 15th Avenue between Little Morongo Road and Cabot Road in the Light Industrial Zone (I-L).

BACKGROUND

Pursuant to Section 17.76.090 Conditional Use Permit Time extension, *"The 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 Commission shall*

ensure that the Conditional Use Permit complies with all current Zoning Ordinance.”

NOTICING REQUIREMENT

The project was noticed to neighboring owners within a 300-foot radius of the project site on November 27, 2019 and was advertised in the Desert Star Weekly on November 29, 2019 per state noticing requirements. No public comments have been received as of this writing.

FISCAL IMPACTS

Each cultivation facility has paid all required fees for processing of entitlements and will contribute \$25.50 per square foot for the first 3,000 square feet, and \$10.20 per square foot for the remaining space once the business becomes operational.

ENVIRONMENTAL ANALYSIS

On December 12, 2017, the Planning Commission approved the two (2) cultivation projects (CUP Nos. 21-17, and CUP 31-17) and in doing so adopted the Mitigated Negative Declarations for each 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(s) for the One-Year Extension of Time is consistent with the original MND, and no further analysis is required. No significant changes are proposed as a part of the proposed extension(s) of time.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one (1) year extension from December 12, 2019 to December 12, 2020 for:

- Conditional Use Permit No. 21-17 (APN 665-050-010)
- Conditional Use Permit No. 31-17 (APN 665-050-018)

EXHIBITS

- 1) Draft Conditions of Approval CUP 21-17
- 2) Draft Conditions of Approval CUP 31-17
- 3) Good Cause Letter CUP 21-17
- 4) Good Cause Letter CUP 31-17
- 5) Staff Report CUP 21-17 (December 12, 2017)
- 6) Staff Report CUP 31-17 (December 12, 2017)
- 7) Approved Site Plan – CUP 21-17
- 8) Approved Site Plan – CUP 31-17