

## REPORT TO THE PLANNING COMMISSION

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**DATE:** January 14, 2020

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

- **Conditional Use Permit No. 01-16**  
(Applicant: Robert Mainiero/DHS Investment Holdings)
- **Conditional Use Permit No. 19-16**  
(Applicant: Robert Mainiero/DHS Investment Holdings)
- **Conditional Use Permit No. 25-17**  
(Applicant: Ryan Csaftis/Merj Life)

**Prepared by:** Patricia M. Villagomez, Assistant 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(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. 01-16 (APN: 665-030-064)
  - Conditional Use Permit No. 19-16 (APN: 665-030-064)
  - Conditional Use Permit No. 25-17 (APN: 665-080-012)

### PRIOR ACTIONS

On February 21, 2017, the City Council held a public hearing and approved the following:

- Conditional Use Permit No. 01-16
- Conditional Use Permit No. 19-16

On January 08, 2019, the Planning Commission held a public hearing and approved a one-year extension for the above referenced projects.

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

- Conditional Use Permit No. 25-17

### DISCUSSION

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

The applicant, **Robert Mainiero/DHS Investment Holdings** for Conditional Use Permit No. 01-16 for the development of one 36,000 sq. ft. two story cannabis cultivation facilities on a 6.29-acres located on the east side of Cabot Road approximately 670 feet south of Two Bunch Palms Trail in the Light Industrial Zone (I-L)

The applicant, **Robert Mainiero/DHS Investment Holdings** for Conditional Use Permit No. 19-16 for the development of one 36,000 sq. ft. two story cannabis cultivation facilities on a 6.29-

acres located on the east side of Cabot Road approximately 670 feet south of Two Bunch Palms Trail in the Light Industrial Zone (I-L)

The applicant, **Ryan Csaftis/Merj Life** for Conditional use Permit No. 25-17 for the development of six (6) two-story cannabis buildings totaling approximately 132,745 sq. ft. on a 3.98-acre parcel located on the east side of Little Morongo Road, approximately ½ mile north of Dillion 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 December 19, 2019 and was advertised in the Desert Star Weekly on December 27, 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 cultivation project (CUP No. 25-17) and on February 21, 2017 the City Council approved the cultivation project for the two (2) CUP's (CUP No. 01-16 and CUP No. 19-16) 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 for

- Conditional Use Permit No. 01-16 (APN 665-030-064)
- Conditional Use Permit No. 19-16 (APN 665-030-064)

From February 21, 2020 to February 21, 2021

- Conditional Use Permit No. 25-17 (APN 665-080-012)

From December 12, 2019 to December 12, 2020

## **EXHIBITS**

- 1) Draft Conditions of Approval CUP 01-16
- 2) Draft Conditions of Approval CUP 19-16
- 3) Draft Conditions of Approval CUP 25-17
- 4) Good Cause Letter CUP 01-16
- 5) Good Cause Letter CUP 19-16
- 6) Good Cause Letter CUP 25-17
- 7) Original Staff Report CUP 01-16 (February 21, 2017)
- 8) Original Staff Report CUP 19-16 (February 21, 2017)
- 9) Original Staff Report CUP 25-17 (December 12, 2017)

- 10) Approved Site Plan CUP 01-16
- 11) Approved Site Plan CUP 19-16
- 12) Approved Site Plan CUP 25-17