

REPORT TO THE PLANNING COMMISSION



DATE: February 11, 2020

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

- **Conditional Use Permit No. 09-15**
(Applicant: Joanna Chien/East Rock Land Management)
- **Conditional Use Permit No. 18-16**
(Applicant: Joanna Chien/Est Rock Land Management)
- **Conditional Use Permit No. 38-17**
(Applicant: Andrey Shmykov/Cabot Road)

Prepared by: Patricia M Villagomez, Assistant Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for those in favor;
- 6) Take public testimony from those opposed;
- 7) Take public testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing
- 10) Planning Commission discussion and questions to Staff; and
- 11) Approve a one-year extension of time, subject to the proposed Conditions of Approval for:
 - Conditional Use Permit No. 09-15 (APN: 665-030-066)
 - Conditional Use Permit No. 18-16 (APN: 665-030-066)
 - Conditional Use Permit No. 38-17 (APN: 665-030-025)

PRIOR ACTIONS

On February 12th, 2019, the Planning Commission held a public hearing and approved a one-year time extension for:

- Conditional Use Permit No. 09-15
- Conditional Use Permit No. 18-16

On February 13th, 2018, the Planning Commission held a public hearing and approved:

- Conditional Use Permit No. 38-17

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.

(Applicant: Joanna Chien) Conditional Use Permit No. 09-15 is for the development of one (1) cannabis building totaling approximately 36,000 sq. ft. on a 6.29-acres located on the east side of Cabot Road, approximately 670 feet south of Two Bunch Palms Trail and within the Light Industrial Zone (I-L).

(Applicant: Joanna Chien) Conditional Use Permit No. 18-16 is for the development of one (1) cannabis building totaling approximately 36,000 sq. ft. on a 6.29-acres located on the east side of Cabot Road, approximately 670 feet south of Two Bunch Palms Trail and within the Light Industrial Zone (I-L).

(Applicant: Andrey Shmykov) Conditional Use Permit No. 38-17 is for the development of one (1) two-story building cannabis building totaling approximately 33,200 sq. ft. on a 1.26-acres located on the east side of Cabot Road, approximately 300 feet south of Two Bunch Palms Trail and within 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 January 30, 2020 and was advertised in the Desert Star Weekly on January 31, 2020 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 February 13th, 2018, the Planning Commission approved CUP No. 38-17, and on February 21st, 2017 the City Council approved CUP Nos. 09-15 & 18-16 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 Nos. 09-15 (APN: 665-030-066) from February 21st, 2020 to February 21st, 2021
- Conditional Use Permit Nos. 18-16 (APN: 665-030-066) from February 21st, 2020 to February 21st, 2021
- Conditional Use Permit No. 38-17 (APN 665-030-025) from February 13th, 2020 to February 13th, 2021

EXHIBITS

- 1) Draft Conditions of Approval CUP 09-15
- 2) Draft Conditions of Approval CUP 18-16
- 3) Draft Conditions of Approval CUP 38-17
- 4) Good Cause Letter CUP 09-15
- 5) Good Cause Letter CUP 18-16
- 6) Good Cause Letter CUP 38-17
- 7) Original Staff Report CUP 09-15 (February 21, 2017)

- 8) Original Staff Report CUP 18-16 (February 21, 2017)
- 9) Original Staff Report CUP 38-17 (February 13, 2018)
- 10) Approved Site Plan CUP 09-15
- 11) Approved Site Plan CUP 18-16
- 12) Approved Site Plan CUP 38-17