



**STAFF REPORT**  
**12/4/2019**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Juan Carrillo, Associate Planner

**SUBJECT:** Request for a second 12-month time extension for Conditional Use Permit (CUP 293) and Architectural Review No. 17-14, approving a 67,240 square foot cannabis cultivation facility on 3.2 acres in the M-W (Wrecking Yard) zone located at 84-801 Avenue 48.

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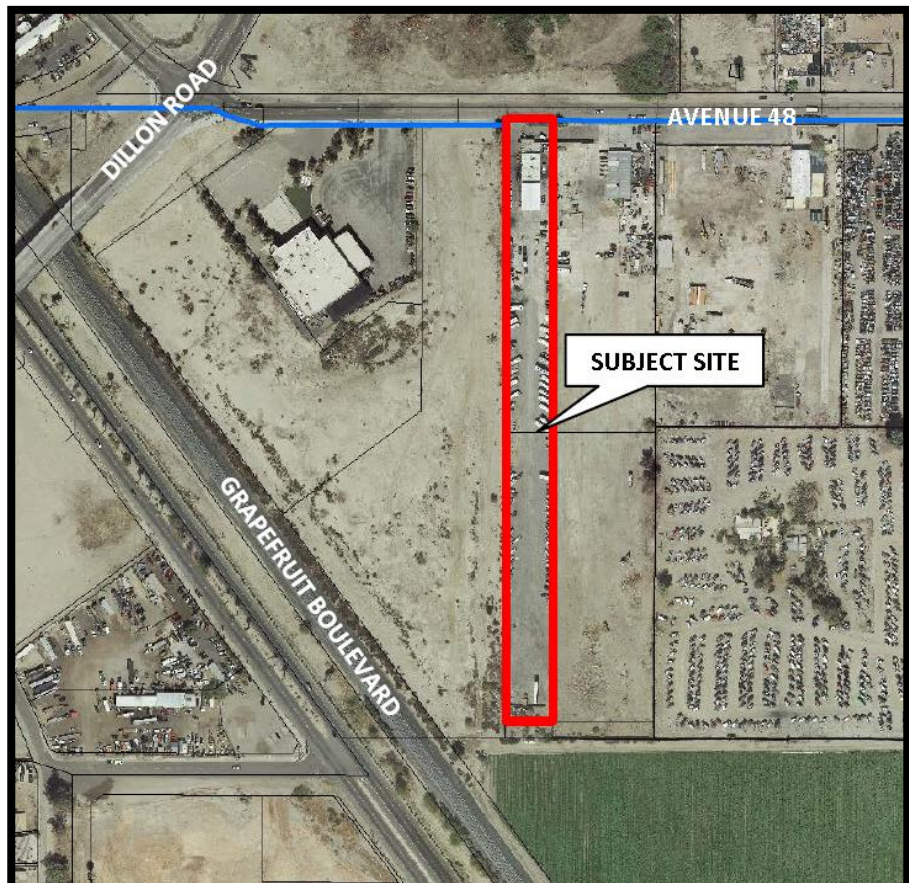
**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission grant a second 12-month time extension for Conditional Use Permit No. 293 and Architectural Review No. 17-14, making the new expiration date November 28, 2020.

**BACKGROUND:**

On November 28, 2017 the Planning Commission approved the CannTech Cannabis Cultivation Facility on a 3.2-acre irregularly-shaped property that was historically used for auto repair, outdoor storage, and auto dismantling uses at 84-801 Avenue 48.

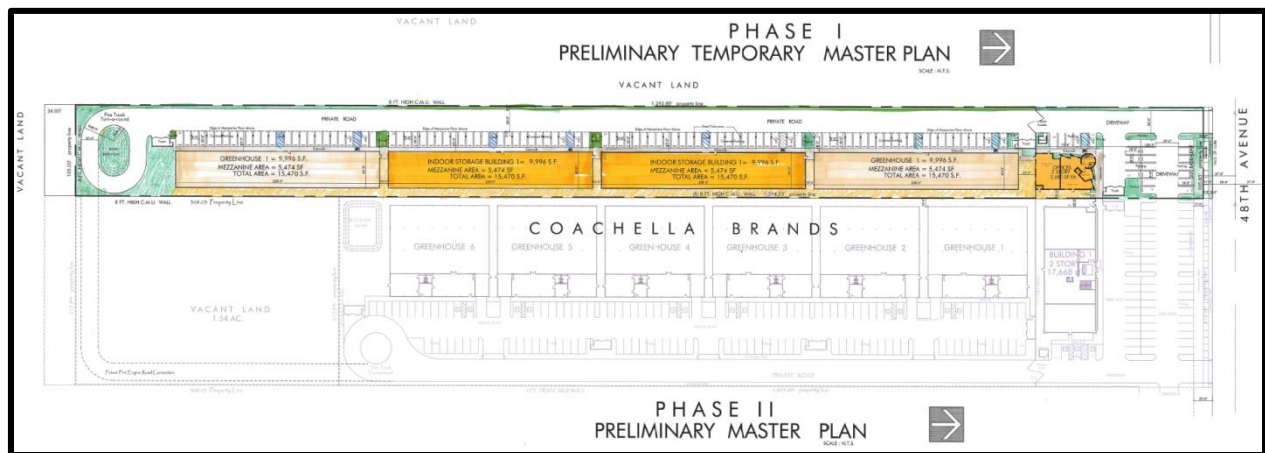
The property is located on the south side of Avenue 48, east of Dillon Road (previously “Marcelo’s



Auto Repair”) as shown in the aerial photo to the right. The applicant submitted a time extension request on September 7, 2018 and the Planning Commission granted the first time extension on November 7, 2018. On October 8, 2019 Staff received a second time extension request from the applicant.

**DISCUSSION/ANALYSIS:**

The current landowner, Marcelo Morales, took back possession of the subject property which was previously leased to CannTech Industries, LLC. The subject site is within the M-W (Wrecking Yard) zone which allows Cannabis Cultivation Facilities subject to a conditional use permit. The approved project included demolition of the existing buildings totaling 6,100 square feet and the phased development of a new 67,240 square foot commercial cannabis cultivation facility. The original applicant obtained project entitlements that included Conditional Use Permit No. 293 to allow a commercial cannabis cultivation facility, including an interim use facility. Additionally, Architectural Review No. 17-14 was approved by the Commission to review the proposed site improvements, landscaping, and exterior building finishes. The front parking areas of the site was to continue to be accessible through the adjoining parking lot on the east side of the property which has a reciprocal access driveway. Additionally, a new reciprocal access easement was presented for the southernmost portion of the site to have secondary “emergency only” access with the property to the east. The approved site plan for the build-out scenario (Phase 2) is depicted below:



As shown in the site plan above, the approved parking lot circulation includes reciprocal access with the property to the east (Coachella Brands) such that the public parking area from Avenue 48 will retain a shared parking driveway aisle. Additionally, the circular drive at the southerly terminus of the property will have a secondary “emergency access” roadway and gate with the

Coachella Brands property. The project was further approved with an “interim use facility” as part of the first phase of the project which would operate during the construction phases of the permanent facility. The interim use facility was to include a temporary “nursery incubator” facility for new cannabis cultivators occupying the “future” building pad locations. Mr. Morales applied for a Cannabis Regulatory Permit to convert the front buildings into a cannabis cultivation and distribution use under the entity name of “Coachella Herb Plantation, Inc.” and has presented plans for a façade renovation and parking lot repair for the immediate conversion of the buildings. Due to the costs associated with extensive improvements needed to meet current Building and Fire Codes, the interim use facility will be limited in scope, and the owner wishes to start construction of the Phase 2 buildings in the coming months. As such, the owner would simply convert the existing buildings into the interim use facility, but obtain building permits for the first permanent cultivation building to the rear of the site as soon as possible. Similarly, based on the conditions of approval, he will be required to build the front two-story office building in the earlier phases of development. The interim use facility will be limited to a term of 12 months as originally conditioned.

#### **UPDATE AND CONCLUSIONS:**

The current owner was involved in a landlord-tenant dispute with his lessee who secured the approvals of CUP #293 and related Architectural Review. Additionally, due to the lack of power infrastructure in the larger vicinity, this cannabis cultivation facility cannot realize construction investment activity in the near future. These factors have caused significant delays and the owner did secure building permits to convert the auto repair buildings into an interim use facility for cannabis cultivation and distribution that included a façade renovation project. However, until a new electrical substation is provided in the larger vicinity, Mr. Morales is in need of a second time extension. Staff is recommending approval of the time extension request.

Attachment: Applicant Letter