

REPORT TO THE PLANNING COMMISSION



DATE: June 12, 2018

TITLE: CUP 09-16 Time Extension - A request for a one-year time extension for Conditional Use Permit 09-16, for the International Cannabis Group (formerly GFarma Labs) Cultivation Project located east of Little Morongo Road, between 18th Ave and Dillon Road. Applicant International Cannabis Group

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Reviewed by: Scott Taschner, Senior Planner &
Daniel Porras, 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) Recommendation from Staff for approval of a one-year extension of time for Conditional Use Permit No. 09-16 for the International Cannabis Group (formerly GFarma Labs) cultivation project located east of Little Morongo Road between 18th Ave and Dillon Road. APN: 665-190-017

PRIOR ACTIONS

On June 07, 2016, the City Council approved Conditional Use Permit No. 09-16 and Development Agreement 03-16, for the proposed facility consisting of five (5) buildings and constructed in five (5) phases, with an interim cultivation component of 71,000 square feet and 31,000 of office/processing space. At build-out, the total site will contain approximately 102,000 square feet of building space.

DISCUSSION

The client is requesting a one-year (1) extension of time for the Conditional Use permit, from June 7, 2018 to June 7, 2019, the developer is preparing to submit building plans but to help manage their potential risks and to make sure their project does not lose any entitlements the applicant is requesting an extension of time. No changes to the project are proposed as part of the Time Extension.



BACKGROUND

Pursuant to Section 17.76.090 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 provisions.”

The applicant is requesting a one (1) year extension of time, however this is a discretionary action and the commission may grant another extension other than a one-year extension.

In order to approve a request for Time Extension the City needs to find the following:

- 1. The Applicant satisfies all aspects of 17.76.050 of the Desert Hot Springs Municipal Code with respect of Time Extensions;*

The applicant has satisfied all aspects of Section 17.902.11 of the Desert Hot Springs Municipal Code, with respect to extensions of time. Staff Recommends this finding.

- 2. There have been no substantial changes to the Project since it was initially approved;*

The request is for a one-year extension of time on the project entitlements. There are no changes proposed to the project at this time. Staff Recommends this finding.

- 3. There are no substantial changes to the area that would warrant further review or study.*

The City Council certified the Mitigated Negative Declaration for the project on June 07, 2016. 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 overall project characteristics, mitigated measures, and conditions of approval remain the same as approved by the City on June 07, 2016. The Planning Commission only needs to make a finding that the Time Extension is consistent with the original Mitigated Negative Declaration and no further analysis is required. In addition, there have been no changes to the site or the area that would warrant further review. Staff Recommends this finding.

- 4. The Applicant has presented good cause for requesting the extension of time, in that economic conditions and lack of infrastructure have prevented the Applicant from constructing the Project; and*

The property owner/applicant is preparing to submit complete building plans to pull permits with the building department, but would like to mitigate the risks by getting an extension of time to make sure that the project does not lose its entitlements.

NOTICING REQUIREMENT

The Public Hearing Notice was advertised in the Desert Star Weekly on Friday, June 01, 2018, and notice was sent to all property owners within a 300-foot radius, as required.

FISCAL IMPACTS

The proposed cultivation facility has paid all required fees for processing and will contribute \$25 per square foot for the first 3,000 square feet, and then \$10 per square foot for the remaining space once it opens.

ENVIRONMENTAL ANALYSIS

An Initial Study was prepared for this project, in accordance with the California Environmental Quality Act (“CEQA”). The study revealed that the project, as proposed, would not have significant impacts on the environment. Therefore, a Mitigated Negative Declaration (“MND”)

was prepared and circulated for public review. In conjunction with the project entitlements, the City Council adopted the MND on June 07, 2016.

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 overall project characteristics, mitigated measures, and conditions of approval remain the same as approved by the City on June 07, 2016. The Planning Commission only needs to make a finding that the Time Extension is consistent with the original Mitigated Negative Declaration and no further analysis is required.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one (1) year extension from June 07, 2018 to June 07, 2019 for Conditional Use Permit No 09-16, the International Cannabis Group (formerly GFarma Labs) located on the east of Little Morongo Road between 18th avenue and Dillon Road.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) Proposed Site Plan
- 3) City Council 06-07-16 Staff Report