



**CITY OF DESERT HOT SPRINGS
SPECIAL MEETING OF THE PLANNING COMMISSION**

ACTION MINUTES

**DECEMBER 21, 2015
6:00 PM**

**CITY COUNCIL CHAMBERS
CARL MAY COMMUNITY CENTER
11711 West Drive, Desert Hot Springs, California**

NOTICE IS HEREBY GIVEN, as provided by Government Code Section 54956, that Chairman Sobotta has called a special meeting of the Desert Hot Springs Planning Commission for the purpose stated below:

CALL TO ORDER

The meeting was called to order by Chair Steve Sobotta at 6:06 P.M.

ROLL CALL

Commissioners Richard Duffle, Paula Terifaj, and Vice-Chair Cathy Romero, and Chair Steve Sobotta were present at the call of roll. Commissioner Dirk Voss was absent, which was excused in advance of the meeting due to his trip to China on City Business.

STAFF PRESENT

Rich Malacoff, AICP, Senior Planner and Robert Lee, Deputy City Attorney

PLEDGE OF ALLEGIANCE

Commissioner Terifaj led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Action: Commissioner Duffle moved to approve the Agenda as presented, motion seconded by Vice-Chair Romero, motion carried 4-0 by the following vote:

Vote: AYES: 4 - Sobotta, Voss, Terifaj, Duffle, and Romero
Passed NOES: 0 - (None)
ABSENT: 1 - Voss

PUBLIC COMMENTS

At this time, pursuant to State law, any person may comment on an item which is NOT on the agenda. PLEASE STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.

Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. All comments are to be directed to the Planning Commission and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.

ADMINISTRATIVE CALENDAR

PUBLIC HEARINGS

1. [Consideration of a Conditional Use Permit application \(CUP 21-14\) to allow Benno Pabst and Valley Compassionate Care to operate a medical marijuana dispensary with limited cultivation operations of up to 99 mature plants located in a 1207 square foot free-standing commercial building located at the southeast corner of Palm Drive and Fourth Street in the C-G \(General Commercial\) Zone. Request submitted by Benno Pabst and Kurt Handshuh.](#)

Rich Malacoff, AICP, Senior Planner

Recommendation: Continue to January 12, 2016 Meeting of the Planning Commission

Senior Planner Rich Malacoff requested that the project be continued to the January 12, 2016 meeting of the Planning Commission.

Chair Sobotta opened the Public Hearing.

There were no speakers and Chair Sobotta closed the Public Hearing.

Action: Commissioner Duffle moved to Continue the item to January 12, 2016, motion seconded by Vice-Chair Romero, motion carried 4-0 by the following vote:

Vote: AYES: 4 - Sobotta, Voss, Terifaj, Duffle, and Romero
Passed NOES: 0 - (None)
ABSENT: 1 - Voss

2. [Consideration of a Conditional Use Permit application \(CUP 04-14\) to allow a marijuana dispensary with limited cultivation operations of up to 99 mature plants located in a 2,016 square foot tenant space within an existing 6,200 square foot retail commercial center at 12285 Palm Drive, Suite B, at the southwest corner of Palm Drive and Buena Vista Avenue in the C-G \(General Commercial\) Zone. Request Submitted by Thomas Miller and Greenleaf Wellness.](#)

Rich Malacoff, AICP, Senior Planner

Recommendation: 1. Staff Report;

2. Questions of Staff from Planning Commission;
3. Invite Applicant to Speak;
4. Questions for the Applicant
5. Open the Public Hearing;
6. Take Public Testimony;
7. Close the Public Hearing;
8. Opportunity for Applicant Rebuttal;
9. Planning Commission discussion and questions of Staff; and Approval of a Conditional Use Permit No. 04-14 to operate a medical marijuana dispensary with limited cultivation located in an existing retail commercial center at 12285 Palm Drive, Suite B at the southwest corner of Palm Drive and Buena Vista Avenue.

Senior Planner Rich Malacoff presented the staff report and answered Commissioners' questions.

Chair Sobotta opened the Public Hearing.

Tom Miller, Applicant and Steven Henderson addressed the Commission.

Chair Sobotta closed the Public Hearing

A discussion ensued and the Commission requested the following:

Modification of Condition 21f to read as follows:

The applicant/owner shall install new lighting on Palm Drive frontage to the satisfaction of the Police and the Community Development Departments.
The addition of the following Conditions:

20. All deliveries are prohibited from the Dispensary.
21. The applicant is required to have the Regulatory Permit approved prior to Final Occupancy.
22. The Regulatory Permit shall address the issue of the taxation of complimentary items or any item offered as But-One-Get-One-Free.
23. The applicant/owner shall provide a second camera on the Palm Drive location.

Action: Commissioner Duffle moved to approve staff recommendation incorporating the above changes to the Conditions of Approval, motion seconded by Commissioner Terifaj, motion carried 4-0 by the following vote:

Vote: AYES: 4 - Sobotta, Voss, Terifaj, Duffle, and Romero
Passed NOES: 0 - (None)
ABSENT: 1 - Voss

Action: Commissioner Duffle moved to direct staff to send the City Council an email that states that the Commission would like to see the Marijuana Ordinance modified to allow deliveries from the Dispensary to Desert Hot Springs Residents, motion seconded by Vice-Chair Romero, motion carried 4-0 by the following vote:

Vote: AYES: 4 - Sobotta, Voss, Terifaj, Duffle, and Romero
Passed NOES: 0 - (None)
ABSENT: 1 - Voss

3. Consideration of a Conditional Use Permit application (CUP 08-14) to allow Eduardo Rivera and the D.H.S. Alternative Healing Corporation to operate a medical marijuana dispensary with limited cultivation operations of up to 99 mature plants located in two free-standing commercial buildings located at 66328 and 66338 Pierson Boulevard in the C-G (General Commercial) Zone. The request also includes limited outdoor special events use on the adjacent vacant lot to the east. Request submitted by Eduardo Rivera and D.H.S. Alternative Healing Corporation.

Rich Malacoff, AICP, Senior Planner

Recommendation:

1. Staff Report;
2. Questions of Staff from Planning Commission;
3. Invite Applicant to Speak;
4. Questions for the Applicant
5. Open the Public Hearing;
6. Take Public Testimony;
7. Close the Public Hearing;
8. Opportunity for Applicant Rebuttal;
9. Planning Commission discussion and questions of Staff; and Approval of a Conditional Use Permit No. 08-14 to operate a medical marijuana dispensary with limited cultivation located in two existing free-standing commercial buildings and outdoor commercial recreational use, located at 66328 and 66338 Pierson Boulevard.

Senior Planner Rich Malacoff presented the staff report and answered Commissioners' questions.

Chair Sobotta opened the Public Hearing.

Rich Malacoff read into the record letters received from Lisa Mullen and Joseph Miner who oppose the project and their correspondence is to become part of the official record in its entirety.

Eduardo Rivera, Applicant addressed the Commission.

Chair Sobotta closed the Public Hearing.

A discussion ensued and the Commission requested that the applicant return to the Planning Commission on February 9, 2016 and address a multitude of issues regarding Public Safety and the Site.

Action: Commissioner Duffle moved to Continue the item to February 9, 2016, motion seconded by Vice-Chair Romero, motion carried 4-0 by the following vote:

Vote:
Passed AYES: 4 - Sobotta, Voss, Terifaj, Duffle, and Romero
 NOES: 0 - (None)
 ABSENT: 1 - Voss

CHAIR AND PLANNING COMMISSION MEMBER REPORTS

Committee Members provided reports on various subjects and directed staff to provide a report on the progress at the Sungrow Dispensary.


COMMUNITY DEVELOPMENT DIRECTOR REPORT

Rich Malacoff announced that the City had hired Nathan Bouvet as the new Community Development Director.

ADJOURN SPECIAL MEETING

Chair Sobotta adjourned the special meeting at 7:55 PM.

Minutes prepared by:



Rich Malacoff, AICP
Senior Planner