



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

**DRAFT ACTION MINUTES**

**FEBRUARY 9, 2016  
6:00 PM**

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

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**CALL TO ORDER**

Jerryl Soriano, City Clerk, called the meeting to order at 6:02 PM.

**SWEARING IN OF NEW COMMISSIONERS**

Jerryl Soriano, City Clerk, administered the Oath.

**SELECTION OF CHAIR AND VICE CHAIR**

Facilitated by Jerryl Soriano, City Clerk.

Action: Terifaj moved to nominate Cathy Romero as Chairman, motion seconded by De la Torre, motion carried 3/1 by the following vote:

Vote:                   AYES: 3 - Romero, Terifaj, De la Torre  
Passed                NOES: 1 - Cirner  
                          ABSENT: 1 - Voss

Action: Romero moved to nominate Dirk Voss as Vice-Chairman, motion seconded by Cirner, motion carried 3/0 by the following vote:

Vote:                   AYES: 3 - Romero, Cirner, De la Torre  
Passed                NOES: 0 - (None)  
                          ABSENT: 1 - Voss  
                          ABSTAIN: 1 - Terifaj

## **ROLL CALL**

Present:  
Commissioners: Andrew Cirner, Scott De la Torre, Paula Terifaj  
Chairman: Cathy Romero

Absent:  
Vice-Chairman: Dirk Voss

## **PLEDGE OF ALLEGIANCE**

Commissioner De la Torre led the Pledge of Allegiance.

## **APPROVAL OF THE AGENDA**

Action: Cirner moved to approve the February 9, 2016 Regular Meeting agenda, motion seconded by Romero, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Romero, Terifaj, Cirner, De la Torre  
Passed NOES: 0 - (None)  
ABSENT: 1 - Voss

## **PUBLIC COMMENTS**

Mayor Scott Matas addressed the Commission regarding upcoming meetings and plans for the upcoming year.

Ian Armstrong, resident of Palm Springs, spoke opposed to additional dispensaries being approved.

## **PRESENTATION ON ROLES AND RESPONSIBILITIES OF COMMISSIONERS**

Jennifer Mizrahi, Assistant City Attorney, gave an overview regarding the responsibilities of the Commissioners and guidelines for Public Hearings; and responded to questions.

Nathan Bouvet, Community Development Director, spoke regarding the role of the Planning Commission.

Jerryl Soriano, City Clerk, announced that an upcoming ethics training would be held on March 8, 2016.

## **PUBLIC HEARINGS**

1. **(Recommended for Continuance to March 8, 2016)**  
**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 flowering 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, Acting Community Development Director*

**Recommendation:** Continuation to March 8, 2016 Planning Commission Meeting

Rich Malacoff, Senior Planner, requested that the matter be continued to March 8, 2016.

Chairman Romero opened the Public Hearing.

Action: Terifaj moved to continue to March 8, 2016, motion seconded by Cirner, motion carried 4/0 by the following vote:

Vote:

Passed

AYES: 4 - Romero, Terifaj, Cirner, De la Torre

NOES: 0 - (None)

ABSENT: 1 - Voss

2. **Consideration of a Conditional Use Permit application (CUP 08-14) to operate a medical marijuana dispensary with limited cultivation operations of up to 99 mature flowering plants located in two free-standing commercial buildings located at 66328 Pierson Boulevard in the C-G (General Commercial) Zone. Request submitted by Eduardo Rivera and D.H.S. Alternative Healing Corporation.**

*Nathan Bouvet, Community Development Director*

**Recommendation:**

- 1) Receive Staff Report;
- 2) Allow Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Close the Public Hearing;
- 7) Allow opportunity for Applicant Rebuttal;
- 8) Conduct Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission approve Conditional Use Permit No. 08-14 to operate a medical marijuana dispensary with limited cultivation, subject to conditions, located in two free-standing commercial building located at 66328 Pierson Boulevard.

*Distributed at meeting: Correspondence from Joseph Minor requesting continuance, a copy of which was received and made a part of the record.*

Rich Malacoff, Senior Planner, provided the staff report and responded to questions.

Following discussion, Staff advised that items may be continued if new Commissioners have not thoroughly reviewed the meeting materials.

Chairman Romero opened the Public Hearing.

(Name inaudible), Legal Counsel representing the Applicant, addressed the Commission and responded to questions.

Bruce Newell spoke opposed to the project and the legalization of marijuana.

(Name inaudible), Legal Counsel representing the Applicant, spoke in support of the City Council policy regarding medical marijuana facilities.

Chairman Romero closed the Public Hearing.

Action: Cirner moved to continue to March 8, 2016, motion seconded by Terifaj, motion carried 4/0 by the following vote:

<u>Vote</u> :	AYES: 4 - Romero, Terifaj, Cirner, De la Torre
Passed	NOES: 0 - (None)
	ABSENT: 1 - Voss

3. **Consideration of a Conditional Use Permit application to operate a medical marijuana dispensary with limited cultivation operations of up to 99 mature flowering plants located in a 2,700 square foot tenant space (Unit #114) within an existing 6.6 acre retail commercial center (Mission Lakes Marketplace) at 64949 Mission Lakes Boulevard, at the southwest corner of Mission Lakes Boulevard and Little Morongo Road in the C-G (General Commercial) District. Request Submitted by Umberto Bagnara, Southern Cal MM Patient Association.**

*Nathan Bouvet, Community Development Director*

- 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
  - 10) Approval of a Conditional Use Permit No. 17-14 to operate a medical marijuana dispensary with limited cultivation located in an existing retail commercial center (Mission Lakes Marketplace) at 64949 Mission Lakes Blvd., Unit 114 at the southwest corner of Mission Lakes Blvd and Little Morongo Road.

Rich Malacoff, Senior Planner, presented the staff report and responded to questions.

Chairman Romero opened the Public Hearing.

Lori Matacia spoke opposed to the project and the negative effects on children.

Chairman Romero closed the Public Hearing.

Umberto Bagnana, Applicant, presented the project and responded to questions.

Chairman Romero re-opened the Public Hearing.

Bruce Newell spoke opposed to the Project.

Russell Betts, Council Member, spoke regarding the previous decision to approve medical marijuana.

Chairman Romero closed the Public Hearing.

Umberto Bagnara, Applicant, addressed the limitation of two dispensaries within the shopping center.

Commissioner Terifaj expressed concerns regarding the number of dispensaries.

Nathan Bouvet, Community Development Director, and Jennifer Mizrahi, Assistant City Attorney, advised that the Planning Commission's actions be based on findings, in relation to Staff's recommendations and reports.

Action: Romero moved to approve staff recommendation with an additional condition prohibiting neon signs in windows and that the window coverage limitation of 25% be strictly enforced, motion seconded by Cirner, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Romero, Terifaj, Cirner, De la Torre  
Passed NOES: 0 - (None)  
ABSENT: 1 - Voss

**4. Consideration of a Conditional Use Permit application (CUP 15-14) to operate a medical marijuana dispensary with limited cultivation operations of up to 99 mature flowering plants located in a commercial building located at 11555 Palm Drive in the C-G (General Commercial) Zone. Request submitted by Jason Foster and CV Wellness.**

*Nathan Bouvet, Community Development Director*

**Recommendation:** 1) Receive Staff Report;  
2) Allow Questions of Staff from Planning Commission;  
3) Open the Public Hearing;  
4) Take Testimony from Applicant;  
5) Take Public Testimony;  
6) Close the Public Hearing;  
7) Allow opportunity for Applicant Rebuttal;

- 8) Conduct Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission approve Conditional Use Permit No. 15-14 to operate a medical marijuana dispensary with limited cultivation located in a commercial building, located at 11555 Palm Drive.

*Chairman Romero recessed the meeting at 7:52 PM.*

*Chairman Romero reconvened the meeting at 8:04 PM.*

Rich Malacoff, Senior Planner, provided the staff report; responded to questions; and presented modification of Conditions 15 and 16 and the additions Conditions 17 and 42.

Chairman Romero opened the Public Hearing.

Abraham Robin, Applicant, addressed the Commission regarding the project.

Chairman Romero closed the Public Hearing.

A discussion ensued.

Action: Terifaj moved to approve staff recommendation, including the condition modifications as stated previously, and that neon signs are prohibited in windows, motion seconded by De la Torre, motion carried 4/0 by the following vote:

Vote:

Passed

AYES: 4 - Romero, Terifaj, Cirner, De la Torre

NOES: 0 - (None)

ABSENT: 1 - Voss

5. **Consideration of a Conditional Use Permit application (CUP 22-14) to operate a medical marijuana dispensary with no cultivation located in a retail commercial building located at 66406 Pierson Boulevard in the C-G (General Commercial) Zone. Request submitted by Lisa Lozano and Stephanie Bodde and Desert Hot Springs Dispensary.**

*Nathan Bouvet, Community Development Director*

**Recommendation:**

- 1) Receive Staff Report;
- 2) Allow Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Close the Public Hearing;
- 7) Allow opportunity for Applicant Rebuttal;
- 8) Conduct Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission approve Conditional Use Permit No. 22-14 to operate a medical marijuana dispensary with no cultivation, subject to conditions, located in an existing commercial building, located at 66406 Pierson Boulevard.

Rich Malacoff, Senior Planner, presented the staff report; responded to questions, and presented modifications to Conditions 15 and 16 and the addition of Conditions 17 and 42.

A discussion ensued.

Commissioner Terifaj expressed concerns regarding parking at the project location.

Chairman Romero opened the Public Hearing.

Jose Felix, property owner, and Stephanie Bodde, Applicant, spoke regarding the previous commercial uses of the property and building.

A discussion ensued.

Roger Lori, owner of Rose Mortuary and Crematory, spoke opposed to the project.

Thomas Moen, resident of Desert Hot Springs and owner of Rose Mortuary, spoke opposed to the project.

Jordan Vradenburg, owner of Rose Mortuary, spoke opposed to the project.

Stephanie Bodde, Applicant, spoke regarding her plans for security on the premises and parking.

Jordan Vradenburg, owner of Rose Mortuary, spoke again to oppose the project.

Jose Felix, property owner, spoke opposed to the project.

Nathan Bouvet, Community Development Director, recommended continuation of the item to the March 8, 2016 meeting.

Chairman Romero suggested a visit to the property to gain better knowledge of the site.

Action: Terifaj moved to continue to March 8, 2016, motion seconded by Romero, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Romero, Terifaj, Cirner, De la Torre  
Passed NOES: 0 - (None)  
ABSENT: 1 - Voss

6. **(Continued from January 12, 2016)**  
**Consideration of a recommendation to the City Council on an Ordinance for Zoning Text Amendment (ZTA 03-15) to amend various sections of Title 4 (Code Enforcement, Section 4.16 and Title 17 (Zoning), Chapter 17.48, to modify the standards and regulations regarding the parking of recreational vehicles (RV's) on private property in the City's Residential Districts.**  
*Rich Malacoff, AICP, Senior Planner*  
**Recommendation:** 1) Receive Staff Report;

- 2) Allow Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Close the Public Hearing;
- 7) Allow Opportunity for Applicant Rebuttal;
- 8) Conduct Planning Commission discussion and questions to Staff; and
- 9) Consider a motion to recommend approval of Zone Text Amendment to modify the standards and regulations regarding the parking of recreational vehicles (RV's) on private property in the City's Residential Districts.

Chairman Romero opened the Public Hearing.

Action: Romero moved to continue to March 8, 2016, motion seconded by Cirner, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Romero, Terifaj, Cirner, De la Torre  
 Passed NOES: 0 - (None)  
 ABSENT: 1 - Voss

*Chairman Romero recessed the meeting at 9:47 PM.*

*Chairman Romero reconvened the meeting at 9:48 PM.*

## **ADMINISTRATIVE CALENDAR**

### **7. Appointment to Arts District Committee**

*Rich Malacoff, AICP, Senior Planner*

**Recommendation:** Discussion and Possible Action

Nathan Bouvet, Community Development Director, advised that the intention was to appoint a member to represent the Planning Commission as a representative of the Arts District Committee.

A discussion ensued.

Action: Romero moved to nominate Commissioner Terifaj to the Arts District Committee, motion seconded by Terifaj, motion carried 2/0 by the following vote:

Vote: AYES: 2 - Romero, Terifaj  
 Failed NOES: 0 - (None)  
 ABSENT: 1 - Voss  
 ABSTAIN: 2 - Cirner, De la Torre



Action: De la Torre moved to nominate Commissioner Cirner to the Arts District Committee., motion seconded by Cirner, motion carried 2/0 by the following vote:

Vote: AYES: 2 - Cirner, De la Torre  
Failed NOES: 0 - (None)  
ABSENT: 1 - Voss  
ABSTAIN: 2 - Romero, Terifaj

Nathan Bouvet, Community Development Director, recommended that the Item be continued to the March 8, 2016 meeting when all members would be present to vote.

**8. Status Report on the Alignment of Little Morongo Road**

*Daniel Porras, Public Works Manager*

**Recommendation:** Receive and file.

Daniel Porras, Public Works Manager, responded to questions.

Nathan Bouvet, Community Development Director, clarified that this Item was only a status report.

A discussion ensued.

**9. Status Report on the Bicycle Pedestrian Master Plan**

*Rich Malacoff, AICP, Senior Planner*

**Recommendation:** Receive and File

Daniel Porras, Public Works Manager, presented an overview of the "Bicycle and Pedestrian Master Plan."

Allison Moss, KTU+A, Planning and Landscaper, elaborated on the plan and answered questions.

A discussion ensued.

Joe Puncelin, KTU+A, spoke regarding widening of roads and right of way concerns.

Nathan Bouvet, Community Development Director, spoke regarding the master plan as a guideline for the project.

**CHAIR AND PLANNING COMMISSION MEMBER REPORTS**

Chairman Romero acknowledged her appointment as the Planning Commission Chair.

No other reports by the Commissioners.

## **COMMUNITY DEVELOPMENT DIRECTOR REPORT**

Nathan Bouvet, Community Development Director, provided an update on upcoming events.

## **ADJOURN REGULAR MEETING**

Chairman Romero adjourned the meeting at 10:33 PM.

Prepared by: Richard Min, Office of the City Clerk

Submitted by:

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Jerryl Soriano, CMC, City Clerk

DRAFT