



CITY OF DESERT HOT SPRINGS
REGULAR MEETING OF THE PLANNING COMMISSION

DRAFT ACTION MINUTES

MARCH 8, 2016
6:00 PM

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

CALL TO ORDER

Vice-Chairman Voss called the meeting to order at 6:03 P.M.

ROLL CALL

Present:

Commissioners: Andrew Cirner, Scott De la Torre, Paula Terifaj
Vice-Chairman: Dirk Voss
Chairman: Cathy Romero (arrived after the Roll Call)

PLEDGE OF ALLEGIANCE

Commissioner De la Torre led the Pledge of Allegiance

Chairman Romero entered the meeting at 6:07 P.M.

APPROVAL OF THE AGENDA

Action: Romero moved to approve the March 8, 2016 Regular Meeting Agenda, moving Items 4 and 5 to end of the Agenda, motion seconded by Cirner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

Action: Cirner moved to approve the addition of an urgency item regarding "Appointment to the Arts Innovation District," making findings that the matter came to the attention of the City after posting of the Agenda and that there was an urgent need to act, motion seconded by Terifaj, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

MINUTES

January 12, 2016 Planning Commission Regular Meeting Minutes

Action: Voss moved to approve the Minutes from January 12, 2016 as presented, motion seconded by Cirner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

ADMINISTRATIVE CALENDAR

1. Recommendations regarding Fiscal Year 2016-2017 and Fiscal Year 2017-2018 budgets

Martín Magaña, City Manager, and Joe Tanner, Administrative Services Director

Recommendation: Receive and File

Joe Tanner, Administrative Services Director, presented an overview of the City's budget process for FY 2016-17 and FY 2017-18; and responded to questions.

PUBLIC COMMENTS

There were no comments.

PUBLIC HEARINGS

2. 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 (11522 Palm Drive) in the C-G (General Commercial) Zone. Request submitted by Benno Pabst and Kurt Handshuh.

Rich Malacoff, AICP, Acting 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. 21-14 to operate a medical marijuana dispensary with limited cultivation located in an existing free-standing commercial building, located at the southeast corner of Palm Drive and Fourth Street.

Commissioner Cirner recused due to a potential conflict of interest.

Chairman Romero opened the Public Hearing.

Kurt Handshuh, representing the Applicant, addressed the Commission and responded to questions.

A discussion ensued.

Rich Malacoff, Senior Planner, suggested a condition to reverse the parking angles in order to gain access from Palm Drive.

Michael Laly spoke regarding the 99 plants limit.

Fredrick Ashford spoke in support.

Chairman Romero closed the Public Hearing.

Kurt Handshuh, representing the Applicant, responded to questions.

Action: Voss moved to approve staff recommendation to add conditions concerning reversed parking access from Palm Drive, motion seconded by De la Torre, motion carried 4/0 by the following vote:

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

3. **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.

Chairman Romero opened the Public Hearing.

Stephanie Bodde, Applicant, addressed the Commission.

Thomas Moen, Rose Mortuary, spoke opposed.

Michele Lally spoke in support.

David Lally spoke in support.

Jordan Vradenberg, Rose Mortuary owner, spoke opposed.

Chairman Romero closed the Public Hearing.

Stephanie Bodde, Applicant, responded to commissioner's concerns.

Staff addressed concerns regarding parking.

A discussion ensued.

Chairman Romero re-opened the Public Hearing.

Stephanie Bodde, Applicant, addressed the Commission regarding parking concerns.

Chairman Romero closed the Public Hearing.

Jennifer Mizrahi, Assistant City Attorney, advised that there should be sufficient findings if the Commission denies the Application.

Nathan Bouvet, Community Development Director, stated that based on the discussion, there were issues with Conditional Use Permit (CUP) Findings Nos. 2, 3, 4, 6.

Commissioner De la Torre suggested a zone change.

Jennifer Mizrahi, Assistant City Attorney, stated that CUP Finding No. 3 seemed more suitable with regards to the parking issue.

A discussion ensued

Action: Voss moved to continue item to April 12, 2016 meeting in order to bring back findings for denial, motion seconded by De la Torre, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

4. 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) 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. 08-14 to operate a medical marijuana dispensary with limited cultivation located in two existing free-standing commercial buildings, located at 66328 Pierson Boulevard.

A discussion ensued.

James De Aguilera, representing the Applicant, addressed the Commission.

Chairman Romero opened the Public Hearing.

There was no public testimony.

Chairman Romero closed the Public Hearing.

Action: Voss moved to approve staff recommendation with a condition that there be no neon lighting, motion seconded by Cirner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

Item 7 (Angel View) was considered at this time.

5. **Consideration of a Conditional Use Permit application (CUP 18-14) to operate a medical marijuana dispensary with no cultivation located in a commercial building located at 66292 Pierson Boulevard in the C-G (General Commercial) Zone. Request submitted by Dino Sogoyan / Desert Hot Springs, Collective, Ltd.**

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. 18-14 to operate a medical marijuana dispensary with no cultivation located in a commercial building, located at 66292 Pierson Boulevard.

Chairman Romero asked Staff to address the Project's signage.

Chairman Romero opened the Public Hearing.

David Burns, Applicant, addressed the Commission.

A discussion ensued.

It was agreed that the Community Development Director determine the building color.

There was no public testimony.

Chairman Romero closed the Public Hearing.

Action: Cirner moved to approve staff recommendation with conditions that there be no neon signs and a different color scheme, motion seconded by Voss, motion carried 5/0 by the following vote:

<u>Vote:</u>	AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed	NOES: 0 - (None)

6. **Conditional Use Permit No. 02-16. A recommendation to the City Council for approval of a Conditional Use Permit to establish a medical marijuana cultivation facility within two existing commercial buildings (total building area 9600 square feet) located at 65334 Two Bunch Palms Trail. No new construction is proposed. The property is located on the south side of Two Bunch Palms Trail, approximately 1500 feet east of Little Morongo Road, in the Light Industrial (I-L) zone. Applicant: Adrian Sedlin / Canndescent, MBC**
- Nathan Bouvet, Community Development Director*

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain 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) Opportunity for Applicant Rebuttal;
 - 8) Planning Commission discussion and questions to Staff; and
 - 9) Consider a motion that the Planning Commission recommends approval of Conditional Use Permit No. 02-16 to establish a medical marijuana cultivation facility within two existing commercial buildings (total building area 9600 square feet) located at 65334 Two Bunch Palms Trail, on the south side of Two Bunch Palms Trail, approximately 1500 feet east of Little Morongo Road, in the Light Industrial (I-L) zone.

Rich Malacoff, Senior Planner, stated that Condition of Approval No. 56 be modified to read: *"prior to occupancy the driveways on Two Bunch Palms shall be reconstructed per standard 209 to join existing improvements and must meet current ADA standards; if bonding of improvements is requested, said bonding would be subject to Conditions of Approval Nos. 72-74 within one year, with two one-year extensions, subject to City Council review and approval."*

Chairman Romero opened the Public Hearing.

Paul Depalitis, representing the Applicant, addressed the Commission.

Adrian Sedlin, Applicant, addressed the Commission and responded to questions.

There was no public testimony.

Chairman Romero closed the Public Hearing.

Action: Voss moved to approve staff recommendation with the condition that there be no neon signs and a modification to Condition of Approval No. 56, motion seconded by Romero, motion carried 5/0 by the following vote:

<u>Vote:</u>	AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed	NOES: 0 - (None)

- 7. Consideration of a Design Review and Development Permit (DP 01-15 and DR 01-15) and Mitigated Negative Declaration to allow the development of a 26,250 square foot warehouse and retail facility on approximately 2.75 acres of vacant land located along Dillon Road north of Thumb Drive and west of Bearce Road in the RD (Rural Desert) District. Request Submitted by Angel View.**

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 approve Consideration of a Design Review and Development Permit (DP 01-15 and DR 01-15) and Mitigated Negative Declaration to allow the development of a 26,250 square foot warehouse and retail facility on approximately 2.75 acres of vacant land located along Dillon Road north of Thumb Drive and west of Bearce Road.

Item 7 was considered following Item 4.

Tracy Powers, Applicant, gave an overview of the Angel View organization and answered questions.

Chairman Romero opened the Public Hearing.

Susan Miller spoke in support.

In response to an inquiry, Nathan Bouvet, Community Development Director, read Municipal Code Section 17.12.020 (B).

- 8. 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, Acting 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 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.

There was no testimony.

Action: Romero moved to continue April 12, 2016, motion seconded by Voss, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

URGENCY ITEM:

Appointment to the Arts Innovation District

Action: Voss moved to appoint Commissioner Cirner to the Arts Innovation District, motion seconded by De la Torre, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Romero, Voss, Terifaj, Cirner, De la Torre
Passed NOES: 0 - (None)

CHAIR AND PLANNING COMMISSION MEMBER REPORTS

There were no reports.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Nathan Bouvet, Community Development Director, commended Daniel Porras, Public Works Manager, for his excellent work.

ADJOURN REGULAR MEETING

Chairman Romero adjourned the meeting at 9:31 P.M.

Prepared by: Richard Min, Office of the City Clerk

Submitted by:

Jerryl Soriano, CMC, City Clerk