

Verbatim Transcripts of Planning Commission Meeting February 28, 2017

City of Desert Hot Springs Planning Commission Meeting February 28, 2017 Item #2

MALE: The next item, Item #2. Conditional Use Permit No. 29-16, DA 18-16 for two warehouse style cultivation buildings totaling 69,000 square feet. Project is located at southeast corner of Little Morongo and San Gorgonio.

MALE: Thank you, Mr. Chair. Item #2 is an application by Stark Venture and Pulse Investment Group for the construction and development of a cultivation facility located on a vacant 2.3-acre site at the southwest corner of Little Morongo Road and San Gorgonio Lane in the light industrial zone. As you can see, the site is largely undisturbed and surrounded by vacant land uses, pretty much all light industrial uses with the county across the street to the west. We've got existing site plan and proposed site plan here. The proposed project includes the development of two adjacent buildings with a zero lot line running between the buildings. Access is provided on Little Morongo Road on the west side of the project and San Gorgonio Lane on the northeast side of that site plan. Total combined square footage of the buildings is approximately 69,000 square feet. We would like to mention that zero lot lines, they're going to be doing a lot merger and a lot line adjustment, I believe, and fire department does allow that with a fire, fully rated firewall and a raised parapet between the buildings. So that is something they're going to work with the fire department to meet that requirement. They have, on this site plan it's hard to see, but they have put a temporary parking area, which Council has been asking for for semi-trucks, tractor trailers. They do have the roll-up doors. Here's a 3-D rendering of the building. As you can see, it's a pretty tall building. It's 49 feet 6 inches. The overall height of the useable building, they did, let me see from my notes here. That's a pretty well-designed industrial building with architectural elements and different features to add architectural interests. Here's the backside of the building. The signage is not part of this permit. They will have to come back for that portion of the permit. Here you will see the actual building elevation. The top left side, you'll see that top line going over to that architectural element. That actually, that architectural element that says logo and signage, those do project above the building height envelope, which is 50 feet. They project about 2-1/2 feet into and above that building height envelope. We don't have that problem on the rest of the building. It's only on that portion of the building. Staff does have concerns with the building height. While the building height of the main structure is proposed at 49 feet 6 inches, that architectural element, which I just stated, exceeds projection of the building height envelope about 2 feet 6 inches. The code does have this section that allows the Planning Commission or the City Council to approve these types of projections subject to meeting certain findings. Staff is concerned about citing a precedent on these buildings exceeding the height limit and once we allow for one, I don't want to have a stream of these. However, it does add architectural interest. Should Planning Commission wish to consider allowing the additional height, staff has outlined the required findings in the staff report and on the next slide, which is already up. It is an, it does add character to the building and architectural interest. I'll go back to it. As you can see, it is just, but it doesn't serve a purpose. A lot of cities will allow for projections for stairwells, antennas, required parapets, etc. So that will be up to Planning Commission on the height. We'd have to make these findings. It will not adversely, number one, it will not adversely affect the uses of the property in adjoining areas. Two, that it fits in the character of the community and, three, that it will blend in with the natural surroundings. The

land palate is drought-tolerant, water-efficient landscaping. This will also be subject to Mission Springs Water District review and approval prior to installation.

Here's the site plan indicating most of the groupings and the density is out on the street frontages, although they do have substantial in the rear of the property as well, substantial plantings.

Photometric plan here. They do have a reasonably well-designed photometric plan. It's incorporating both freestanding light standards with the cut sheets on the right there for both of, and also building mounted, mainly around entry points, exits, you know parking areas, handicap path of travel, etc. The foot candles I think range right around one up to about 10 or 11, which is consistent with the code. Staff is, you know per our conditions of approval, we do require that all these light fixtures be fully shielded, directed downward so they don't spill on adjacent properties or into the night sky. I know security is a concern, but after reviewing this, it seems they have sufficient lighting around access points and to the site as far as _____ (29:39) and parking areas as well as entry and exit points around the building.

First floor plan. Let me see if I break down. Two buildings, this is one of them, so it's only half the square footage here, but the two buildings combined will have just under 60,000 square feet of cultivation with about 3,400 square feet of office and ancillary office uses and about 6,000 square feet of other industrial ancillary uses, such as storage and processing, etc. Here's the first floor plan. They are proposing a mezzanine floor plan. The building department, staff is working with the building department to determine whether this would constitute a third floor because in the light industrial, they're only allowed two floors. However, there are some things in the building code or building department that would exempt it from being considered a story. So staff is working with the building department on that too and then here's the second floor plan. So with that, they have prepared an initial study and mitigated negative declaration. The comment period opened a few weeks ago and on March 10th as far as meeting statute in the 20 days. Of course, we will accept comments right up until City Council. No comments have been received as far as the environmental analysis as of this afternoon. Staff is recommending that the Planning Commission make a positive recommendation to the City Council for the mitigated negative declaration for the Stark Venture and Pulse Venture Group cultivation project and the Conditional Use Permit 29-16 and the Development Agreement DA 18-16 for the construction of two, two-story, we're calling here two-story cultivation buildings to be constructed at the southeast corner of Little Morongo and San Gorgonio Lane, APN 665-040-001. That concludes staff's report.

MALE: Alright. Next item in question is the staff and Planning Commission.

FEMALE: I will state I'm perfectly fine with everything except I'm not in favor of the exterior projection design. I am not in favor of the oversized, if this is the case, the marijuana symbol and a while back, we did have, amongst the Planning Commission, our objections toward a lot of the neon structure, a lot of the green crosses, a lot of the basic symbols that would kind of broadcast this. I think everything else, it looks beautiful and I'm really in favor of that. What I'm not in favor of is the statement of setting up precedents because I think that once we go there, we kind of slide down a slippery slope. What is or what would be subjective art? What would be basically

looking at something and going, well, we went here, how about we go here, here, you know and I remember as a kid the, what was it like the Zig-Zag symbol of the man smoking a joint. I mean I just don't kind of want that kind of image. I don't want to go down that path.

FEMALE: Mr. Chair and members of the Commission if I could interrupt. This is a public hearing, so these are all great comments that should probably be saved to after the close of the public hearing so long as you can keep an open mind during the testimony. Maybe somebody could change your mind about that. We just want to make sure that this public hearing is kept as open and as fair as possible. So great comments, but let's go ahead and save those until after the close and with that, as long as your mind's open.

MALE: We'll open the public hearing and we'll take testimony from the applicants.

PAUL DEPALATIS: Mr. Chairman, members of the Commission, Paul DePalatis representing the applicant tonight. Really not too much to add to what staff has presented. I guess I do have the architect here tonight and sort of can tell you what his intent was with those vertical elements. As staff mentioned you know, a lot of times in other cities, there's an ability to do incidental architectural features up to a certain height, a couple feet, 30 inches, something like that, this is a matter of course. If the Commission felt strongly about it, we could just remove those, but I'd like to have David just come up and kind of share why he included those and what his intent was design was for it.

DAVID DRAKE: Thank you, Paul. My name is David Drake. I'm project manager with Prest-Vuksic Architects and I'm one of the principal designers on this project. The only reason we pop that up is because we're dealing with a lot of these architectural boxes out here that come in because they're good skin metal buildings; they're architectural skin metal buildings and basically we're trying to just, we're trying to break up these elements and keep them cost effective for the developers who are making these buildings like create architectural articulation on the building. What we're trying to do on that one corner right there is just break the box, the horizontal box that you see right here. This is more on the backside of the building, but we're just not allowing that to happen. If we had the opportunity to, once we get into the building and design the building, mainly our parapet heights are governed by the size of mechanical units up on top on the penthouse. So basically what we'll do is we'll try and lower that, but we'd like to try and keep that element, but we're not married to it and if it really bothers the city, we'd be happy to take it off not just to hold up the project, but I think it enhances the building immensely. Thank you.

MALE: So there was a comment and maybe you can address this.

DAVID DRAKE: Sure.

MALE: There was a comment in reference to floral design. Was that just to do what we're doing or is that part of it or was it like a pretend logo?

DAVID DRAKE: Well, we're kind of excited about certain logos and the ownership does not have logos right now. So we took our own artistic license and put them on there, but I think some

of these stuff is going to be fun to see around the desert to have some of these artistic logos and see what you can come up with, but there are signage programs that I know Planning likes to stay with, but, again, they mentioned that signage is not part of this approval process, but I hope you guys are open to stuff like that down the road. It's been kind of fun to do.

MALE: Okay, so you didn't quite answer. So the flower, floral thingy on there was just intended as part of the, it's not what you're asking for. It was just part of the display of what, representation of signage, yes, but as Scott mentioned that it was not part of the approval process. So it'll have to go through another.

FEMALE: Well, I'll be more blunt. So, basically you are or you are not going to put a marijuana leaf, let's be blunt about it, on the side of the building.

DAVID DRAKE: It's not our, if this was approved as a signage, yeah, we would go with that. If not, if the city doesn't want it, then the ownership would say no and we've come up with something else.

FEMALE: So what you are saying then is that your intention of this design itself, let's not flower the word by stating flower, that the concept is as a marijuana leaf, correct?

PAUL DEPALATIS: I guess the, early on when we were starting to do these projects, we actually didn't have much attention to signage. In fact, they were sort of low-profile buildings with not a lot of it, signage and things like that. More recently, as it's become more accepted in the city, clients have been coming out wanting to put logos on it. So I say that this was sort of Prest-Vuksic's just attempt to sort of put a holding spot.

DAVID DRAKE: It's kind of a placeholder basically or logo.

PAUL DEPALATIS: But it being a marijuana leaf is not at all the logo that they'll do there. So if the city, for example, didn't want to see them, these cultivators would just have to find a different logo. So it's what you guys want to see.

MALE: And there's a lot of cultivators out there that don't have the marijuana as their logo. They have different symbols.

MALE: We're aware of that.

MALE: Okay, that answers that question. Any further comments from the applicant? From the architect, any further comments? Okay. So we will go ahead and take public testimony. I don't have any blue cards, but we have a letter from a Mr. Guerra posing the Item #2, so we'll take this for the record.

FEMALE: You don't have to read it. We have it for the record.

MALE: Can the Mr. Guerra at least raise his hand so we know who. Are they here?

FEMALE: They left.

MALE: They left.

FEMALE: Yeah.

MALE: Okay. So there goes that. Opportunity for applicant rebuttal. I think we vetted that. Closed the public hearing and then this is where you continue the next item. And Post Commissioner discussions, questions by sub-staff.

KATHY: I'm going to make some comments now that we're doing at that point because I'm going to address some things that have already been said. One of them is that, as the architect explained, at the design of this building and I get it and I don't see where an architectural detail is so glaringly in defiance of a height limit at all. I see it as an architectural detail that was designed to do exactly what the architect just described, which was to add some interest to the building to break up the horizontal line there on the corner and the boxiness of the things in the area. The other thing that I want to say is regarding the concern about putting marijuana leaves and about are we going to put neon signs and are you going to put marijuana leaves and etc., etc., etc. Looking at this design, I'm saying, oh, okay, that's where they're planning on putting the logo. Oh, that's where they're planning on putting the logo. I'm not looking at this going this is what their logo is going to look like, but, that being said, at some point, this legal operation to product a legal substance is going to have to be destigmatized. Our City Council approved of these, the cultivators, approved of the dispensaries because they recognized that there was perhaps a stigma that didn't belong on this industry. I would like to see us at some point participate in the destigmatization of this industry and the conversations that we've had over and over again about whether or not we're going to put something that looks anything like marijuana on the building. If that were the logo right there, I would not have a problem with it. I just wanted to say that and that's probably all I'll have to say about this project for the rest of the discussion. Thank you.

MALE: Larry, you have any comments?

LARRY: Yeah, I have a couple things. First of all, I want to say that I completely agree with Kathy. I don't see this issue of this architectural feature being a huge deal-breaker. I think it's rather nice and this is one of the better-looking buildings actually of this type out there. So I commend the architect and everybody involved with this as far as the design goes. The design is nice, I think. As far as the logo goes, I also agree with Kathy. I am of the opinion and I could be wrong and this is where Jennifer could come in and tell me if I'm wrong, that signage is really none of our business. That's something that's handled other than by this Commission so that we don't to worry about signage.

FEMALE: I'm going to correct you just for a little bit. For the most part what a lot of people, this project, in particular, I think the signage is going to come back, is that correct with the sign program?

MALE: Any signage would be under another discretionary action because this is a multi-tenative building and based on those sizes, we would suggest a sign program, which would have to come back to Planning.

FEMALE: So that will come back. I think what Commissioner Buchanan is talking about is whether or not we can actually control the content on a sign and in terms of what the actual sign says, but the sign program and then you get into an entire First Amendment discussion, which is not for this, but the sign program itself will be coming back to you, at least that's what I understood.

MALE: Based on the number of signs and the size of the signage and the fact that it is multi-tenative and they may want a monument sign out on the corner, once you exceed one sign per business, you start getting into sign program.

MALE: Well, the issue we dealt with previously was dispensaries only and it was in reference to the florescent stuff, which we had (COUGHS). What they chose to do, signage, if I'm correct, I think we left entirely up to staff to make those appropriate decisions that met whatever city code standards were. It was just the neon thing was what our issues were with dispensaries. Personally, I like the architectural design. I think that the couple of feet there, it doesn't bother me. It adds a nice little change in it. It's nice to see the different levels. The levels with the orange trim is nice, the way that it's broken up. I like that point in the front, so I'm good with that. Whatever, I don't have a horse in the race in reference to signage. So whatever that they want to get, I'm okay with as long as it doesn't have you know super, duper neon type of thing, which I'm not expected anyways with this type of building design. Otherwise, I'm good with it. Scott, you got everything.

SCOTT: Basically when we were talking earlier, we were talking about the dispensaries. We didn't want our main drag, just for clarity for the people who are in the audience, for dispensaries to have blazing green neon as you drive up on avenue. We want the stigma of Desert Hot Springs. That was the reason why we talked about neon signage in the first place. With these locations being cultivation and being basically in a dark avenue of Desert Hot Springs, we didn't want them to be targets for heists. That was the reason why we didn't want marijuana leaves on these buildings in the first place. That was my interpretation of why we were going that direction and then, again, the stigma of Desert Hot Springs. That was my interpretation the whole time.

MALE: Okay. Any other?

FEMALE: I concur with Commissioner De La Tore.

MALE: So no other further comments. Entertain a motion.

MALE: I'd like to move staff recommendations, recommend approval, but to the City Council.

FEMALE: Mr. Chair and members of the Commission, if I may, are you also going to be including the three findings contained in the staff report for the little bit of the excess height of the architectural feature.

MALE: That would be correct.

FEMALE: And also before there is a second, just to let the Planning Commission know, I'm still working on the Development Agreement with I think it's Stark Venture's counsel so that's going back and forth. What's included in your packet is the template.

MALE: Do we have a second?

FEMALE: I'll second that.

MALE: Okay. All those in favor say aye.

MALE: Aye.

FEMALE: Aye.

MALE: Aye.

MALE: Any oppose?

FEMALE: Nay.

MALE: Alright, (COUGHS) welcome to our town.

MALE: Thank you very much.

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