

Verbatim Transcripts of Planning Commission Meeting April 11, 2017

City of Desert Hot Springs Meeting April 11, 2017 Item #1

MALE: We will move on to Item #1 that is a request for zoning map and General Plan Amendment, two parcels located on the east side of Little Morongo Road between Desert View and 13th Avenue. The request is to change the designation from low density residential to light industrial, the vacant lots totaling 19.4 acres. Staff.

MALE: Thank you, Mr. Chair, Planning Commissioners, good evening. This, as you read off application for zone map amendment and a General Plan Amendment, the two parcels in question are on the east side of Little Morongo between 13th and Desert View. The current zoning, as you can see kind of highlighted by that red rectangle, is R-L specific plan. So you can see all the properties to the east and to the north are low density residential. The ones to the west are part of county and the ones to the south are, they are currently I-L zone. Here you can see some staff photos and some of the staff's concerns are the single-family, single-story residential properties adjacent to it to the west and to the north. Planning Commission has heard this a couple times, February 14th and February 28th. Both times staff and the Planning Commission gave direction to the applicant and also to staff to do some more public outreach concerning this request. On last week, April 3rd, we held a public outreach meeting at the senior center to discuss some of the concerns of the residents. We did notify the same 300-foot radius of the neighbors. Some of them are concerned that they're not getting notice, but I have a feeling they're outside of that 300 feet, which is state law I believe so staff is following that. These are some of the concerns that they mentioned in that meeting--decline in property values, inability to sell their homes, odors emanating from the project, light pollution, impact on their views, they had some traffic concerns, concerns, of course, about the 50-foot buildings maybe being too close to the street. They were concerned about the waste coming from the project and, in general, just thought that it was in the wrong place and further down Morongo. In addressing some of those issues, the outdoor lighting, like all projects, will be condition, you know dark sky ordinance, that they're directed downward, they're full shielded and kept on to the property and not spilling into the night sky or adjacent properties. We also mentioned to them this is just an overlay at this point. Just about any use they propose on that will be a Conditional Use Permit and subject to staff further mitigating the project and Planning Commission and Council as well if it is for cultivation. Odors emanating from the project will be in violation of the conditions of approval. That's something Council has been concerned with too and we've added a couple more conditions where we can go back in there and do a site visit and further mitigate what are their best practices of odor control, maybe bring them up to current and find other ways to control the odors from leaving the building or the property. Then we also did mention that wastewater is larger recycle or it's kept in a tank and pumped and then removed from the site. Bigger projects are also how we do a package treatment plan. With that, I have some, staff has some exhibits. We've got this that MSA provided showing dimension, distances to residences. This is their conceptual site plan. This is a preferred map that was never adopted. The second slide I showed you is the actual adopted. This was one of the considerations many years ago when City Council was looking at doing general, a citywide general plan update. They had considered as one of their three options making that I-L zone. With that, staff is not taking, we're not taking a stance on this. We're making a recommendation that Planning Commission either approves it or denies

the request and then I'm going to go back here to the actual zoning right there. So staff is available for any questions. We have the applicant and their consulting firm here and I believe we have residents here that want to talk as well.

MALE: Entertain any questions of staff from Planning.

FEMALE: Mr. Chair and Members of the Commission, if I may interrupt you for a minute. I, the staff report doesn't specifically state it, I don't believe, but either way, the Commission decides, should there be a decision tonight, it would be obviously a recommendation to City Council, but the recommendation has to have certain findings and I'm just going to read them right now and then I'm going to read them actually verbatim from the Municipal Code. So it says an amendment to the general plan may be adopted only if the following findings are made. That the proposed amendment is internally consistent with the general plan. That the proposed amendment. That's number one. Number two, that the proposed amendment would not be detrimental to the public interests, health, safety, convenience or welfare of the city. Number three, that the proposed amendment would maintain the appropriate balance of land uses within the city and, number four, that in the case of amendment to the general plan land use map, the subject parcel is physically suitable, including, but not limited to access, provision utilities, compatibility with adjoining land uses for the requested land use designation and the anticipated land use development. So with that, I just wanted to make the findings that the Planning Commission would have to make for the record, for the recommendation of approval or denial to the City Council for the General Plan Amendment.

MALE: I'd like to welcome Mr. Porous. He just walked in the door. (CROSS TALKING). Okay, so let's entertain question of staff from Planning Commission; otherwise, we'll go ahead and open the public hearing. Alright, we will go ahead and open the public hearing and we will take testimony from the applicant.

PAUL DEPALATIS: Mr. Chair and members of the Commission, you'll have to excuse me tonight, I'm running a little bit of a cold, but I just couldn't stand not being with you tonight. Paul DePalatis with MSA Consulting. We've been here twice before and this will be our third hearing on this project. We also had a special neighborhood meeting last week, which I think was very cordial. I enjoyed meeting the neighbors. They're a very nice group of folks. One of the questions that had come up in some of the prior meetings was whether or not the proper notice had been given for this rezoning and I wanted to pass out a map showing what the radius area is and I think that was part of the misunderstanding earlier was that the radius being only 300 feet doesn't include every resident in the area. So there are certain ones that were caught in that and then obviously others that were not, maybe heard through people that were and so there was some additional word of mouth talking about the meetings. It shows the radius of the notification and this was also shown to the, go ahead and just pass it on. So just to say that the proper notice was given and (COUGHING). In looking at the list of concerns in the staff report, there's a list there. I want to point out that most of these relate to site design and it's a little hard to deal with at this point because we're really dealing with a use change, not site design per se. That would come as a second step to this via Conditional Use Permit where we would look at, as we had done on many other projects, the particulars of building locations and buffers and rights of land, various things like that. Just a few general comments about those. One, there was concern about

impacts on the use from properties to the west. Really, any development is going to alter those current desert views, whether it be residential, commercial or industrial. If this property develops with anything, it's going to alter that existing view. There's also discussion or some comment about buildings being too close to the street. Again, buildings will vary, depending on the zone that was selected maybe 20 feet for residential, 35 for commercial and 50 for industrial would be allowed those zones, but some going at some height that would affect views. In this particular case, as with other projects along Little Morongo, there's a 30-foot additional voluntary landscape offer that the projects have been putting in, which we would expect to be put in on this one as well. So in addition to the 100-foot right-of-way, there would be a 30-foot buffer that would serve to provide a nice frontage on that adjoining side. Toxic waste, there is none with this use. Fertilizers are used in the processing of the plants and all the stuff mentioned in the report that there would be some kind of holding tank inside. This is actually adjacent to Little Morongo, which has sewer in the street and so this has really full utilities, sewer, water, paved street, everything is pretty much here and so these projects would drain to the sewer. Projects that are being reinspected are required put in and clarify that would actually test whatever materials come out of the building and make sure that it doesn't cause a problem for the sewer plant at the city, but anyway just to clarify, this is an area of the sewer. The only other thing I wanted to point out was just that this property is actually situated fairly well for this use. As you'll see on that map I sent you, there's a 100-foot right-of-way on one side of the property and it's pretty much surrounded by vacant land with the exception of some houses up in the northwesterly corner, some of which are across the street in the county and then a few of which are north in the city. One additional thing I wanted to tell you was that if the Commission was interested in adding the two residential lots on the north, we would be able to do that. We've spoken to those owners and they would be interested in being part of this if that was something that the Commission wanted to sort of complete the uses on that site in this zone. So with that, we're available to answer questions tonight. I'd like a little time to respond to any additional comments that the audience might have and I did have a question for you, Jennifer, and that is I noticed that we have conditions of approval on this rezoning and I'm wondering if that's something that, I've never run across that before. I'm wondering if that's something that you've done or not. I would comment that if you look at those conditions, most of them are not really relevant to this, for example, graffiti. We had no buildings being constructed so there's nothing to protect from graffiti. This approves no grading of the property so there's no disturbance for cultural resources and there's a number of other ones, which really are not really relevant to this particular project. So those would be very incorporated at the next step, but I would ask your opinion on that and just maybe we could take those off and skinny those up to something more relevant.

MALE: Paul, you had mentioned a few lots ahead, above that would connect at the desert view. You mentioned that they were either part of this or was it open to it or how was that?

PAUL DEPALATIS: Currently, there's two, 10-acre parcels that (COUGHING). However, we have spoken to those other owners and they would be willing to join this rezoning, again, if that's something the Commission would like. We heard that there might be some interest in bringing this up to the road there and, again, at the Commission's discretion or pleasure, if that's something you want, we could do that prior going to Council.

MALE: Okay, I'm a little confused. What would be the northern boundary in the included forms?

PAUL DEPALATIS: If you look at the map that you have there, you'll see Desert View Avenue north of the boundary on the _____ (16:47). You'll see that there are three _____ parcel number 2 and 3 have smaller residential lots there. Those could be incorporated _____.

MALE: Okay, I'm just going to ask this because I know I'm new and all that good stuff. If you did extend it up, then wouldn't you be encroaching on the people to the north of that.

PAUL DEPALATIS: We are totally benign on that question, whatever the Commission would like. We could do something with that property where it could become more of a buffer, but I guess the question would be whether the Commission would prefer to see you know future homes go in there maybe with your butting back to that, which we could buffer via wall and other things on our site.

MALE: My question specifically is would that move your 300-foot radius north?

PAUL DEPALATIS: It would and it would also be within the parcels that are currently noticed. I actually have a map showing that if you would like to see that.

MALE: Okay. Thank you, guys.

MALE: What is the square footage of those lots, those three lots in the subject?

PAUL DEPALATIS: You know I'm not sure. I'd have to guess something probably around the 8,000 square foot range. I'm not exactly sure what the residences are there. So if they were included, they would need to be developed as part of this project that would bring them in (CROSS TALKING).

MALE: Because 110 feet deep is not going to give you a very big house.

PAUL DEPALATIS: Correct. True. You mean if it stayed residential.

MALE: Right.

PAUL DEPALATIS: If it stayed the way it was, we would assume that when we come in with the Conditional Use Permit, we would be providing a landscape buffer or something along that edge, you know on a wall, but not to kind of buffer that, but you could tell us what you think a better way to treat that would be..

MALE: Alright. If we have no other comments, then I'm going to go ahead and in our first handful of public testimony. The first one is Jim Etchason. Welcome, Jim.

JIM ETCHASON: Thank you. Again, this is the third time, thank you for letting me come to speak again. This is the third time I've been here. I attended the meeting that you spoke of last week and I commend the developer and the people that participated because it was a fair exchange of ideas and everybody was pretty much open-minded and kept a cool demeanor during the whole time. I'm here to just tell you, again, that I'm opposed to this zoning change. I just find it strange that it's zoned residential so it should stay residential. That's my feeling because I think that the development in this property is going to have a negative impact on my property and also the property of the people that live there. I mean I know we're in county area and they vote in this city, but there is a scare of influence, as you all know, and we live out there or I'm sorry I don't live there at the time, but people live there because they like that area. It's open; it's wide open. There's not as much progress and I know a lot of times, we can't prevent progress. It's going to happen, but I think this is one of the times that we can at least slow it down a little bit because the developer, as I understand it, they haven't purchased this land. They're going to buy it if they can do the zoning change. So it's not like we're going to harm them in that way because they can go down and buy a property down the street and develop down there. So this item here can stay the way it is and develop residential. I agree that it will alter the view if they build houses, but it won't be the same as if they have a Walmart-type building sitting there because it does make a difference. So I feel like we're kind of like in a David and Goliath situation because the city I know is hard up for money and they think this is a great way to make money and I hope it does, but at this particular location, this little square of our area out there, I think we should preserve it the way it is. Thank you very much.

MALE: Thank you, Jim. Next up is Kathleen Lynn. Welcome, Kathleen.

KATHLEEN LYNN: I live on the corner of Desert View and Little Morongo and I oppose the rezoning of these lots for several reasons. First of all, they increase traffic and construction noise that's going to be caused by the development of this piece of land. It's going to be more than we can bear. I mean it has been quiet and, quiet and secluded for so long. So to develop that whole area of land, the noise, the dust, I mean already we hear the water truck coming from the other development down the street and that's at 7, starting at 6:00 AM up and down, up and down to get the water and I understand that development is going to happen regardless and I do commend the city for trying to do the economics financially, but being that it's so close to our residence is just too much. I'm about 100 feet away from the zoning line of this development project. Second, the light pollution of this project. Even if you have hooded lights facing down would still be apparent to us because we're used to having blank, dark night skies. So even if you have a hooded light facing down, we will still notice it, it will still make a difference in our sleep cycle, it will still make a difference in our daily routine and, lastly, there's an increase in risk of environmental waste and pollution. I understand that herbicides are being used and pesticides in indoor facilities in Colorado and I do understand that some of these insecticides have been known to have spills that are improperly maintained and cleaned up, which causes air pollution. If this project, say it opens and thrives and then a couple years later it shuts down. Well, who's left with the mess to clean this up and you will have runoff. You will have some type of runoff. There's going to be, if you can say that there's going to be no pests that are going to be brought into this facility, well you know the pests come in all sizes and shapes just from people coming into the building and they will migrate to plants and agricultural growth. So I strongly oppose to this development and that's my thing.

MALE: Thank you Kathleen. Next up is Raylene Kluse.

RAYLENE KLUSE: Kluse.

MALE: Kluse, alright. Almost.

RAYLENE KLUSE: Close enough.

MALE: Welcome.

RAYLENE KLUSE: Thanks for letting me speak. Everybody pretty much said what I had wanted to say. We built our house out there 11 years ago and when we bought it, we stood out there in that desert and we said this is it. This is it. We love the view. We like to sit out there on our big patio at night and watch the lights, the city lights, and you're wanting to put up big 50-foot buildings. I don't get it. It's already, like this said, it's already zoned for residential. You haven't purchased yet, so go down where there's no homes. You're not interrupting any of the residents, nobody, no one's views or anything not to mention the type of business it is. I mean you're real close to a high school and we just don't need it. We don't want it. That's pretty much all I had to say. It's a nice place and I just don't want to wake up every morning and look out my window and see this big 50-foot building. That's it.

MALE: Alright, thank you, Raylene. Next up is Ron Hobbs. Welcome, Ron.

RON HOBBS: Thank you. I know you've heard from the residents and rightfully so, but there's a few others that also have an interest in this project. Once again, my name is Ron Hobbs. I'm the lead pastor at the Christian Center of Desert Hot Springs and our congregation resides mainly in the city of Desert Hot Springs and we have held our services on 8th and Palm for the last probably 35 years. We're going to be celebrating our 50th anniversary this fall, which is a neat thing to be in the city here, 50 years here.

MALE: Congratulations.

RON HOBBS: And I represent a constituency of approximately 240 people. Not everyone is a member, but those are the people we serve on a regular basis in our church and we are the seller of the southern 9-1/2 acres to the applicant. So the bottom section of the (COUGHS) here is currently the property that the church owns at this time. We originally bought the Little Morongo Road property in May of 2004 and even though it is zoned residential, the city did approve our plans to build a new church facility there at the time. Now the approved plans allowed for a high school gym-sized multipurpose building to be constructed for us to use for a worship center for community outreach, our plans to build a new church facility there, a recreation and possibly even some food and clothing community outreach at that particular location. After investing, some of you are aware or were here at the time when the church was doing that. We've invested approximately \$450,000 in the property in fees and design and development and with the addition of unforeseen building requirements and, of course, the so-famous power poles along Little Morongo at this time from Southern California Edison made the cost prohibitive for us to

complete our project. So we, unfortunately, had to terminate the project and have decided to sell the property and, nonetheless though, we still have some big plans. We have some big dreams that we would like to see accomplished with our presence in the city here and because we are running at capacity in our current facility, we intend to either expand on our existing properties or adjacent lots that we have next door to us or find a new site within the city, both then from the proceeds of this particular sale. So our future will be greater than our past. That's what we're banking on at this particular time and it's our desire to serve not only our constituency, but to serve our neighbors and we're already involved in some schools in the city with some prevention-type activities and programs and we desire to open the doors to the community and be an asset then to our communities in ways that will enhance the overall help of our residents in the community. So we have been in escrow in this property for about 10 months. First part of June is when we brought this to the city after we entered into escrow and we would ask that the Planning Commission approve the rezoning of our property to allow us to proceed so we can continue to implement our vision and our growth and contribute some good things to our city. So thank you for your time to hear this out today. I just wanted to bring a different perspective. Maybe you haven't heard this yet or was aware of it, but that's what I would like to present to you. Thank you for the opportunity.

MALE: Thank you, Ron.

MALE: May I ask him a question?

MALE: We're typically not supposed to ask members of the, Madame City Attorney.

MADAME CITY ATTORNEY: It's okay.

MALE: It's okay. Alright.

MALE: Can I ask you a question?

FEMALE: Me, sure.

MALE: Okay. Do they own both _____ (28:46) or just one?

FEMALE: That would be a question of the applicant. I don't know the ownership. We could definitely ask the applicant. It's during the course of the public hearing or unless staff knows.

MALE: I believe it's just the southern parcel.

MALE: It was the church folks have the side parcel.

MALE: That's what I heard. I just wanted to clarify.

MALE: Mark Sanford.

MARK SANFORD: Well good evening, Commission and members and our property applicants. I have been to two meetings so far. I'm not a very good public speaker so I wrote down some thoughts this evening and my name is Mark Sanford and we own two properties within earshot of the property in question, within 300 feet. 64936 Desert View Avenue, which is the location of our business, S&S Well Drilling & Pump Company. My personal home is 100 feet away, 12451 Little Morongo Road. We've been residents of this fine neighborhood for over 50 years and we moved here specifically because of the privacy and distance from industry. Desert Hot Springs was a dustbowl when we moved here and my personal opinion is the wind will probably never stop, but we recognize that progress happens. We were hoping that progress would happen down the road in areas that are already zoned industrial and not across the street from my front door. There are several reasons why we strongly oppose the rezoning effort of this residential neighborhood, which have already been spoken of and repeated many times, environmentally, safety and aesthetic issues. I know this has nothing to do with rezoning, but personally I'm opposed to my hometown where I grew up, played ball, went to school, made lifelong friends and everything in my hometown is going to pot and I realize that progress happens and you know financial gain is sometimes more important than other values. I didn't come here to talk about that, but I wanted to at least voice my opinion. I've worked with many recovering addicts and families that have been destroyed by the misuse of cannabis, but, again, that's not why I'm here. I didn't want to talk about environmentally that this is residential neighborhood and home to children's pets and families. Again, where I grew up and the construction of an industrial facility would, of course, incur more traffic, automobiles and the use of motorized vehicles. We're particularly concerned about toxic fumes from vehicles. We have family members who have died of lung cancer. They live near busy highways and freeways and we surmised that their illnesses were caused by automobile fumes and gas fumes, not a good thing. Dust and dirt during the construction. As you know, the wind is always blowing in Desert Hot Springs and currently we have some roadwork being conducted across the street from my house where a single water truck is moving water all day, picking up loads of water. The road is packed, but it's still dusty and noisy and disruptive inside the house. The light pollution. I can't imagine the safety lights around the facility at night, not to mention people roaming around our neighborhood. It just happens no matter how much we think you know we can control it. You know the smell of marijuana. I'm not looking forward to coming home every night from work and smelling cannabis. I drive by these facilities on my way to the hardware store to pick up parts for work and I can smell cannabis on Palm Drive and I can smell it and you know I suppose there's some industrial way of being able to control that. I hope so, but I'm not looking forward to that. This seems really trite, but aesthetically we are really opposed to looking out our front window and coming home every day 100 feet away, I'm looking at a 50-foot industrial building and we moved here 50 years ago because we didn't want to live in the middle of industry. We wanted to live in rural Southern California. The people that come to my home and visit and consider my place a retreat and a place, a reprieve from Los Angeles and busy cities. Actually, it is a retreat. I cannot imagine having to move because, from my lifelong home because I just got told that we're living in an industrial neighborhood. Anyway, thank you for hearing my concerns. I just, I can't add any other concerns that have already been voiced. I just think that this is the wrong place and that it could be moved down the street where it's already sort of working. So thank you very much.

MALE: Thank you. The last speaker is Paula Turner.

PAULA TURNER: If you could pass those out, that'd be great. My name is Paula Turner and I'm with Desert Pacific Properties. I represent the seller of the southern 10 acres, the church, that is before you, as well as I am a property owner in the county across the street from the cultivation zone. I am here to support the zone change and General Plan Amendment. I would like to address two concerns that have been brought up by the neighbors across the street and the staff report, which is the view corridor and the decline in values. The neighbors are concerned that the building will be too tall, the buildings will be too tall and impact the residents' view and looking east. The church was planning on constructing a 38-foot facility, the height of a gymnasium, and although the zoning allows 50 feet for the zoning height, the average height of an industrial building is 24 feet, which is the same height as a two-story home with 10-foot ceilings. The second concern is the decline in property values. I have pulled all the sales from, I gave you a little package. I pulled all the sales comps, prior to cultivation, of the residential homes between 2011 and 2015 and they average \$27,500 up to \$132,000. The average sales price was \$81,000. After cultivation, property values, the property values increased and the values jumped to \$85,000 to \$200,000, which is an average sales price of \$140,000. Property values increased over 70% just like the industrial land across the street, it increased from \$7,000 an acre up to \$200,000 per acre once cultivation passed in October 2014. So I just want to stress that the value has not declined, that it has increased, one reason why I bought some lots over there. The industrial zone will be creating hundreds of jobs in the whole entire zone and what better place to live, but across the street. I would like to request that the Planning Commission agree that the highest and best use of the area is the proposal before you and that the Planning Commission will (COUGHS) to the City Council the proposed zone change and General Plan Amendment. Thank you.

MALE: Alright. That's the last of the speakers that we have. Opportunity for applicant rebuttal.

MALE: Mr. Chair and the members of the Commission, I don't have too much to say other than you know there were many different environmental impacts that were brought up and I think you've seen enough cultivation projects over the last two years to know that most of those are addressed through the design process and they're really not real issues. Traffic, noise, lighting, etc., they're all mitigated during the design portion of the project. So, again, just wanted to remind you of that and clarify that.

MALE: Okay. I will go ahead and close the public hearing and now it's Planning Commission discussion and questions to staff.

FEMALE: Mr. Chair, members of the Commission if I may interrupt again. I just wanted to make it clear that what's before the Commission is just the General Plan Amendment and the zone change. The actual construction, I don't believe that the city ever got an actual application for construction of an actual project. So I just wanted to make that really clear that this is just for the General Plan Amendment and zone change and with that, some of the conditions of approval, if I may, and if the Planning Commission and, frankly, if staff also agrees with me, I don't see the need for them at this point. One of them is Condition of Approval #3. It says that the development of the project on the project site shall be in such compliance with the exhibits. I think this might be a little bit premature and the reason why I say that is because we don't

actually have an actual application. It's just the zone change and the General Plan Amendment. Unless staff objects, I will.

MALE: No.

FEMALE: I will give an opportunity for staff to object.

MALE: This is essentially our only exhibit.

FEMALE: Okay. Oh that's the only exhibit, okay. I apologize. I thought there were more exhibits. So then that one's fine. Then there's a few others in here that I think just might be, there's some innocuous ones that are not big of a deal, but I think that there's a few other ones that we would, I actually would like to just kind of point out in terms of condition of approval, Number 12, 13 and 14. I don't think that they're really needed, considering the fact that we have Condition of Approval Number 8 that states that no construction and/or development of the project site shall occur with first obtaining planning entitlements and building permits. I just think that they're superfluous, but, in any event, that would be my recommendation is to delete those three conditions of approval.

MALE: 3 or 4. You said.

FEMALE: 12, 13 and 14.

MALE: I thought you said also Number 3.

FEMALE: What was that?

MALE: Your first one was Number 3.

FEMALE: The first one was number 3, but I think you just mentioned that the only exhibit we have is this one so it's no big deal. Is that correct?

MALE: That is. We do have, I mean they have submitted kind of like a partial map, but those essentially are only exhibits that are showing the partial boundaries and looking at.

FEMALE: I see. I didn't realize they were actual.

MALE: Looking at the zoning and general plan designations. So Number 3.

FEMALE: Number 3 stays.

MALE: Is staying.

FEMALE: Number 3 is staying. Number 12, 13 and 14 to be deleted and, again, just for clarification on the record that the application is really just for the General Plan Amendment and zone change. There really is no building at this time that's being proposed of which I am aware

and is that correct? Okay, I'm getting some yeses from staff. With that, I'll return it back to the Planning.

MALE: Excuse me, Jennifer, I'm a little slow. What page are you on?

FEMALE: Page 131.

MALE: And I think Condition Number 3 we'll revise. It says Exhibits 1 through 10. I think there should only be two exhibits. It would be the partial map and then this exhibit the staff has created to show the zoning.

MALE: So we have lack of clarity on item Number 3.

FEMALE: Yes.

MALE: If I'm correct, well let me simplify this. This is nothing more than it's currently residential and they want to be light industrial, period.

MALE: That is correct.

MALE: So then why are we spending time on conditions?

MALE: Well, there's certain conditions, administrative, that we have to.

MALE: I don't really care to waste time on it. I mean I'm just curious why we're spending time on conditions.

FEMALE: The reason why is because I think there's some conditions that really shouldn't be in there.

MALE: Right, I mean we.

MALE: Just correcting _____ (41:57).

MALE: Okay.

FEMALE: Yeah, and yeah, and there's only a few in there.

MALE: Larry, did you have any questions or comments or things that you wanted to bring up?

LARRY: No. Actually, I'm pretty clear on that. I got it.

MALE: Kathy? Andrew?

FEMALE: I'm good.

MALE: Scott?

SCOTT: I'm good. I'm ready to make a motion.

FEMALE: Again, if I may, for the person who makes the motion, can I go ahead and read, actually I read the findings at the beginning. We'll just deem them read again into the record. If the Planning Commission would like me to reread those findings, I'm happy to do so.

MALE: Okay. Do you want to make a motion?

MALE: I'll make a motion. I'd like to make a motion to deny the zone change due to improper balance of the area, the large public outrage against this project, the main thoroughfare of Desert Hot Springs. This project is way too close. It was brought up tonight regarding the high school in the proximity of this project. The waste that this project will cause to the residents that are close by and the lack of clarity on Item Number 3.

FEMALE: I'm going to second the motion.

MALE: So we have a second. Do we have any discussion?

FEMALE: Let's discuss, shall we?

MALE: Okay.

FEMALE: I can see some, some reasons on either direction with this; however, looking at the light industrial that we have and where it's landing and also kind of having just a vague notion of where we are going to be headed as a city in terms of the location of this kind of thing, like light industrial. I don't mean marijuana, but light industrial because I just see this as an industry, a vital industry like any other pharmaceutical industry, whatever, but, yeah, I'm thinking I want to see the light industrial _____ (44:28). No matter what the proposed use might be of that light industrial area, I think we're starting to creep up into a zone that maybe we don't want light industrial. That's, that's, that's kind of what's coming, coming to me right now with this discussion and what I've been listening in terms of testimony from the public. I'm leaning that way unless somebody on this panel wants to say something contrary to that that could be compelling enough, but that's where I'm at right now.

MALE: I will, I support the zone change and for a number of reasons. I looked in the previous map that was originally was proposed for General Plan Amendment and is going to move up. I think that having it up to Desert View would make sense. It's just a zone change. It's not a cultivation site. I know we've got one proposed on here, well not really proposed, but it's been used as the pictorial example for people to look at, but it could be any number of uses and anything that goes into this property is going to have to come back through us and we can mitigate anything that we need accordingly to this area. Little Morongo is going to be a widened street. We've already approved that. We've already accepted that. It's going to eventually do that. You know I worked in a town, I'll mention the City of Azusa. You have literally the width of this building, you've got residential and light industrial, 50-plus high buildings and stuff

functioning every day, operation every day out there without any problems and they manage. They did things through landscape, light mitigation, they did traffic control, they did these kind of things. Had the building set back and those things. I'm sure, initially, the residents didn't like that and however that worked. Things, such as the pesticides, air pollution, as much as I know that those are important topics and things, this industry has mitigation measures for those things that are built into the buildings themselves. Again, that would be conditioned to what we would have to condition as a Planning Commission for that. Wastewater runoff. It's hooked up to the sewer so it's going to have direct sewer drop-off that way. There's certain filtrations that are required by the water district. So we won't really have that issue. Lighting, again, we can mitigate that. We can mitigate that through landscape. The noise barriers and the like, we can do that as well. Construction is going to happen whether it's residential or whether it's going to be light industrial. It's going to happen. So things like water trucks, noise, vehicle parking, etc., is all going to be there and residents are simply just going to have to accept that. You don't really have a choice. It's going to be residential or this or whatever it's going to be there at some point. I look at it as when I look at this map and I see what's there, I see a dysfunctional zoning designation of how it is at this moment and it's just dirt and what I think if we were able to continue, I wouldn't go past the desert view. I think we're in to the residential once we get into that and we get across the street there, but how it would be designed. It would basically round off the most northern end of what I believe would be our light industrial area. Again, everyone, and I respect everybody's comments and stuff they said, we're concerned about cultivation. We know that that's what the applicant is most likely interested in; however, we don't know. He may just make a change and decide that's not going to be the case. I'm into very good solid planning and having residential right abut to light industrial right now, that's how this is, this is abut to this. So if there's a residential development that comes in to the bottom 9 acres, it's going to be residential. It's going to be right next door to light industrial. So the concern that people have in regards to that is going to be even greater when somebody comes in there to build homes and who's going to want to build homes right next door on a lot directly next door to that. So there's something, I see that, again, I hear the comments. I can respect those; it's not an uncommon thing. You know you've had a nice vacant lot area. You've had all this open space, but, inevitability, development is going to come into a lot of these areas and I've had it done to me where I've lived before. Beautiful views, things have changed and a new home development, townhome development came in and I had to deal with that. That's just how it was. They have property owner rights and the ability to do that. My support in this simply is that it's not what's going into there. It's going into complete what was originally proposed when we were doing the general plan and it ended up not getting completed for whatever reason and it was going to complete the northern end of the light industrial for our town in that area and then we, as a Commission, have the ability to mitigate all negative issues that we feel are there or are brought up residents (COUGHS) conditional use process and what have you during that hearing. I find that as a productive way of doing that. So that's my two cents.

FEMALE: May I respond to that because, what I had just said, I think my concerns are similar to some of the residents' concerns and I also agree with most of what you're saying actually too. I recognize that makes a lot of sense. I guess my concern is, and I'm more of a proponent for form-based zoning anyway, so it's not so much the usage, so much as it is the kind of, the fit physically, functionally for how things kind of flow and work for those that are utilizing the space, whether that's for living, whether that's for working or whatever it is that they're doing

and I guess what's probably most frightening for the residents is that uncertainty of what's ultimately going to go there and what is it going to look like and feel like and how is that going to impact them because the zoning change itself, maybe not such a big deal, but because we are dealing right now in specifics and that there's this specter of further down the road, there's going to be more discussions and more discussions and how many times as a resident am I going to have to come back and advocate for myself that whatever is put there is going to be something that I can tolerate. So I guess my mind is going that way. I wish that we did have the ability at this point to kind of deal with that when we talk about light industrial height limits of being 50 feet. Of course, you know the residents are like oh my God, this 50-foot monolith is going to be in my front yard. I mean I can understand that concern too and the fact that we can't really say, well okay, light industrial, but only 38 feet. We can't do that now. We can only address those things when there's a specific development presented to us and the reason I'm saying this and I know that it probably sounds like I'm repeating the obvious, but I'm not sure if it's as obvious to the residents that have the concern and I want to make sure that they understand that that's really what we're dealing with here is only the land use aspect of it specifically and not the specifics of any particular development that might come down the pike. So that being said.

MALE: May I also chime in on this one. While I really appreciate what you say Mr. Chair, I kind of, well I disagree with part of what you're saying. We did not change the master plan in the last few years. Now, granted, there were reasons why it got stopped, but turning this property into light industrial is only one of three, I believe. Is that correct, Scott?

SCOTT: I'm sorry, one more time.

MALE: There's only one of three options for this property when they were working on the general plan.

SCOTT: Yes, that's correct.

MALE: So it wasn't really a done deal. So I disagree with that part. It is an encroachment into a residential area. For that reason alone because I think all the other reasons are not really valid for our discussion. There's nothing being proposed to be built on there. We're not dealing with permits for that sort of thing. Just change in the status, but it is an encroachment in the residential area and for that reason I'm going to have to oppose it as well.

FEMALE: I kind of wanted to add one thing. There were some things that I agreed with. There are some things that I disagreed with and as we have discussed before, I was born in West Covina and I grew up in Azusa. My family moved to Chino in 1975 because industrial and residential did not mesh. I lived off of Foothill and Rockville. I attended Lee Elementary and I played Little League out in Lee Elementary fields. It didn't work then. It was an encroachment. There was a lot of development that was happening. There was a field that was right across from the Foothill Garden Condominiums that I grew up in that became apartment complexes and then it just kept building and building. On the flipside of that, I'm going to be a little personal and as you know, I'm leaving and I'm moving back East and I sold my home. It's public record, but in the five years that I've lived here, I bought my home for 85, I sold it for 165. The industry is coming. The industry is going to be make a boon in the sale of your homes, that's a given, but a I

also respect the fact it's not in your backyard. That when, and I voted and I'm going to be very honest, but I also felt that there's going to be areas in the zoning that is going to be outside of the city over on Little Morongo in the areas that we're going to create that industrial field and that's the one thing that I personally want to respect and I feel that that's important and that's why I'm opposed to this.

MALE: So we have a motion and we have a second.

MALE: Yep.

MALE: So I'd like to call for a vote.

MALE: Call for the question.

FEMALE: Mr. Chair and members of the Commission, if I may, and especially for the motion maker, if I may as well, we have to make certain findings and so I just wanted to make it clear for the record and if this would be alright with the motion maker that the proposed amendment would be detrimental to the public interest, health, safety, convenience or welfare of the city and the reasons why was because, in particular, this change of a zone and General Plan Amendment would make industrial pretty much right adjacent to residential.

MALE: Encroachment.

FEMALE: And pretty much an encroachment on those uses. Additionally, there's one more finding, which is that the proposed amendment would not maintain the appropriate balance of land uses within the city and, again, similarly it's because the balance of land uses possibly this one would be a little bit too close to the residential, so you're going to, again, have just industrial too close to residential, causing some of the issues that we've heard from the Planning Commission this evening. One that I did miss that I did write down. I wanted to try to get it in there is Commissioner De La Torre said that something was too close to the thoroughfare. I missed that.

MALE: So the rezoning would ultimately be too close to one of the main thoroughfares, which would be Pierson Blvd.

FEMALE: I see. So, okay, so in addition, we could go ahead and make that as a finding as well as something that would be detrimental to the public health, safety, welfare because that is too close to the main thoroughfare and what I'm hearing is industrial should be further way.

MALE: Correct.

FEMALE: Okay. So those are some the findings.

MALE: Further south.

FEMALE: Further south. So those are some of the findings for reasons for denial. Did I miss any of them that anybody wanted to add?

MALE: And Item Number 3 due to the lack of clarity.

FEMALE: The lack of clarity. Let me just make a point. The lack of clarity was just the exhibits. Technically, there was two exhibits that should have been in the packet. I think there was almost like a typographical error in a way that we thought that there were going to be 10 exhibits in the packet. If you want that in as a finding that's okay, but I think that was just a staff error. I don't know if that would be a finding.

FEMALE: I'm sorry you may have, it may have flown over my head, forgive me, but did you touch on the fact that the overwhelming negative aspect of the residential?

FEMALE: Yes. Well, it's actually the negative aspect that what I'm hearing is that the industrial would cause to the current existing residential.

MALE: Right.

FEMALE: Okay. So just for the record, I wanted to make, just those are the findings that I heard from the motion maker and for the other Commissioners. If I missed anything, please do chime in. We need it for the record, and if not, with that there's a motion in the second.

MALE: Correct. We will call for the question. All those in favor say aye.

MALE: Aye.

MALE: Aye.

MALE: Oppose, which is nay. No.

FEMALE: I didn't get my aye out there, but it's an aye.

FEMALE: So what we have is an 4 – 1 recommendation of denial to the City Council. This will be moving forward to the City Council as the recommendation of denial with those findings present.

MALE: Alright.

MALE: We would love to have you as well as City of Desert Hot Springs incorporated residents instead of unincorporated.

END OF ITEM