



## **CITY OF DESERT HOT SPRINGS**

### **REGULAR MEETING OF THE PLANNING COMMISSION**

#### **ACTION MINUTES**

**JUNE 13, 2017**

**6:00 PM**

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

---

#### **CALL TO ORDER**

Chairman, Dirk Voss called the regular meeting of the Planning Commission to order at 6:03 p.m.

#### **ROLL CALL**

Present:  
Commissioners: Larry Buchanan, Cathy Romero,  
Chair Dirk Voss

#### **PLEDGE OF ALLEGIANCE**

Commissioner, Larry Buchanan, led the Pledge of Allegiance.

#### **APPROVAL OF THE AGENDA**

Action: Romero moved to approve the June 13, 2017 regular meeting agenda, motion seconded by Buchanan, motion carried 5/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

#### **MINUTES**

**Planning Commission Regular Meeting Minutes: April 11, 2017**

**Planning Commission Regular Meeting Minutes: May 9, 2017**

*Community Development Administrative Assistant, Gia Millan*

**Recommendation:** Approve minutes as submitted; or corrected.

Action: Romero moved to approve minutes as submitted, motion seconded by Buchanan, motion carried 5/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

## **PUBLIC COMMENTS**

There were no Public Comments.

## **PUBLIC HEARINGS**

1. **[Request for a One-Year Extension of Time for Development Permit 01-14, Design Review No. 01-14 for the Ho Ho Express Private Fueling Station Located on the East Side of Little Morongo Road South of Dillon Road \(APN: 665-190-018\)](#)**

*Daniel Porras, Acting 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) Opportunity for Applicant Rebuttal;  
7) Close the Public Hearing;  
8) Planning Commission discussion and questions to Staff;  
and  
9) A recommendation from staff for a one-year time extension for Development Permit 01-14 & Design Review 01-14; The Ho Ho Ho Express private fueling station located on the east side of Little Morongo Road south of Dillon Road on Assessor Parcel No. 665-190-018.

Scott Taschner, Senior Planner, presented the staff report along with a PowerPoint Presentation and responded to questions.

Chairman Voss opened the Public Hearing.

David Turner, with the Coachella Valley Engineers, representative to the applicant, addressed the Commission.

Jennifer Mizrahi, City Attorney, addressed the Commission and responded to questions.

Chairman Voss closed the Public Hearing.

Action: Romero moved to approve staff recommendation, motion seconded by Buchanan, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

2. **Request for a One-Year Extension of Time for Development Permit 05-11 and Design Review 06-11 of the Development of a 2.6 Million Square Foot Industrial Warehouse and Distribution Center Located on the East Side of Indian Avenue between 18th and 19th Avenue in the Light-Industrial Zoning District (APN: 66-340-004 and 005)**

*Daniel Porras, Acting Community Developer*

**Recommendation:** 1) Staff Report;  
2) Questions of Staff from Planning Commission;  
3) Open the Public Hearing;  
4) Invite Applicant to speak;  
5) Questions for the Applicant;  
6) Take Public Testimony;  
7) Opportunity for Applicant Rebuttal;  
8) Close the Public Hearing;  
9) Planning Commission discussion and questions to Staff;  
and  
10) Consider a motion for approval of a one-year time extension from November 17, 2016 to November 17, 2017 for Development Permit No. 05-11 and Design Review Permit No. 06-11, which approved an industrial warehouse and distribution center with area of approximately 2.6 million square feet containing four buildings ranging in size from 271,000 square feet to 1,171,000 square feet on approximately 161 acres at the southeast corner of North Indian Canyon Drive and 18th Avenue.

Scott Taschner, Senior Planner, presented the staff report. and responded to questions.

Chairman Voss opened the Public Hearing.

David Turner, with the Coachella Valley Engineers, representative to the applicant, addressed the Commission.

Chairman Voss closed Public Hearing.

Action: Romero moved to approve staff recommendation, motion seconded by Buchanan, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

3. Conditional Use Permit No. 03-17, Development Agreement No. 01-17, and Tentative Parcel Map No. 37286, for the Approval of the Development of a Two-Story Cultivation Building Totaling Approximately 22,000 Square Feet (SF) on a 1.26 Acre Site Located on Palomar Lane Between Little Morongo Road and Cabot Road in the I-L (Light Industrial) Zone

**Applicant: Desert Grow, LLC. (Contact: David Palmer)**

*Community Development Director, Daniel Porras*

**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) Opportunity for Applicant Rebuttal;  
7) Close the Public Hearing;  
8) Planning Commission discussion and questions to Staff;  
and  
9) Consider a motion that the Planning Commission recommends approval to City Council of the following: (1) a Mitigated Negative Declaration for Conditional Use Permit No. 03-17 and Development Agreement No. 01-17; and (2) Conditional Use Permit No. 03-17; (3) Development Agreement No. 01-17; and (4) Tentative Parcel Map No. 37286; for a two-story cultivation building totaling approximately 22,000 square feet to be constructed on Palomar Lane between Little Morongo Road and Cabot Road in the I-L (Light Industrial) District. APN 665-040-017

Daniel Porras, Community Development Director, introduced the new Associate Planner, Benjamin Torres.

Benjamin Torres, Associate Planner, presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Paul De Palatis, with MSA consulting, addressed the Commission regarding changes to conditions.

Chairman Voss closed the Public Hearing.

Action: Voss moved to approve staff recommendation with modified conditions, motion seconded by Romero, motion carried 2/0 by the following vote:

Vote: AYES: 2 - Romero, Voss  
Passed NOES: 0 - (None)  
ABSTAIN: 1 - Buchanan

4. Consideration of a Conditional Use Permit application (CUP 22-14) to Operate a Medical Marijuana Dispensary with Incidental Cultivation (Up to 99 Mature Plants) Located in an Existing Two-Story Retail Commercial Building Located at 11940 Palm Drive in the C-G (General Commercial) Zone (APN: 639-293-029) Request Submitted by Stephanie Bodde and Desert Hot Springs Dispensary

*Danny Porras, Acting Community Development Director*

**Recommendation:**

- 1) 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) Allow opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) 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 incidental cultivation (up to 99 mature plants), subject to conditions, located in an existing two-story commercial building, located at 11940 Palm Drive.

Upon applicant's request, this item was considered to item 7.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Matt Pappas, the Attorney supporting the applicant, addressed the Commission.

Stephanie Bodde, the application, addressed the Commission.

Nina Scott, supported of the applicant, addressed the Commission.

Chairman Voss closed the Public Hearing.

Chairman Voss, recommended to add additional landscape.

Action: Buchanan moved to approve staff recommendation with additional conditions, motion seconded by Voss, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Romero, Voss, Buchanan
Passed	NOES: 0 - (None)

5. Conditional Use Permit No. 07-17 and Development Agreement 05-17, for the Development of an Indoor Marijuana Cultivation Facility Totaling 63,446 Square Feet as Well as Associated Parking and Other Improvements, Located on 5 Vacant Parcels Totaling 3.69 Gross Acres (APNs: 665-050-001, 002, 003, 004, 006) on the South East Corner of Little Morongo Road and Palomar Lane and Within the General Plan Light Industrial (I-L) Zone

**Applicant:** Din Cultivation / Victor Din.

*Daniel Porras, 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) Opportunity for Applicant Rebuttal  
7) Close the Public Hearing;  
8) Planning Commission discussion and questions to Staff;  
and  
9) Consider a motion that the Planning Commission recommends approval of Conditional Use Permit No. 07-17 and Development Agreements 05-17; for the development of an indoor marijuana cultivation facility for a total area of 63,446 square feet on 3.69 gross acres located on the south east corner of Little Morongo Road and Palomar Lane in the Light Industrial (I-L) Zone.

Benjamin Torres, Associate Planner, presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Chris Brisuela, with MSA consulting, addressed the Commission regarding changes to the conditions.

Maria Lourdes Matienzo, a resident, addressed the Commission.

Chairman Voss closed the Public Hearing.

Action: Voss moved to approve staff recommendation, motion seconded by Romero, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Romero, Voss, Buchanan
Passed	NOES: 0 - (None)

6. Conditional Use Permit No. 08-17 and Development Agreement 06-17 for the Development of a 50,976 Square Foot Building for Medical Marijuana Cultivation and Processing / Manufacturing as well as Associated Parking and Other Improvements on Two Vacant Parcels Totaling 2.52 Gross Acres (APN: 665-040-018, 019), Located on the North Side of Palomar Lane, Approximately 850 Feet East of Little Morongo Road and Within the General

### Plan Light Industrial (I-L) Zone

**Applicant: Kim Cultivation / Un Sun Kim**

*Daniel Porras, 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) Opportunity for Applicant Rebuttal  
7) Close the Public Hearing;  
8) Planning Commission discussion and questions to Staff;  
and  
9) Consider a motion that the Planning Commission recommends approval of Conditional Use Permit No. 08-17 and Development Agreements 06-17; for the development of a 50,976 square foot building for medical marijuana cultivation and processing / manufacturing as well as associated parking and other improvements on two vacant parcels totaling 2.52 gross acres located on the north side of Palomar Lane, approximately 850 feet east of Little Morongo Road and within the General Plan Light Industrial (I-L) Zone.

Benjamin Torres, Associate Planner, presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Paul De Palatis, with MSA Consulting, addressed the Commission.

There was no Public testimony.

Chairman Voss closed the Public Hearing.

Action: Romero moved to approve staff recommendation with modified changes, motion seconded by Buchanan, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

7. **Conditional Use Permit No. 05-17 and Development Agreement No. 03-17, for the Approval of a Conditional Use Permit and Development Agreement Proposing the Development of a Two-Story Cultivation Building Totaling Approximately 35,300 Square Feet (sf) on a 1.26 Acre Site Located on San Gorgonio Lane between Little Morongo Road and Cabot Road in the I-L (Light Industrial) Zone Applicant: MIRO, LLC. (Contact: Michael Buono)**

*Community Development Director, Daniel Porras*

**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) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission recommends approval to City Council of the following (1) a Mitigated Negative Declaration for Conditional Use Permit No. 05-17 and Development Agreement No. 03-17; and (2) Conditional Use Permit No. 05-17; and (3) Development Agreement No. 03-17 for a two-story cultivation building totaling approximately 22,000 square feet to be constructed on San Gorgonio Lane between Little Morongo Road and Cabot Road in the I-L (Light Industrial) District.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Crishris Brisuela, with MSA Consulting, addressed the Commission.

There was no Public testimony.

Chairman Voss closed the Public Hearing.

Action: Buchanan moved to approve staff recommendation, motion seconded by Romero, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Romero, Voss, Buchanan
Passed	NOES: 0 - (None)

8. [Design Review Application No.01-16 and Development Permit No 01-16 for Demolition, Remodel and a 9,840 Square Foot Major Addition to the Existing Starlite Lodge Motel Located at 13105 Palm Drive in the Commercial General \(C-G\) Zoning District](#)

*Daniel Porras, 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) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Staff recommends that the Planning Commission continue the item to a date certain of July 11, 2017.



A 5 minute break was taken.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Commissioner Romero asked the application questions.

A discussion ensued.

Chairman Voss opened the Public Hearing.

Mike Tralours, the applicant, addressed the Commission.

Commissioner Romero raised concerns on the public's safety regarding the pool.

Chairman Voss closed Public Hearing.

Action: Voss moved to approve staff recommendation with modified conditions, motion seconded by Romero, motion carried 3/0 by the following vote:

Applicant agrees with the conditions.

<u>Vote:</u>	AYES: 3 - Romero, Voss, Buchanan
Passed	NOES: 0 - (None)

9. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING DESERT HOT SPRINGS MUNICIPAL CODE SECTION 17.40.110 FENCES, WALLS AND HEDGES AMENDING SAME TO REGULATE FENCES ON VACANT LAND**

*Daniel Porras, Community Development Director*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions from the City Council;  
3) Open the Public Hearing;  
4) Take Public Testimony;  
5) Close the Public Hearing;  
6) City Council discussion and questions to Staff; and  
7) A recommendation from the Planning Commission to the City Council for approval of an ordinance amending Desert Hot Springs Municipal Code Section 17.40.110 (Fences, Walls and Hedges to regulate fences on vacant land.

Jennifer Mizrahi, City Attorney, presented the staff report and responded to questions.

A discussion ensued.

Jennifer Mizrahi opened the Public Hearing.

Chairman Voss closed the Public Hearing.

Action: Romero moved to approve staff recommendation, motion seconded by

Buchanan, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

## **ADMINISTRATIVE CALENDAR**

10. **[An Amendment to Development Agreement DA 04-16 \(We Care DHS, CUP 11-16\) to Include Extraction / Manufacturing Activities Within the Facility \(APN 665-030-062\)](#)**

**Applicant:** Ryan Fingerhut

*Daniel Porras, Community Development Director*

**Recommendation:** The Planning Commission recommendation to the City Council for approval to the amendment to Development Agreement 04-16, to allow medical marijuana manufacturing / extraction activities within the facility.

Scott Taschner, Senior Planner presented the staff report and responded to questions.

Chairman Voss opened the Public Hearing.

Ryan Fingerhut, the applicant, addressed the Commissioners and responded to questions.

Chairman Voss closed the Public Hearing.

Action: Buchanan moved to approve staff recommendation, motion seconded by Romero, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Romero, Voss, Buchanan  
Passed NOES: 0 - (None)

## **CHAIR AND PLANNING COMMISSION MEMBER REPORTS**

Commissioner Buchanan expressed some concerns with Russell Betts.

Chairman Voss recommended this item to the next meeting agenda.

## **COMMUNITY DEVELOPMENT DIRECTOR REPORT**

Daniel Porras, Community Development Director had no report.

## **ADJOURN REGULAR MEETING**

The meeting was adjourned at 8:23 pm.