

PLANNING COMMISSION MINUTES
CITY OF PALM SPRINGS, CALIFORNIA
October 10, 2018
Council Chamber, City Hall
3200 East Tahquitz Canyon Way, Palm Springs, California

CALL TO ORDER:

Present: Hirschbein, Hudson, Moruzzi, Woods, Vice Chair Calerdine, Chair Weremiuk

Absent: None

Staff Present: Planning Director Fagg, Attorney Priest, Administrative Coordinator Hintz, Engineering Associate Minjares, Associate Planner Newell

REPORT OF POSTING OF AGENDA: The Agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 6:00 pm Thursday, October 4, 2018.

ACCEPTANCE OF THE AGENDA:

Calerdine, seconded by Hirschbein to move Item 4A after public hearing item and accept the agenda as amended.

AYES: Hirschbein, Hudson, Moruzzi, Woods, Calerdine, Weremiuk

PUBLIC COMMENTS: None.

1. **CONSENT CALENDAR:** None.

2. **PUBLIC HEARINGS:**

2A. **RADIO PS PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY LOCATED AT 3573 NORTH ANZA ROAD, ZONE M-1, SECTION 34 (CASE 5.1441 CUP AND 3.4073 MAJ). (GM) (CONTINUED FROM SEPTEMBER 12, 2018 MEETING.)**

Associate Planner Newell provided background information and an overview on the proposed changes as outlined in the staff report.

MICHELLE WITHERSPOON, MSA Consulting, addressed questions from the Commission pertaining to measuring odor and air quality.

Chair Weremiuk opened the public hearing:

CHARLIE KIELEY, represents JM Endeavors, applicant, operator and operator of adjacent buildings in question, said they will be able to utilize the latest technologies to address odor mitigation from the beginning. He provided further details and was available for questions.

PAUL HINRICHSEN, Upper West Side Neighborhood Organization, chair, (Neighborhood Support from One PS and Desert Highland Estates Neighborhood Organization, as well as other neighborhoods have reached out to them) said that the mitigation measures have failed as recently as this morning. He lives more than one mile away and had to close up house and was getting nauseous from odors coming from the facility.

DEITER CRAWFORD, spoke about the Desert Highland neighborhood demographics with a total of 520 residents; said the proposed cannabis facility will have significant impact on sensitive receptors in the surrounding area such as children, elderly and people with illnesses.

DIXIE MILLER, Desert Highland Neighborhood Organization, does not understand how the city would allow seven cannabis facilities in one small neighborhood and believes the city only wants the tax money. This is an area for under-privileged children and it's their responsibility to protect them and would prefer to see a grocery store or laundromat in this area.

SHERVIN DARDERSKI, owns several homes in the north community and spoke in favor of the proposed project. He thinks the economy is growing because of this industry and his home values have increased.

ROBERT HEINBAUGH, spoke in opposition of the proposed cannabis facility and any and all other facilities that might impact the quality of life for the residents of Palm Springs. He expressed concerns with: odors impacting a large area not just the immediate neighbors and including the daycare facility; employees in cannabis grow facilities need to wear special clothing to protect them from hazardous materials; and placement of cannabis facilities adjacent to minority/majority neighborhoods are not in the best interest of the community.

(unidentified speaker) spoke about the benefits of medical cannabis helping people with illnesses and employment opportunities for the community. He spoke about odor coming from unregulated facilities in the city and noted that this will be a new building and will have excellent insulation and filtration systems.

JULIE MONTANTE, stated that they've taken old dilapidated buildings and re-built and upgraded them. She said they've spent millions of dollars on odor control mitigation measures and odor is minimal.

LAWRENCE GORDON, architectural designer, said their top priority is to build a high quality building conducive to their environment for the current and future neighbors. He provided details on the architectural design, materials and mitigation measures for odor control.

TOM HERNANDEZ, architect/residential designer, (long-time resident) said he is 89 years old and the medical cannabis ointment really works for pain and as the years go by many people will be retiring and these facilities will be needed. He suggested keeping the north for strictly commercial and the residential to another part of the city.

CHARLIE KIELEY, applicant rebuttal, said that all the concerns have been heard from the residents. He said it's their intent to not have any odor coming from the buildings and is available for questions from the Commission.

There being no further speakers the public hearing was closed.

Vice Chair Calerdine said he's concerned about the incompatibility between residential uses and grow facilities. He very concerned about concentration and impact to the residents.

Commissioner Hudson commented that odor is a problem one mile away and questioned if the city is investigating the odor complaints.

Commissioner Hirschbein said he's disappointed in the city's lack of response to the odors emanating from this part of town. He thinks the applicant has not taken a more proactive approach to mitigate the odors coming from the other two buildings. He is willing to wait until more resources/testing is in place before moving forward on with another project in this area.

Chair Weremiuk said she could not make the CUP finding for #2 "is it necessary and desirable for the development of the community . . . ", and finding #5. She sees a conflict with the over-concentration in this district and prefers to turn this down and have the City Council deal with the issue of concentration and appropriate M-1 zones. Also, with the issue that a lot of these types of facilities were approved in the past before the ordinance came into effect without the strict requirements of odor control.

Commissioner Hirschbein concurred with Chair Weremiuk.

Calerdine, seconded by Woods to approve Case 3.4073 MAJ with changes:

1. Landscaping to be maintained at all times to meet the standards of the Municipal Code.

AYES: Hirschbein, Hudson, Moruzzi, Woods, Calerdine, Weremiuk

Calerdine, seconded by Moruzzi to approve Conditional Use Permit with changes:

1. The City to buy specialized equipment to detect strong odors.
2. The applicant to pay for a consultant hired by the City to review odor mitigation plans and review mechanical systems proposed within cultivation facilities as part of the building plan check process.
3. Applicants required to maintain ventilation systems during the life of the cannabis operations.
4. Planning Commission to receive an update of operations six (6) months after occupancy has been established and a first flower season has commenced.

AYES: Hudson, Moruzzi, Woods, Calerdine
NOES: Hirschbein, Weremiuk

A recess was taken at 4:11 pm. Meeting resumed at 4:20 pm

4. NEW BUSINESS:

(THIS ITEM WAS HEARD OUT OF ORDER.)

- 4A. WAL-MART STORES INC. FOR AN AMENDMENT TO THE APPROVED SIGN PROGRAM TO RELOCATE AN EXISTING BUILDING SIGN AND INSTALL NEW PARKING LOT SIGNAGE AT 5601 EAST RAMON ROAD, ZONE M-1, SECTION 20 (CASE SP 18-006). (DN)**

Associate Planner Newell presented the proposed sign program amendment as outlined in the staff report.

Chair Weremiuk said that grocery pick-up is something of the future and is delighted Wal-Mart is doing this.

Weremiuk, seconded by Calerdine to approve.

AYES: Hirschbein, Hudson, Moruzzi, Woods, Calerdine, Weremiuk

3. UNFINISHED BUSINESS:

- 3A. WOODBRIDGE PACIFIC GROUP, LLC, REQUESTING APPROVAL OF FINAL DEVELOPMENT PLANS FOR 44 SINGLE-FAMILY RESIDENTIAL UNITS FROM A PREVIOUSLY APPROVED PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PDD 290) IN PHASE 1 OF THE MIRALON**

**DEVELOPMENT LOCATED AT 801 SUNRISE WAY, ZONE PDD 290,
SECTION 35 (CASE 5.0982-PD 290 / TTM 31848-1). (ER) (CONTINUED
FROM THE JULY 25, 2018 MEETING.)**

Planning Director Fagg outlined the Commission's comments from their previous meeting. He provided details on the modifications made to the project according to the Commission's concerns.

DENNIS CUNNINGHAM, Woodbridge Pacific Group, responded to questions from the Commission pertaining to stucco and fascia finish, overhang size, variation of windows, and consideration of decks on 2nd story.

JENNY WALTON, Professional Design Associates, (landscape designer), responded to questions from the Commission pertaining to trees allowed in the design guidelines.

Chair Weremiuk recapped the Commission concerns and suggested a subcommittee consisting of Planning Commission and the AAA to review the following items:

- Two materials on front;
- Privacy/solar/views schematic (concerned about the five lots);
- Needs one more model (in non-courtyard models)- 2-story ok;
- Concerned about window placement;
- Two- three types of materials;
- "Delicacy" of front and back as shown on page 23 (color, off-sets);
- Plan 1 ok;
- Rooftop deck on Plan 4 (if privacy can be maintained);
- Street trees - need to be away from house so that it doesn't need to be removed;
- Simulation of street at maturity;
- Real utilization of reciprocal easement;
- 3D rendering for each variant (line drawing acceptable);
- 2-story scheme needs work- too blocky;
- Bigger variation between plans needed;
- Five lots- issues with side yard separation, courtyards should be facing mountain view.

Weremiuk, seconded by Moruzzi to return for subcommittee review (one or two AAC members (Song/Jakway), Hirschbein, Hudson and Weremiuk) and continue to the first Planning Commission meeting November.

AYES: Hirschbein, Hudson, Moruzzi, Woods, Calderine, Weremiuk

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Forward concern of over-concentration of cannabis uses in specific neighborhood on CUP project heard today.

CITY COUNCIL LIAISON REPORT:

- Joint City Council with Planning Commission will be forthcoming.

PLANNING DIRECTOR'S REPORT:

- A Study Session will be scheduled on October 24th.

ADJOURNMENT: The Planning Commission adjourned at 5:22 p.m. to 1:30 pm, Wednesday, October 24, 2018, City Hall, Council Chamber, *preceded by a Study Session at 10:00 am, Large Conference Room, 3200 East Tahquitz Canyon Way.*



Flinn Fagg, AICP
Director of Planning Services