

PLANNING COMMISSION MINUTES
JUNE 22, 2022
CITY OF PALM SPRINGS, CALIFORNIA
3200 East Tahquitz Canyon Way, Palm Springs, California
(Meeting held via Zoom)

CALL TO ORDER:

Chair Weremiuk called the meeting to order at 5:32 pm.

ROLL CALL:

Present: Aylaian, Ervin, Hirschbein, Miller, Moruzzi, Vice Chair Roberts*,
Chair Weremiuk

Staff Present: Assistant Planning Director Newell, Attorney Priest, Administrative
Coordinator Hintz, Principal Planner Robertson, Principal Engineer
Uyeno

*Arrived at 5:32 pm.

REPORT OF POSTING OF AGENDA:

The agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber) by 9:00 pm on Thursday, June 16, 2022, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Miller, seconded by Moruzzi to accept the agenda, as presented.

AYES: AYLAIAN, ERVIN, HIRSCHBEIN, MILLER, MORUZZI, WEREMIUK

ABSENT: ROBERTS

PUBLIC COMMENTS: None

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: MAY 25, 2022

Chair Weremiuk and Commissioner Ervin recused themselves from voting due to their absence.

Roberts, seconded by Miller, to accept Agenda and Consent Calendar, as presented.

AYES: AYLAIAN, HIRSCHBEIN, MILLER, MORUZZI, ROBERTS
ABSTAIN: ERVIN, WEREMIUK

2. PUBLIC HEARINGS:

- 2A. DESERT PEAK ENERGY CENTER, LLC, FOR A CONDITIONAL USE PERMIT (CUP), TO DEVELOP AND OPERATE A BATTERY ENERGY STORAGE SYSTEM TOTALING 700 MEGAWATTS OF ELECTRICITY IN TWO PHASES; PHASE 1 WILL HAVE A STORAGE CAPACITY OF 400 MEGAWATTS AND PHASE 2 WILL HAVE A CAPACITY OF 300 MEGAWATTS ON APPROXIMATELY 78 ACRES OF A 357-ACRE PROPERTY LOCATED AT THE NORTH AND SOUTH OF DILLON ROAD, NORTH OF 18TH AVENUE AND SOUTH OF 16TH AVENUE; ZONE E-I, (CASE 5.1543-CUP). (ER)**

Principal Planner Robertson presented the Conditional Use Permit for an unmanned Battery Energy Storage System (commonly referred to as BESS) as outlined in the staff report. He said that the facility was to be developed in 2 separate phases and will include an on-site substation, inverters, fencing, access roads and a control system.

Chair Weremiuk questioned if generation lines connecting BESS to the Devers Station were across county land; and where the underground electrical lines were located. Planner Robertson responded that it is owned by Southern California Edison (SCE) and if any additional permits are required the applicant will work with them.

Planner Robertson stated that an Environmental Document was prepared for this project and the Mitigated Negative Declaration (MND) included a series of mitigation measures, with PLN #3 and PLN #7 deleted as they no longer applied.

Chair Weremiuk questioned the use of the underground electrical lines. Engineering Associate Minjares responded that the conditions set forth refer only to new lines that are going to or powering the project must be underground but are subject to the final determination of SCE.

TAYLOR TEMPLE, Fire Marshall, stated that the applicant asked that Fire Department Code (FID-16) be deleted but the Fire Department would like to keep that and will work with their fire protection team.

Commissioner Ayalain asked about the goals and policies of the General Plan related to renewable energy sources.

Commissioner Hirschbein asked about the lifespan of the facility, the disposition of equipment at the end of that lifespan, and how many facilities of this scale are operational. He asked if the energy storage units are susceptible to terrorism or explosion.

JOHN CRISTE, Terra Nova Planning & Research, verified that the conditions and mitigations are complete within the report prepared by staff.

Commissioner Moruzzi asked if each structure will be built outside the setback requirements. Assistant Planning Director Newell stated Mitigation Measure LUP-1: "BESS facilities, including batteries, inverters, and substations, shall be removed from the identified seismic setback and shall be placed no closer than 100 feet from any mapped fault trace." Planner Robertson stated that site plan was revised to incorporate this condition and at the request of Chair Weremiuk the mitigation conditions were included in the conditions of approval.

DEXTER LIU, Desert Peak Energy Center, Director, presented their experience throughout California and the project benefits including grid resiliency, local property taxes, near-zero water usage, and support of California's renewable integration goals.

PUBLIC COMMENTS:

JIM RUSH, Business Manager of International Brotherhood of Electrical Workers (Local Union 440), expressed his support of this project and the opportunities it provides for local electrical workers and the community.

LOUIE LOPEZ, Business Agent for the Ironworkers Local 433, stated his support of this project and the ability to provide local jobs and work opportunities for Veterans.

CLAIRE GRANT, resident, stated her support for this project and all renewable energy projects in the community.

FRED NOBLE, voiced support for making Palm Springs the renewable capital of the world with solar, wind and battery storage with this project.

SCOTT NEVENS, telephone call, expressed his support of renewal energy and this project.

JENNY PHO, telephone call, expressed gratitude for this project.

Dexter Liu said he appreciated the public's support of this project. He addressed the Commission's questions about the 20-year life span of the project; and explained that the batteries are recyclable at the end of the life span and there are second life applications for these batteries.

Commissioner Hirschbein stated concern for the safety of this facility and mitigation conditions not mentioned but applied to other projects. Mr. Liu responded that there haven't been any physical attacks on the facilities, but they have mechanisms in place to prevent cyber-attacks and fires.

Commissioner Ervin verified the number of jobs that will be brought to the city. He explained that students, at the Desert Sands Unified School District Career Technical Academy are learning solar applications. Mr. Ervin requested if this vocational training could be incorporated into the approval conditions. Mr. Rush commented that the local unions engage with local school districts to provide apprenticeship opportunities as applied to the trades.

Commissioner Ervin also requested that a percentage of the opportunities be made available for local contractors and local engineers as part of the conditions of approval.

Chair Weremiuk questioned if the applicant was comfortable with the conditions of approval including the modification that was read into the record. Mr. Newell responded that specific to Engineering Condition #43, relative to the utility lines, it will be modified as determined by SCE and acceptable to the City and Engineering Department. He further stated that per code, if it is a high-voltage line over 44 kb then it is not required to be underground. Mr. Liu requested that the language, "unless indicated by SCE or some reference to code that if it is under 44 kb then it is exempt from this condition", be added and then it is an acceptable modification.

Chair Weremiuk asked the applicant if they agree to Fire Code #16 Condition. Mr. Liu said they hope to add language that they will work with the Fire Department and leave it to their discretion as opposed to a required condition.

Chair Weremiuk asked about PLN #5, as it relates to the Bond and for the specific purpose of removal. Mr. Liu responded that they have seen Performance Bonds for decommissioning or removal placed on projects and is comfortable working with staff for the Bond amount.

Mr. Newell stated that there is a mitigation measure that a safety and security plan will be submitted and reviewed by the Planning Dept. Mr. Liu stated they are happy to provide a full safety and security plan.

Commissioner Moruzzi questioned how the \$2 million of property tax was calculated and what the actual amount is that will be given directly to the City. Mr. Newell stated that staff can look into that calculation; however, noted that this should not be the basis for a decision on this application.

COMMISSION COMMENTS:

Chair Weremiuk stated she likes the project and questioned if staff has modification language.

Attorney Priest stated a condition that the Applicant reach out to local schools if they are agreeable to that is acceptable. However, a requirement regarding the percentage or minimum number of local residents to be employed by the Applicant is not a valid land use condition. Attorney Priest suggested if the Applicant would like to make verbal good faith effort and hire locally that would be acceptable.

Applicant stated they are comfortable reaching out to local schools and making a good faith effort and discuss our project with them and employment.

Weremiuk, seconded by Miller to adopt the Mitigated Negative Declaration (MND) and approve Conditional Use Permit with restated conditions of approval; and added conditions:

1. Delete - Fire Department Condition #7, relating to fire sprinklers.
2. Modify - Fire Department Condition #16, relating to fire extinguishers, to add verbiage "as required by Fire Department".
3. Modify - Engineering Condition #43 relating to underground utilities, to add verbiage "that underground utilities shall be installed underground as required by City Code; unless otherwise determined by SCE".

AYES: AYLAIAN, ERVIN, HIRSCHBEIN, MILLER, MORUZZI, WEREMIUK
ABSENT: ROBERTS

3. UNFINISHED BUSINESS: NONE

4. NEW BUSINESS:

4A. GENERAL PLAN CONFORMITY FINDING FOR THE FIVE-YEAR CAPITAL IMPROVEMENT FOR FISCAL YEARS 2023-2027 FOR THE CITY OF PALM SPRINGS. (DU)

Chair Weremiuk and Vice Chair Roberts noted a conflict of interest pertaining to the Plaza Theatre and recused themselves from the entire discussion.

Don Uyeno provided an overview of the City's five-year Capital Improvement Plan (CIP).

Commissioner Miller asked for clarification that this finding is in conformity with the General Plan.

Moruzzi, seconded by Aylaian to adopt the Resolution finding the Five-Year Capital Improvement Program for Fiscal Years (FY) 2023 – 2027 are consistent with the adopted City of Palm Springs General Plan.

AYES: AYLAIAN, ERVIN, HIRSCHBEIN, MILLER, MORUZZI
ABSTAIN: ROBERTS, WEREMIUK

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None

PLANNING DIRECTOR'S REPORT:

- The new Planning Director will begin employment with the City on August 1, 2022.
- Joint meeting with City Council and all Boards and Commissions.

ADJOURNMENT:

The Planning Commission adjourned at 7:29 pm to 5:30 pm on Wednesday, July 13, 2022, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Director of Planning