



ARCHITECTURAL REVIEW COMMITTEE MEMORANDUM

DATE: FEBRUARY 5, 2024 NEW BUSINESS

SUBJECT: A REQUEST BY WAYNE GOTTLIEB, OWNER, IN CONJUNCTION WITH OFF THE CHARTS CANNABIS DISPENSARY FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 628-SQUARE FOOT ADDITION TO AN EXISTING COMMERCIAL BUILDING FOR A NEW CANNABIS DISPENSARY AND LOUNGE LOCATED AT 1534 NORTH PALM CANYON DRIVE, C-1 (CASE #AR 2023-0070) (GM).

FROM: DEPARTMENT OF PLANNING SERVICES

PROJECT DESCRIPTION:

This is a request for the Architectural Review Committee (ARC) to review a proposed Major Architectural Application to construct a 628-square foot addition and renovation of an existing commercial building for the purpose of a new cannabis dispensary and lounge as a by right use in the C-1 (General Commercial) zone. The project is before the Architectural Review Committee per Section 94.04.01 (B)(b) as the proposal will result in an increase greater than 25% to the existing floor area of an existing commercial building. The application will require a lot tie covenant and agreement to hold two (2) lots as one (1) for the purpose of shared parking with the adjacent existing commercial building. In addition, the proposal requires street dedication as enumerated in several specific conditions of approval from the Engineering Department. The Planning Commission approved a Major Development Permit with conditions at the December 13, 2023 meeting.

RECOMMENDATION:

That the Architectural Review Committee approve the application.

ISSUES:

- The proposed tenant (Off the Charts) has received the regulatory permit (#C 2022-123) from the City to operate as a cannabis dispensary and lounge.
- A Lot Tie Covenant and Agreement is required due to shared parking on adjacent lots.
- Street dedication is required per Engineering Department conditions.

BUSINESS PRINCIPAL DISCLOSURE:

The subject property is solely owned by Wayne Gottlieb.

SCOPE OF REVIEW:

1. The Architectural Review Committee will evaluate the Major Architectural Application (Case AR 2023-0070 MAJ) for conformance to criteria listed in PSZC Section 94.04.00 for the proposed site plan, landscaping and design of the new addition.
2. The Planning Commission approved a Major Development Permit (Case DP 2023-0016) for conformance to the criteria listed in PSZC Section 94.02.00(B)(6) and made the following recommendations to the ARC:
 - a. South drive aisle to be widened to allow for a sidewalk from N. Palm Canyon Drive to the main entrance to the parking lot.
 - b. ARC to review front building elevation to include new window.
 - c. Landscape plan to include parking lot trees at 36" box size.
 - d. Add landscaping on the south side of the building adjacent to the existing condo complex.
 - e. ADA parking to be placed close to main entrance of the new addition.

PROJECT DESCRIPTION:

The applicant currently owns the two (2) adjacent buildings located at 1542 North Palm Canyon Drive (Building A) and 1534 North Palm Canyon Drive (Building B). The project proposes the construction of a new 628-square foot addition and renovation to an existing 875-square foot commercial building (Building B) for a total of 1,503-square feet requiring the reconfiguration of the off-street parking lot to accommodate a new cannabis dispensary and lounge (Building B) and the existing tax office (Building A). The project proposes to renovate the existing building into a retail cannabis dispensary and the new addition located at the rear of Building B will contain a reception area, lounge, storage, and office space.

The off-street parking for the site will be shared with the existing tax office requiring a reconfiguration of the lot to include a new median for angle parking and new landscaping. The existing site currently operates with shared parking with a one-way in (south driveway) and a one-way out (north driveway) onto North Palm Canyon Drive.

BACKGROUND INFORMATION:

The modest Spanish style buildings located on adjacent lots were originally built in the 1940's and have operated as commercial/office buildings for decades. Both structures were built at a time when the right-of-way width for North Palm Canyon Drive was less than what is required today. As part of this application the location of a new property line will be established providing for future street widening. Should the City ever need to widen the street, the buildings would need to be moved to accommodate a street

widening.

In order to achieve the street dedication, the Engineering Department has conditioned the approval requiring the owner to apply for an Encroachment Agreement from the Engineering Services Department and a Land Use Permit (From Planning Department) to allow the existing buildings along the frontage of the subject property to be maintained within that portion of the property to be dedicated as required for additional right-of-way. The agreement shall be executed by the owner prior to issuance of a grading, encroachment, or building permit.

DETAILS OF APPLICATION REQUEST/DEVELOPMENT STANDARDS:

<i>Site Area</i>	
1534 N. Palm Canyon Drive (Building B)	6,885-square feet
1542 N. Palm Canyon Drive (Building A)	5,940-square feet
Total	12,825-square feet

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Commercial	MU (Mixed-Use)	C-1 (General Commercial)
North	Commercial	MU (Mixed-Use)	C-1 (General Commercial)
South	Multi-Family Residential	MU (Mixed-Use)	C-1 (General Commercial)
East	Multi-Family Residential	MU (Mixed-Use)	R-3 (Multi-family Residential)
West	Commercial1-+	MU (Mixed-Use)	C-1 (General Commercial)

Pursuant to PSZC Section 92.03.03 and 92.12.03 the following standards apply:

<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	6,885 SF	Legal Non-Conforming
Min. Lot Width	100 Feet	51 Feet	Legal Non-Conforming
Min. Lot Depth	150 Feet	135 Feet	Legal Non-Conforming
C-1 Setbacks <ul style="list-style-type: none"> • Front • Side (south) 	5 Feet Zero Feet	Zero Feet 8 Feet	Non-Conforming Y
Min. Open Space	No Requirement	45%	Y

<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Max. Building Height C-1 Zoned	30 Feet	16 Feet	Y

Pursuant to PSZC Section 93.06.00, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>SF or # of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Comp.</i>
			<i>Reg.</i>	<i>Handi- cap</i>	<i>Reg.</i>	<i>Handi- cap</i>	
Building A – Office	800-sq ft	1 per 200-sq ft	4		4		Y
Building B – Dispensary/ Lounge	1,500-sq ft	Office = 1	4		4		Y
		per 300-sq ft Cannabis =	7		7		
TOTAL SPACES REQUIRED			15		15		Y
Regular and Handicap Spaces Req.				1		1	Y

ANALYSIS:

Site Plan:

The developed site contains two (2) existing buildings on almost identical rectangular parcels with frontage along North Palm Canyon Drive. The site is flat and fully paved with off-street parking at the rear of the buildings. The proposed 628-square foot addition located behind and attached to Building B will result in the loss of two (2) parking spaces. However, with a shared parking configuration a total of fifteen (15) spaces will be provided meeting the parking requirements.

The site ingress is via a one-way “in” south driveway between the subject buildings from North Palm Canyon Drive leading to the parking lot and a one-way “out” north driveway adjacent to an existing structure. A new parking stall median will be constructed with angled parking behind Building A allowing for vehicular circulation throughout the site.

The proposed shared parking will require the execution of a Lot Tie Covenant Agreement which will tie the two (2) lots together through an administrative process. Lot Ties are a land development tool that allows parcels with the same ownership to be held as one parcel and no portion, parcel, or lot thereof shall be sold, conveyed, or transferred to any third party separate and apart from the subject property. The covenant and agreement is necessary to comply with the conditions of the City’s approval.

Mass and Scale:

The proposed 628-square foot addition located at the rear of the subject building is similar

in size and scale to the existing structure. The front façade of the building will not be altered, and the new addition will not be visible from the street. The adjacent building to the south is a two-story residential condominium which is larger in mass and scale to the simple Spanish bungalow. Commercial businesses consisting of the Arrive Hotel and 1540 Gastro Pub restaurant are located across the street. The proposed addition with a maximum height of sixteen (16) feet will not be visible from the street. The proposed development of the property to a cannabis retail dispensary and lounge is a by-right use in the C-1 commercial zone.

Building Design and Detailing:

The modest Spanish style bungalow buildings located on adjacent lots were originally built in the 1940’s. The 628-square foot addition will include similar building materials as the existing structure including a clay barrel tie roof, smooth stucco painted white, and aluminum window frames within proportionate sized openings. The building height of the new addition will be nine (9) feet to the internal ceiling with gable peaks at thirteen (13) feet to sixteen (16) feet.

Landscaping and Buffers:

The project proposes a reconfiguration of the off-street parking area to include the planting of shade trees in perimeter planter beds at the property edge. In addition, a new median will be added behind Building A and will contain several shade trees and ground cover. Specific plant types will be provided by the applicant before the project is reviewed by the Architectural Review Committee (ARC).

Architectural Review Criteria and Findings:

PSZC Section 94.04.00(E) requires the approval authority to evaluate the application and make findings for conformance to the following criteria:

	<i>Criteria and Findings [PSZC 94.04.00(E)]</i>	<i>Compliance</i>
1.	<p><i>The architectural treatment is consistent on all four sides of the proposed building(s), unless otherwise approved by the ARC;</i></p> <p>The proposed 628-square foot addition located at the rear of Building B is similar in size and scale to the existing structure. The front façade of the building will not be altered other than the replacement of a boarded-up window, a repaint and the new addition will not be visible from the street. All sides of the existing and new addition will be consistent and appear to be one structure.</p>	Y
2.	<p><i>The design of accessory structures, such as carports, cabanas, and similar accessory structures, shall be consistent with the form, materials and colors of the principal building(s), unless otherwise approved by the ARC;</i></p> <p>No accessory structures are proposed.</p>	N/A

	<i>Criteria and Findings [PSZC 94.04.00(E)]</i>	<i>Compliance</i>
3.	<i>The façade elements and fenestration are composed in a harmonious manner;</i>	Y
	The existing and new addition will be constructed in a consistent manner that will read as one building. The proposed materials will be a sand stucco finish, aluminum window frames with clear anodized glazing, and barrel clay tile roof to match existing.	
4.	<i>The proposed materials are consistent with the context of the site, adjacent buildings, and the desert environment;</i>	Y
	The site currently contains two existing buildings built in the 1940's and the new addition will be consistent in appearance. The use of construction methods with similar materials as existing structures will result in the site appearing as being unaltered as the addition will not be visible from the street. The reconfiguration of the shared parking lot will improved vehicular and pedestrian circulation and new landscaping will provide shade that is currently nonexistent.	
5.	<i>The proposed color scheme is appropriate to the desert environment and consistent with the site context;</i>	Y
	The building materials will consist of sand finished stucco in a white color, terra cotta clay barrel roof tiles, and aluminum framed windows with anodized glazing all appropriate materials.	
6.	<i>Shading devices and sun control elements, excluding landscape materials, are provided to address environmental conditions and solar orientation;</i>	N/A
	No independent shade devices are proposed for the site. The orientation of the new building addition will not require extensive shading devises for solar control.	
7.	<i>The proposed landscape plan is consistent with the requirements of PSMC Chapter 8.60;</i>	Y
	The landscape plan shows the planting of eight (8) Smoothie trees and two (2) Tippu in the parking lot areas to provide shading; three (3) Date Palms in the front landscaping of Building A; and a series of Boxwood, Natal Plum, Weeping Fig, Red Bora, and Dwarf Century Plant in the reconfigured parking areas with California Gold decomposed granite as ground cover.	
8.	<i>The proposed landscape plan is consistent with all applicable zoning requirements, including any streetscape requirements, landscape buffer requirements, and screening requirements</i>	Y

	<i>Criteria and Findings [PSZC 94.04.00(E)]</i>	<i>Compliance</i>
	The reconfiguration of the parking lot and proposed landscaping will enhance the overall site. The addition of new shade trees will be consistent with the parking lot shading requirements which is currently nonexistent.	
9.	<i>The shading for pedestrian facilities on the subject site or abutting public right(s)-of-way is adequate;</i>	Y
	The addition of a new pedestrian sidewalk on the north side of Building B along the drive aisle providing access from N. Palm Canyon Drive to the dispensary entrance will be mostly shaded due to the building orientation.	
10.	<i>The proposed lighting plan is consistent with the requirements of PSZC Section 93.21.00, and the proposed lighting will not materially impact adjacent properties;</i>	Y
	A lighting plan has been provided that shows security up lights ground mounted angled in a manner to illuminate the perimeter walls and parking lot. In addition, there is landscape lighting and wall mounted fixtures on the existing buildings.	Y
11.	<i>Appropriateness of signage locations and dimensions relative to the building façade(s), or appropriateness of the site location for any freestanding signage, as may be warranted for the development type;</i>	N/A
	Signage for a cannabis business is required to be reviewed by the ARC. Currently no signage is proposed. Once a sign application is received it will be presented to the ARC.	
12.	<i>Screening is provided for mechanical equipment and service yards, to screen such facilities from view from public rights-of-way and abutting properties;</i>	Y
	The mechanical equipment for the building will be placed in a new utility closet on the south side of the building and will not be visible from the street or parking lot.	

ENVIRONMENTAL ANALYSIS:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorical Exempt under CEQA Section 15301(e) (Existing Facilities) – additions to existing structures does not result in an increase of more than 10,000-square feet if the project is in an area where all public services and facilities are available; and the area is not environmentally sensitive.

CONCLUSION:

As proposed and conditioned, the project conforms to the development standards for the C-1 zone as a cannabis dispensary and lounge permitted by-right. The use is consistent with the City of Palm Springs Zoning Code; therefore staff recommends approval of the Major Architectural Application as all of the conditions of the Planning Commission review have been incorporated into the plans presented to the ARC.

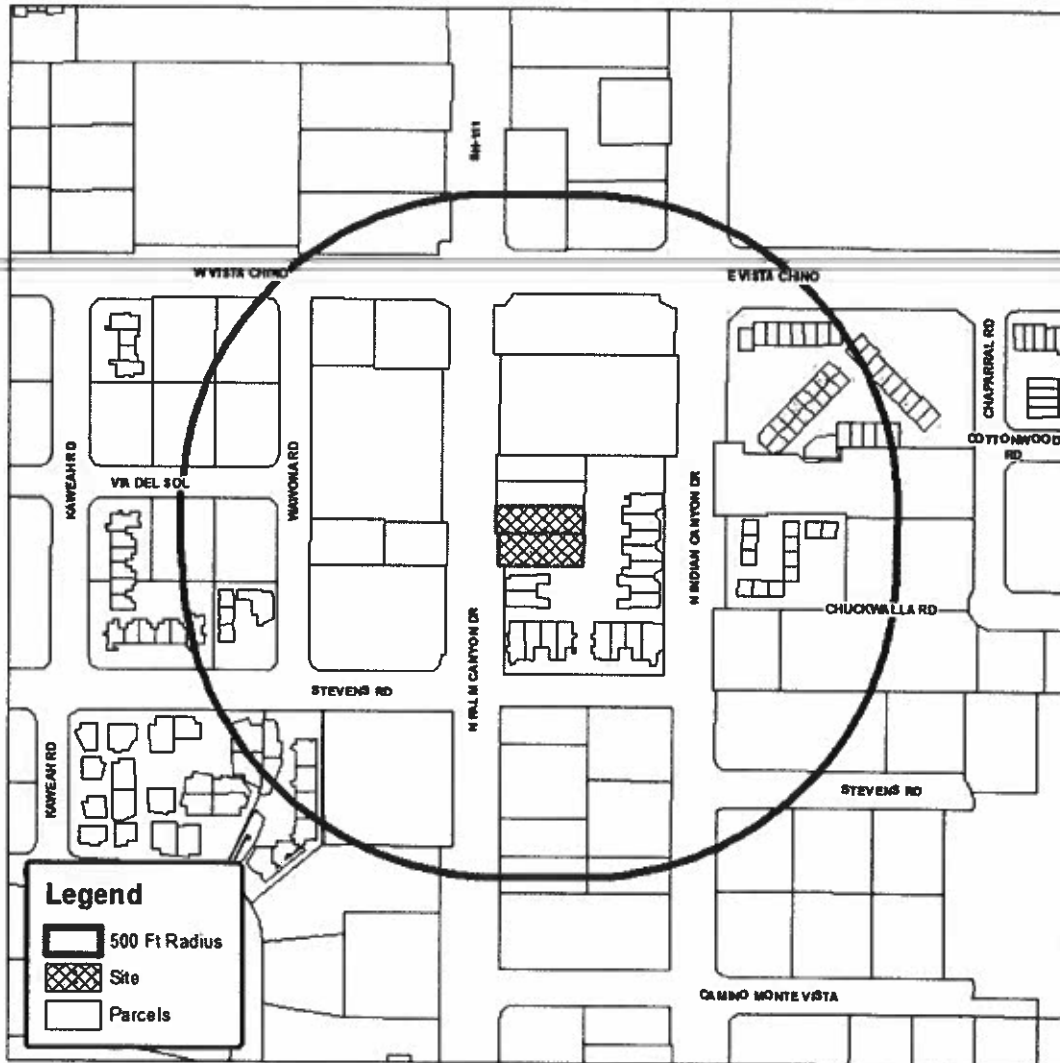
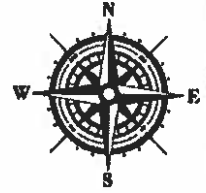
PREPARED BY:	Glenn Mlaker, AICP – Associate Planner
REVIEWED BY:	Edward Robertson – Principal Planner
REVIEWED BY:	Chris Hadwin – Planning Director

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Draft Conditions of Approval
4. Planning Commission Resolution #6953
5. Justification Letter
6. Business Disclosure Form – Off the Charts
7. Site Photos
8. Site Plan and Elevations



Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

Case #AR 2023-0070
1534 & 1536 N Palm Canyon Drive

RESOLUTION NO.

A RESOLUTION OF THE ARCHITECTURAL REVIEW COMMITTEE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING MAJOR ARCHITECTURAL (MAJ) APPLICATION TO CONSTRUCT A 628-SQUARE FOOT ADDITION TO AN EXISTING COMMERCIAL BUILDING FOR A NEW CANNABIS DISPENSARY AND LOUNGE LOCATED AT 1534 NORTH PALM CANYON DRIVE, C-1 (CASE #AR 2023-0070)

THE ARCHITECTURAL REVIEW COMMITTEE FINDS AND DETERMINES AS FOLLOWS:

- A. Wayne Gottlieb, (“Applicant”), in conjunction with “Off the Charts” cannabis dispensary filed a Major Architectural (MAJ) application with the City pursuant to the Palm Springs Zoning Code (PSZC) Sections 94.04.00 (Architectural Review), for the construction of a 628-square foot addition to an existing commercial building for a new cannabis dispensary and lounge located at 1534 North Palm Canyon Drive, C-1 (Case AR 2023-0070) (“the Project”).
- B. On April 8, 2021, the City Council adopted Ordinance No. 2042, amending Section 94.04.00 of the PSZC to reassign review of Major Architectural Review (MAJ) applications from the City’s Planning Commission to the City’s Architectural Review Committee.
- C. On December 13, 2023, the Planning Commission reviewed the project and voted to approved a Major Development Permit (DP 2023-0016) and made several recommendations to the ARC.
- D. On February 5, 2024, the City’s Architectural Review Committee held a public meeting in accordance with applicable public law. At said meeting, the Architectural Review Committee carefully reviewed and considered all of the evidence presented in connection with the Project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE ARCHITECTURAL REVIEW COMMITTEE RESOLVES:

Section 1: The proposed 628-square foot addition is considered a project pursuant to the California Environmental Quality Act (CEQA). The Architectural Review Committee has evaluated the Project pursuant to CEQA and determined it to be Categorically Exempt from further analysis under CEQA Guidelines Section 15301(e) (Class 1, Existing Facilities).

Section 2: As demonstrated in the staff report, the Project conforms to the Architectural Guidelines of PSZC Section 94.04.00 (“architectural review”);

Section 3: Based upon the foregoing, the Architectural Review Committee hereby approves Case AR 2023-0070 MAJ for the construction of a 628-square-foot addition to an existing structure for a new cannabis dispensary and lounge located at 1534 North Palm Canyon Drive subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 5th day of February, 2024.

MOTION:

AYES:

ABSENT:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Christopher Hadwin
Director of Planning Services

RESOLUTION NO.
ARCHITECTURAL REVIEW COMMITTEE
CONDITIONS OF APPROVAL

Case # AR 2023-0070 Major Development Permit

Wayne Gottlieb
1534 North Palm Canyon Drive
(APN 505-166-006)

February 5, 2024

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning, the Building Official, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS:

- ADM 1. Project Description. This approval is for the project described per Case # AR 2023-0070; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, and grading on file in the Planning Department except as approved with conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case # AR 2023-0070. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of Development Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. The appeal period for Conditional Use Permit application is 15 calendar days from the date of the project approval. Permits will not be issued until the appeal period has concluded.

PROJECT SPECIFIC CONDITIONS:

PLANNING DEPARTMENT:

- PLN 1. Regulatory Cannabis Permit. Tenant of 1534 to maintain City regulatory permit for cannabis dispensary and lounge to include compliance with Odor Control plan at all times during operation.

- PLN 2. Lot Tie Covenant Agreement. Property owner to execute and record Lot Tie Covenant and Agreement for shared parking purposes per Engineering Department condition # ENG 5.
- PLN 3. Street Dedication. Dedicate additional right-of-way to provide ultimate half street right-of-way width per Engineering condition # ENG 4.
- PLN 4. Landscaping/Lighting. The applicant to construct new parking lot median at rear of 1542 North Palm Canyon Drive and add shade trees consistent with approved site/landscape plan. Final landscape, irrigation, and lighting plans to be reviewed by the ARC.
- PLN 5. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 6. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 7. Parking. Off-street parking area to be consistent with approved site plan providing fifteen (15) parking spaces to be shared by business operations at 1534 & 1542 North Palm Canyon Drive.
- PLN 8. Driveway Markings. Property Owner to mark on pavement and place signs directing one-way vehicular circulation as ingress on south driveway and egress on north driveway.
- PLN 9. General Conditions. The city may impose conditions on the granting of a Development Permit in order to achieve the purposes of this Zoning Code and the general plan and to protect the health, safety or general welfare of the community.

Planning Commission conditions imposed at 12-13-2023 Meeting

PLN 10. Storage container currently located in parking lot to be removed.

PLN 11. Reconfigure south driveway to include marked sidewalk for pedestrian access from North Palm Canyon Drive to building entrance off parking lot.

PLN 12. Shade trees in parking lot to be 36" box.

PLN 13. Landscape plan to show plantings on south side of building and adjacent property.

PLN 14. ADA parking space to be placed adjacent to new addition.

Architectural Review Committee imposed conditions:

BUILDING DEPARTMENT:

1. The applicant shall obtain permits for all construction involved with the site

ENGINEERING DEPARTMENT:

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

All Grading Plans, Improvement Plans, Required Studies and Documents listed below, must be submitted to Engineering Services Department for review and approval.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 48-hour inspection notification is required.

NORTH PALM CANYON DRIVE

- ENG 2. Dedicate additional right-of-way to provide the ultimate half street right-of-way width of 50 feet along the entire frontage of both lots being merged. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A right-of-way plan check fee shall be paid by the applicant in effect at the time that the dedication is submitted.

ENG 3. The owner shall apply for an Encroachment Agreement from the Engineering Services Department and a Land Use Permit (From Planning Department) to allow the existing buildings along the frontage of the subject property to be maintained within that portion of the property to be dedicated as required for additional right-of-way. The agreement shall be executed by the owner prior to issuance of a grading, encroachment, or building permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A preparation fee in effect at the time that the application is submitted shall be paid by the applicant.

ENG 4. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 5. The on-site layout of drive aisles and parking spaces are subject to further review and approval by the City Engineer. Adjustment of, deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets and parking spaces as proposed.

ENG 6. If any new pavement is to be constructed as part of the project, the minimum pavement section for all on-site pavement for the drive aisles, parking spaces, etc. shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 7. All on-site drive aisles being modified shall have a minimum 24 feet wide travelway (as measured from face of curb) where no parking is proposed.

ENG 8. On-site drive aisles and parking lot shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.

SANITARY SEWER

ENG 9. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities. New laterals shall not be connected at manholes.

GRADING

ENG 10. Submit a Precise Grading Plan prepared by a California licensed civil engineer to the Engineering Services Department for review and approval. The plan shall be approved by the City Engineer prior to grading permit issuance.

a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Services Department for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Services Department with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Services Department prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report.

ENG 11. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit and immediately prior to commencement of grading operations.

ENG 12. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

- ENG 13. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 14. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of eight hundred dollars (\$800) (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 15. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Services Department with the first submittal of a grading plan. (if required)
- ENG 16. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided even though there may not be a grading plan for the project. Prior to issuance of Building Permits.
- ENG 17. The applicant shall provide Grading Certification for all building (or structure) pads in conformance with the approved grading plan to the Engineering Services Department for review and approval prior to issuance of Building Permits.
- ENG 18. In cooperation with the California Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (Revised - RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 6819 East Gage Avenue, Commerce, CA 90040 (Phone (760) 782-3271, (562) 505-6415), Sonia.Oran@cdfa.ca.gov.

DRAINAGE

ENG 19. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).

ENG 20. The applicant shall accept and convey all stormwater runoff across the property and conduct the runoff to an approved drainage structure. All on-site grade slopes shall not be less than 0.5%.

ENG 21. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$10,961.65 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

ENG 22. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115.

ENG 23. All proposed utility lines shall be installed underground.

ENG 24. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant.

ENG 25. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 26. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing filetype) and PDF (Adobe Acrobat document filetype) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

ENG 27. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record

drawing “as-built” information and returned to the Engineering Services Department prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 28. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 29. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 30. The existing parcels identified as Assessor’s Parcel No. (APNs) 505-166-005 & 505-166-006 shall be merged or a Lot Tie Covenant and Agreement be executed. An application for a parcel merger or Lot Tie Agreement shall be submitted to the Engineering Services Department for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

ENG 31. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement if necessary and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the frontage of the subject property.

ENG 32. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 33. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 “Temporary Traffic Control” of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT:

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Fire Marshal.

FID 1 These Fire Department conditions may not provide all requirements. Owner/developer is responsible for all applicable state and locally adopted fire codes. Detailed plans are still required for review. Conditions are subject to final plan check and review.

FID 2 Fire Department Conditions were based on the 2019 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code, PSFD Appendix "T" Development Requirements. This building will require fire sprinklers.

FID 3 **Conditions of Approval** – "Conditions of Approval" received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval.

FID 4 **Plans and Permits (CFC 105.1):**
Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow

data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 5 **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.

FID 6 **Required access (CFC 504.1):** Exterior doors and openings required by this code or the California Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

FID 7 **NFPA 13D/R Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2016 Editions, as modified by local ordinance.

END OF CONDITIONS

RESOLUTION NO. 6952

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO #DP 2023-0016; A MAJOR DEVELOPMENT PERMIT APPLICATION FOR THE CONSTRUCTION OF A 628-SQUARE FOOT ADDITION TO AN EXISTING COMMERCIAL BUILDINGS FOR A NEW CANNABIS DISPENSARY AND LOUNGE LOCATED AT 1534 NORTH PALM CANYON DRIVE, ZONE C-1. (APN 505-166-006) (CASE #DP 2023-0016)

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Wayne Gottlieb, Owner (collectively, "Applicant") filed a Development Permit Application, (Case # DP 2023-0016), with the Planning Division of the City of Palm Springs Development Services Department, pursuant to Section 94.04.01 (Development Review) of the Zoning Ordinance for the construction of a new 628-square foot addition to an existing commercial building for a new cannabis dispensary and lounge located at 1534 N. Palm Canyon Drive, Zone C-1. (APN 505-166-006)

B. On December 13, 2023, a public meeting on the application to consider Case # DP 2023-0016 was held by the Planning Commission in accordance with applicable law.

C. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") and has been determined to be categorically exempt pursuant to Section 153301(e) of the CEQA Guidelines (Existing Facilities).

D. The Planning Commission has carefully reviewed and considered all the evidence presented in connection with the project, including, but not limited to, the staff report, and all written and oral testimony presented.

E. Pursuant to Section 94.04.01 (D) Development Permit, of the Palm Springs Zoning Code, the Planning Commission finds:

1. *The proposed project is consistent with the General Plan and any applicable specific plan;*

The General Plan designation for this parcel is Mixed Use/Multi-Use and is intended for specific uses to include community-servicing retail commercial, professional offices, service business, restaurants, daycare centers and residential developments. The proposed addition will allow the property to accommodate a new cannabis dispensary and lounge which is a by-right of zone

use and is consistent with the General Plan. In addition, the General Plan Goal states:

LU1.4 – Encourage the expansion of existing facilities or the introduction of new uses that are considered to be a benefit to the City. and:

Goal LU4.6 – Foster development of small-scale commercial retail in residential areas that encourages walkable connections between retail and residential (hotel) uses. and:

Goal LU7.1 – Encourage a diversity of high-quality commercial uses to both residents and the visitor in appropriate areas of the City.

The project as proposed contributes to the General Plan goal and the finding has been met.

2. *The proposed uses are in conformance to the uses permitted in the zone district where the site is located, and are not detrimental to adjacent properties or residents;*

The parcel currently is zoned C-1 (General Commercial) and the proposed cannabis dispensary and lounge is in conformance to the uses permitted in the C-1 zone, pursuant to Section 92.12.01.17 subject to the property development standards contained in Section 93.23.15 which specifically provides regulations pertaining to cannabis regulatory permits, and separation and overconcentration. The proposed business has obtained the necessary City regulatory license which has determined that the location is not within six hundred (600) feet of any protected use such as a school, park, or daycare facility. An odor control plan has been reviewed and approved by the City odor control consultant and due to special HVAC filtering mechanical equipment, the use will not be a nuisance to the surrounding properties and the finding has been met.

3. *The proposed project is in conformance to the property development standards for the zone district where the site is located;*

The proposed 628-square foot rear addition with a side yard setback at eight (8) feet is consistent with the wall of Building B. The development standard is met within the C-1 zone for the legal non-conforming substandard lots. The existing buildings on the subject site were constructed in the 1940's and the front wall placement is currently within the General Plans ultimate right-of-way. To correct this situation, street dedication is required which will result in the relocation of the front property line placed eight (8) feet back from the current encroaching lot line. A specific condition of approval has been added that requires the moving of the buildings should the City determine that the street be widened. In addition, the proposed project requires shared off-street parking utilizing the execution of a lot tie covenant and agreement to operate the site as one. The finding can be met with the implementation of the conditions of approval.

4. *The proposed height and massing of the project is consistent with applicable standards and compatible with adjacent development;*

The 628-square foot addition will include similar building materials as the existing structure including a clay barrel tie roof, smooth stucco painted white, and aluminum window frames within proportionate sized openings. The building height of the new addition will be nine (9) feet to the internal ceiling with gable peaks at thirteen (13) feet to sixteen (16) feet. The massing and building heights are of good composition and will be consistent with the existing Spanish bungalows on site. The proposed addition and parking lot reconfiguration will be consistent with the existing buildings and will be in compliance with the C-1 development standards as conditioned.

5. *The proposed setbacks and placement of the building are consistent with applicable standards and consistent with setbacks of adjacent buildings;*

The proposed addition will have an eight (8) foot side yard setback on the south side consistent with the wall of the existing Building B. The placement of the addition is consistent with the development standards in the C-1 zone and the finding has been met.

6. *The site for the proposed project has adequate access to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed uses, and the design for the site plan enhances or continues the city's existing grid in accordance with the Circulation Plan of the General Plan;*

The project site has access on North Palm Canyon Drive which is classified as a Major Thoroughfare with existing driveways providing access to the site. The project is required to dedicate ten (10) feet along the frontage of North Palm Canyon Drive for the purpose of meeting the ultimate right-of-way width as described in the City's General Plan. North Palm Canyon Drive currently has adequate sidewalks, curb, and gutters and the site is adequately served by existing water and sewer service. The proposed use is consistent with the anticipated development planned for the 2007 General Plan.

7. *On-site circulation conforms to minimum standards, and accommodations are made for safe on-site pedestrian circulation;*

The reconfiguration of the rear off-street parking lot with ingress via a one-way driveway between the two (2) buildings with internal circulation leading to egress via a one-way exiting driveway with appropriate drive aisle widths conforms to the minimum standards. A clear path of travel for ADA access is shown on the site plan and will be safe of all pedestrians. A total of fifteen (15) parking spaces for both commercial buildings is available meeting the requirement of the zoning code.

8. *Landscape areas and open space are in conformance to applicable standards, and the design of stormwater management features are appropriately integrated with other elements of the site design;*

As designed, a new median at the rear of Building A will be constructed providing angled parking. New landscaping to include multiple shade trees will be introduced into this area as well as perimeter planter beds. The proposed landscape is appropriate with the desert environment and will be reviewed by the Architectural Review Committee (ARC).

9. *Public infrastructure, such as water, sewer, and similar utilities, is adequate to serve the proposed project;*

The project is considered an in-fill development. There is adequate public infrastructure for the proposed project, including water from Desert Water Agency, sewer connection to the City's wastewater treatment, electricity from Southern California Edison, etc. Therefore, the project will be served by existing public infrastructure.

10. *Based on environmental review, the proposed project either has no potentially significant environmental impacts, any potentially significant impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted to address unmitigated significant environmental impacts;*

The proposed project is Categorical Exempt under CEQA Section 15301(e) (Existing Facilities) – additions to existing structures does not result in an increase of more than 10,000-square feet if the project is in an area where all public services and facilities are available; and the area is not environmentally sensitive.

11. *The proposed project has no unacceptable adverse effects on public welfare, health or safety.*

The proposed small addition will not have an adverse effects on public welfare, health or safety. The development will be required to be constructed with proper permits from the Building Department and require a final inspection from the Building staff prior to occupancy.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves Case # DP 2023-0016 for the construction of a 628-square foot addition on to and existing commercial building for a cannabis dispensary and lounge, at 1534 North Palm Canyon Drive subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 13th day of December 2023.

AYES: BAKER, MILLER, ROTMAN, MURPHY, WEREMIUK

NOES: None

ABSENT: AYLAIAN

ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Chris Hadwin

Director of Planning Services.

RESOLUTION NO. 6952

CONDITIONS OF APPROVAL

Case # DP 2023-0016 Major Development Permit

Wayne Gottlieb
1534 North Palm Canyon Drive
(APN 505-166-006)

December 13, 2023

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning, the Building Official, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS:

- ADM 1. Project Description. This approval is for the project described per Case # DP 2023-0016; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, and grading on file in the Planning Department except as approved with conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case # DP 2023-0016. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against

the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including ~~and without limitation all structures, sidewalks, bikeways, parking areas,~~ landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 7. Time Limit on Approval. Approval of Development Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. The appeal period for Conditional Use Permit application is 15 calendar days from the date of the project approval. Permits will not be issued until the appeal period has concluded.

PROJECT SPECIFIC CONDITIONS:

PLANNING DEPARTMENT:

PLN 1. Regulatory Cannabis Permit. Tenant of 1534 to maintain City regulatory permit for cannabis dispensary and lounge to include compliance with Odor Control plan at all times during operation.

PLN 2. Lot Tie Covenant Agreement. Property owner to execute and record Lot Tie Covenant and Agreement for shared parking purposes per Engineering Department condition # ENG 5.

- PLN 3. Street Dedication. Dedicate additional right-of-way to provide ultimate half street right-of-way width per Engineering condition # ENG 4.
- PLN 4. Landscaping/Lighting. The applicant to construct new parking lot median at rear of 1542 North Palm Canyon Drive and add shade trees consistent with approved site/landscape plan. Final landscape, irrigation, and lighting plans to be reviewed by the ARC.
- PLN 5. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 6. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 7. Parking. Off-street parking area to be consistent with approved site plan providing fifteen (15) parking spaces to be shared by business operations at 1534 & 1542 North Palm Canyon Drive.
- PLN 8. Driveway Markings. Property Owner to mark on pavement and place signs directing one-way vehicular circulation as ingress on south driveway and egress on north driveway.
- PLN 9. General Conditions. The city may impose conditions on the granting of a Development Permit in order to achieve the purposes of this Zoning Code and the general plan and to protect the health, safety or general welfare of the community.

Add any conditions imposed by the Planning Commission

- PLN 10. Storage container currently located in parking lot to be removed.

PLN 11. Reconfigure south driveway to include marked sidewalk for pedestrian access from North Palm Canyon Drive to building entrance off parking lot.

PLN 12. Shade trees in parking lot to be 36" box.

PLN 13. Landscape plan to show plantings on south side of building and adjacent property.

PLN 14. ADA parking space to be placed adjacent to new addition.

BUILDING DEPARTMENT:

1. The applicant shall obtain permits for all construction involved with the site

ENGINEERING DEPARTMENT:

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

All Grading Plans, Improvement Plans, Required Studies and Documents listed below, must be submitted to Engineering Services Department for review and approval.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 48-hour inspection notification is required.

NORTH PALM CANYON DRIVE

- ENG 2. Dedicate additional right-of-way to provide the ultimate half street right-of-way width of 50 feet along the entire frontage of both lots being merged. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A right-of-way plan check fee shall be paid by the applicant in effect at the time that the dedication is submitted.

- ENG 3. The owner shall apply for an Encroachment Agreement from the Engineering Services Department and a Land Use Permit (From Planning Department) to allow the existing buildings along the frontage of the subject property to be maintained within that portion of the property to be dedicated as required for additional right-of-way. The agreement shall be executed by the owner prior to issuance of a grading, encroachment, or building permit. A current

title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A preparation fee in effect at the time that the application is submitted shall be paid by the applicant.

ENG 4. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 5. The on-site layout of drive aisles and parking spaces are subject to further review and approval by the City Engineer. Adjustment of, deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets and parking spaces as proposed.

ENG 6. If any new pavement is to be constructed as part of the project, the minimum pavement section for all on-site pavement for the drive aisles, parking spaces, etc. shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 7. All on-site drive aisles being modified shall have a minimum 24 feet wide travelway (as measured from face of curb) where no parking is proposed.

ENG 8. On-site drive aisles and parking lot shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.

SANITARY SEWER

ENG 9. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities. New laterals shall not be connected at manholes.

GRADING

ENG 10. Submit a Precise Grading Plan prepared by a California licensed civil engineer to the Engineering Services Department for review and approval. The plan shall be approved by the City Engineer prior to grading permit issuance.

a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Services Department for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Services Department with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Services Department prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report.

ENG 11. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit and immediately prior to commencement of grading operations.

ENG 12. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 13. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

- ENG 14. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of eight hundred dollars (\$800) (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 15. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Services Department with the first submittal of a grading plan. (if required)
- ENG 16. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided even though there may not be a grading plan for the project. Prior to issuance of Building Permits.
- ENG 17. The applicant shall provide Grading Certification for all building (or structure) pads in conformance with the approved grading plan to the Engineering Services Department for review and approval prior to issuance of Building Permits.
- ENG 18. In cooperation with the California Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (Revised - RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 6819 East Gage Avenue, Commerce, CA 90040 (Phone (760) 782-3271, (562) 505-6415), Sonia.Oran@cdfa.ca.gov.

DRAINAGE

- ENG 19. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).

ENG 20. The applicant shall accept and convey all stormwater runoff across the property and conduct the runoff to an approved drainage structure. All on-site grade slopes shall not be less than 0.5%.

ENG 21. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$10,961.65 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

ENG 22. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115.

ENG 23. All proposed utility lines shall be installed underground.

ENG 24. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant.

ENG 25. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 26. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing filetype) and PDF (Adobe Acrobat document filetype) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

ENG 27. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Services Department prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 28. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 29. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 30. The existing parcels identified as Assessor's Parcel No. (APNs) 505-166-005 & 505-166-006 shall be merged or a Lot Tie Covenant and Agreement be executed. An application for a parcel merger or Lot Tie Agreement shall be submitted to the Engineering Services Department for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

ENG 31. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement if necessary and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the frontage of the subject property.

ENG 32. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and streetlights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 33. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT:

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Fire Marshal.

FID 1 These Fire Department conditions may not provide all requirements. Owner/developer is responsible for all applicable state and locally adopted

fire codes. Detailed plans are still required for review. Conditions are subject to final plan check and review.

FID 2 Fire Department Conditions were based on the 2019 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code, PSFD Appendix "T" Development Requirements. This building will require fire sprinklers.

FID 3 **Conditions of Approval** – "Conditions of Approval" received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval.

FID 4 **Plans and Permits (CFC 105.1):**

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of three (3) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall include all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supporting data, (calculations and manufacturers technical data sheets) including fire flow data, shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 5 **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire

apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.

FID 6 **Required access (CFC 504.1):** Exterior doors and openings required by this code or the California Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

FID 7 **NFPA 13D/R Fire Sprinklers Required:** An automatic fire sprinkler system is required. ~~Only a C-16 licensed fire sprinkler contractor shall~~ perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2016 Editions, as modified by local ordinance.

END OF CONDITIONS

TO: CITY OF PALM SPRINGS DEPARTMENT OF PLANNING SERVICES
RE: JUSTIFICATION LETTER
FROM: WAYNE GOTTLIEB
DATE: APRIL 23, 2023

The following Justification Letter is being submitted on behalf of myself, Wayne Gottlieb, as the building owner of the property located at 1534 North Palm Canyon, Palm Springs, CA.

I. PROJECT DESCRIPTION

The proposed project includes a 970 Sq. Ft. addition to the current 875 Sq. Ft. building located at 1534 North Palm Canyon Drive. The proposed addition will allow for additional square footage on the site and includes an exterior design that is intended to match the current building's façade and to maintain the architectural integrity of the current building.

In addition to the proposed addition, the project will also include overall façade rehabilitation, including, but not limited to, new exterior paint to ensure that the addition and existing building seamlessly match and provide a unified exterior design aesthetic.

II. INFORMATION

Subject to a pending Conditional Use Permit (CUP) application, the proposed site and extension will be occupied by a Cannabis Retail Operator, Off the Charts (OTC). The following information is relevant to the Planning Commission's consideration.

- a. **Number of Employees.** The proposed site will have 3-5 employees during all hours of operation with an expectation of 20-30 total employees to cover all shifts throughout the week.
- b. **Hours of Operation.** The proposed hours of operation are 9AM-10PM.
- c. **Existing/Similar Use Operated by Applicant.** The considered operator, OTC, currently operates two similar businesses within the City of Palm Springs with location at 757 Williams Road and 1508 S Palm Canyon Drive. OTC is a premier cannabis retailer who has operated in the City for multiple years with no compliance violations. Their other two stores generate over \$1M in annual employee compensation for the local labor force and approximately \$1.1M in local taxes.
- d. **Required State Licenses.** The proposed location will require a Department of Cannabis Control Retail Storefront (Type 10) License.

III. FINDINGS

The proposed project meets the requirements for a Minor Architectural Review as follows:

1. The architectural treatment is consistent on all four sides of the proposed building;
2. There are no proposed accessory structures, such as carports, cabanas, and similar accessory structures;

3. The façade elements and fenestration are composed in a harmonious manner;
4. The proposed materials of the addition match the existing building are consistent with the context of the site, adjacent buildings, and the desert environment;
5. The proposed color scheme of the addition match the existing building and is appropriate to the desert environment and consistent with the site context;
6. Shading devices and sun control elements, are provided to address environmental conditions and solar orientation; these include awning in the street facing side of the building and interior shades for all windows and glass doors;
7. The proposed landscape plan is consistent with the requirements of PSMC Chapter 8.60;

8. The proposed landscape plan is consistent with all applicable zoning requirements, including any streetscape requirements, landscape buffer requirements, and screening requirements;
9. The shading for pedestrian facilities on the subject site or abutting public right(s)-of-way is adequate;
10. The proposed lighting plan is consistent with the requirements of PSZC Section 93.21.00, and the proposed lighting will not materially impact adjacent properties;
11. Appropriateness of signage locations and dimensions relative to the building façade(s), or appropriateness of the site location for any freestanding signage, as may be warranted for the development type. Signage is not proposed as part of this project and will be subject to a separate signage permit;
12. Screening is provided for mechanical equipment and service yards, so as to screen such facilities from view from public rights-of-way and abutting properties; this includes rooftop equipment;
13. The proposed application is consistent with any adopted design standards of an applicable specific plan, planned development district, or other applicable adopted design standards and regulations.

For the following reasons and in accordance with the City of Palm Springs' Planning Commission requirements, I submit this Justification Letter and am confident the proposed project meets existing City regulations for all of the findings of approval.

Sincerely,



Wayne Gottlieb




PUBLIC INTEGRITY DISCLOSURE APPLICANT DISCLOSURE FORM

1.	Name of Entity	OTC PS LLC	
2.	Address of Entity (Principle Place of Business)	1336 Granite Hills Drive, El Cajon, CA 92019	
3.	Local or California Address (if different than #2)	1534 N Palm Canyon Drive, Palm Springs, CA 92262	
4.	State where Entity is Registered with Secretary of State	California	
		<i>If other than California, is the Entity also registered in California?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	
5.	Type of Entity	<input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other (please specify)	
6.	Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify)	<i>Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity</i>	
	Norman Yousif	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input checked="" type="checkbox"/> Member <input type="checkbox"/> Manager	
	[name]	<input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner	
		<input type="checkbox"/> Other _____	
	Sean Maddocks	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input checked="" type="checkbox"/> Member <input type="checkbox"/> Manager	
	[name]	<input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner	
		<input type="checkbox"/> Other _____	
	_____	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager	
	[name]	<input type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner	
		<input type="checkbox"/> Other _____	

7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity	
EXAMPLE JANE DOE <hr/> [name of owner/investor]	50%, ABC COMPANY, Inc. <hr/> [percentage of beneficial interest in entity and name of entity]
A. Norman Yousif <hr/> [name of owner/investor]	95% <hr/> [percentage of beneficial interest in entity and name of entity]
B. Sean Maddocks <hr/> [name of owner/investor]	5% <hr/> [percentage of beneficial interest in entity and name of entity]
C. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]
D. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]
E. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title  Norman Yousif, Managing Member	Date November 29, 2023
---	---------------------------

PENALTIES
 Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.



City of Palm Springs

Department of Special Program Compliance

425 North Civic Drive • Palm Springs, California 92262
Tel: 760.322.8382 • Fax: 760.322.8317 • TDD 760.864.9527 • www.palmspringsca.gov

VIA HAND DELIVERY

October 4, 2023

OTC PS LLC
Off the Charts
1534 N. Palm Canyon Drive
Palm Springs, California 92262

**RE: Cannabis Related Businesses and Activities Application C-2022-123
Conditional Cannabis Permit Conditions and Acknowledgment**

Dear Mr. Yousif:

Congratulations on the City's issuance of your Conditional Cannabis Businesses and Activities Permit and thank you for choosing to do business in the City of Palm Springs ("City").

This permit does not authorize you to commence operations. This permit is issued to help you proceed with your State application. The City has not yet issued the approvals necessary for you to conduct cannabis business. You must obtain all required Building and Planning approvals and inspections.

Prior to commencing operations, you must obtain:

Change of Use Permit (Building and Safety),	City of Palm Springs Business License.
Certificate of Occupancy (Building and Safety);	City of Palm Springs Annual Cannabis Permit.
State of California Cannabis License.	

If you have any questions regarding the terms and provisions of the issuance of your permit, please feel free to contact our Department.

CITY OF PALM SPRINGS

Veronica Goedhart, Director
Department of Special Program Compliance

Enclosure

I hereby acknowledge that the issuance of the regulatory permit does not authorize the commencement and operation of cannabis related business and activities in the City of Palm Springs. I further acknowledge the issuance of a regulatory permit does not represent a guarantee or representation that the City of Palm Springs will grant an annual cannabis permit. I understand that should the City deny the annual permit, the conditional cannabis permit shall be deemed null and void.

Dated: _____

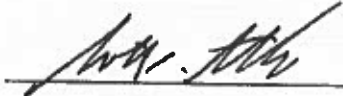
Applicant

CITY OF PALM SPRINGS
CANNABIS RELATED BUSINESSES AND ACTIVITIES CONDITIONAL PERMIT
 3200 E TAHQUITZ CANYON WAY, PALM SPRINGS, CALIFORNIA 92262 (760) 322-8382

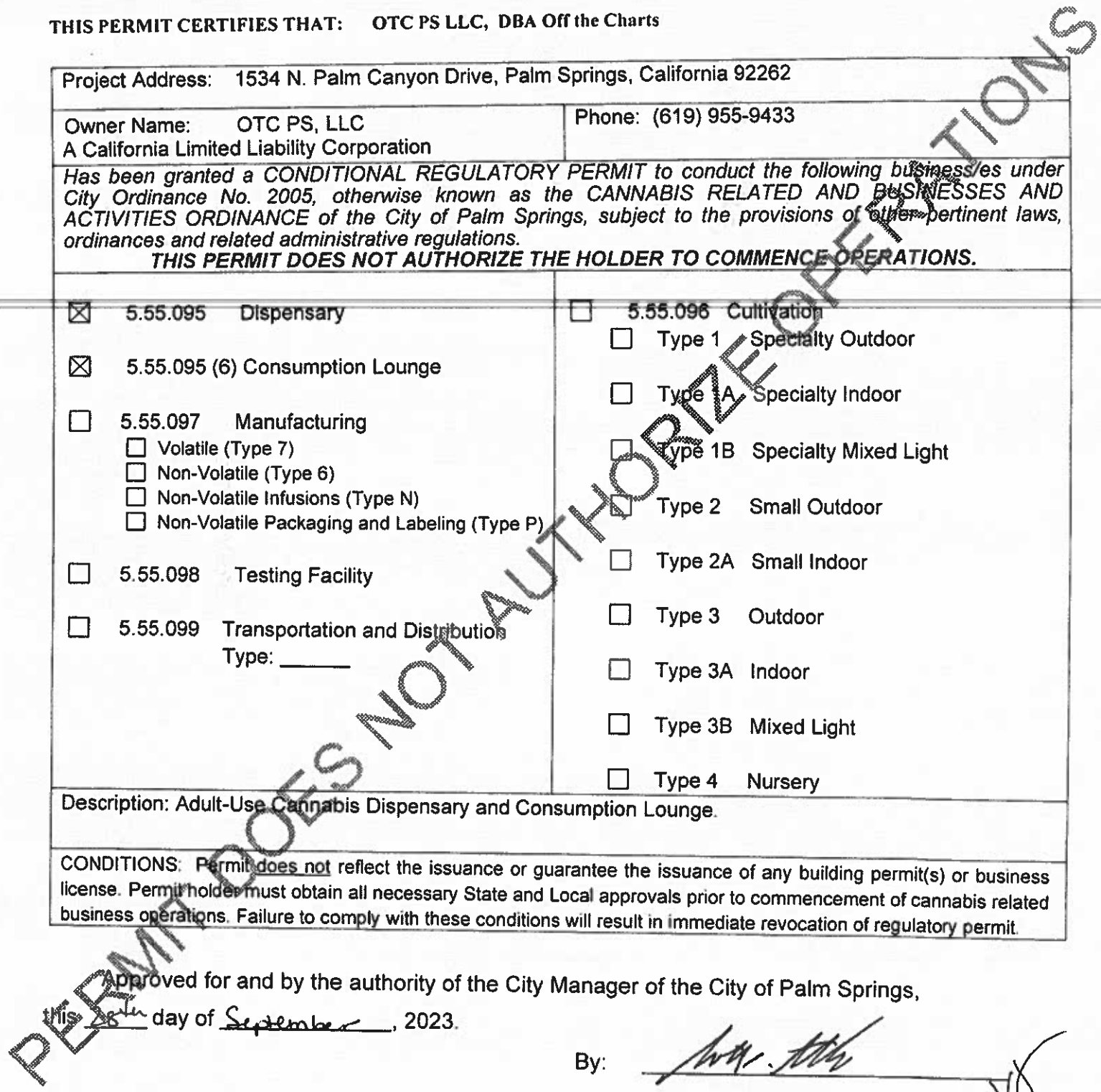
THIS PERMIT CERTIFIES THAT: OTC PS LLC, DBA Off the Charts

Project Address: 1534 N. Palm Canyon Drive, Palm Springs, California 92262	
Owner Name: OTC PS, LLC A California Limited Liability Corporation	Phone: (619) 955-9433
<p><i>Has been granted a CONDITIONAL REGULATORY PERMIT to conduct the following business/es under City Ordinance No. 2005, otherwise known as the CANNABIS RELATED AND BUSINESSES AND ACTIVITIES ORDINANCE of the City of Palm Springs, subject to the provisions of other pertinent laws, ordinances and related administrative regulations.</i></p> <p align="center">THIS PERMIT DOES NOT AUTHORIZE THE HOLDER TO COMMENCE OPERATIONS.</p>	
<input checked="" type="checkbox"/> 5.55.095 Dispensary <input checked="" type="checkbox"/> 5.55.095 (6) Consumption Lounge <input type="checkbox"/> 5.55.097 Manufacturing <input type="checkbox"/> Volatile (Type 7) <input type="checkbox"/> Non-Volatile (Type 6) <input type="checkbox"/> Non-Volatile Infusions (Type N) <input type="checkbox"/> Non-Volatile Packaging and Labeling (Type P) <input type="checkbox"/> 5.55.098 Testing Facility <input type="checkbox"/> 5.55.099 Transportation and Distribution Type: _____	<input type="checkbox"/> 5.55.096 Cultivation <input type="checkbox"/> Type 1 Specialty Outdoor <input type="checkbox"/> Type 1A Specialty Indoor <input type="checkbox"/> Type 1B Specialty Mixed Light <input type="checkbox"/> Type 2 Small Outdoor <input type="checkbox"/> Type 2A Small Indoor <input type="checkbox"/> Type 3 Outdoor <input type="checkbox"/> Type 3A Indoor <input type="checkbox"/> Type 3B Mixed Light <input type="checkbox"/> Type 4 Nursery
Description: Adult-Use Cannabis Dispensary and Consumption Lounge.	
<p>CONDITIONS: Permit does not reflect the issuance or guarantee the issuance of any building permit(s) or business license. Permit holder must obtain all necessary State and Local approvals prior to commencement of cannabis related business operations. Failure to comply with these conditions will result in immediate revocation of regulatory permit.</p>	

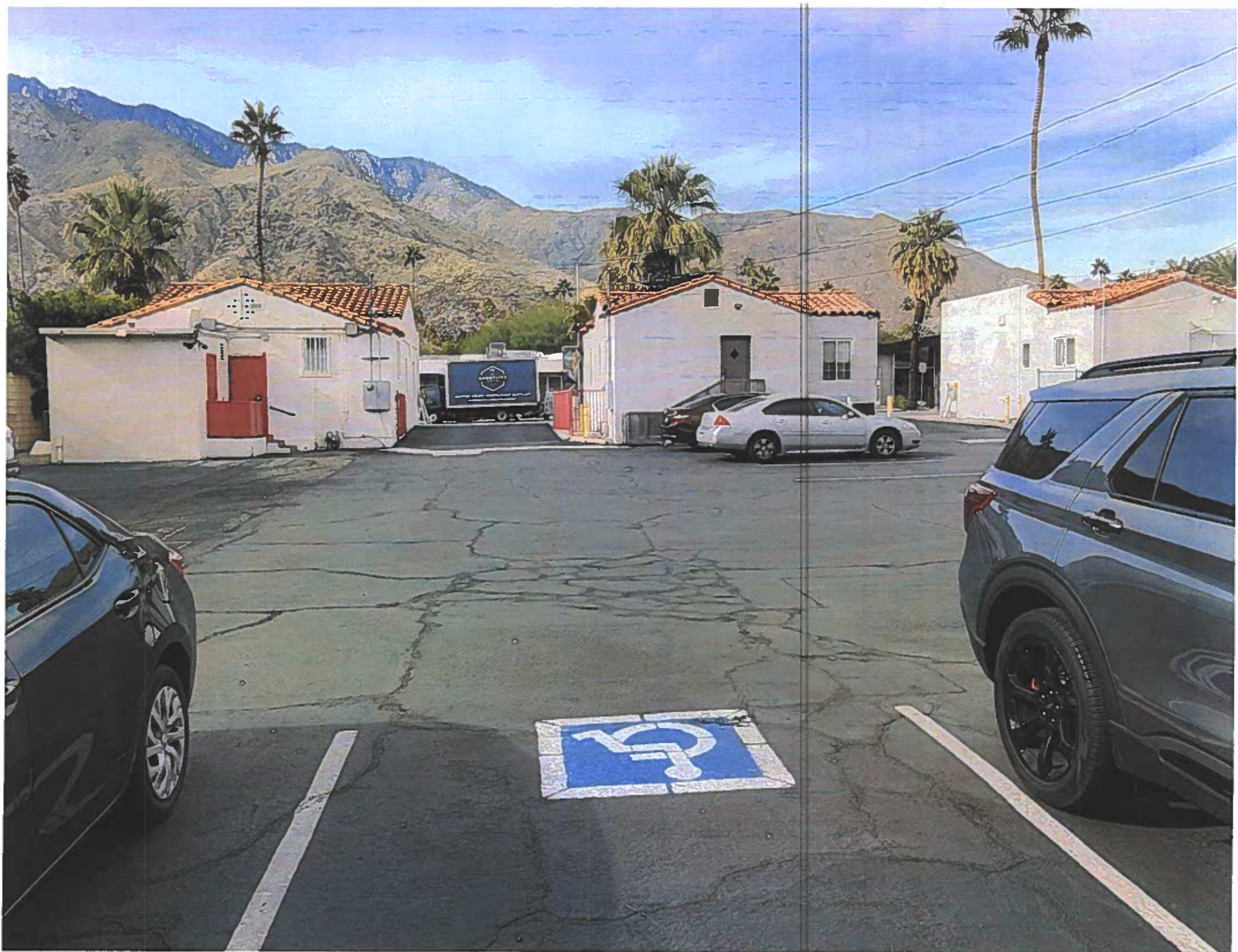
Approved for and by the authority of the City Manager of the City of Palm Springs,
 this 28th day of September, 2023.

By: 
Scott Stiles,
City Manager

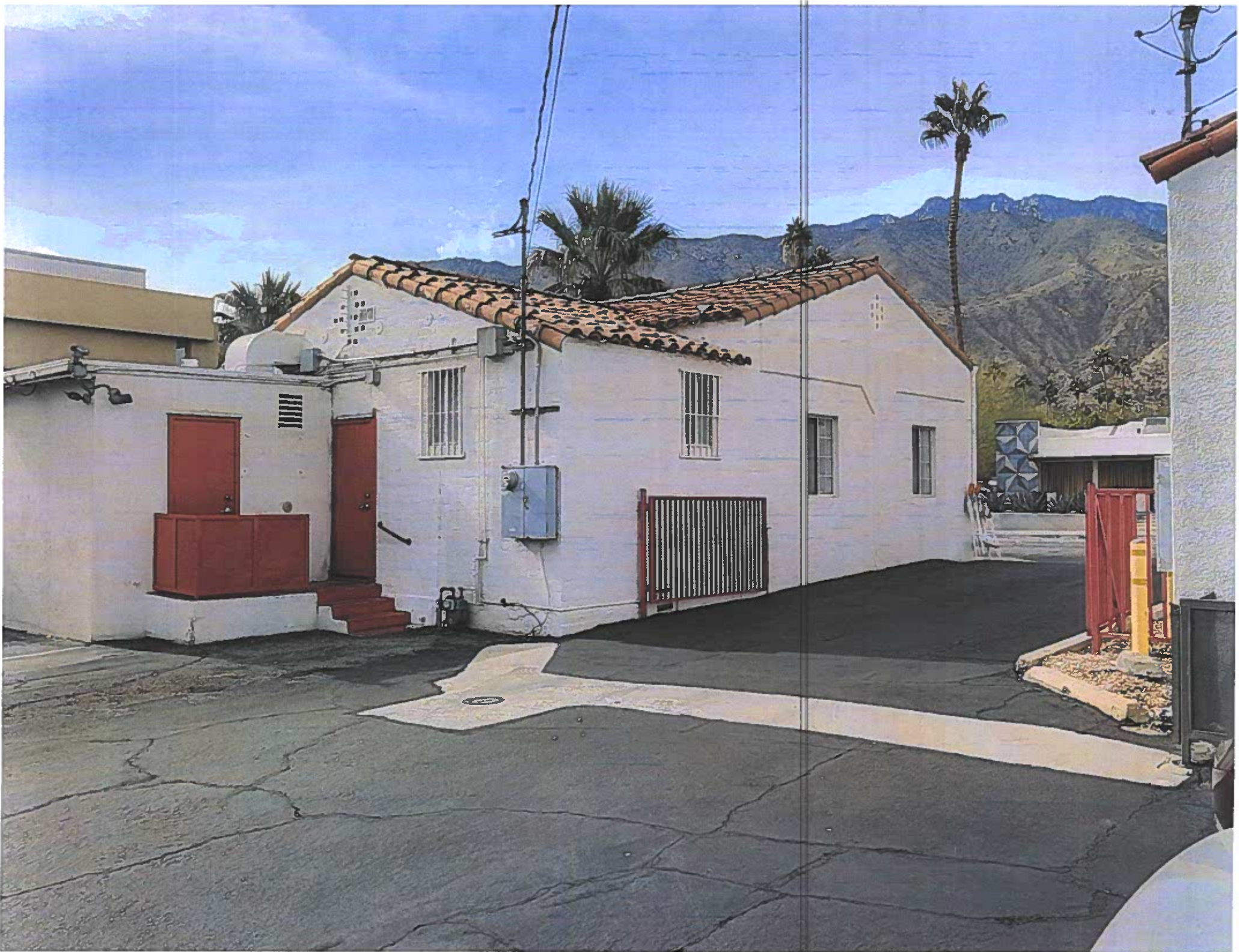
DATE OF ISSUANCE: 09/28 /2023
 DATE OF EXPIRATION: 09/21 /2024













INTERNATIONAL
FILM
FESTIVAL
JANUARY
4-15
PSIFF.ORG

1534

GOTTLEB
& DOORKEEPING







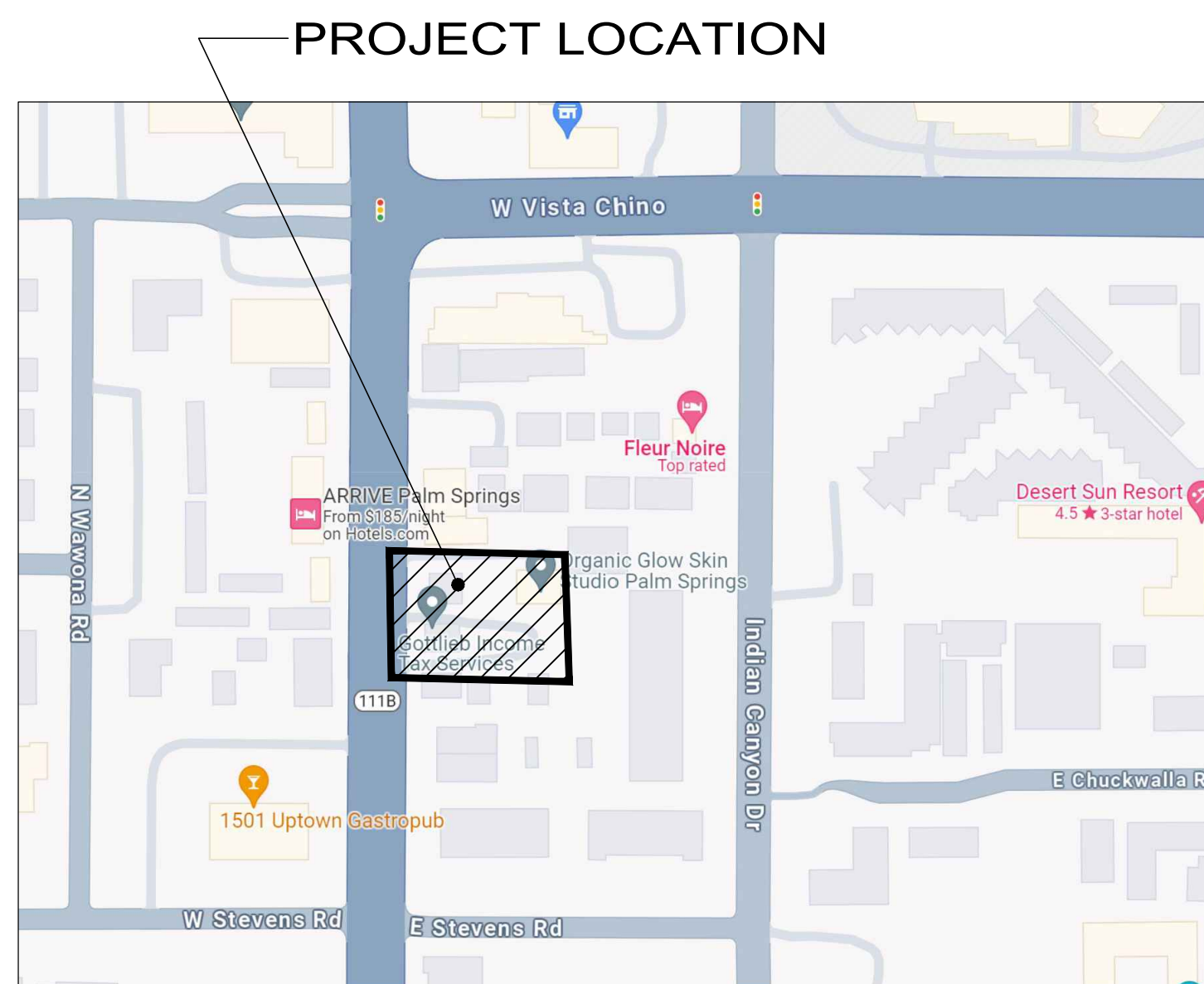
LANDSCAPE PLANS FOR: OFF -THE CHARTS

DISPENSARY
PALM SPRINGS, CALIFORNIA
1534 N. PALM CANYON DRIVE

SHEET INDEX:

L-CS	COVER SHEET
L-1.0	PLANTING PLAN
L-2.0	LIGHTING PLAN
LD-1.0	PLANTING & IRRIGATION DETAILS

ARCHITECT:
OCHOA DESIGN ASSOCIATES
73626 CA-111
Palm Desert, CA 92260



VICINITY MAP - NTS

T.K.D. ASSOCIATES, INC.
LAND PLANNING - LANDSCAPE ARCHITECTURE
WATER CONSERVATION
71-850 SAHARA DR. SUITE 4
RANCHO MIRAGE, CALIFORNIA 92270
PH: (760) 776-1751

PROJECT NAME
OFF-THE CHARTS
COMMERCIAL BUILDING
PALM SPRINGS CA
1534 North Palm Canyon Drive
PALM SPRINGS, CA

LICENSE STAMP:

 Signature
Date

CONSULTANTS:

THESE PLANS, SPECIFICATIONS, AND DESIGNS ARE PROPERTY OF TKD ASSOCIATES, INCORPORATED. THE USE AND PUBLICATION OF THESE PLANS, SPECIFICATIONS, AND DESIGNS SHALL BE RESTRICTED TO THE ORIGINAL SITE AND PHASE FOR WHICH THEY WERE PREPARED AND TITLE THERE TO REMAIN WITH TKD ASSOCIATES, INCORPORATED AND USE WITHOUT THE WRITTEN CONSENT OF TKD ASSOCIATES, INCORPORATED IS STRICTLY PROHIBITED. VISUAL CONTACT CONSTITUTES ACCEPTANCE OF THESE RESTRICTIONS.

SHEET TITLE
PLANTING PLAN

NORTH 	SCALE SEE PLANS
	PROJECT NUMBER 3215

REVISIONS			
NO	DATE	TYPE	BY

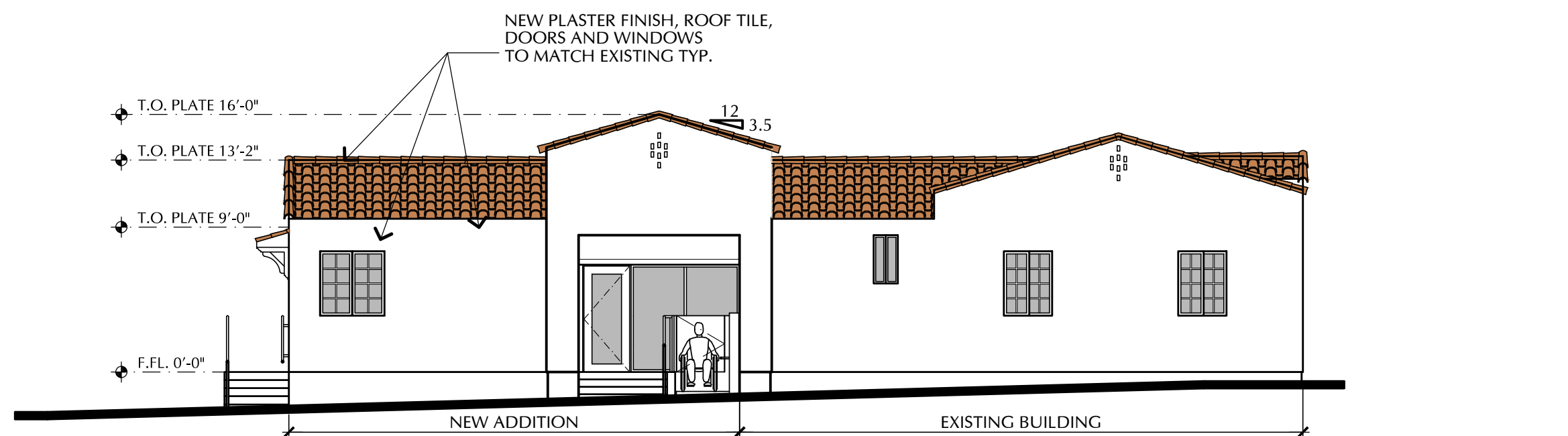
DATE: 1-16-2024
ISSUED FOR:
EFFECTIVE DATE:
DESIGN BY: TKD
DRAWN BY: TD
FILENAME: 3215 OFF-THE CHARTS

SHEET NO:
TOTAL **L-CS**
SHEETS

Important Notice - Underground Service Alert

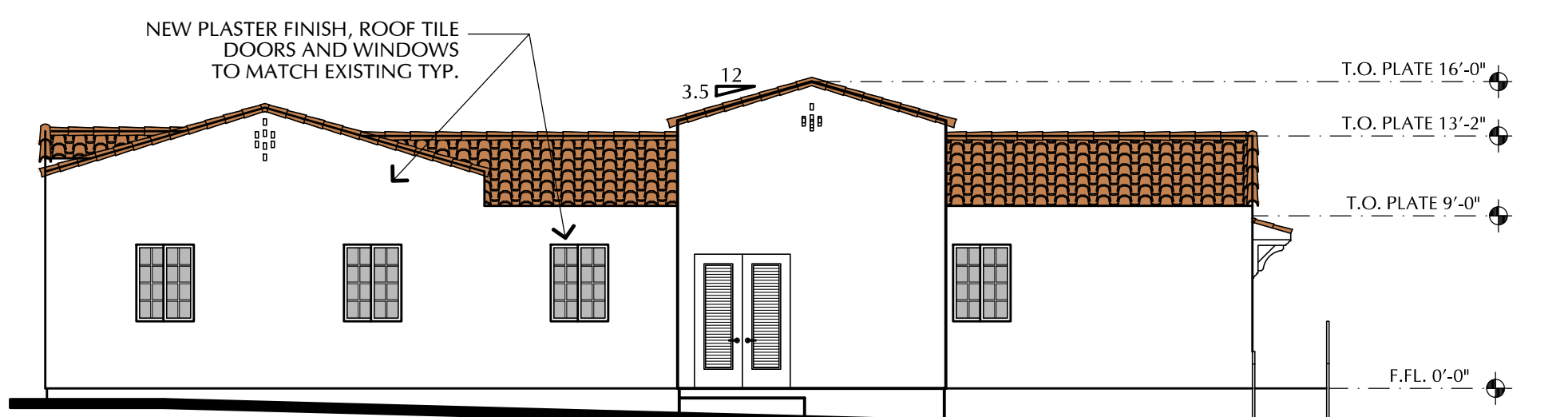
 Section 4216/4217 of the Government Code requires a Dig Alert Identification Number be issued before a 'Permit to Excavate' will be valid. For your Dig Alert Identification Number call Underground Service Alert TOLL FREE at 1-800-227-2600 two working days before you dig.

Construction contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not be limited to normal working hours, and construction contractor further agrees to defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of design professional.



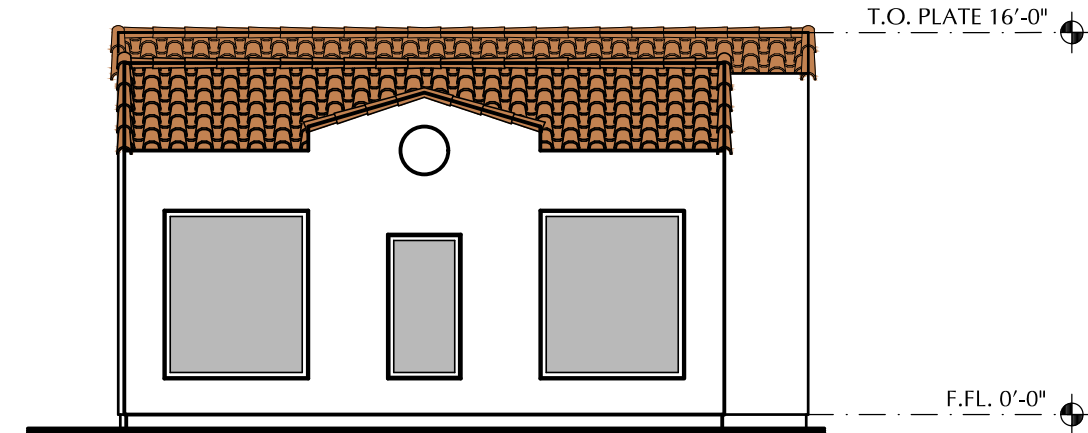
SOUTH ELEVATION

SIDE VIEW SCALE: 1/8" = 1'-0"



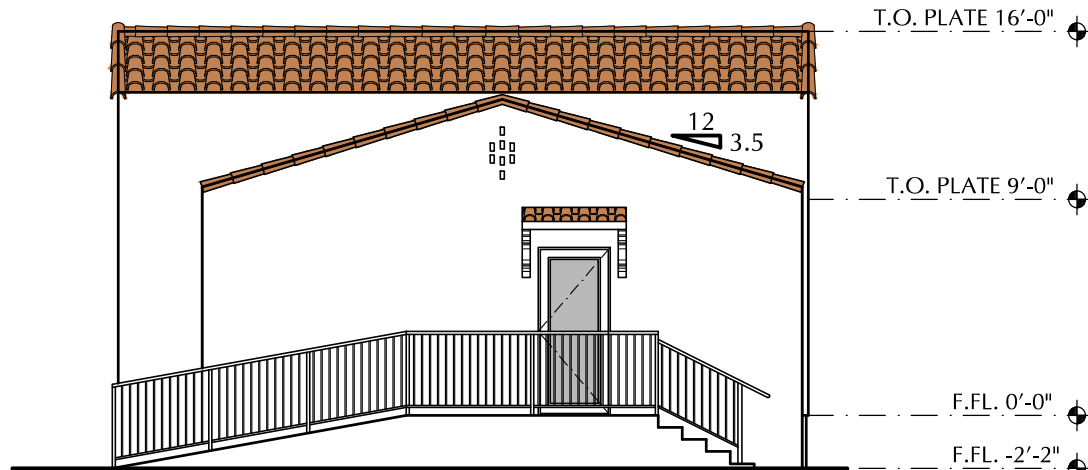
NORTH ELEVATION

SIDE VIEW SCALE: 1/8" = 1'-0"



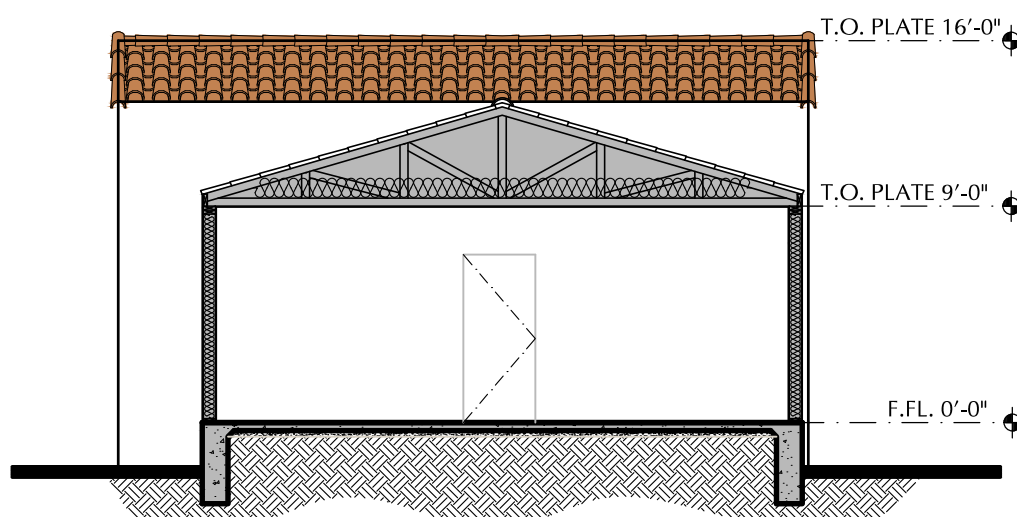
WEST ELEVATION

EXISTING FRONT ELEVATION SCALE: 1/8" = 1'-0"



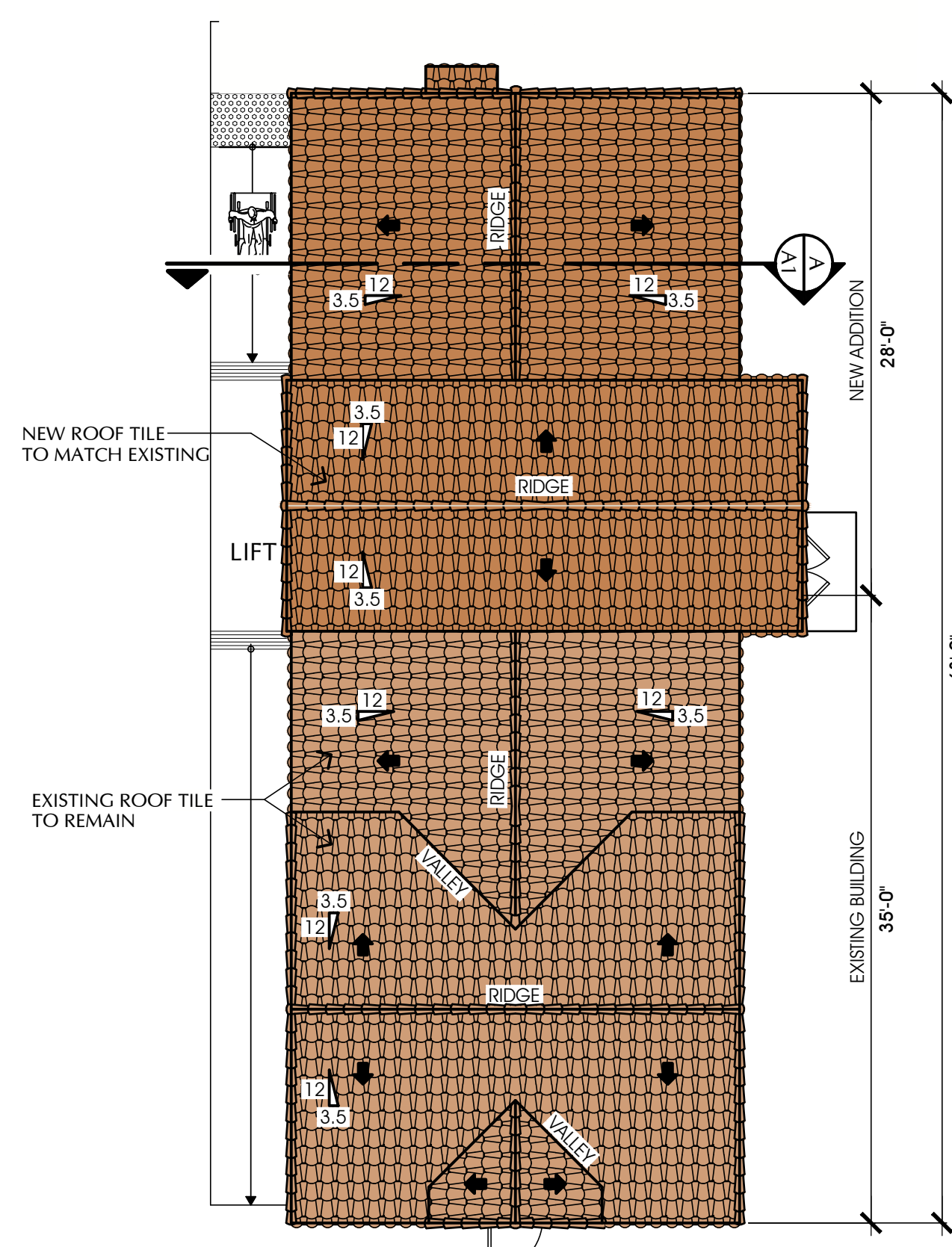
EAST ELEVATION

NEW REAR ELEVATION SCALE: 1/8" = 1'-0"



SECTION A

SCALE: 1/8" = 1'-0"

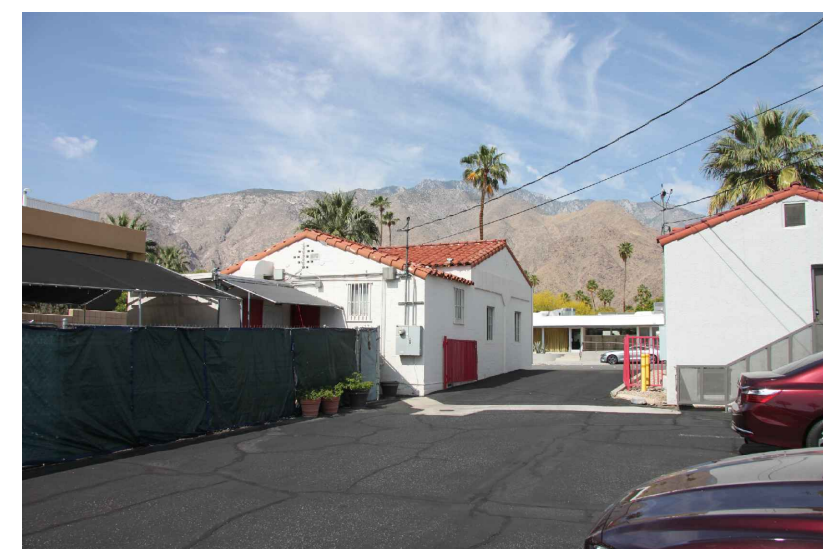


ROOF PLAN

SCALE: 1/8" = 1'-0"



NORTH VIEW



VIEW OF NORTHEAST PARKING AREA



NORTHEAST VIEW



VIEW OF BLDG NORTHWEST CORNER



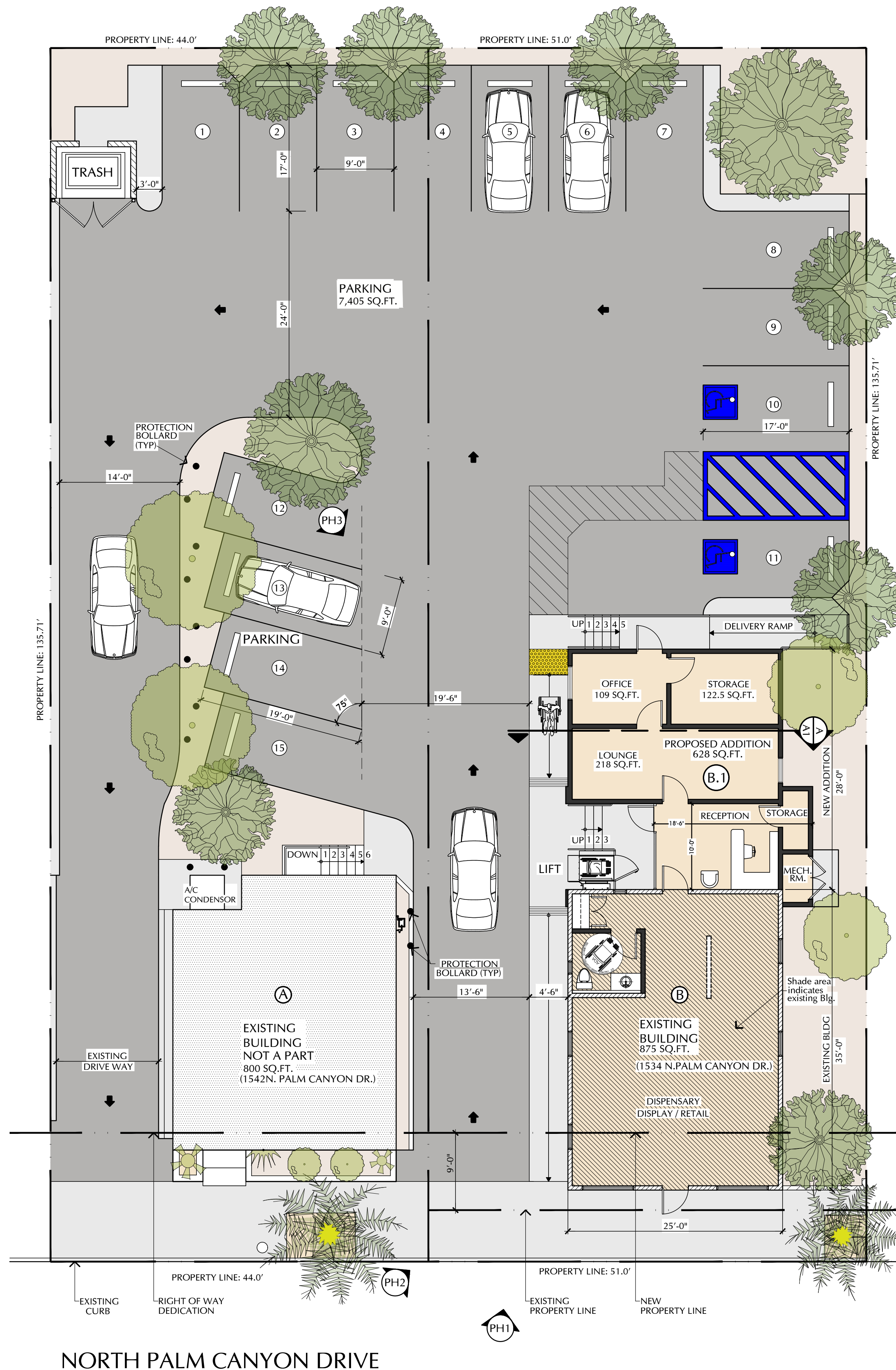
NORTHWEST VIEW

RENDERINGS OF PROPOSED ADDITION



VIEW OF BUILDING WEST FACE

PHOTOGRAPHS OF EXISTING BUILDINGS



SITE PLAN OPTION A
15 PARKING STALLS SCALE: 1/8" = 1'-0"



BUILDING AREAS	
EXISTING BUILDING 'A' (1542 N. Palm Canyon)	800 sq.ft.
EXISTING BUILDING 'B' (1534 N. Palm Canyon)	875 sq.ft.
PROPOSED ADDITION TO BUILDING 'B' (1534 N. Palm Canyon)	628 sq.ft.
BUILDING 'B AND B1' NEW TOTAL AREA (1534/1542 N. Palm Canyon)	1,503 sq.ft.
PARKING (1534/1542 N. Palm Canyon)	7,502 sq.ft.
LANDSCAPE/HARDSCAPE/OPEN SPACE	3,120 sq.ft.

PARKING REQUIREMENTS	
EXISTING BUILDING 'A' Office Use § Z-93.00-06.00D.26	- 4 Stalls
EXISTING BUILDING 'B' Dispensary/ Retail § Z-93.00-06.00D.6.b	- 3 Stalls
ADDITION CANNABIS DISPENSARY BUILDING 'B1' Retail, Reception, Storage § Z-93.00-06.00D.6.b	- 1 Stall
Lounge § Z-93.00-06.00D.6.c	- 6 Stalls
Total Parking Provided	15 Stalls (Includes 2 ADA stall)

REVISIONS:	



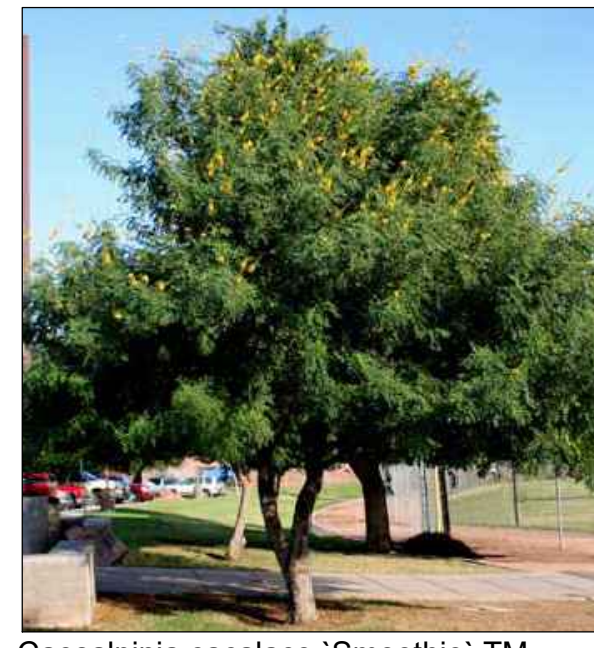
Ochoa Design Associates
Architecture • Interiors • Planning
Juan Carlos Ochoa, Architect C28502
73-626 HIGHWAY 111, PALM DESERT, CA 92260
phone: 760.325.1111 | www.ochoadesign.com

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**OFF THE CHARTS
CANNABIS DISPENSARY**
1534 NORTH PALM CANYON
PALM SPRINGS, CALIFORNIA

**SITE PLAN, ROOF PLAN
& EXTERIOR ELEVATIONS**

FILE:	
DRAWN: D.C.	
DATE: 1-18-24	
SCALE:	
SHEET:	A1
OF SHEETS:	



Caesalpinia cacalaco 'Smoothie' TM



Tipuana tipu



Leucophyllum langmaniae 'Lynn's Legacy'



Ixora coccinea



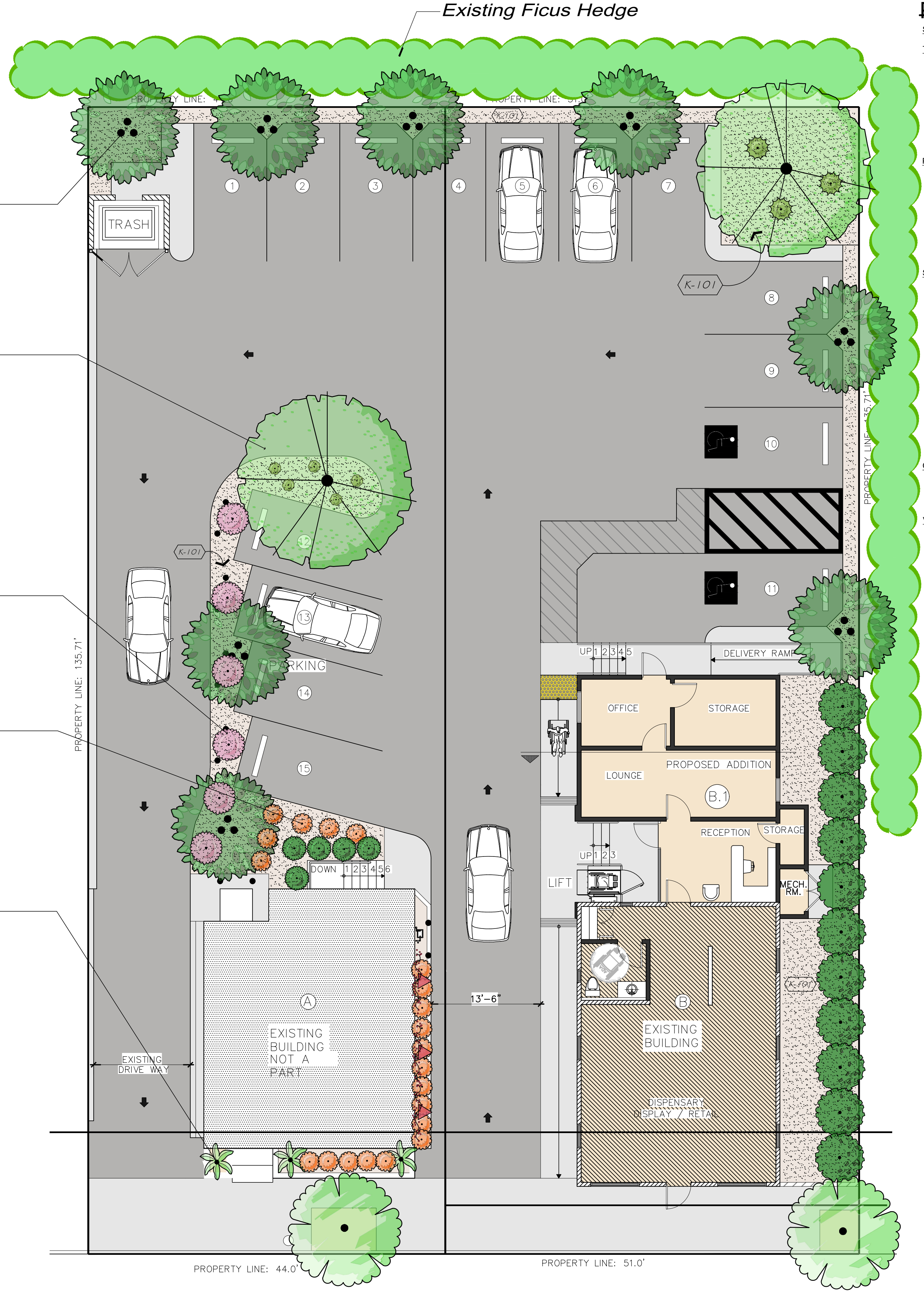
Phoenix reclinata x roebelenii



Calliandra inaequilatera



Ficus nitida



PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	WATER USE
TREES				
	8	Caesalpinia cacalaco 'Smoothie' TM / Cascadote	36"box	Low
	2	Tipuana tipu / Tipu Tree	36" Box	Low - Medium
PALM TREES				
	3	Phoenix reclinata x roebelenii / Hybrid Date Palm	15 gal.	
	2	Washingtonia filifera / California Fan Palm	Existing	Very low - Low
SHRUBS				
	5	Carissa macrocarpa 'Boxwood Beauty' / Beauty Natal Plum	5 gal	Low - Medium
	5	Carissa macrocarpa 'Tuttlei' / Tuttle Natal Plum	5 gal.	Low - Medium
	11	Ficus nitida / Weeping Fig	15 gal columns	Medium
	21	Ixora coccinea / Red Ixora	5 gal	Medium - High
	6	Leucophyllum langmaniae 'Lynn's Legacy' / Lynn's Legacy Langman's Sage	5 gal.	Very low - Medium
CACTI				
	3	Agave desmettiana / Dwarf Century Plant	5 gal.	Low
VINE/ESPALIER				
	3	Calliandra inaequilatera / Pink Powder Puff	15 gal	Low

REFERENCE NOTES SCHEDULE

SYMBOL	ROCK DESCRIPTION	QTY
	3/8" California Gold Crushed Rock	1,486 sf



3/8" CALIFORNIA GOLD ROCK
2" DEPTH IN ALL PLANTERS

T.K.D. ASSOCIATES, INC.
LAND PLANNING - LANDSCAPE ARCHITECTURE
WATER CONSERVATION
71-850 SAHARA DR. SUITE 4
RANCHO MIRAGE, CALIFORNIA 92270
PH: (760) 776-1751

PROJECT NAME
**OFF-THE CHARTS
COMMERCIAL BUILDING**
PALM SPRINGS CA
1534 North Palm Canyon Drive
PALM SPRINGS, CA

LICENSE STAMP:
REG. STEREO LANDSCAPE ARCHITECT
THOMAS K. DOCZI #2270
Signature
Date
STATE OF CALIFORNIA

CONSULTANTS:

THESE PLANS, SPECIFICATIONS, AND DESIGNS ARE PROPERTY OF TKD ASSOCIATES, INCORPORATED. THE USE AND PUBLICATION OF THESE PLANS, SPECIFICATIONS, AND DESIGNS SHALL BE RESTRICTED TO THE ORIGINAL SITE AND PHASE FOR WHICH THEY WERE PREPARED AND TITLE THERE TO REMAIN WITH TKD ASSOCIATES, INCORPORATED AND USE WITHOUT THE WRITTEN CONSENT OF TKD ASSOCIATES, INCORPORATED IS STRICTLY PROHIBITED. VISUAL CONTACT CONSTITUTES ACCEPTANCE OF THESE RESTRICTIONS.

SHEET TITLE
PLANTING PLAN

NORTH
SCALE
1/8" = 1'-0"
PROJECT NUMBER
3215

REVISIONS			
NO	DATE	TYPE	BY

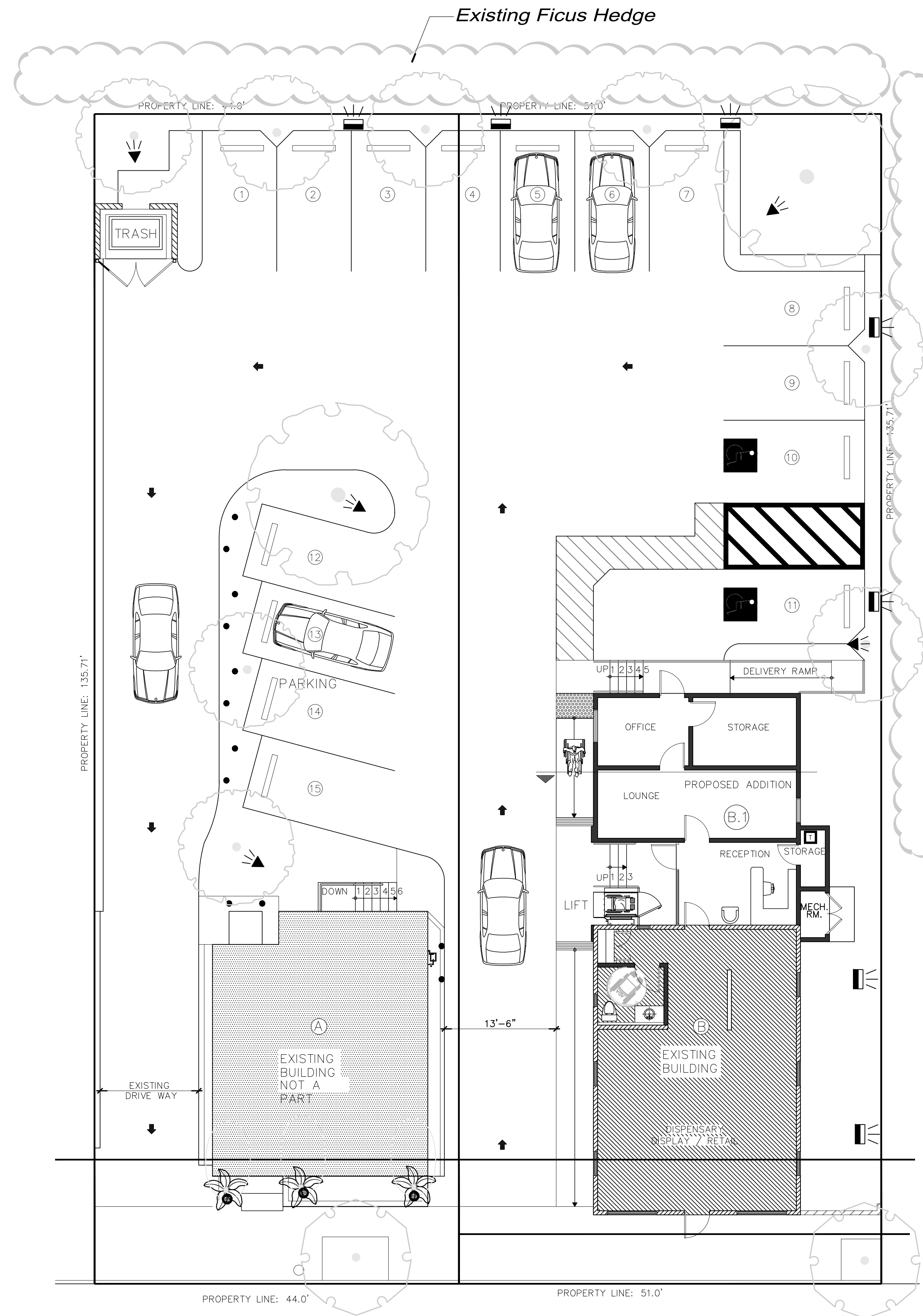
DATE:	1-16-2024
ISSUED FOR:	
EFFECTIVE DATE:	
DESIGN BY:	TKD
DRAWN BY:	TD
FILENAME:	3215 OFF-THE CHARTS

SHEET NO:
TOTAL **L-1.0**
SHEETS

Important Notice - Underground Service Alert
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NORTH PALM CANYON DRIVE



LIGHTING SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY	DETAIL
☐	TRANSFORMER 300 W	1	
◀	FX Luminaire NR-LS Die-cast brass and copper construction, long shroud. 2.5in. Dia x 8.0in. H. Order code: NR-LS, Copper and Brass, (AB) Antique Bronze, 3-Prong Spike Lamp: NR-6LED, 10.1W 13.5VA, 2700K, Beamspread: Spot	5	
●	FX Luminaire KG Large ingrade well light ideal for large landscape features. 6in. Dia x 9.21in. H. Order code: KG, Aluminum Alloy, (AL) Almond, Direct Mount Lamp: KG-3LED, 4.2W 4.5VA, 2700K, Beamspread: Spot	3	
⊞	Unique Lighting Starburst Solid Brass uplight. 4in. L x 5.9in. D x 3.6in. H Order code: STAR, Brass, (WB) Weathered Brass, Large Stabilizer Stake Lamp: 5W-2700K-MR, 5W 6VA, 2700K, Beamspread: Flood	7	

NORTH PALM CANYON DRIVE

T.K.D. ASSOCIATES, INC.
LAND PLANNING - LANDSCAPE ARCHITECTURE
WATER CONSERVATION
71-850 SAHARA DR. SUITE 4
RANCHO MIRAGE, CALIFORNIA 92270
PH: (760) 776-1751

PROJECT NAME
OFF-THE CHARTS
COMMERCIAL BUILDING
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LANDSCAPE LIGHTING PLAN

NORTH
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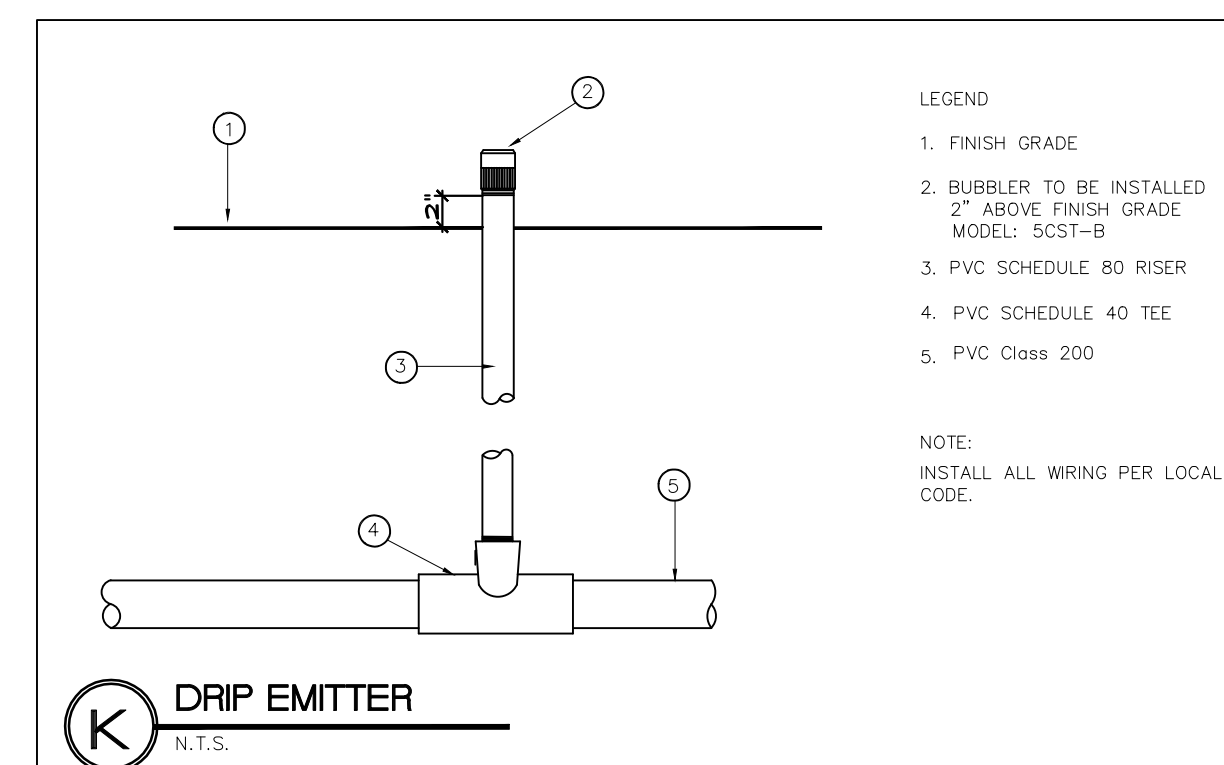
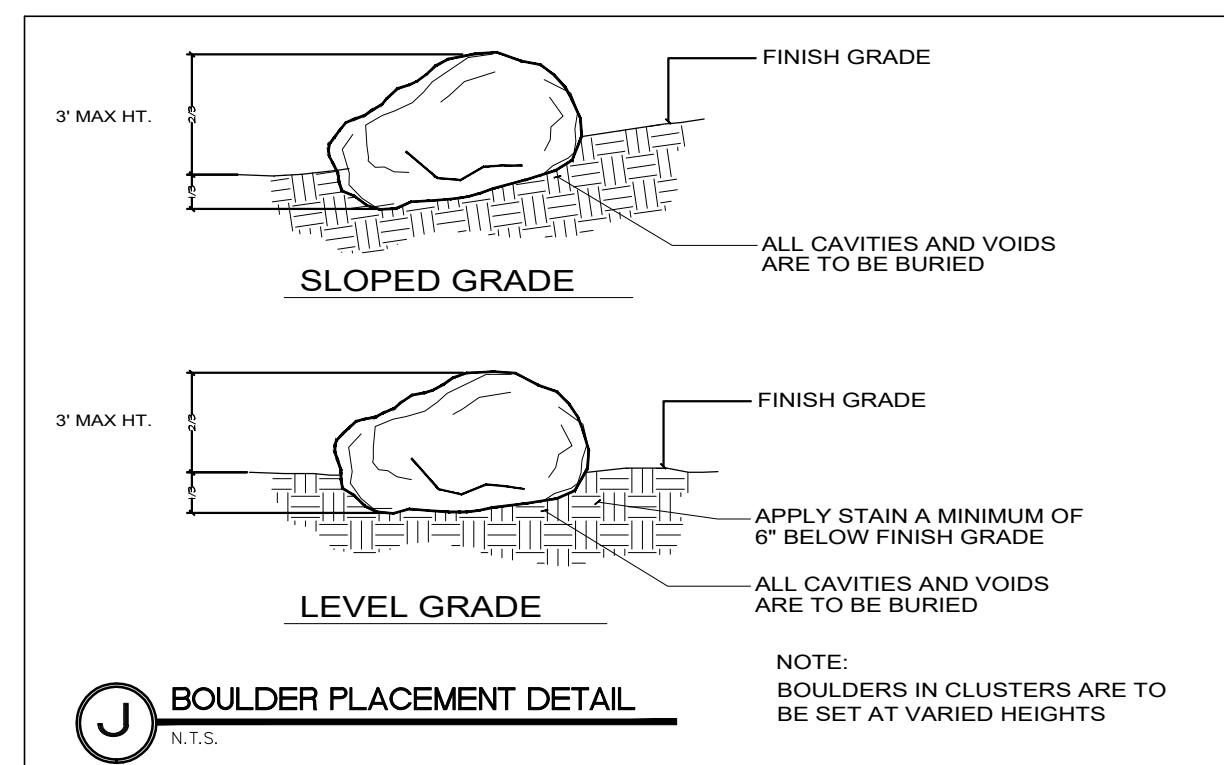
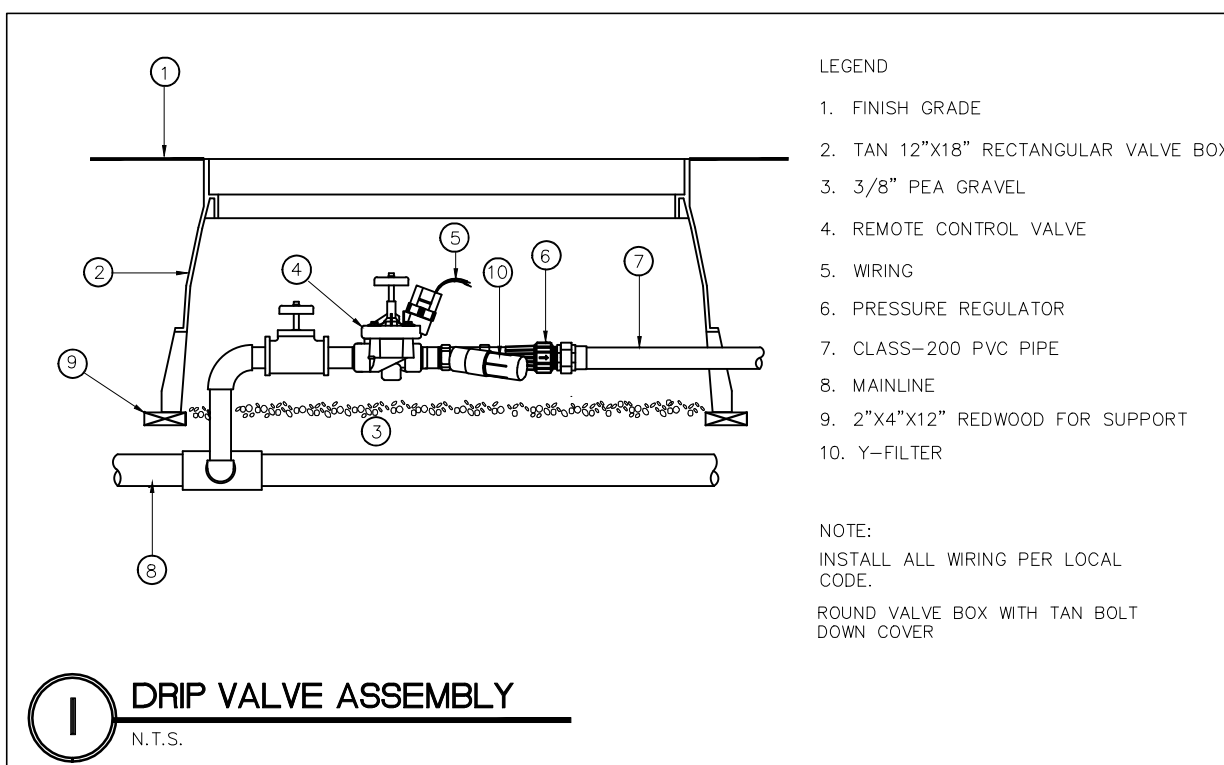
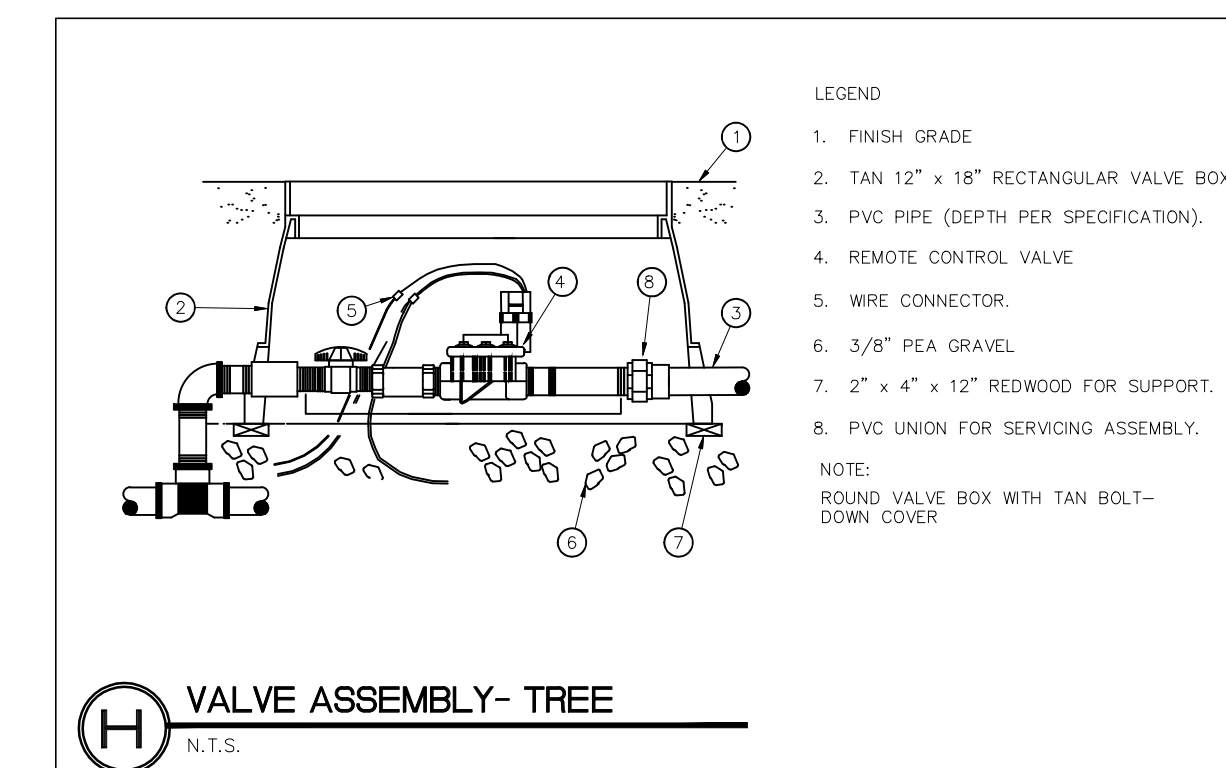
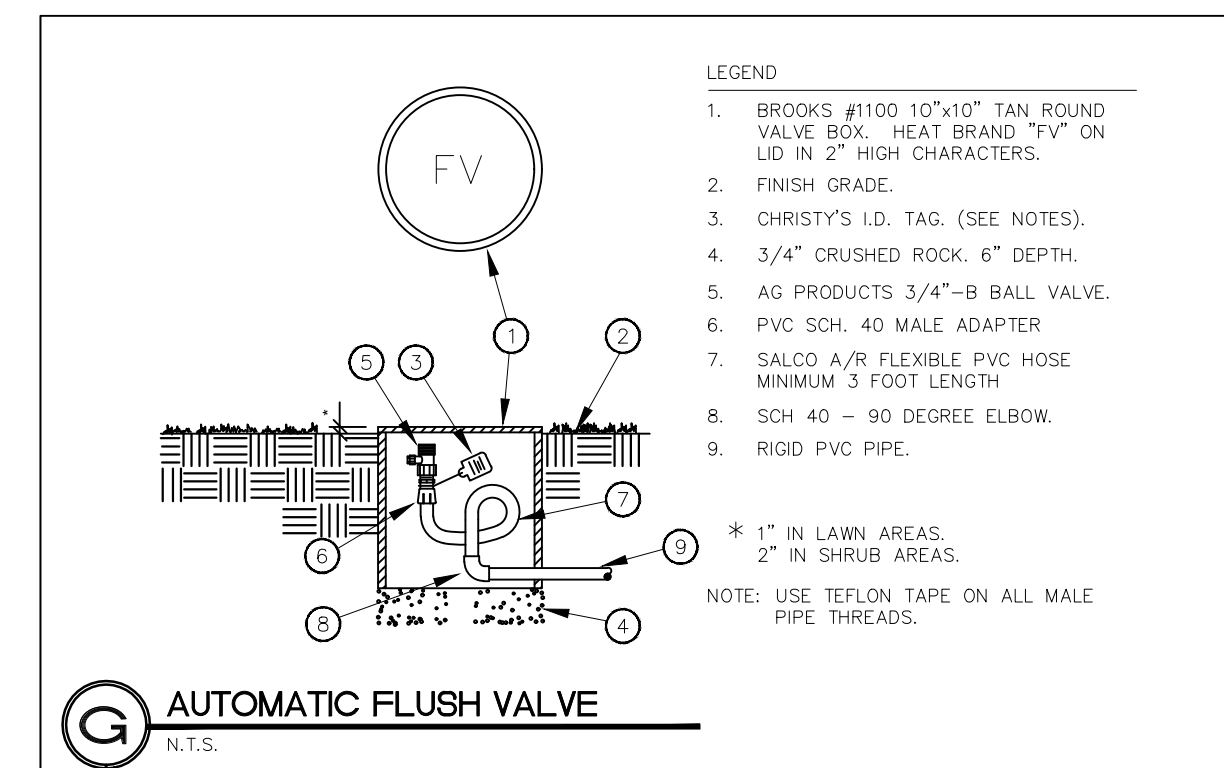
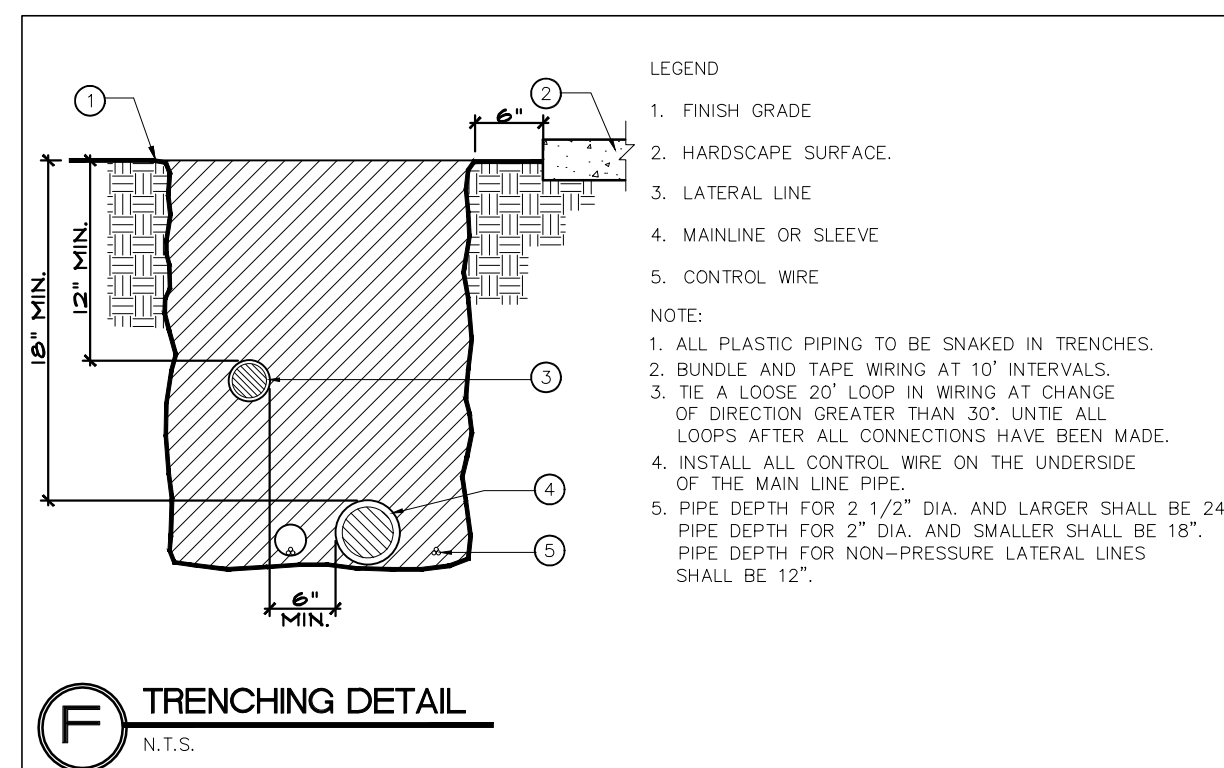
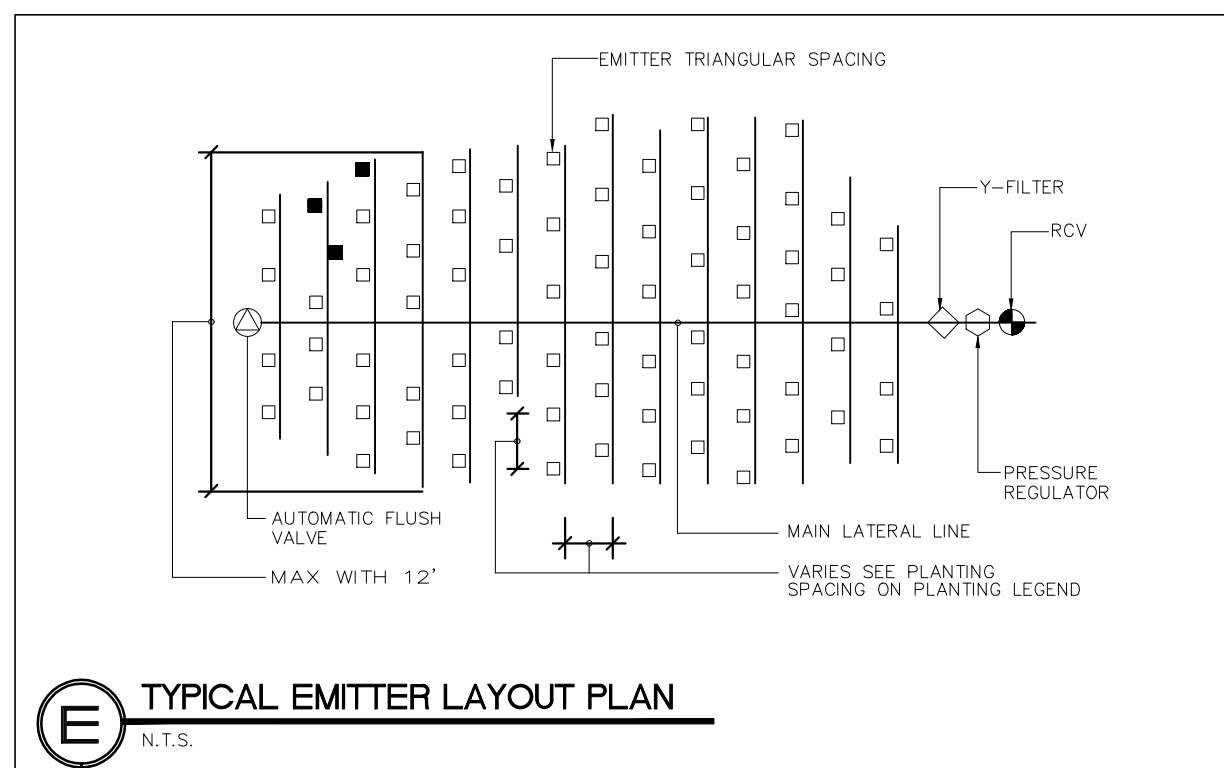
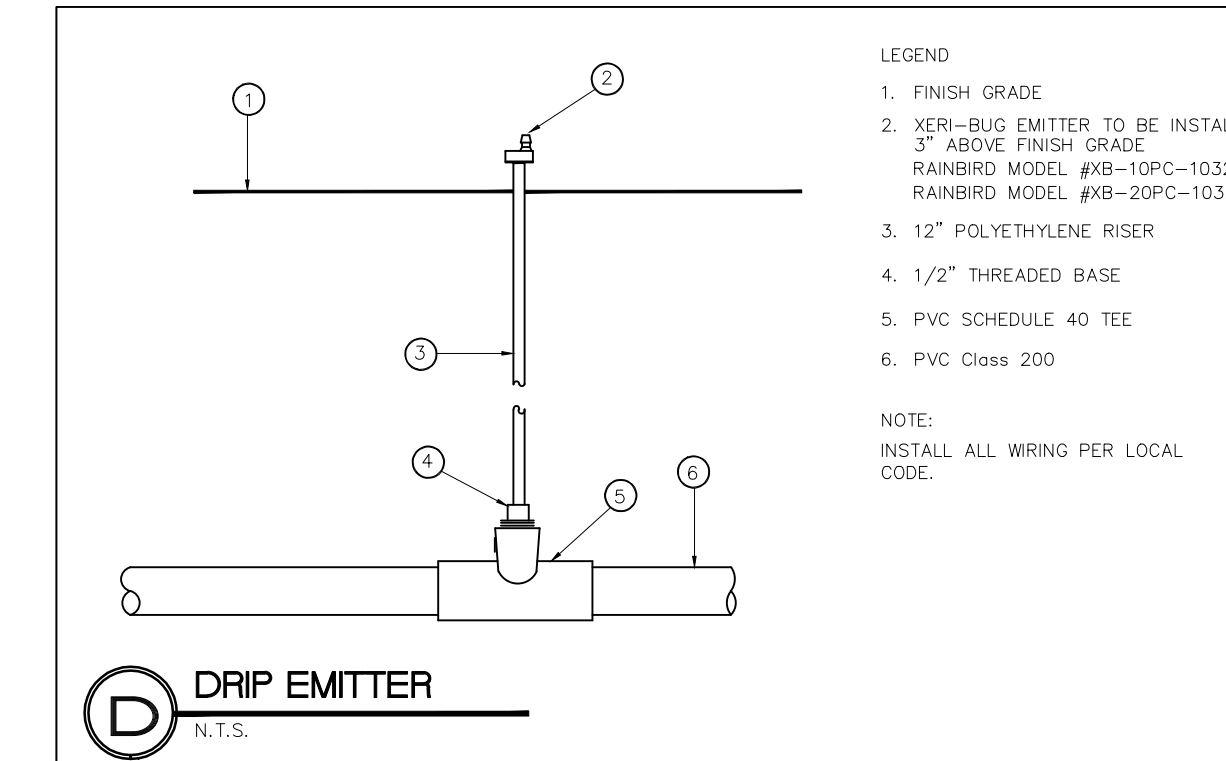
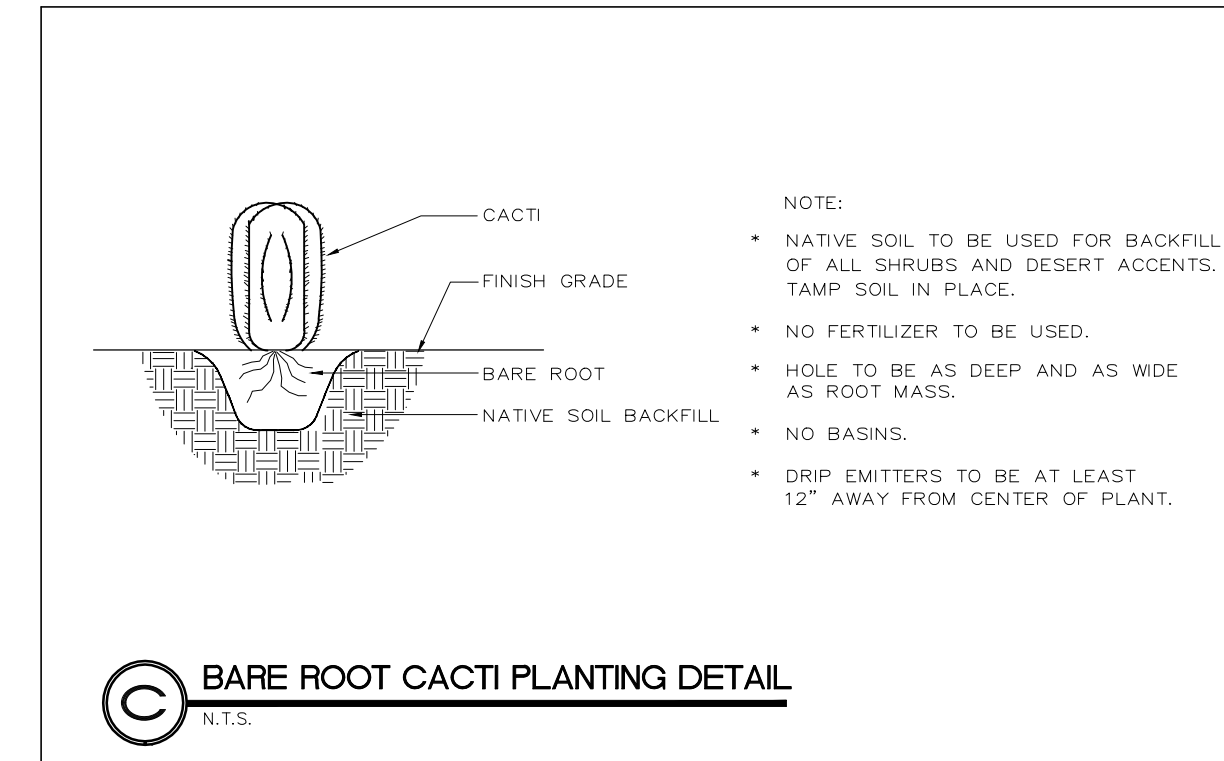
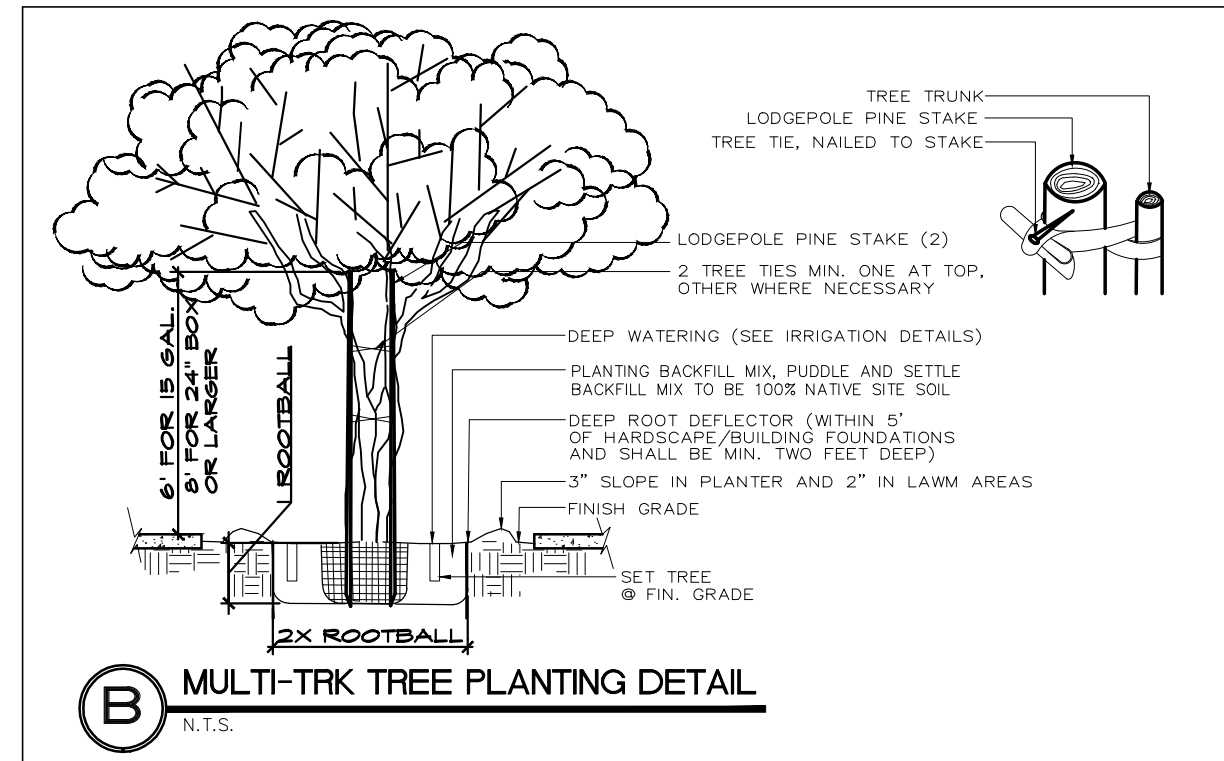
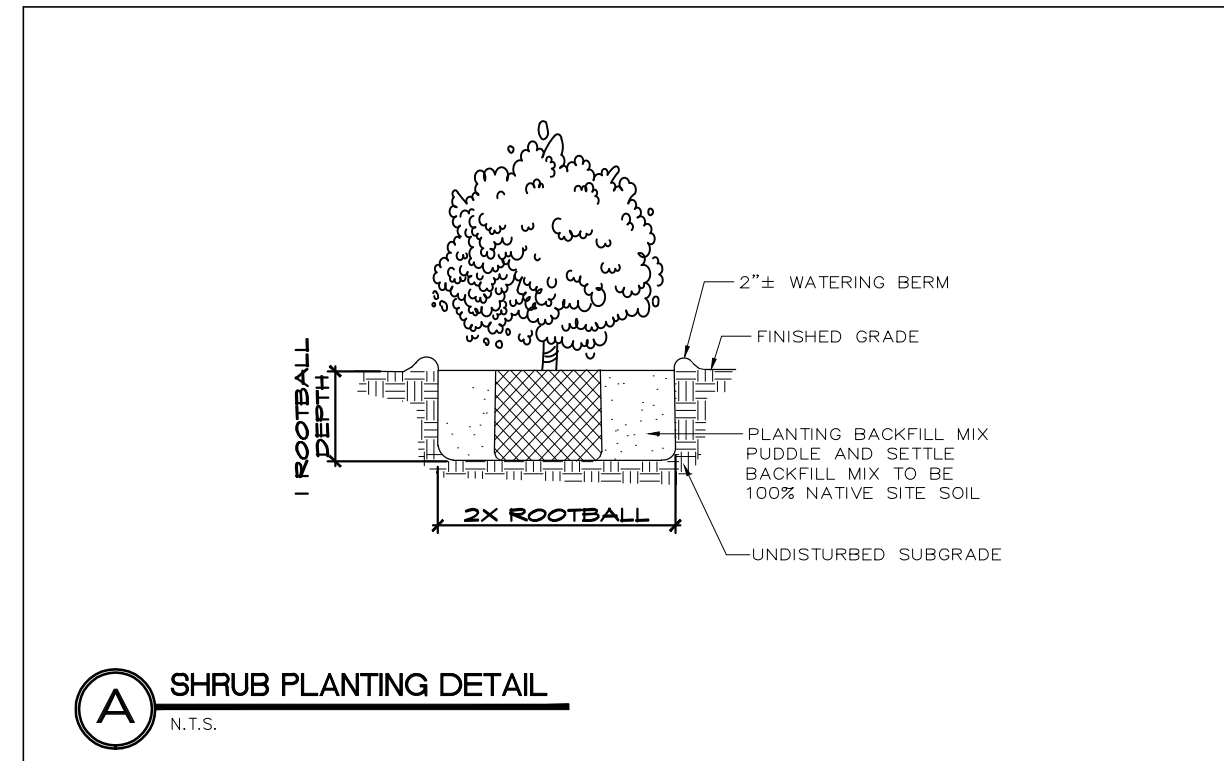
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GENERAL IRRIGATION NOTES

- SPRINKLER IRRIGATION PLAN IS DIAGRAMMATIC. FINAL LOCATION OF PIPING WILL BE DETERMINED AT TIME OF INSTALLATION. EQUIPMENT SHOWN IN PAVED AREAS ARE FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTED AREAS.
- INSTALL ALL EQUIPMENT AS SHOWN IN DETAILS. ALL EQUIPMENT REQUIRED BUT NOT SPECIFIED ON THE DRAWING SHALL BE PROVIDED BY THE IRRIGATION CONTRACTOR.
- ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MFG.'S INSTRUCTIONS AND SPECIFICATIONS.
- IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER WORKMANSHIP DURING INSTALLATION.
- ALL MAINLINE PIPING SHALL HAVE A MINIMUM OF 18" COVER (24" UNDER ROADS AND STREETS AND IF RING SEALED PIPE). ALL LATERAL PIPING SHALL BE TRENCHED A MINIMUM OF 12" DEEP. ALL CONTROL WIRE GOING UNDER DRIVEWAYS AND STREETS SHALL BE SLEEVED IN A PVC PIPE. LATERAL PIPING GOING UNDER DRIVEWAYS AND STREETS SHALL BE SCHEDULE 40 PVC.
- ALL TRENCH BACK FILL SOIL SHALL BE CLEAN, FREE OF ROCKS, TRASH, GLASS, SOLVENT CEMENT CONTAINERS AND RAGS. CONTRACTOR SHALL COMPACT ALL TRENCHES TO A DENSITY EQUAL TO THE UNDISTURBED SOIL AND SHALL BE RESPONSIBLE FOR BRINGING ANY SETTLED TRENCHES BACK TO FINISH GRADE.
- CONTRACTOR SHALL FLUSH ALL PIPE LINES PRIOR TO INSTALLING SPRINKLER HEADS AND PRIOR TO INSTALLING BUBBLERS AND EMITTERS.
- CONTRACTOR SHALL INSTALL VALVE BOXES AT GRADE OVER ALL ELECTRIC VALVES
- SHRUB DRIP EMITTERS AND TREE BUBBLERS SHALL BE PLACED ON SEPARATE VALVES.
- ALL EMITTERS TO BE PLACED 6"-12" FROM EACH CENTER OF PLANT AND AT THE TOP OF SLOPE WHERE APPLICABLE.
- CONTRACTOR TO PROVIDE A DRIP EMITTER FOR EACH PLANT WITHIN DRIP ZONES.
- CONTRACTOR TO REPLACE GREEN EXISTING VALVE BOXES WITH NEW TAN BOXES.
- CONTRACTOR TO RETROFIT AND/OR REPLACE VALVES AS NEEDED.

GENERAL PLANTING NOTES

- THE LANDSCAPE CONTRACTOR SHALL BE LICENSED AND CARRY ALL NECESSARY WORKMEN'S COMPENSATION INSURANCE AND BONDS REQUIRED BY THE STATE.
- THE CONTRACTOR SHALL APPLY FOR, PAY FOR, AND OBTAIN ALL REQUIRED PERMITS.
- THE CONTRACTOR SHALL COORDINATE HIS WORK WITH ALL RELATED TRADES.
- WORKMANSHIP AND MATERIAL ARE EXPECTED TO BE OF THE HIGHEST STANDARDS AND QUALITY.
- ALL WORK IS SUBJECT TO THE REVIEW AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE.
- PRIOR TO BEGINNING WORK, THE SITE SHALL BE FREE OF ALL DEBRIS, WEEDS, OR ROCKS GREATER THAN 2" DIAMETER WITH FINISH GRADING COMPLETED. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING PLANT MATERIAL UNLESS OTHERWISE NOTED ON PLANS. LANDSCAPE CONTRACTOR SHALL VISIT SITE IN ORDER TO BECOME FAMILIAR WITH ALL EXISTING CONDITIONS PRIOR TO SUBMITTING BID.
- GRADE AT PLANTERS SHALL BE 2" BELOW FINISHED GRADE OF ADJACENT HARDSCAPE UNLESS OTHERWISE NOTED ON GRADING OR BERMING PLAN.
- TREAT PLANTED AREAS, DECOMPOSED GRANITE AND GRAVEL AREAS WITH PRE-EMERGENT WEED AGENT PRIOR TO, AND AFTER, PLACING LANDSCAPE TOPPING AND AS PER MANUFACTURER'S SPECIFICATIONS.

- THE CONTRACTOR SHALL PROVIDE ALL PLANTS AS INDICATED ON THE PLANS, UNLESS OTHERWISE SPECIFIED. ANY CHANGES OR SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT. AT THE TIME OF DELIVERY THE CONTRACTOR SHALL PROVIDE THE DELIVERY INVOICE TO THE LANDSCAPE ARCHITECT FOR HIS REVIEW.
- ALL PLANT MATERIAL SHALL BE FULL, HEALTHY, SHAPELY, DISEASE-FREE, AND INSECT-FREE, BEING OF A SIZE THAT IS STANDARD FOR THE NURSERY INDUSTRY, AND PER THE PLANT LEGEND. ALL PLANTS ARE SUBJECT TO THE LANDSCAPE ARCHITECT'S APPROVAL.
- BEFORE EXCAVATION, PLANTS IN CONTAINERS SHALL BE PLACED AS INDICATED ON PLANTING PLAN. OWNER'S REPRESENTATIVE SHALL BE NOTIFIED 36HRS IN ADVANCE AND SHALL CHECK LOCATION OF ALL PLANTS IN THE FIELD AND SHALL INDICATE THE EXACT POSITIONS BEFORE ACTUAL PLANTING OPERATIONS PROCEED
- ALL LARGE PLANTS SHALL BE HANDLED WITH CARE USING THE NECESSARY PROPER EQUIPMENT. THE CONTRACTOR WILL BE REQUIRED TO REPLACE ALL DAMAGED PLANTS.
- CONTRACTOR SHALL ADD PLANT TABLETS TO ALL PLANT MATERIAL PER MANUFACTURERS SPECIFICATIONS FOR CONTAINER SIZE.
- ALL PLANTS SHALL BE PLANTED IN HOLES AS PER PLANTING DETAIL (SEE DETAIL THIS SHEET). TREE AND SHRUB ROOT CROWNS SHALL BE SET FLUSH WITH THE ADJACENT FINISH GRADE. ALL SHRUBS TO HAVE BELOW GRADE WATER RETENTION BASIN WITH GRADUAL 2" SWALE.
- ALL HOLES SHALL BE THOROUGHLY PRE-SOAKED WITH WATER AND ALLOWED TO DRAIN PRIOR TO PLANTING.

- ALL SHRUBS AND TREES SHALL BE BACKFILLED WITH 100% NATURAL SOIL.
- CONTRACTOR SHALL PROVIDE WATERING BASINS AROUND ALL PLANT MATERIAL.
- ALL BOULDERS (WHERE APPLICABLE) SHALL BE SET INTO SOIL 33% OF BOULDER SIZE.
- THE CONTRACTOR SHALL REMOVE ALL DEBRIS, PLANT BOXES AND CONTAINERS, MATERIALS, SUPPLIES OR EQUIPMENT, LEAVING THE SITE IN A CLEAN CONDITION UPON COMPLETION OF LANDSCAPE INSTALLATION.
- UPON ACCEPTANCE OF THE COMPLETED PROJECT, THE CONTRACTOR SHALL MAINTAIN THE INSTALLATION FOR A 90-DAY MAINTENANCE PERIOD. THE CONTRACTOR SHALL WEED ALL PLANTING AREAS AS NEEDED TO MAINTAIN A NEAT AND CLEAN APPEARANCE; MAINTAIN IRRIGATION AND LIGHTING SYSTEMS (WHERE APPLICABLE) IN A LIKE-NEW CONDITION; AND APPLY A UNIFORM FERTILIZER APPLICATION AT 30 DAYS, 60 DAYS, AND 90 DAYS, AS NEEDED TO MAINTAIN PROPER GROWTH FOR ALL PLANTING.
- ACCEPTANCE OF LANDSCAPE INSTALLATION AND MAINTENANCE WILL BE DETERMINED BY THE OWNER'S AUTHORIZED REPRESENTATIVE. LANDSCAPE CONTRACTOR SHALL REPLACE ALL DEAD OR DAMAGED PLANT MATERIAL WHETHER CAUSED BY OTHER TRADE ACTIVITY AND/OR NATURAL CAUSES AT NO EXTRA COST TO OWNER.

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WATER CONSERVATION

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PH: (760) 776-1751

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**PLANTING / IRRIGATION
DETAILS**

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SEE PLANS

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TOTAL SHEETS **LD-1**