

PLANNING COMMISSION MINUTES
CITY OF PALM SPRINGS, CALIFORNIA
November 14, 2018
Council Chamber, City Hall
3200 East Tahquitz Canyon Way, Palm Springs, California

CALL TO ORDER:

Chair Weremiuk called the meeting to order at 12:07 pm.

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

Excused: Vice Chair Calerdine

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

REPORT OF POSTING OF AGENDA: The Agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 6:00 pm, Thursday, November 8, 2018

ACCEPTANCE OF THE AGENDA:

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

AYES: Hirschbein, Hudson, Moruzzi, Woods, Weremiuk

ABSENT: Calerdine

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

DAVID HYAMS, spoke in reference to Item 2C, thinks the historic buildings should have a six month extension and the progression of the site come back for review.

There being no further speakers public comments was closed.

1. **CONSENT CALENDAR:** None.

2. **PUBLIC HEARINGS:**

2A. **JENNIFER GAGNER AND SEAN MAGUIRE FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE A 1.25-ACRE PROPERTY INTO TWO PARCELS FOR A SINGLE-FAMILY RESIDENTIAL HOME DEVELOPMENT AT 2584 ANZA TRAIL, ZONE R-1-B, SECTION 25 (CASE TPM 37570). (DN)**

Associate Planner Newell presented the proposed request to subdivide a parcel as outlined in the staff report.

Rick Minjares, Engineering Associate, stated that the Engineering Department prefers the street widening of the pavement done in front of subject property; and curb, gutter and sidewalk be deferred to covenant or to the development of parcel number 2. He noted that the property directly to the east, considered as Rancho Vista Trail, was also deferred to covenant.

Chair Weremiuk opened the public hearing:

JEN GAGNER AND SEAN MAGUIRE, applicants, requested deferral of the street improvements- street widening, curb, gutter and sidewalk. She stated that they are not opposed to any street improvements; but thinks it's seems untimely to increase the street width by 50% when they are the only ones doing this on the entire length of Anza Road.

Commissioner Hudson said he lives on a similar street that has no sidewalks and gutters and is very much in favor of the deferral of the required street improvements. He thinks doing any of the street improvements would destroy the special character of this street. He agrees that the required driveway be constructed at the time the north parcel is developed; but has concerns about the driveway width and landscape buffer between driveway and east landscape buffer.

Commissioner Woods spoke in favor of staff's recommendation to do the paving but defer to covenant the curb and gutter.

Hirschbein, seconded by Hudson to approve with changes.

1. Curb and gutter and sidewalk to be deferred to covenant.
2. Staff to work with Fire Department to establish requirements for a 20-foot driveway and 4-foot landscape buffer on the east side.

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

- 2B. SUNIA INVESTMENTS, LLC FOR A TIME EXTENSION OF THE ENTITLEMENTS FOR A TENTATIVE TRACT MAP (37143 TTM); AND A MAJOR ARCHITECTURAL APPLICATION (3.3759 MAJ) FOR THE CONSTRUCTION OF A TWENTY-FOUR (24) UNIT CONDOMINIUM PROJECT LOCATED AT 305 WEST SAN RAFAEL DRIVE, ZONE R-2, SECTION 4 (CASE TPM 37143 / 3.3959 MAJ). (GM)**

Associate Planner Mlaker provided an overview on the proposed time extension as outlined in the staff report.

Chair Weremiuk opened the public hearing:

JEROME PELAYO, Sunia Investments, LLC, owner, responded to Commission questions regarding the delay- that they did a change to the structural nature of the buildings which required re-engineering and required more time.

There being no further speakers the public hearing was closed.

Woods, seconded by Hudson to approve one-year time extension.

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

2C. NEW CHURCH II, LLC FOR A TIME EXTENSION OF THE TO RENOVATE THE EXISTING HISTORIC COMMUNITY CHURCH AND ORCHID TREE INN FOR ADAPTIVE RE-USE, AND DEMOLISH PORTIONS OF THE SITE FOR THE CONSTRUCTION AND OPERATION OF A HOTEL WITH ACCESSORY SPA, RESTAURANT AND MEETING SPACE ON A 3.1-ACRE SITE LOCATED AT 222 SOUTH CAHUILLA ROAD, ZONE R-3, SECTION 15 (CASE 5.1345 CUP, HSPB 23, HSPB 72 & 3.0678 MAJ). (DN)

Associate Planner Newell presented the request for a two-year time extension and provided background and current details of the project.

Chair Weremiuk opened the public hearing:

JAKE JESSON, on behalf of New Church II LLC, indicated that the property has been securely boarded and works on a weekly-basis with Code Enforcement to address any issues that may arise. He said that they are more than happy to replace the fencing around the property with something the local police or fire think is more appropriate. Mr. Jessen spoke about the timing process that included securing a franchise agreement and hotel operator. He stated that once the parking study has been completed they can move forward with the parking layout and the design plans.

ROBERT BRUGEMAN, works directly across the street from subject property, said he sees people climbing the fence and guests at the Del Marcos are regularly harassed by panhandlers. He suggested a wooden fence around the property with perimeter lighting and repairing of the sidewalks.

DANA BANWER, resides across the street from subject property, said she's seen the progression of deterioration of this property. She commented that the property is an

eyesore, dangerous and a public nuisance to the city. She supports the proposal of an upscale luxury hotel but would like to see improvements especially if the site will remain in its current state for 1- 2 years.

DAVID HYAMS, supports the development and suggested bringing back the project for review in 90 days and 6 months.

TERRY CALL, St. Baristo Condo HOA, president, said he supports the project but it is an eyesore. He commented that the burnt-out church is a blight in the community and decreases the opportunity for homeowners to sell their homes. He spoke in favor of a comprehensive security analysis by the police and fire department.

JASON JESSON, applicant rebuttal, said they are very happy to work with the police and fire department in coming up with a comprehensive plan in moving forward. Mr. Jesson was available for questions from the Commission.

CHRIS LUCKER, project consultant, clarified that at yesterday's Business Retention subcommittee meeting the city discussed engaging a parking and traffic consultant to study the existing parking available for the downtown area.

There being no further speakers the public hearing was closed.

Commissioner Woods suggested using a windscreen with graphics of the forthcoming development (similar to Dream Hotel) and thinks there are other measures that can be used to screen visibility of the site.

Commissioner Moruzzi said they all want the project to move forward; however, he expressed concern with the number of break-ins, the sidewalk issue, and overall aesthetics of the site. He suggested a study or subcommittee review how the Town & Country was secured and apply those methods to this property. He would like to have an independent engineering assessment of the burnt church building because it doesn't seem logical that shoring is not necessary given the time and elements that have elapsed. He would like to see these things completed before the time extension can be approved.

Commissioner Hirschbein would like to see a short-term extension for 90 days; and within those 90 days a fully developed comprehensive security plan with lighting (modeled on the Town & Country) and return to the Commission for approval. As well, as a plan to secure the perimeter in an aesthetic manner- with a permanent hard surface material and graphics of the future development, and an independent engineering report on the unsafe walking conditions for the sidewalks in the area.

Chair Weremiuk recapped the Commission comments and suggested alternate language per staff's recommendation.

Hirschbein, seconded by Moruzzi to approve, subject to the following:

1. Within 90-days of the approval date, the following shall occur:
 - a. An independent engineering report shall be prepared for the Community Church structure to determine the current stability and recommendations, if any, on building shoring/support.
 - b. Applicant to implement a security plan that is reviewed/approved by staff from Fire, Planning and Police, and one member of Planning Commission and Historic Site Preservation Board.
 - c. Applicant shall complete fencing and lighting security measures.
 - d. City engineering staff to prepare report on existing sidewalks and make recommendations on repairs; applicant to complete said repairs.
2. Within six months of the approval date, the applicant shall complete Community Church structure shoring recommendations if recommended per item 1.a. above.
3. Six months after the approval date, a status report on the completion of the above items shall be provided to the Planning Commission six months.

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

A recess was taken at 1:46 pm. The meeting resumed at 2:02 pm.

2D. 3 X 5 PALM SPRINGS, LLC, REQUEST FOR A CONDITIONAL USE PERMIT (CUP) AND A MAJOR ARCHITECTURAL APPLICATION (MAJ) APPROVAL TO CONSTRUCT 36 HOTEL SUITES WITH KITCHENS IN EACH UNIT, A COMMON BUILDING WITH CAFE/BAR, AND AN EVENT SPACE, ON AN UNDEVELOPED 1.8-ACRE PARCEL LOCATED AT 244-282 SOUTH INDIAN CANYON DRIVE, ZONE LSC/C-1AA & C-2, SECTION 14 (CASE 5.1448-CUP & 3.4104-MAJ). (ER)

Principal Planner Robertson provided background information and an overview on the proposed request to construct 36 hotel suites as outlined in the staff report.

Chair Weremiuk opened the public hearing:

PHILIP BATES, 3 x 5 Palm Springs LLC, provided background information on his company business model. He clarified that they will not be operating a restaurant; and the units will have kitchens so that occupants can buy groceries. He indicated that the frontage will face Indian Canyon for a pedestrian-friendly approach but will not be open to the public. He stated that they will be developers and hotel operators. He provided details about the check-in process and noted that no nightly cleaning services would be done with staff using fewer parking spaces. He stated that valet parking will be done for special events.

ROBERT FINDLEY, resident, noted concern that the city will be changing Indian Canyon to a two-way street and a trash truck stopping northbound will create a traffic jam. He also noted concern about loud music similar to the "Hacienda" project.

LANCE O'DONNELL, project architect, rebuttal, (responded to public testimony) explained that the refuse underneath the public building at the southwest corner will be a temporary repository that will be taken by staff to the main trash bins on the northeast corner of the site.

DENNIS CUNNINGHAM, Palm Springs Modern Homes, said he's built a number of projects and has worked with many challenges; and they will look at the trash issue. He said they are ready to move forward with the project.

PHILIP BATES, applicant, explained that families (multi-generational) will be traveling together and require less parking spaces. He stated that the property owner of the adjacent lot is in probate but is happy to look at a valet situation. He was available for questions from the Commission.

There being no further speakers the public hearing was closed.

Commissioner Woods applauds the applicant and would like to see this type of model go forward and monitor the success. However, he has a problem with the parking and does not think it is consistent with the Specific Plan and General Plan. He'd like to see this go back and the applicant work with staff to see if they can come up with a solution to the parking.

Commissioner Moruzzi said Calle Encilia is an area that everyone uses to park for Arenas Road; and doesn't think Calle Encilia could be considered as hotel parking.

Commissioner Hudson noted that the parking situation is very linear and constrained. He thinks the north elevation of the building is not very successful. He applauds the addition of the perforated metal screens but thinks they could have more attention paid to them perhaps they could be more random or have them pulled away from the adjacent balconies to help them float a little bit. He thinks the bottom of the screens as to how they intercept or land into the landscape area could be looked at. He realizes they are working with 35-foot floors for the 3rd floor and is very challenging but another big issue for him is the overall uniform height of the building of the cornice line at the top of the building. He would like to see the parapets higher to shield the mechanical equipment but also to give a little bit more variation to the south and north elevation. He said other than that the architecture is consistent and successful. He suggested enhancing the length of the driveway from Indian Canyon to Calle Encilia with pavers at the "crosswalks" to break up the length of asphalt paving. The enhanced paving could possibly occur where the basic access to the courtyards into the buildings to further strengthen those entrance points. He noted that enhanced paving at the Porte cochere at Indian Canyon would also be advantageous.

Commissioner Hirschbein noted concern with the trash enclosures being located adjacent to the public right-of-way and would like to see them in an air-conditioned enclosed area.

He thinks trash piling up adjacent to the sidewalks in the middle of summer would be an unpleasant walking experience. He agrees that the pavers would improve the project and would like to see the changes made based on the AAC comments. He thinks there could be another level of design for this project that would be more appropriate for a new building on this prominent site.

Commissioner Hudson added that he would like the rooftop mechanical equipment screened on all four sides.

Chair Weremiuk noted concern with parking and does not think the Calle Encilia parking should be counted and would like staff to take a look at a parking standard for this type of use.

Woods, seconded by Moruzzi to continue to date certain of December 12, 2018 to allow the applicant to work with staff to address concerns.

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

2E. REQUEST BY AUSTIN TODD ON BEHALF OF CALIFORNIA ORGANICS FOR A CONDITIONAL USE PERMIT (CUP) TO OPERATE A 5,044-SQUARE FOOT CANNABIS CULTIVATION FACILITY WITHIN AN EXISTING INDUSTRIAL BUILDING LOCATED AT 695 SOUTH WILLIAMS ROAD, ZONE M-1, SECTION 33 (CASE 5.1440 CUP). (ER)

Hirschbein, seconded by Moruzzi to continue to date certain of December 12, 2018.

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

3. UNFINISHED BUSINESS: None.

4. NEW BUSINESS: None.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

CITY COUNCIL LIAISON REPORT: None.

PLANNING DIRECTOR'S REPORT:

- The next Planning Commission will start at 9:00 am on December 12th.
- Joint Study Session with the City Council.

ADJOURNMENT: The Planning Commission adjourned at 3:48 pm to 9:00 am, Wednesday, December 12, 2018, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP
Director of Planning Services