

PLANNING COMMISSION MINUTES
CITY OF PALM SPRINGS, CALIFORNIA
MAY 8, 2019
Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way
Palm Springs, California

CALL TO ORDER:

Chair Woods called the meeting to order at 1:32 pm.

ROLL CALL:

Present: Donenfeld, Garner, Hudson, Song, Vice Chair Moruzzi, Chair Woods

Excused: Michael Hirschbein

Staff Present: Planning Director Fagg, Attorney Pierucci, Administrative Secretary Bruggemans, Principal Planner Robertson, Associate Planner Mlaker, Engineering Associate Minjares.

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 4:00 pm on Thursday, May 2, 2019.

ACCEPTANCE OF THE AGENDA:

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

AYES: Donenfeld, Garner, Hudson, Song, Moruzzi, Woods

EXCUSED: Hirschbein

PUBLIC COMMENTS: None.

1. **CONSENT CALENDAR:** None.

2. **PUBLIC HEARINGS:**

2A. **JOHNSTON FAMILY TRUST, (DBA COLONY 29) FOR A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM ESTATE RESIDENTIAL (ER) TO MEDIUM DENSITY RESIDENTIAL FOR A PORTION OF THE PROPERTY; NEGATIVE DECLARATION UNDER CEQA; AND A CONDITIONAL USE PERMIT TO ALLOW THE SITE TO OPERATE AS A SEVEN (7) UNIT HOTEL LOCATED AT 137 SOUTH TAHQUITZ DRIVE, ZONE R-2 (CASE 5.1426 GPA & CUP). (GM)
(CONTINUED FROM APRIL 24, 2019 MEETING)**

Commissioner Garner recused herself from the proceedings due to a business-related conflict, and left the room.

Associate Planner Mlaker provided a presentation on the project, including a summary of the revised conditions to address noise issues.

Commissioner Hudson verified the location of the sound wall that is in place during special events.

Vice Chair Moruzzi confirmed that the proposed noise attenuation measures were identical to the Infusion Beach conditions, including the requirement for a sound limiter (Director Fagg responded that the measures were tailored to the specific conditions of Colony 29).

Commissioner Donenfeld questioned the location and length of the added sound wall.

Chair Woods re-opened the public hearing.

KELLY MCLEAN, applicant, responded to the questions of the Planning Commissioners, and confirmed that they were in agreement with the additional conditions drafted by staff.

DAVE BARRON spoke in support of the application, noting that he has attended events there and was aware of the sound issues. He stated that it appears to be a model program for mitigating noise, and appreciates the criteria that will be implemented for the use, and that it is important to have event spaces such as this.

MICHAEL BRAUN also spoke in support of the application, stating that more event spaces are needed in Palm Springs, and that not approving the application would be detrimental to our economy. Mr. Braun noted that he lives in the area and has not been impacted by noise from the property, and that there are greater noise impacts from events at the O'Donnell house up on the hill.

There being no further speakers, Chair Woods closed the public hearing.

Commissioner Donenfeld verified the location of the residential properties relative to the position of the sound wall, and asked if there were noise complaints from residents to the east (the applicant responded that they only receive complaints from a resident to the south).

Chair Woods asked questions about the construction of the movable sound wall. He noted that the Planning Commission had received two letters of support, which would be incorporated into the record for the hearing.

Commissioner Donenfeld stated that adding the additional sound mitigation measures will address the impacts, and that this is an important facility.

Commissioner Song noted her support of the request, and identified that the movable sound wall is part of the documentation and should be required as one of the sound mitigation

measures (Director Fagg confirmed that a condition would be added to require that the sound wall be in place during events).

Donenfeld, seconded by Song, to approve subject to conditions.

AYES: Donenfeld, Hudson, Song, Moruzzi, Woods
EXCUSED: Hirschbein
ABSTAIN: Garner

2B. A REQUEST BY PALM SPRINGS MODERN CONSTRUCTION FOR THE REVERSION TO ACREAGE OF A PREVIOUSLY SUBDIVIDED FINAL MAP 33162 FOR THE DEVELOPMENT OF A 132-UNIT CONDOMINIUM COMPLEX LOCATED AT THE NORTHWEST CORNER OF NORTH PALM CANYON DRIVE AND TRAMWAY ROAD, ZONE R-3, SECTION 3 (CASE TPM 37673) (ER).

Principal Planner Robertson provided a staff report on the application request.

ERNIE VINCENT, applicant, made himself available for questions from the commissioners.

There being no other speakers, the public hearing was closed.

Commissioner Donenfeld asked questions about the lawsuit relative to the property, and noted that this application was necessary to comply with a court order.

Vice Chair Moruzzi asked for additional details as to why the reversion to acreage was necessary (the applicant stated that it had to do with issuance of subdivision bonds); he questioned if the boulder barrier along Palm Canyon would be moved away (applicant stated that the boulders would remain, but that the site would otherwise be re-naturalized as much as possible).

Commissioner Song asked if the site will be developed in the future (the applicant stated that it will be developed at some point in the future). She verified that this approval does not modify the existing zoning on the site, and that no construction will occur until a new entitlement is submitted (the applicant responded that the site will be remediated, but no construction will take place).

Attorney Pierucci noted that any future development may be subject to environmental review, based on the scope of the proposal.

Vice Chair Moruzzi verified that the previous entitlements had expired (staff stated that the entitlements had expired and were no longer valid).

Song, seconded by Donenfeld, to approve subject to conditions.

AYES: Donenfeld, Garner, Hudson, Song, Moruzzi, Woods
EXCUSED: Hirschbein

2C. MODERN DEVELOPMENT, LLC FOR A ONE-YEAR (1) TIME EXTENSION OF THE ENTITLEMENTS FOR A TENTATIVE TRACT MAP (37039 TTM); AND A MAJOR ARCHITECTURAL APPLICATION (3.3930 MAJ) FOR THE CONSTRUCTION OF AN EIGHT (8) UNIT CONDOMINIUM PROJECT LOCATED AT 155 WEST SAN RAFAEL DRIVE, ZONE R-2, SECTION 4. (CASES 37039 TTM AND 3.3930 MAJ). (GM)

Director Fagg noted that there had been an error in the agenda posting for item 2C, and requested that the item be continued to May 22, 2019, in order to correct the posting error.

Song, seconded by Donenfeld, to continue the public hearing to May 22, 2019.

AYES: Donenfeld, Garner, Hudson, Song, Moruzzi, Woods
EXCUSED: Hirschbein

3. UNFINISHED BUSINESS: None.

4. NEW BUSINESS:

4. A. A REQUEST BY GHA VIBE PS, LLC, FOR A MINOR AMENDMENT TO A FINAL PDD TO ALLOW A MINIMUM 2 FEET SETBACK TO THE PROPERTY LINE FOR COURTYARD SPAS OR SMALL POOLS AT THE VIBE DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SOUTH FARRELL DRIVE AND EAST BARISTO ROAD, ZONE PDD 232, (CASE 5.1046-PDD 232 AMND)(ER)

Principal Planner Robertson provided an overview of the application request.

Commissioner Donenfeld verified that the pools will not encroach onto the adjacent property and the details of the shared use easement, and questioned if it is legally appropriate to allow the reduction in the pool setback; he also asked how the setback reduction would apply relative to the revised PDD ordinance (Director Fagg replied that the request is allowed under the PDD ordinance, and the building official has confirmed that setback is appropriate).

Commissioner Song verified the details of the shared use easement and location of the building wall relative to the property line; she noted that the windows of adjacent house are high and will not look down into the space, and asked if a hard surface would be allowed around pool (Attorney Pierucci confirmed that construction within the easement would be subject to the terms of the easement agreement that is in place). Ms. Song stated that the modifications are acceptable, the building official has reviewed and approved the reduced

pool setback, and that this is not setting a precedent as the request is specific to this development.

Chair Woods concurred that the modification is appropriate for this development, and will assist in enhancing the living spaces within the development, and that the request is not setting a precedent.

Song, seconded by Moruzzi, to approve as proposed.

AYES: Donenfeld, Garner, Hudson, Song, Moruzzi, Woods

EXCUSED: Hirschbein

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Commissioner Donenfeld requested information on a dispensary on North Palm Canyon, and if the Planning Commission would review dispensary uses (Director Fagg noted that dispensaries are not subject to Planning Commission review, and that revised cannabis regulations may be coming forward to the Planning Commission in the near future).
- Chair Woods encouraged the commissioners to attend the California Preservation Conference.

CITY COUNCIL LIAISON REPORT: None

PLANNING DIRECTOR'S REPORT: None

ADJOURNMENT: The Planning Commission adjourned at 2:30 pm to 1:30 pm, Wednesday, May 22, 2019 City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP
Director of Planning Services