

PLANNING COMMISSION MINUTES
CITY OF PALM SPRINGS, CALIFORNIA
MAY 22, 2019
Council Chamber, 3200 East Tahquitz Canyon Way
Palm Springs, California

CALL TO ORDER:

Chair Woods called the meeting to order at 1:30 pm.

ROLL CALL:

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

Excused: Donenfeld

Staff Present: Planning Director Fagg, Attorney Priest, Administrative Secretary Bruggemans, Associate Planner Newell, Associate Planner Mlaker, Associate Planner Kikuchi, 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 16, 2019.

ACCEPTANCE OF THE AGENDA:

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

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

EXCUSED: Donenfeld

PUBLIC COMMENTS: None.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: None

1B. REQUEST BY DAVID J. GANDOLFO, ON BEHALF OF PALM SPRINGS TOY BOX, LLC, FOR A PARCEL MAP WAIVER TO SUBDIVIDE A 4.8-ACRE LOT TO CREATE SEVENTY-SEVEN (77) COMMERCIAL CONDOMINIUM UNITS FOR A STORAGE FACILITY AT 3690 AIRPORT CENTER DRIVE, ZONE M-1, (PMW 37248) (NK).

Moruzzi, seconded by Garner, to approve subject to conditions.

AYES: Garner, Hirschbein, Hudson, Song, Vice Chair Moruzzi, Chair Woods

EXCUSED: Donenfeld

2. PUBLIC HEARINGS:

**2A. 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)
(CONTINUED FROM MAY 8, 2019 MEETING)**

Associate Planner Mlaker provided a report on the request for a time extension.

Commissioner Hirschbein questioned the requirement for ADA access, and clarified the requirements for vesting the entitlement. Mr. Hirschbein confirmed that the current application would extend the entitlements until November 2019.

Vice Chair Moruzzi verified that a grading and building permit were required to vest the entitlement.

Commissioner Song requested information on what was needed for the applicant to obtain a grading permit (Engineering Associate Minjares provided an update on the documents that had been submitted and the reviews that were underway).

MIKE MENDOZA, applicant, addressed the commission relative to the revisions that were necessary to comply with ADA requirements, and discussed the remaining items that were necessary to obtain building permits.

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

Commissioner Song noted that the applicant is showing signs of progress, and admonished the applicant to obtain permits prior to the anticipated changes in the building code. Ms. Song noted that the item is in order for approval and complies with the criteria for an extension.

Commissioner Hirschbein confirmed that the applicant would be required to obtain both the building permit and the grading permit by November 2019 in order to vest the entitlements.

Song, seconded by Hirschbein, to approve as proposed.

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

3. UNFINISHED BUSINESS:

3A. A STATUS REPORT ON COMPLIANCE WITH CONDITIONS OF APPROVAL FOR THE EXTENSION OF TIME GRANTED DECEMBER 5, 2018 TO NEW CHURCH II, LLC TO RENOVATE THE EXISTING HISTORIC COMMUNITY CHURCH AND ORCHID TREE INN FOR ADAPTIVE RE-USE, AND TO 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 provided a status report on the conditions of approval for the extension of the Orchid Tree project entitlements, and noted that the applicant was not able to attend the meeting.

Commissioner Hirschbein asked if the applicant has addressed the comments of the Building Official relative to the structural repairs (staff member Newell indicated that the applicant has not responded to the request). Mr. Hirschbein questioned if there was information on additional parking for the project, and verified when the entitlements expire and what is required to vest the entitlements (staff member Newell indicated that a building permit must be issued). Commissioner Hirschbein asked if security checks have been performed three times a day, and requested an explanation as to why the applicant hasn't signed the security plan. He also verified if the applicant has submitted a building permit application (no application has been submitted yet), and asked if the project was eligible for any additional extensions on the entitlements (eligible for one additional year).

Commissioner Song requested additional information as to why the applicant hasn't signed the security plan (the applicant has an issue with language in the agreement, the City Attorney will not modify the security plan language). She also questioned if the applicant is in the process of design development and progressing towards applying for a building permit (Mr. Newell indicated that the applicant has identified their progress towards a building permit), and asked if Police or Fire had noted any security issues at the site.

Vice Chair Moruzzi verified that applicant has not signed the security agreement, and asked if the City could automatically revoke the entitlements based on non-compliance with the conditions of the extension (Attorney Priest responded that due process and notice was required for revocation). Mr. Moruzzi asked for clarification as to the purpose for this six-month report.

Commissioner Song stated that the most important thing is to keep the property safe, and requested to forward that recommendation to the City Council.

Chair Woods discussed the history of fires at the property, and outlined the importance of securing the property until such time that the property is redeveloped.

Commissioner Hirschbein questioned if City's enforcement abilities were weakened by the applicant refusing to sign the security plan, and if the same protections without the language

in the security plan to which the applicant objects (Attorney Priest responded that the security plan provides additional safety measures, and failure to sign is not fatal to City's ability to enforce).

Chair Woods noted that Vice Chair Moruzzi will represent the Planning Commission in reviewing the security plan. Chair Woods then invited members of the public to testify on the item.

TERRY CALL, lives across the street from the property, noted that there is constant trespassing on the property, the trash in the area is terrible although there have been recent cleanups. He stated that there are safety issues on the site, and that the site is an attractive nuisance and it's easy for people to get through the fence, and requested that there be a security check in the evenings.

DAVID HYAMS, spoke in support of the requirement for a six-month review, was suspicious of the motivations of the developer, and encouraged the Planning Commission to be vigilant on these issues.

DICK BURKETT, supports surveillance and protective measures for the property, and stated that he has reported numerous violations to Code Enforcement. He said that the additional measures are necessary to protect this historic property, the fire occurred because there was no surveillance, and the rest of property could be lost if protective measures are not in place.

Chair Woods noted that the Planning Commission had requested that signage be in place identifying the project that was forthcoming.

Commissioner Hirschbein stated that he would like Council to know that the Planning Commission is disappointed in the lack of action that the applicant has taken, and that the applicant is not acting in good faith. He stated that the property is dilapidated, and is concerned that the applicant hasn't responded to the Building Official relative to the structural comment, and would not be supportive of certifying that this report is in compliance.

Commissioner Hudson stated that he was in agreement with the comments of Commissioner Hirschbein.

Commissioner Song questioned if additional progress reports should be required prior to the expiration of the entitlements in November, and wondered whether the video cameras were effective if no one is actively monitoring the system.

Commissioner Garner had no additional comments to add to the report, and supported the comments of the other commissioners.

Vice Chair Moruzzi stated that this has been an issue for a very long time and the property is blighted; there have been two arson fires on the site, including the loss of the Premier

Apartments which was designed by Albert Frey. He stated that he is not of the mind to grant any additional extension unless they have commenced construction, if they have to sell the property when they lose their entitlements that will be a good thing. He said that this has been going on too long, it's an important Class 1 historic site, and he will not support any extension of the entitlements based on the lack of performance.

Commissioner Hirschbein noted that the applicant may be bringing forward changes to the site plan, and stated that there was a need to have security on site and to document the security checks.

Chair Woods requested that staff note the comments of the Planning Commissioners and forward the comments to the City Council for their review.

4. NEW BUSINESS: None.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Commissioner Hirschbein asked for information regarding the College of the Desert Palm Springs Campus.
- Chair Woods talked about having short training sessions at the end of Planning Commission meetings.

CITY COUNCIL LIAISON REPORT: None

PLANNING DIRECTOR'S REPORT:

- Director Fagg provided an update on the Wind Energy Conversion ordinance, an update on the Downtown Park project, and the General Plan update process.

ADJOURNMENT: The Planning Commission adjourned at 2:32 pm to 1:30 pm, Wednesday, June 12, 2019 City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.


Flinn Fagg, AICP
Director of Planning Services