

**PLANNING COMMISSION MINUTES**  
**CITY OF PALM SPRINGS, CALIFORNIA**  
**JUNE 26, 2019**  
Council Chamber, 3200 East Tahquitz Canyon Way  
Palm Springs, California

**CALL TO ORDER:**

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

**ROLL CALL:**

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

Absent: Dennis Woods

Staff Present: Planning Director Fagg, City Attorney Priest, Administrative Secretary Bruggemans, Engineering Associate Minjares, Principal Planner Robertson, Associate Planner Mlaker, Special Programs Manager Veronica Goedhart.

**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, June 20, 2019.

**ACCEPTANCE OF THE AGENDA:**

Donenfeld, seconded by Hirschbein to accept the Agenda, and hear Item 2B at the beginning of the Public Hearings portion of the agenda.

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

ABSENT: Woods

**PUBLIC COMMENTS:** None.

**1. CONSENT CALENDAR:**

Hudson, seconded by Song to approve the Consent Calendar as presented.

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

ABSENT: Woods

- 1A. INDIGO PROPERTIES PALM SPRINGS, LLC REQUESTING A PARCEL MAP WAIVER TO SUBDIVIDE ONE LOT INTO TWO PARCELS FOR THE PROPERTY LOCATED AT 3737 EAST PALM CANYON DRIVE, ZONE C-1 (CASE NO. TPM 37661). (DN)**

**1B. PLANNING COMMISSION GENERAL PLAN CONSISTENCY HEARING ON APPLICANT REQUEST FOR CITY TO VACATE THE RIGHT-OF-WAY FOR A PORTION OF CALLE SANTA ROSA, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (ENG. FILE R 19-03-0495) – 495 N CALLE SANTA ROSA. (FP)**

**2. PUBLIC HEARINGS:**

**2A. GEORGE YOUSEF, (DBA: PALM SPRINGS CAR WASH) FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF OFF-PREMISE ALCOHOL BEVERAGES IN A RETAIL STORE LOCATED IN SECTION 14, AT 300 NORTH INDIAN CANYON DRIVE, ZONE REO, SECTION 14. (CASE 5.1461) (GM)**

Associate Planner Mlaker provided a staff report on the proposed application and conditions of approval.

Commissioner Donenfeld asked if the applicant had thought about enhanced outdoor lighting, and verified that the application included spirits in addition to beer and wine sales.

Commissioner Hirschbein asked if there could be limits on the hours of alcohol sales and limitations on the amount of store space devoted to alcohol sales (staff noted that conditions could be placed on the operations).

Vice Chair Moruzzi questioned if other convenience stores have limitations on hours of alcohol sales (staff noted that ABC allows sales until 2am), and verified the hours of operation.

GEORGE YOUSEF, applicant, provided details on the operation of the convenience store and security plan.

STEVE LENDEK, resident, offered concerns about the hours of operation and people loitering to buy alcohol late at night.

GEORGE YOUSEF, offering rebuttal, stated that he will have a security guard who patrols the property every couple of hours to address loitering concerns.

Commissioner Hirschbein verified the number of coolers that will be dedicated to alcohol products, and the hours of the carwash and convenience store.

Commissioner Song questioned the purpose of selling alcohol, if parking was adequate for the convenience store use, and offered concern about sales during late-night hours.

Commissioner Garner asked if the application would be willing to restrict the sale of single-use cans or bottles.

Commissioner Hudson stated that because gas sales are 24 hours a day, he is not overly concerned about security as the applicant has security on site, the scale of the operation will not pose any significant impacts, more lighting is necessary for safety, and supports approval of the CUP.

Garner, seconded by Song, to approve subject to conditions, with an added condition that a lighting plan for safety and security be approved by Planning staff and the Police Department.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Song, Moruzzi  
NAYS: None  
ABSENT: Woods

**2B. REQUEST BY JEFFREY BRAYSHAW ON BEHALF OF PREMIER GREENS, LLC, FOR A CONDITIONAL USE PERMIT (CUP) TO OPERATE A 5,560-SQUARE FOOT CANNABIS CULTIVATION FACILITY IN A VACANT INDUSTRIAL BUILDING WITHIN AN EXISTING BUSINESS PARK LOCATED AT 1231 SOUTH GENE AUTRY TRAIL, ZONE M-1, SECTION 33. (CASE 5.1464 CUP) (ER).**

*(Item 2B heard out of order)*

Principal Planner Robertson provided an overview of the staff report and recommendations.

MATT TORRE, odor control consultant for the City of Palm Springs, responded to questions regarding the odor control plan from the commissioners.

Commissioner Donenfeld verified the use of carbon filters to control odor, and the change of air pressure within the facility (Mr. Torre responded that the cultivation spaces are negatively pressurized, air is forced into the building, rather than forced out). Mr. Donenfeld asked if the building will be sealed, and if the consultant inspected the building (Mr. Torre responded that he did not inspect the building, that the box-within-a-box design of the cultivation areas assists in containing odors, and recommended that a condition of approval be added that outside walls not be used as interior walls for cultivation rooms).

Commissioner Hirschbein questioned which cannabis uses produce the most odors (Mr. Torre responded that cultivation produces the most odor); he also verified the rooms where cultivation/drying/trimming will occur (it was noted that these processes will occur in rooms #1, #2, #6, #17 and #18). He questioned if the demising walls extend to the underside of structure, and if there was a roll-up door in the facility.

Vice Chair Moruzzi asked who is responsible for determining compliance with the approved odor control plan (Veronica Goedhart, Special Programs Manager, responded that the

Building & Safety Department performs the inspections to determine compliance with the odor control plan, and is working in conjunction with the City's odor control consultant).

Commissioner Song questioned who is responsible for odor compliance inspections (Ms. Goedhart responded that both Building & Safety and Code Compliance personnel are responsible for inspecting).

Commissioner Donenfeld noted that the City's odor control consultant did not inspect the facility prior to writing his report, and questioned if that is typical of the process (Ms. Goedhart responded that the consultant reviews the specifications and drafts recommendations accordingly, but may be able to physically inspect in the future).

Vice Chair Moruzzi asked questions regarding the timeframe for implementation of odor control enforcement, and if staff will inspect all existing facilities (staff noted that all existing facilities will be inspected on a regular basis).

JEFF BRAYSHAW, applicant, and RICK BAINE, consultant for the applicant, provided an overview of the proposed facility, operations, and odor control measures.

PAUL HINRICHSON, Upper Westside Neighborhood, discussed odor mitigation and that the City has not been entirely successful on enforcement, noted that the science of mitigation is continuing to change, and that there are still odors from Desert Highland Gateway area. He offered concerns that cannabis facilities are still too close to residential areas.

RICK BAINE offered rebuttal and stated that the nearest residence is 1600' away, and that he was in agreement with the "room-within-a-room" design. He also stated that the proposed facility is located outside of the moratorium area, their security plan has been approved by the Police Department, and the project meets parking requirements.

Vice Chair Moruzzi confirmed with staff that the nearest residence to the proposed facility is actually 1,166' away (staff confirmed the distance, citing information in the staff report).

Commissioner Song asked the applicant about the details of the demising wall, and if there was a double wall between the next building (the applicant replied that the building is a tilt-up concrete building with no attic, that drywall extends to the underside of the roof, and there is a double wall in place). She also questioned the location of the ductwork and whether it would be interior to the tenant space. She noted that the staging room will require an air curtain, asked if the lobby would have a "man-trap," requested details on the gated parking area, and questioned modifications to the exterior of the building.

Vice Chair Moruzzi verified the specifics of the Conditional Use Permit approval. He stated that he is concerned about odor, and is also concerned that the City enforcement staff have not been trained yet.

Commissioner Garner expressed concern that the City does not have a fully formed odor control process and yet we are still moving forward with applications, and that she is still

concerned about odors from facilities. She noted that she continues to hear complaints from residents regarding odors, and while this application is not within the boundaries of the moratorium area it is still close to residential.

Commissioner Donenfeld stated that he shares the concerns, but the commission needs to be fair to applicants and can't penalize applicants that comply with code requirements. He also stated it would be a mistake to deny the application due to the City's failure to have enforcement in place. He said that there is nothing different with this application relative to odor discharge than other applications that have been approved.

Commissioner Garner stated that the commission has to make a finding that the use is necessary and in harmony with surrounding uses; she is aware of two businesses that have had to move because of cannabis facilities, and this application does not meet the required findings.

Commissioner Hirschbein stated that he didn't have a confidence level that this is not going to contribute to the problem that is already recognized within the community.

Vice Chair Moruzzi stated that he does not feel it appropriate to approve future CUP applications for cannabis uses until staff can prove that existing facilities are in conformance, but that will not affect his vote on this application as it meets the criteria.

Moruzzi, seconded by Donenfeld, to approve subject to the following conditions:

- Rooms 1, 2, 6, 17, 18 to have separate interior walls (room-within-a-room construction);
- Replace air filter regularly per odor control consultant's recommendations; and
- Air curtain required at all interior doors that lead to room with roll-up door.

AYES: Donenfeld, Hudson, Song, Moruzzi

NAYS: Garner, Hirschbein

ABSENT: Woods

- 2C. REQUEST BY SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO THE FINAL DEVELOPMENT PLANS OF A PREVIOUSLY APPROVED FINAL PDD TO INCLUDE CHANGES TO THE SITING OF FIVE RESIDENTIAL BUILDINGS AND CONVERT THE BUILDINGS TO CONDOMINIUM STRUCTURES; INCREASE THE NUMBER OF CONDO UNITS FROM 35 UNITS TO 40 UNITS; DECREASING THE NUMBER OF HOTEL UNITS FROM 171 TO 156 UNITS AND MAKE MINOR MODIFICATIONS TO THE FINAL LANDSCAPE AND EVENT SPACE PLANS OF THE DREAM HOTEL LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, ZONE PDD 333, SECTION 14. (CASE 5.1132-PD 333) (ER).**

Principal Planner Robertson provided an overview of the proposed changes to the room count and site plan, and also discussed the recommendations of the Architectural Advisory Committee (AAC).

Commissioner Donenfeld asked about the reason for reduction in the hotel rooms, and questioned if the hotel rooms would create privacy issues for the condominium units.

Commissioner Song asked if any of the AAC members had reviewed the last set of revisions in May 2017, and if the applicant had redesigned the farmhouse building because of the AAC comments. She also questioned if the applicant had responded to the AAC's comments regarding the proposed restroom building.

Vice Chair Moruzzi verified AAC's comments about the restroom building.

LAURI KIBBY, applicant, described the reasons for the changes to the approved plans.

TONY LOPEZ, landscape architect for the project, reviewed the proposed changes to the landscape plans, plant materials, and hardscape materials.

DARRYL LONG, project architect, described the changes to the condominium buildings, the farmhouse/event center, and other proposed modifications to the architecture.

PATRICK VASILY, resident, offered concerns about noise from the farmhouse building and event center, and questioned the frequency and time period for events. He also offered concerns about the construction schedule and how long the project will be under construction.

STEVE LENDEK, stated he was in support of the hotel, but had concerns about noise from the event center and parking issues. He asked if a traffic light would be installed in front of the project, and if Splash House events would be held at the pool area. He also expressed concerns that the project had stalled.

LAURI KIBBY responded that they will continue to hold community outreach meetings, no changes to use of Farmhouse building are proposed, and that construction work is ongoing.

Commissioner Hudson offered that a restroom building is necessary at the north end of the pool, but could be pulled further away and more private and discreet (the applicant responded that the restrooms could be incorporated within the condominium building). He questioned the change of landscape design to big boulders, stated that the landscape area on Amado is now a beautifully designed series of spaces, and questioned the disparity of the plan with pool area on the west. Mr. Hudson supported the balance of public use and private use at the event center area, but asked how noise would be addressed. He stated that the original design of the farmhouse was more appropriate than the proposed redesign, and suggested a single-sloping roof would be more appropriate. He recommended that the landscaping along Caballeros needs to be improved, and stated that there needs to be stronger connection to the hotel lobby from the intersection of Amado and Calle Alvarado.

Commissioner Donenfeld appreciated public use of the plaza area at the corner of Amado and Caballeros, but noted that security would be necessary. He reiterated that the restroom building design isn't in keeping with the rest of the project.

Commissioner Hirschbein questioned the experience of pedestrians as they walk from the drop-off areas to the corner of Alvarado, and verified the height of the hedge along Amado. He asked if the applicant had made changes to the Caballeros landscaping based on the AAC recommendations, and expressed concern about the experience in walking from the Convention Center to the hotel lobby. Mr. Hirschbein verified the use of decomposed granite surfacing and locations where it would be located.

Commissioner Song questioned why the sidewalk on Amado is so straight when compared to the curving line of the hedge behind the sidewalk (the applicant stated that the sidewalk design was due to the Section 14 Specific Plan requirements and ADA requirements).

Commissioner Garner asked what kind of events will be hosted at the farmhouse/event center (the applicant responded that weddings, fashion shows, meetings, and standard events that are held at hotels in the area). She noted the need to adhere to the noise ordinance, and verified the design of hot tubs at the condominium units and the recommendations of the AAC relative to the hot tubs.

Commissioner Song expressed concern that the condo design is very exposed and visible from the hotel units, that mountain views are being missed, and that there is inadequate landscape between the hotel and condo units as a buffer. She also expressed concern about the design of the farmhouse, and the lack of articulation of the east wall of the building.

Donenfeld, seconded by Hudson to approve subject to the following conditions:

- Landscape plan for the corner of Caballero/Amado and the corner of Amado/Alvarado shall be brought back to the Planning Commission for final review and approval;
- Landscape plan for The Plateau shall be revised to address privacy issues and shall be resubmitted to the Planning Commission for review and approval; and
- Eliminate the pool area restroom building and incorporate the restroom facilities into the visitors' center of the condo building.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Moruzzi

NAYS: Song

ABSENT: Woods

*(Commissioner Donenfeld left the meeting at 5:04 pm)*

**2D. AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC)  
AMENDING CHAPTER 93.00 TO ADD SECTIONS 93.16.00 THROUGH  
93.16.09 AND AMENDING SECTIONS 92.17.1.01, 92.17.2.01, 92.20.01,  
92.21.01 AND 93.03.00 TO MEET THE STATE OF CALIFORNIA ENERGY**

**CODE REQUIREMENTS RELATIVE TO SOLAR ENERGY SYSTEMS ON  
NEW RESIDENTIAL CONSTRUCTION (CASE 5.1470 ZTA).**

Associate Planner Mlaker provided a report on the proposed ordinance.

Vice Chair Moruzzi questioned if the ordinance is intended to meet the requirements of the State (staff responded that it was in anticipation of forthcoming requirements).

Commissioner Hirschbein asked if solar panels would be allowed in setbacks (staff noted that ground-mounted panels would not be permitted in setback areas).

Commissioner Garner questioned when architectural review for ground-mounted systems would be required, and requested that the ordinance be explicit in identifying architectural review procedures.

Commissioner Song verified the applicable screening requirements on flat and sloped roofs (Staff replied that screening is not required on single-family).

PATRICK TALLARICO, Sustainability Manager for the City of Palm Springs, stated that the ordinance is a zoning component which will facilitate adoption of building code requirements.

DAVID FREEMAN, Sustainability Commission, stated that the ordinance makes the City solar ready, places all zoning standards in a single section of the code, requires slightly more than 2 watts per square foot as currently required under the City's adopted policy.

Hirschbein, seconded by Garner to recommend approval as drafted.

AYES: Garner, Hirschbein, Hudson, Song, Moruzzi

NAYS: None

ABSENT: Donenfeld, Woods

**3. UNFINISHED BUSINESS:** None.

**4. NEW BUSINESS:**

**4A. REPORT ON SUBMISSION REQUIREMENTS SUBCOMMITTEE**

Associate Planner Mlaker reported on the recommendations of the subcommittee.

Commissioner Song noted that the City has many different types of projects, but only one checklist; different checklists are needed for different types of projects.

Commissioner Hudson stated that larger commercial projects need to show streetscape and context information, and encouraged that changes be made to submittal requirements to include these items.



Commissioners Hirschbein and Garner thanked the subcommittee members for their work, and requested that staff implement their recommendations.

Mr. Mlaker stated that staff would begin working on the recommendations of the subcommittee, and would bring information back to the Planning Commission.

**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:**

- Vice Chair Moruzzi congratulated Commissioner Hudson on his service, and requested that Code Compliance inspect the TOVA Hotel property.
- Commissioner Hudson thanked his fellow commissioners for their service together on the Planning Commission.
- Commissioner Garner requested that a process be established to respond to questions from the public during the public comment portion of the agenda.

**CITY COUNCIL LIAISON REPORT:** None.

**PLANNING DIRECTOR'S REPORT:**

- Director Fagg thanked Commissioner Hudson for his service on the Planning Commission.

**ADJOURNMENT:** The Planning Commission adjourned at 5:13 pm to 1:30 pm, Wednesday, July 10, 2019 City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

  
Flinn Fagg, AICP  
Director of Planning Services