

**PLANNING COMMISSION MINUTES  
CITY OF PALM SPRINGS, CALIFORNIA  
November 13, 2019  
Council Chamber, City Hall  
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: Donenfeld, Garner, Hirschbein, Song, Chair Woods

Excused: Vice Chair Moruzzi

Staff Present: Planning Director Fagg, Attorney Priest, Administrative Coordinator Hintz, Assistant Director of Engineering Montalvo, Associate Planner Kikuchi, Associate Planner Mlaker, Principal 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 on Thursday, November 7, 2019.

**ACCEPTANCE OF THE AGENDA:**

Chair Woods requested Item 4A moved to the first item on the agenda (to have a quorum available).

Donenfeld, seconded by Song to accept the agenda as amended.

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG, WOODS

ABSENT: MORUZZI

**PUBLIC COMMENTS:**

Chair Woods opened the public comments portion of the meeting:

BRIAN BERKSON, Far West Industries, Item 3A, requested their comments be heard when project is discussed.

**CONSENT CALENDAR:**

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

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG, WOODS  
ABSENT: MORUZZI

**1A. APPROVAL OF MINUTES: JULY 24, 2019**

Approved, as submitted.

- 1B. O2 ARCHITECTURE, ON BEHALF OF CAYUCOS COWBOYS, LLC, FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 3,695 SQUARE-FOOT SINGLE-FAMILY RESIDENCE (STAPLETON RESIDENCE) AND AN ADMINISTRATIVE MINOR MODIFICATION APPLICATION TO DEVIATE THE CODE-REGULATED MAXIMUM BUILDING HEIGHT AT AN UNDEVELOPED HILLSIDE PARCEL LOCATED AT THE NORTHEAST CORNER OF NORTH LEONARD ROAD AND WEST VIA OLIVERA (LOT 20 – APN: 504-182-007), ZONE R-1-B (CASE NO. 3.4136 MAJ & 7.1594 AMM). (NK)**

Approved, as submitted.

*(Item was heard out of order.)*

**4. NEW BUSINESS:**

- 4A. KOAR PALM SPRINGS, LLC, FOR THE APPROVAL OF A FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT DISTRICT APPLICATION (5.1449 PDD 389); A 95-UNIT, THREE (3) STORY CONDOMINIUM BUILDING AND A 4,990-SQUARE FOOT RETAIL STRUCTURE LOCATED AT 1122 EAST TAHQUITZ CANYON WAY, ZONE REO, SECTION 14. (GM)**

Chair Woods noted his abstention on this project. He would not be participating in the discussion and vote. He left the Council Chamber at 1:34 pm.

Commissioner Donenfeld became the Acting Chair.

Associate Planner Mlaker presented the proposed project as outlined in the staff report.

Acting Chair Donenfeld opened public comments:

LOREN OSTROW, owner, Koar International, addressed questions pertaining to dog barking at night and balcony railings.

FULYA MC WILLIAM, C2 COLLABORATIVE LANDSCAPE ARCHITECTURE, addressed questions from the Commission relating to the landscape design.

Hirschbein, seconded by Garner to approve Final Development Plan, as submitted.

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG  
ABSENT: MORUZZI  
ABSTAIN: WOODS

Chair Woods re-enter the Council Chamber at 2:02 pm.

**2. PUBLIC HEARINGS:**

**2A. FENTON BOOTH ON BEHALF OF GLENWOOD MANAGEMENT GROUP, LLC, FOR A PROPOSED TENTATIVE PARCEL MAP 37807 (TPM 37807) FOR THE CREATION OF A ONE-LOT CONDOMINIUM MAP FOR A PREVIOUSLY APPROVED 17-UNIT APARTMENT COMPLEX LOCATED AT 2150 NORTH ZANJERO ROAD; ZONE R-2; SECTION 03 (CASE TPM 37807). (ER)**

Principal Planner Robertson presented the proposed project as outlined in the staff report.

Chair Woods opened the public hearing:

ALLEN SANBORN, Sanborn Architecture Group, project engineer, was available for questions from the Commission.

There being no further speakers the public hearing was closed.

Commissioner Donenfeld said that they were in favor of this project because it would fulfill the affordable housing need when it was originally approved as an apartment complex. He would like to have the applicant/developer present to discuss the economics of this project. He said that now that the project is coming before them as a condominium development, they might want to re-consider the deferred infrastructure improvements that were approved as part of rental units.

Song, seconded by Garner to recommend approval to the City Council.

AYES: DONENFELD, GARNER, SONG, WOODS  
NOES: HIRSCHBEIN  
ABSENT: MORUZZI

\*Recommendation: With all conditions as originally proposed (City Council to reconsider deferred conditions.)

**2B. JAMES HILL ON BEHALF OF LABYRINTH XTRACTS, LLC, FOR A CONDITIONAL USE PERMIT (CUP) APPLICATION TO OPERATE A 1,600-SQUARE FOOT CANNABIS MANUFACTURING FACILITY WITHIN AN EXISTING INDUSTRIAL BUILDING LOCATED AT 4779 EAST RAMON ROAD, ZONE M-1, SECTION 18 (CASE 5.1477 CUP). (ER)**

Principal Planner Robertson presented the proposed project as outlined in the staff report.

JAY TAKACS, Odor Control Specialist, was available for questions from the Commission.

Chair Woods opened the public hearing:

BOB HILLMAN, CEO, Labyrinth Xtracts, and JAMES HILL, Co-CEO, explained the extraction process, odor control measures, fire suppression and custom design for the small building.

KYLE HUSFLOEN, Demuth Park area, although he appreciates the applicant's work at containing the odor and other chemicals; he thinks this project should be considered in a Green Zone rather than placing it within a block or two of residential areas. He requested that the problem of over-saturation in this area be kept in mind when reviewing projects that are currently in the process.

BOB HILLMAN, applicant rebuttal, said they have followed all the City and State rules. He said they selected this location because it is permitted for cannabis use.

There being no further speakers the public hearing was closed.

Commissioner Donenfeld said it is difficult because the law will change as of January 2020, but the applicant has shown sufficient safeguards with respect to issues that concern them and the community. He spoke in support of approving this project.

Commissioner Song spoke in support of the project with two added conditions.

Donenfeld, seconded by Song to approve with the following changes:

1. The applicant shall incorporate the restroom currently located at the rear of the building into the main cannabis facility.
2. The applicant shall make additional architectural enhancements to the site and cannabis facility building to be review by city Council.

AYES: DONENFELD, SONG, WOODS  
NOES: GARNER, HIRSCHBEIN  
ABSENT: MORUZZI

- 2C. NEW CHURCH II, LLC FOR A TIME EXTENSION OF THE ENTITLEMENTS 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)**

Hirschbein, seconded by Song to continue the item and public hearing to the regularly scheduled meeting of December 11, 2019.

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG, WOODS  
ABSENT: MORUZZI

- 2D. CITY OF PALM SPRINGS FOR A CHANGE OF ZONE AT THREE LOCATIONS: (1) CITY-OWNED PROPERTY ZONED "CU" AT 190 WEST SUNNY DUNES ROAD, (2) CITY-OWNED PROPERTY ZONED "CU" LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN CANYON DRIVE AND STEVENS ROAD, AND (3) PRIVATELY-OWNED PROPERTY ZONED "CU" AT 342 NORTH PALM CANYON DRIVE (CASE 5.1467 CZ). (DN)**

Principal Planner Newell presented the proposed change of zone for three locations as outlined in the staff.

Chair Woods opened the public hearing and with no speakers coming forward, the public hearing was closed.

Song, seconded by Hirschbein to recommend approval of the proposed zoning map amendments to the City Council.

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG, WOODS  
ABSENT: MORUZZI

- 2E. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO ALLOW RESIDENTIAL USES IN PROFESSIONAL ZONES WHERE SPECIFICALLY PERMITTED BY THE GENERAL PLAN LAND USE ELEMENT (CASE 5.1467 ZTA). (DN)**

Principal Planner Newell presented the proposed zone text amendment as outlined in the staff report.

Chair Woods opened the public hearing and with no speakers coming forward, the public hearing was closed.

Song, seconded by Hirschbein to recommend approval of the proposed zoning code amendments to the City Council.

AYES: DONENFELD, GARNER, HIRSCHBEIN, SONG, WOODS  
ABSENT: MORUZZI

Commissioner Donenfeld left at 3:37 pm for the remainder of meeting.

A recess was taken at 3:37 pm. The meeting resumed at 3:46 pm.

### **3. UNFINISHED BUSINESS:**

#### **3A. FAR WEST INDUSTRIES FOR THE FINAL DEVELOPMENT PLAN AND A REVISED TENTATIVE TRACT MAP TO CONSTRUCT “ELAN” – A RESIDENTIAL PROJECT CONSISTING OF (56) SINGLE-FAMILY RESIDENCES, (25) MULTI-FAMILY RESIDENTIAL CONDOMINIUMS AND RELATED ON-/OFF-SITE IMPROVEMENTS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE PD-379 (CASE NOS. 5.1378 PD-379 & TTM 36914). (DN)**

Principal Planner Newell presented the proposed project as outlined in the staff report.

IRA GLASICY, Far West Industries, provided details on the revisions to the project as outlined in the staff memorandum.

JARVIS PAYNE, RGA Landscape, landscape architect, provided details on the landscape design adjacent to the Tahquitz Creek (will all be native plants per the Tahquitz Creek Master Plan).

BRIAN BERKSON, Far West Industries, project manager, stated that this development has been through many iterations, owner and developers. Far West has a tradition of building what they start and have built many communities out here such as Tuscany Heights and Murano. He said they took the Commission’s comments made at the last meeting to heart and have incorporated those changes into what they have before them. He provided details on the additional site simulations on Belardo Road. He said they are proposing the walls along Belardo Road be wrought iron instead of breeze-block or solid wall and provided a simulation with a view of the mountain.

Commissioner Hirschbein thanked the applicant for looking at their concerns seriously. He thinks the change to the original pad elevations along the west side of the site will cause a substantial impact to the development. He is sensitive to the removal of the public benefit to this project and the important view corridor on the south end. He thinks

there are options for the drainage concerns such as reconfiguration of the houses. He has a concern with the public's desire for this view corridor.

Commissioner Song said that she is underwhelmed by the site perimeter design and the impact on Belardo Road. She said when the elevation was lower it was a lesser impact onto the street. She thinks the houses are too close to the edge of the street and the buildings are too close together.

Commissioner Garner said she is concerned about how close the homes are to the street.

Chair Woods said that although he agrees with his the Commissioners; however, he thinks that they have done all they can with the direction the Commission gave them. He suggested providing conditions for the developer and with that made a motion for approval.

Chair Woods, seconded by Song to approve with conditions as follows:

1. Fence/wall facing Belardo Road shall have an undulating/offset design along the street.
2. Dog park fencing to be revised.
3. Palm trees to be up and down-lit at project entry.
4. Landscape bulb-outs to be enhanced with additional landscape.
5. Palm trees along west side of Palm Canyon Drive to be consistent with the design on the east side of the street.
6. Tahquitz Creek trailhead to be well-lit and include pedestrian fixtures (benches, etc.).
7. Buildings along Belardo Road to be setback a minimum of 10-feet.
8. Enhance entry to project.

AYES: SONG, WOODS  
NOES: GARNER, HIRSCHBEIN  
ABSENT: DONENFELD, MORUZZI

*MOTION FAILED, DUE TO A TIE VOTE.*

Song, made a motion to deny the project based the finding that the pad elevations are not consistent with the Preliminary Planned Development.

*MOTION FAILED, DUE TO A LACK OF SECOND.*

Woods, seconded by Song to approve with the following changes:

1. Fence/wall facing Belardo Road shall have an undulating/offset design along the street.
2. Dog park fencing to be revised.
3. Palm trees to be up and down-lit at project entry.
4. Landscape bulb-outs to be enhanced with additional landscape.
5. Palm trees along west side of Palm Canyon Drive to be consistent with the design on the east side of the street.
6. Tahquitz Creek trailhead to be well lit and include pedestrian fixtures (benches, etc.).
7. Buildings along Belardo Road to be setback a minimum of 10-feet.
8. Enhance entry to project.
9. The applicant to work with staff on the above requirements.

AYES: GARNER, SONG, WOODS  
NOES: HIRSCHBEIN  
ABSENT: DONENFELD, MORUZZI

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

- The Commission bid farewell to recently appointed City Council members, Dennis Woods and Grace Garner.

**CITY COUNCIL LIAISON REPORT: NONE.**

**PLANNING DIRECTOR'S REPORT:**

- 2020 Public Meeting Schedule
- Joint AAC and Planning Commission Meeting
- Status of Tova Hotel and Dream Hotel

**ADJOURNMENT:** The Planning Commission adjourned at 5:10 pm to 1:30 pm, Wednesday, December 11, 2019, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

  
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Flinn Fagg, AICP  
Director of Planning Services