

PLANNING COMMISSION MINUTES  
CITY OF PALM SPRINGS, CALIFORNIA  
April 8, 2020  
Council Chamber, City Hall  
3200 East Tahquitz Canyon Way, Palm Springs, California

**CALL TO ORDER:**

Chair Weremiuk called the meeting to order at 5:30 pm.

**ROLL CALL:**

Present: Ervin, Song, Vice Chair Moruzzi, Chair Weremiuk

Excused Absence: Donenfeld, Hirschbein, Lewin

Staff Present: Planning Director Fagg, Attorney Priest, Administrative Coordinator Hintz, Engineering Associate Minjares, Associate Planner Mlaker, Code Compliance Officer Nabhan

**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, April 2, 2020.

**ACCEPTANCE OF THE AGENDA:**

Song, seconded by Moruzzi to accept Agenda, as presented.

AYES: ERVIN, SONG, MORUZZI, WEREMIUK

ABSENT: DONENFELD, HIRSCHBEIN, LEWIN

**PUBLIC COMMENTS:**

Chair Weremiuk opened public comments:

DAVID PRATT, applicant, spoke on behalf of Item 3A, Riviera Hotel, provided details on the operational changes they've incorporated to mitigate noise issues that include: a traffic management plan, replacing mechanical equipment and conducting a neighborhood meeting to address concerns from the neighbors.

BRIAN FOSTER, applicant for Item 4A, Pinnacle Palm Springs, said the conditions and style of house is consistent with the previously approved adjacent homes in this development. He's available for questions from the Commission.

**1. CONSENT CALENDAR:**

**1A. APPROVAL OF MINUTES: MARCH 11, 2020**

Moruzzi, seconded by Weremiuk to approve minutes, as presented.

AYES: ERVIN, MORUZZI, WEREMIUK  
ABSENT: DONENFELD, HIRSCHBEIN, LEWIN  
ABSTAIN: SONG

**2. PUBLIC HEARINGS:**

**2A. SIMON CRE SUMMIT III, LLC, REPRESENTING 7-ELEVEN FOR A CONDITIONAL USE PERMIT AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 3,071-SQUARE FOOT CONVENIENCE STORE A 1234 ND FUELING STATION LOCATED AT 2444 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 3 (CASE 5.1498 CUP & 3.4148 MAJ). (GM)**

Associate Planner Mlaker provided an overview on the proposed convenience store and fueling station as outlined in the staff report.

Chair Weremiuk opened the public hearing:

BEN MILLICK, Simon CRE III, commercial real estate developer & property owner, stated that they are under contract to purchase three (3) commercial parcels on the southeast corner of Palm Canyon Drive and Racquet Club Road. He noted that the tenant for this site will be 7-Eleven store and provided further details on the site plan, building and landscaping design.

DONNA METZGER, Tait & Associates, Inc., representing 7-Eleven, in response to Commission questions, stated that 7-Eleven is shifting its focus on becoming more of a fresh food destination to offer quality food and produce for everyday from breakfast to dinner which include: in-store prepared foods, bakery products, fruits and vegetables, organic products and specialized regional food products. She noted that the franchise owner at the 7-Eleven across the street is the franchise owner at the subject property and will re-locate to the new store. Ms. Metzger was available for further questions from the Commission.

There being no further speakers the public hearing was closed.

Vice Chair Moruzzi noted concern with the empty building across the street. He could see the empty building becoming a blighted site.

Commissioner Song said that she's in support of this project with changes the following changes: widening the walkway on south-end of property; revising the two parking stalls

closest to the front entry to make them into an outdoor eating area and adding DG stabilizer to third parcel area that will remain empty.

Chair Weremiuk said she's having a difficult time supporting this project because it's the entry to the community. Although she likes the landscaping, she's concerned about creating a vacant store-front across the street for the same purpose. She is not certain she can make the "necessary and desirable" finding when there are two other existing gas stations and a 7-Eleven store at the entry to the city.

Commissioner Ervin pointed-out the existing 7-Eleven store across the street and thinks a grocery store is needed at this location. He said that a 7-Eleven store attracts a certain type of traffic and this part of the city needs a grocery store. Mr. Ervin noted that the Business Retention Subcommittee is looking at temporary uses for this area and the Find Food Bank has been offered to go in until a grocery store comes in.

Commissioner Song noted that it's been a long time since there's been any improvements made to this area. She said a viable business is proposing to go in across the street and the empty building will more than likely have the potential to become another business because it's already built. She thinks the architecture is worth being evaluated. She would also like to have a specialty market in this area but does not think it has the parking to draw this type of design. She said existing 7-Eleven has been successfully operating for many years and is now expanding- which benefits the fast-paced retail needs of the community.

Song made a motion to approve with the following conditions:

1. Widen walkway on south-end of property.
2. Revise the two parking stalls closest to the front entry to make them into an outdoor eating area.
3. Add DG stabilizer in empty third parcel in which no landscape is proposed.

Motion failed due to a lack of second.

Ervin, seconded by Moruzzi to deny applications.

AYES: ERVIN, MORUZZI, WEREMIUK  
NOES: SONG  
ABSENT: DONENFELD, HIRSCHBEIN, LEWIN

**2B. CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 93.13.00, AND 93.23.14 RELATIVE TO THE DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (CASE 5.1447 ZTA). (FF)**

Planning Director Fagg provided an overview on the proposed changes to the Zoning Code.

Chair Weremiuk opened the public hearing, but with no speakers in queue to speak, closed the public hearing.

Commissioner Song asked how the ordinance would apply to new construction.

Chair Weremiuk questioned how the ordinance would apply to HOA's that currently prohibit ADU's, and asked if the 30-day minimum rental period could be extended. City Attorney Priest noted that State law would supersede HOA prohibitions, and recommended that the 30-day minimum rental period be maintained.

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

AYES: ERVIN, SONG, MORUZZI, WEREMIUK  
ABSENT: DONENFELD, HIRSCHBEIN, LEWIN

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

#### **3A. AGRE DCP PALM SPRINGS, LLC (DBA: RIVIERA HOTEL) FOR A THREE (3) MONTH REVIEW OF A CONDITION OF APPROVAL RELATIVE TO NOISE ISSUES FROM MECHANICAL EQUIPMENT AND SPECIAL EVENTS AT THE RIVIERA HOTEL LOCATED AT 1600 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 2 (CASE NO 5.1479 CUP). (GM)**

Associate Planner Mlaker provided background information and details related to the noise issues as outlined in the staff

MITCH NABHAN, Code Compliance Officer, spoke about monitoring the decibel readings at the Riviera Hotel and addressed the noise complaints that have been received.

DAVID PRATT, hotel management, answered questions from the Commission pertaining to noise complaints, compliance, mechanical equipment improvements (new silencers and insulated blankets) and replacement of noisy equipment. He provided details about the truck issues and early morning deliveries and addressed the sound wall that was built to mitigate the noise levels.

Vice Chair Moruzzi made a motion to come back for review in three months to see what the results are from the improvements that have been made.

Moruzzi, seconded by Song to review in three months.

AYES: ERVIN, SONG, MORUZZI, WEREMIUK  
ABSENT: DONENFELD, HIRSCHBEIN, LEWIN

### **4. NEW BUSINESS:**

**4A. PINNACLE PALM SPRINGS, LLC, FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 3,383-SQUARE FOOT HOUSE ON A HILLSIDE LOT AND A REQUEST FOR AN ADMINISTRATIVE MINOR MODIFICATION FOR A FRONT YARD SETBACK REDUCTION AND INCREASE IN BUILDING HEIGHT LOCATED AT 1731 PINNACLE POINT (LOT 3), ZONE PDD 79 (CASE 3.4149 MAJ & 7.). (GM)**

Associate Planner Mlaker provided an overview on the proposed hillside single-family house as outlined in the staff report.

The Commission discussed the interior lighting from the chandeliers and ways to cut-back light bleeding out during the evening hours. They conversed about different options to control the evening lighting such as: sun control shading, roof-overhang and removable shading.

Weremiuk, seconded by Song to approve with additional conditions:

1. Add a low privacy screen wall between the front walkway and front façade.
2. Add multi-sized boulders at the base of the infinity pool with desert landscaping.
3. Add a new brise soleil over the clerestory window on the rear elevation.

AYES: ERVIN, SONG, MORUZZI, WEREMIUK

ABSENT: DONENFELD, HIRSCHBEIN, LEWIN

**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:** None.

**CITY COUNCIL LIAISON REPORT:** None.

**PLANNING DIRECTOR'S REPORT:**

- Next Planning Commission meeting will be held on May 13, 2020.

**ADJOURNMENT:** The Planning Commission adjourned at 8:13 pm to 5:30 pm, Wednesday, May 13, 2020, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP  
Director of Planning Services