

PLANNING COMMISSION MINUTES  
CITY OF PALM SPRINGS, CALIFORNIA  
September 9, 2020  
3200 East Tahquitz Canyon Way, Palm Springs, California

**ALL TO ORDER:**

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

**ROLL CALL:**

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

Staff Present: Development Services Director Fagg, Attorney Priest, Assistant Director of Planning Newell, Administrative Secretary Bruggemans, Engineering Associate Minjares, Associate Planner Kikuchi, Associate Planner Mlaker

**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, September 3, 2020.

**ACCEPTANCE OF THE AGENDA:**

Chair Weremiuk requested Item #4A be moved to the beginning of the Agenda.

Weremiuk, seconded by Lewin, to move Item #4A to the beginning of the Agenda and accept the Agenda as amended.

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

**PUBLIC COMMENTS:** None.

1. **CONSENT CALENDAR:** None.

(Item heard out of order)

**4A. REQUEST FOR ADOPTION OF RESOLUTION NO. 6819, DESIGNATING CENSUS TRACT 446.05 AS A FOOD DESERT OVERLAY ZONE (CASE NO. 5.1507-A ZTA). (FF)**

Director Fagg provided a brief overview of the proposed resolution and noted the two changes made by the City Council.

The Commission discussed lack of specificity for full-line food stores that includes a minimum percentage of fresh foods and square footage.

Weremiuk, seconded by Hirschbein, to adopt Resolution #6819 with the following recommendation:

1. To request City Council re-evaluate the criteria relative to establishing a minimum percentage of fresh foods as part of a qualifying market.

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

**2. PUBLIC HEARINGS:**

**2A. REQUEST BY LAURI KIBBY, ON BEHALF OF M. DAVID TESSA & CO., LLC, FOR A PARCEL MAP WAIVER AND A CONDITIONAL USE PERMIT TO SUBDIVIDE A 0.73-ACRE LOT INTO 0.36-ACRE AND 0.37-ACRE PARCELS FOR TWO (2) EXISTING SINGLE-FAMILY RESIDENCES WITHIN THE HR (HIGH DENSITY RESIDENTIAL) LAND USE DESIGNATION AREA IN THE SECTION 14 SPECIFIC PLAN AREA AT 423 & 427 NORTH AVENIDA CABALLEROS, ZONE HR, SECTION 14, ( CASE PMW 37831 & CASE 5.1508 CUP). (NK)**

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

Chair Weremiuk opened the public hearing:

LAURI KIBBY, applicant, provided a brief history of the site including construction, drainage issues, footprint and taxation problems.

Commissioner Song noted that this project was introduced 16 years ago and density was a different issue then. She thinks it's unfortunate that there is no trade-off when this property becomes a single-family residence and the loss of density in the fabric of the city.

Commissioner Lewin said that although he favors density in the city; he supports letting the applicant move forward with the houses they have.

There being no further speakers the public hearing was closed.

Lewin, seconded by Moruzzi, to approve the applications subject to modified conditions:

1. Delete 2<sup>nd</sup> sentence on PLN 2 Condition: "Should the ownership of any or both properties change, the new owner(s) shall submit an amended Agreement to the Planning and Engineering Divisions for review."
2. ENG 2- Condition has been met.

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

**2B. REQUEST BY JERRY G. JOHNSON, ON BEHALF OF V.I.P. MOTOR CARS, LTD., FOR CONDITIONAL USE PERMIT APPROVAL TO UTILIZE A PORTION OF A THREE (3)-ACRE PARCEL FOR OFF-SITE VEHICLE STORAGE AT 4193 EAST MATTHEW DRIVE, ZONE R-2, SECTION 30 (CASE 5.1506 CUP). (NK)**

Associate Planner Kikuchi presented the proposed project for off-site vehicle storage as outlined in the staff report.

Chair Weremiuk opened the public hearing:

JERRY JOHNSON, applicant, provided details on the ownership and history of the site. He said the addition of Porsche on the far end of the property has created a challenge for growth and their request for a storage lot will meet this need. Mr. Johnson appreciates staff's recommendation of approval; however, he questioned a couple conditions and provided explanation. The questioned conditions are Condition PLN13, which requires additional review for the implementation of Phase II, and Condition ENG 2, which requires the existing driveway approach to be in conformance with the current standards. The applicant stated that the requirement of an additional review for Phase II appears redundant and the driveway approach is efficient as existing. Additionally, the applicant was concerned about the fees associated with implementing these conditions and requested the conditions to be removed.

There being no further speakers the public hearing was closed.

Commission Comments:

Commissioner Song said that although she is generally in support of businesses, she's in opposition to this project because of the R-2 zoning. She suggested if this project moves forward, the outdoor lighting and perimeter screen wall lined with landscape will need further review.

Commissioner Hirschbein said he is also generally in support of businesses; however, he does not agree with two of the findings made by staff. He disagreed that the use is consistent with the NCC General Plan land use designation, which is intended to provide an opportunity for convenience commercial uses that serve adjacent residential neighborhoods. In addition, he disagreed that the proposed off-site vehicle storage is similar to an off-street parking in use allowed under the zoning. He does not think a car storage facility qualifies as parking auxiliary to a commercial use.

Commissioner Lewin disagreed with some of the basic findings and does not think this is a permitted use of the property in the R-2 zone (car storage in front of a residential use). Secondly, he thinks this application should require a Major Architectural application, and whatever goes in this property should be conducive to future development as well as the people who live there. He wants the applicant and project to succeed; however, it does not meet the zoning standards.

Commissioner Ervin said that he would like to see this project succeed as long as it's compatible with the community and zoning standards. He can see problems arising from 100-150 cars parked on site, and cannot support the project as proposed.

Vice Chair Moruzzi concurred with his fellow Commissioners, and does not think this project needs further review. He agrees with denial of the project for the reasons articulated. He doesn't think any situation with 100-150 cars parked in front of a residence would be appropriate.

Development Services Director Fagg clarified that there is a mixture of uses consisting of multi-family, mobile-home park and commercial/industrial in this area.

Commissioner Lewin noted the large number of residences in the immediate area and the mobile home park, and that they are not best served by a large luxury car dealer storage lot. He thinks it needs to come in as a stand-alone parking lot not as commercial use that serve adjacent residential neighborhood. The adjacent residents will not benefit from this auto storage lot.

Vice Chair Moruzzi made a motion to deny the application due to the findings stated by Commissioner Hirschbein that could not be met.

Moruzzi, seconded by Hirschbein, to deny the application.

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

Note: Chair Weremiuk explained she voted in opposition of the motion because she wants to maintain support for the adjacent businesses.

**2C. TOWER ENERGY GROUP, REQUESTING AN AMENDMENT TO THE COLLEGE PARK SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION TO MIXED USE/MULTI USE AND CONDITIONAL USE PERMITS TO ALLOW THE CONSTRUCTION OF A 5,343-SQUARE FOOT GROCERY STORE (CASE 5.1511 CUP) AND ACCOMPANYING FUELING STATION (CASE 5.1514 CUP), LOCATED AT 3299 NORTH INDIAN CANYON DRIVE, ZONE C-1, SECTION 3. (GM)**

Associate Planner Mlaker presented the proposed project as outlined in the staff report. Planner Mlaker referred to the additional public correspondence that has been received.

Chair Weremiuk opened the public hearing:

MARK VASEY, applicant, stated they own five Tower Market stores in the Coachella Valley with two additional ones coming soon- Rancho Mirage and Cathedral City. He clarified that

they will offer fresh meats, produce and grocery items, as well as bread and bakery options. He said it's important to note that their store is not a typical convenience store but a neighborhood grocery market. He pointed-out that a cooler space for fresh produce and meat will be added and described the location of the trash enclosure. He provided clarification pertaining to the floorplans and was available for questions.

Commissioner Ervin commented that he went to the Palm Desert location and the prices nearly doubled than that of a grocery store. He noted concern with the community not shopping at the store given the high prices and vandalism problems arising in the future.

Commissioner Hirschbein said it seems like the Commission's main concern is the lack of specific percentages for a minimum requirement of fresh meat and produce. He does not think it can be done at tonight's meeting; however, he feels comfortable approving the project with general guidelines and working with staff to establish the requirements.

Vice Chair Moruzzi thinks it will be a convenience store and does not meet Finding #4 that meets the definition of "healthy affordable food". He is not in favor of the Conditional Use Permit as it relates to the desert food overlay and questioned changing the Land Use designation to Mixed Use if they don't think it's an appropriate project.

Commissioner Song commented that this project is not a community fresh market store that will benefit the community and should come in for review as a Major Architectural Application and Conditional Use Permit.

Commission Lewin does not think it's the applicant's job is to solve the entirety of the issue for the food desert in this area. He pointed-out that they've identified a region that has a problem and have established a process to address the issue. He said if the city wants to see a vibrant fresh option to this area, the Economic Development Department will need to get involved to bring parcels of land together and create a specific plan (such as the College Park Specific Plan). He cannot see denying this project and spoke in favor of the project.

Commissioner Ervin thinks they need to consider the history of the city and this area. He spoke about problems with on-going crime, low-income issues and substance abuse in this area. He thinks the community is looking for a grocery store and the city needs to come together to address this need. He does not think bringing another convenience store in this area will help the neighborhood.

Chair Weremiuk does not see this store as a grocery store. She pointed-out an existing convenience store and gas station in this area. She said the community is looking for a grocery store in this area and spoke in opposition of the project.

Moruzzi, seconded by Ervin to deny the applications.

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

A recess was taken at 8:21 pm. The meeting resumed at 8:30 pm

**3. UNFINISHED BUSINESS:**

**3A. 2007 GENERAL PLAN LIMITED UPDATE – REVIEW GENERAL PLAN STEERING COMMITTEE RECOMMENDED REVISIONS TO THE GENERAL PLAN VISION STATEMENT AND PRIORITIES. (DN)**

Assistant Planning Director Newell provided an overview on the comments received from the Sustainability Commission Subcommittee as outlined in the staff memorandum.

The Commission discussed the recommended language and provided feedback.

Weremiuk, seconded by Song to forward the revised Vision Statement and Priorities to the City Council.

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

**4. NEW BUSINESS:**

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

- PC/AAC subcommittee update on review process.

**CITY COUNCIL LIAISON REPORT: None.**

**PLANNING DIRECTOR'S REPORT:**

- Upcoming items for the September 23<sup>rd</sup> meeting

**ADJOURNMENT:** The Planning Commission adjourned at 9:50 pm to 5:30 pm, Wednesday, September 23, 2020, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

  
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Flinn Fagg, AICP  
Development Services Director