

PLANNING COMMISSION MINUTES  
CITY OF PALM SPRINGS, CALIFORNIA  
December 9, 2020  
3200 East Tahquitz Canyon Way, Palm Springs, California  
(Via Zoom)

**CALL TO ORDER:** Chair Weremiuk called the meeting to order at 5:30 pm.

**ROLL CALL:** Ervin, Hirschbein, Lewin, Song, Vice Chair Moruzzi, Chair Weremiuk

**STAFF PRESENT:** Assistant Planning Director Newell, Administrative Secretary Bruggemans, Engineering Associate Minjares, Principal Planner Robertson, 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) by 6:00 PM Thursday, December 3, 2020 and posted on the City's website as required by established policies and procedures.

**ACCEPTANCE OF THE AGENDA:**

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

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

**PUBLIC COMMENTS:**

Chair Weremiuk opened public comments:

SCOTT TIMBERLAKE, applicant, Item 1A, provided details on the proposed garage addition to existing hillside house and was available for questions.

There being no further speakers public comments was closed.

**CONSENT CALENDAR:**

- 1A. SCOTT TIMBERLAKE FOR A MINOR ARCHITECTURAL APPLICATION FOR A 503-SQUARE FOOT ADDITION AND A 420-SQUARE FOOT NEW DETACHED GARAGE TO AN EXISTING HOUSE ON A HILLSIDE LOT REQUESTING AN ADMINISTRATIVE MINOR MODIFICATION FOR SETBACK REDUCTIONS LOCATED AT 324 WEST OVERLOOK DRIVE, ZONE R-1-C (CASE NOS. 3.3718 MAA AND 7.1612 AMM) (GM).

Lewin, seconded by Song to approve Item 1A as part of the Consent Calendar, as presented.

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

**2. PUBLIC HEARINGS:**

- 2A. J5 INFRASTRUCTURE PARTNERS (AT&T WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A SIXTY (60') FOOT TALL MONOPALM LOCATED AT 333 WEST RADIO ROAD, ZONE M-1 (CASE NO. 5.1516 CUP) (GM).**

Planner Mlaker presented the proposed cellular antenna as outlined in the staff report.

Chair Weremiuk opened the public hearing:

VICTOR FLORES, applicant, representing ATT, stated that the proposed location does not have adequate coverage and spoke about providing first responders and safety agencies faster cellular connection.

There being no further speakers the public hearing was closed.

Commissioner Song verified the height of palm trees. Ms. Song asked the Applicant if they are open to providing taller trees. After further discussion Chair Weremiuk made a motion of approval.

Weremiuk, seconded by Moruzzi to recommend City Council approve, subject to added condition:

1. Applicant to plant three (3) Mexican Fan Palm trees of varying heights from twenty (20') to thirty (30') feet tall on the exterior of the equipment shelter to mimic a palm grove. Proper irrigation and plant techniques required.

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

- 2B. REQUEST BY SPECTRUM SERVICES ON BEHALF OF VERIZON WIRELESS FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A COMMUNICATIONS FACILITY CONSISTING OF A FORTY-THREE (43) FOOT HIGH MONOPOLE AND ASSOCIATED EQUIPMENT CABINETS LOCATED WITHIN DEMUTH PARK AT 3601 EAST MESQUITE AVENUE, ZONE "O" (CASE NO. 5.0793 CUP) (ER).**

Staff reported the applicant has requested a continuance of the project to date uncertain.

Lewin, seconded by Song to continue to date uncertain.

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

- 2C. A REQUEST BY TOLL BROTHERS, INC., TO AMEND THE ESCENA DESIGN GUIDELINES AND PLANNED DEVELOPMENT DISTRICT 231 TO ALLOW MODERN/CONTEMPORARY ARCHITECTURAL STYLES IN PLACE OF THE PREVIOUSLY APPROVED SPANISH SERIES IN PLANNING AREAS 6 AND 8 OF TRACTS 32233-1 AND 32233-4 WITHIN THE ESCENA DEVELOPMENT LOCATED AT 1000 NORTH GENE AUTRY TRAIL, ZONE PDD 231. (CASE 5.0666-PD231) (ER).**

Chair Weremiuk recused herself due to a property-related conflict and left the meeting.

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

Vice Chair Moruzzi opened the public hearing:

ALLEN JANISH, Toll Brothers, was available for questions from the Commission.

GREG ROBERTS, Escena resident and representing HOA, spoke in support of the proposed project to amend the design guidelines.

There being no further speakers the public hearing was closed.

Commissioner Song said that Palm Springs is made up of many different architectural styles and although she's surprised the early Spanish revival style will not be re-enforced in the Escena Development, she's certain Toll Brothers has conducted research and considered all factors.

Song, seconded by Lewin to approve, subject to conditions.

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

Chair Weremiuk re-joined the meeting.

A recess was taken at 6:26. Meeting resumed at 6:36 pm.

- 2D. DTSP B-3, LLC FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A SIX STORY, 73,300-SQUARE FOOT MIXED USE BUILDING (MULTI-FAMILY RESIDENTIAL CONDOMINIUMS AND COMMERCIAL) WITH 45 FOR SALE RESIDENTIAL UNITS AND GROUND FLOOR COMMERCIAL LOCATED ON BLOCK "B-1" OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT THE NORTHEAST CORNER OF BELARDO ROAD AND MUSUEM WAY; 200 NORTH BELARDO ROAD, ZONE CBD (CASE NOS. 3.3908 MAJ AND TTM 37935) (DN).**

Commissioner Lewin recused himself due to a business conflict and left the meeting.

Chair Weremiuk and Commissioners Hirschbein Song and Ervin stated each met individually with the Applicant and summarized the discussion.

Assistant Planning Director Newell provided an overview on the proposed project as outlined in the staff report. Mr. Newell clarified that there is an exhibit available for the TTM application, noting it involves a one lot subdivision of the existing 0.84-acre parcel. He noted the parcel dimensions would not change, and the subdivision is for the sale of airspace for the residential condominium units.

Commission Hirschbein asked for clarification on the Specific Plan requirements related to the ground floor uses and street frontage uses, specifically what is "primarily" limited to commercial and retail uses. Mr. Newell responded that the majority of the ground floor should be devoted to the uses specified in the Specific Plan and said the Commission can determine the specific requirements as to what is acceptable under the specific plan.

Chair Weremiuk asked how the building height is calculated, noting the site is sloped from a high-point on the north side of the property. Mr. Newell responded that the Specific Plan defines height as being measured from the highest grade on the site.

Chair Weremiuk questioned the interior height of the ground floor retail. Mr. Newell said the lobby is 14 feet, and said the retail space is approximately eight to nine feet.

Chair Weremiuk opened the public hearing.

MICHAEL BRAUN, applicant, thanked the Commission for providing feedback at the Study Session, described the project changes, and described the intent of the Specific Plan's vision dating back to 2009.

MARK KIRKHART, project architect, described the improvements to the project, based on feedback from the Architectural Advisory Committee and Planning Commission. He noted the addition of the commercial/retail spaces on Museum Way and Andreas Road and described the reduction of the massing and northerly elevator tower.

Chair Weremiuk closed the public hearing.

Commissioner Hirschbein indicated he placed much thought into the project. He said written comments from former Planning Commissioner Doug Hudson were relevant to the project and read some comments into the record. He said the project doesn't meet the Specific Plan requirements with only 17% of the building street frontages having uses that are specified in the Specific Plan.

Commissioner Moruzzi said this is the most consequential decision the Commission will make during his time on the Commission. The Architect has completed notable projects, but doesn't think this project was designed appropriately. He said the AAC review was

unanimous in its denial recommendation and expressed concerns about the project massing and lack of natural light into the interior courtyard. Mr. Moruzzi agreed with Mr. Hudson's written comments, and noted he cannot make findings for approving the project.

Commissioner Song noted the Applicant has improved the project and interior lighting into the courtyard. She said based on the whole picture of changes that have occurred and the number of project revisions, she questioned if the Downtown Palm Springs Specific Plan is problematic. The mass and density is permitted in that plan and the project has evolved to a better design, so why are asking for a different project now.

Commissioner Ervin said after listening to Commissioner comments, he questioned components of the project. He was concerned with the color scheme and noted the future park was important relative to this project.

Chair Weremiuk was initially concerned with the courtyard previously, but with the opening of the building and additional natural light is provided and the project improved. She would like to see some additional ground floor commercial uses, either on Market Street or preferably on Belardo such as a food service use. Ms. Weremiuk felt the muted colors were acceptable. She was concerned that the project does not have active uses on the street, as initially envisioned for the downtown redevelopment project. Ms. Weremiuk said the partial closure of Museum Way should be considered if this project is approved.

Hirschbein, seconded by Moruzzi to recommend denial of the Major Architectural Application to City Council, based on the following:

- In response to criterion #1 of PSZC Section 94.04.00:  
The project doesn't conform to standards for ground floor on street frontage identified in Section III.E.1 . . . of the Downtown Palm Springs Specific Plan in that it is not "primarily limited" to Retail Goods, Personal Services, Food and Beverage Services and Tourist and Related Services. Further, the project doesn't orient to open spaces and pedestrian sidewalks appropriately with residential uses on street frontages.
- In response to criterion #2 of PSZC Section 94.04.00:  
With residential uses on street fronts, commercial/retail is not proposed along the Belardo Road street front, which is inconsistent with the Specific Plan as noted above and with the relationship of existing adjoining developments and the proposed public park in the context with the Specific Plan area. Thus, the development does not have harmonious relationship.
- In response to criterion #3 of PSZC Section 94.04.00:  
Excessive overall massing and inappropriate scale of the interior courtyard.
- In response to criterion #3 of PSZC Section 94.04.00:  
Generally "flat" vertical design of the building exterior reaching 60-ft height.

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

Hirschbein, seconded by Song to recommend denial of the Tentative Tract Map to City Council, based on the following:

- In response to criterion #1 of Subdivision Map Act Section 66474:

The project does not conform to layout criteria standards for ground floor commercial on street frontages identified in Section III.E . . . of the Downtown Palm Springs Specific Plan in that it is not “primarily limited” to Retail Goods, Personal Services, Food and Beverage Services and Tourist and Related Services, Offices and Related and Public and Semi-public uses.

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

Commissioner Hirschbein requested that former Planning Commissioner Doug Hudson’s comments be reviewed and considered by City Council.

Chair Weremiuk asked that Council consider a manner to close Museum Way for additional pedestrian traffic for events or planned gatherings at the park, in the event the Council approves the project.

Vice Chair Moruzzi requested that his oral statements made during the meeting be included as part of the meeting minutes related to statements personally made.

**3. UNFINISHED BUSINESS: NONE**

**4. NEW BUSINESS: NONE**

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

- Status of Tova Hotel
- Planning Commission terms and extensions

**CITY COUNCIL LIAISON REPORT: NONE.**

**PLANNING DIRECTOR’S REPORT:**

- 2021 Planning Public Meeting Schedule
- Status of City Council project reviews

**ADJOURNMENT:** The Planning Commission adjourned at 8.53 pm to the special meeting scheduled at 5:30 pm on Thursday, December 17, 2020.



David Newell, AICP  
Assistant Director of Planning