

PLANNING COMMISSION MINUTES  
June 9, 2021  
CITY OF PALM SPRINGS, CALIFORNIA  
3200 East Tahquitz Canyon Way, Palm Springs, California  
(Meeting held via Zoom)

**CALL TO ORDER:**

Chair Weremiuk called the meeting to order at 5:34 pm.

**ROLL CALL:**

Present: Hirschbein, Roberts, Song, Chair Weremiuk

Excused Absence: Ervin, Vice Chair Moruzzi

Staff Present: Development Services Director Fagg, Attorney Priest, Assistant Planning Director Newell, Administrative Coordinator Hintz, Associate Planner Mlaker, Engineering Associate Minjares, 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) by 6:00 pm on Thursday, June 3, 2021, and posted on the City's website as required by established policies and procedures.

**ACCEPTANCE OF THE AGENDA:**

Hirschbein, seconded by Roberts to accept the Agenda, as presented. (Noting Commissioner Robert's abstention on the Study Session Minutes of May 26, 2021.)

AYES: HIRSCHBEIN, ROBERTS, SONG, WEREMIUK

ABSENT: ERVIN, MORUZZI

**PUBLIC COMMENTS:**

Chair Weremiuk opened public comments:

BETTINA ROSMARINO, Oswit Land Trust, board member, spoke in reference to Item 3B, voicing concern about the damage of excavation to the soil and its habitants. They are requesting the Commission require the developer preserve the perimeters including the 50+ year old native desert willow in the southwest corner of the parcel.

SARAH KLEINBERG, legal representation for the applicant, EHO Canyon View, Item 3B, provided details on the original approval and changes made to the project. Ms. Kleinberg noted the project has more landscaping instead of concrete channels and continues to address its on-site flows. Ms. Kleinberg stated that the development footprint,

development standards and uses are in substantial conformance with the preliminary plans.

SCOTT CRAWFORD, Wood Environmental Infrastructure, spoke in reference to Item 3B, said he was recently hired by EHO Canyon View LLC, as the project biologist, and they also work for Riverside County Flood Control on their Line 41 project and are involved with the cutting off of those channels. He provided details on the mitigation measure to purchase an off-site property for a conservation area and on a monitoring report that ensures all environmental issues are covered.

JANE GARRISON, executive director, Oswit Land Trust, spoke in reference to Item 3B, said they are not asking for the density to be changed only for wildlife and endangered specific to be protected. They are requesting to leave the rich wash alone and enhance it with more native habitat.

CARLENE HART, Rimrock Neighborhood Organization, chair, spoke in reference to Item 3B, said this project sits in the middle of their neighborhood and is in favor of keeping the perimeter and its wildlife habitat.

STEVE SOMERS, nearby resident, spoke in reference to Item 3B, said there are 7-9 trees on the perimeter that are about 30-50 years old with desert habitat clustered around those trees and recommending coming up with a plan to save the perimeter, wildlife and adopt a heritage tree plan in the city.

TANYA PETROVNA, spoke in reference to Item 3B, spoke in favor of keeping perimeter; noting that the existing trees and wildlife do not require extra water and the displaced habitat will have nowhere to go.

JIM GRAY, spoke in reference to Item 3B, suggested instead of moving the wildlife and habitat to another location, amending the project to include the environment and people using the space in a sustainable manner.

PATTY SHANKER, spoke in reference to Item 3B, strongly urged the Commission to stop the bulldozing of the wash. She resides near the wash and thinks there's no reason to destroy it and strongly urged the Commission require the perimeter remain untouched.

DAVID HARDY, project representative for EHO Canyon View, LLC, stressed that they took a methodical approach into incorporating their design with Line 41 when City staff had a change of plans back in 2019. Mr. Hardy reported the items that changed included the concrete channels along Matthew Drive and Lyndon Way cutting off all off-site flows. He is available to speak to all of the changes when this project is heard.

RUTH CIENFUEGO, spoke in reference to Item 3B, spoke in favor of keeping the perimeter and requested the Commission vote responsibly for the betterment of the people.

There being no further speakers, public comments was closed.

**1. CONSENT CALENDAR:**

Chair Weremiuk requested additional comments she made be added to the May 26, 2021 regular meeting minutes pertaining to Items 3A and 3B.

Commissioner Song requested an additional comment she made to the May 26, 2021 Study Session minutes be added pertaining to Item 1A.

Hirschbein, seconded by Song to approve Items 1A (minutes of May 12, 2021 and May 26, 2021 Study Session Minutes) and Item 1B, as presented. The Regular Meeting Minutes of May 26, 2021 were removed for further revisions.

AYES: HIRSCHBEIN, ROBERTS, SONG, WEREMIUK  
ABSENT: ERVIN, MORUZZI

**1A. APPROVAL OF MINUTES: MAY 12, 2021, MAY 26, 2021 STUDY SESSION MINUTES AND MAY 26, 2021 REGULAR MEETING MINUTES**

Approved, as part of Consent Calendar with the exception of the May 26, 2021 Regular Meeting Minutes tabled for corrections.

(Noting Commissioner Robert's abstention on the May 26, 2021 Study Session Minutes.)

**1B. KEN AND MELISSA ERKE, OWNERS FOR A MAJOR ARCHITECTURAL REVIEW FOR THE CONSTRUCTION OF A 3,900-SQUARE FOOT SINGLE-FAMILY HOUSE ON A HILLSIDE LOT LOCATED AT 2216 MONUMENT COURT, ZONE ESA-SP PLANNING AREA 4, LOT 73, DESERT PALISADES SPECIFIC PLAN, SECTION 3 (CASE 3.4220 MAJ).**

Approved, as part of Consent Calendar.

**2. PUBLIC HEARINGS:**

**2A. ADRIATIC VACATION CLUB INC, OWNER, FOR A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING HOTEL INTO FORTY-FIVE (45) APARTMENTS PER SECTION 92.12.02(D)(18) OF THE PALM SPRINGS ZONING CODE LOCATED AT 2300 & 2330 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.1529 CUP). (GM)**

Roberts, seconded by Hirschbein to continue to date uncertain.

AYES: HIRSCHBEIN, ROBERTS, SONG, WEREMIUK  
ABSENT: ERVIN, MORUZZI

**2B. PROJECT INDIGO, LLC, FOR A CONDITIONAL USE PERMIT (CUP) APPLICATION TO OPERATE A TYPE 6 CANNABIS CULTIVATION, PROCESSING AND DISTRIBUTION FACILITY WITHIN A 61,833-SQUARE FOOT COMMERCIAL GREENHOUSE FACILITY LOCATED ALONG THE NORTH SIDE OF 19<sup>TH</sup> AVENUE AND WEST OF THE INDIGO POWER PLANT, ZONE E-I; (CANNABIS OVERLAY ZONE), SECTION 15 (CASE 5.1528-CUP). (ER)**

Principal Planner Robertson presented the proposed project.

Chair Weremiuk opened the public hearing:

KAREN STREETER, project architect and representing the owner, provided an overview on the greenhouse system, building design and cultivation process. Ms. Streeter reiterated this facility is only for cultivation; all the other post product and/or manufacturing would occur off-site at additional facilities.

RYAN JENNEMANN, founder and CEO, THC Design, provided background details on the greenhouse structure; noting that this is years of evolution and planning that will work for this building. He indicated this facility will use 0.3% water compared to outdoor farming.

FRITZ NOBLE, property owner representative, spoke in support of the project. Mr. Noble said as a property owner they have been looking for an operator for many years and thinks this design group will build a top-notch facility.

JANE GARRISON, pointed-out that environmental study was done several years ago; and suggested delaying approval of this project to consult with organizations that monitor blow sand in this area.

BETTINA ROSMARINO, voiced concern for wildlife, especially birds; she questioned if they were considered in the design of the building.

FRED NOBLE, property owner/landlord, stated the Coachella Valley Conservation Commission created reserves and preserves for wildlife and this property is not in this area. Mr. Noble stated that this project is located north of the freeway where there is no residential use; and urged approval of the project.

KAREN STREETER, applicant rebuttal, said the City has established an ordinance and created an overlay for these types of facilities in this area. She encouraged the Commission to approve this project.

Chair Weremiuk questioned if there would be any problems with birds crashing on the roof. (Mr. Jennemann responded that after much discussion they have chosen to use insulated metal panels; and with the walls being metal panels, not glass or transparent, this should alleviate the bird issues.)

There being no further speakers, the public hearing was closed.

JAY TAKACS, odor consultant, said they are very familiar with these types of buildings and systems. He described how the anteroom works and was available for questions.

Commissioner Hirschbein said this is the exact area the City Council approved these types of facilities and per the City's Odor Control consultant this facility is a state-of-the-art. He made a motion of approval with staff recommendations.

Commissioner Roberts, as he was a part of the City Council subcommittee, that created the policy for recreational and medical cannabis, this is the type of facility is what they want to see built in this location.

Chair Weremiuk seconded the motion on the floor and asked if the mitigation measures, as part of the Odor Control Report, could be added to the Negative Declaration. (Attorney Priest explained that this is being processed at a Negative Declaration, meaning that there are no mitigation measures in the CEQA document. Mr. Priest agreed crafting language for Finding #5 in the Resolution relative to mitigating odors addressed by the Odor Control Plan.)

Hirschbein, seconded by Weremiuk to adopt Negative Declaration and approve Conditional Use Permit and amend Resolution, as noted by Mr. Priest.

AYES:           HIRSCHBEIN, ROBERTS, SONG, WEREMIUK  
ABSENT:        ERVIN, MORUZZI

A recess was taken at 7:08 pm. Meeting reconvened at 7:20 pm.

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

- 3A. SMS ARCHITECTS ON BEHALF OF HALL PALM SPRINGS II, TO AMEND THE FINAL DEVELOPMENT PLANS FOR THE PALM SPRINGS HOTEL (FORMERLY KNOWN AS ANDAZ HOTEL) TO REMOVE THE SPA LOCATED ON THE SECOND LEVEL AND REPLACE IT WITH 14 ADDITIONAL GUESTROOMS FOR A TOTAL OF 164 ROOMS HOTEL LOCATED AT 414 NORTH PALM CANYON DRIVE, ZONE PD324, (5.1091-PD-324) (ER).**

Director Fagg noted that this project is a public hearing and advised the Commission to re-open the public hearing, as the applicant has a presentation to show the modifications made to the project.

Chair Weremiuk re-opened the public hearing:

Principal Planner Robertson recapped the Commission concerns from the previous meeting and noted the applicant will be presenting changes made to the project.

BRIAN MARTINELLI, Hall Group, vice-president of development, and DONALD BRAUN, Hall Group, president, developer and owner, provided a brief overview of the Hall Group and described the timelines associated with the transfer of the property and the funds that have been invested for the development of the hotel. Mr. Braun said they will be announcing to the public that they will associate with the Hyatt Hotel and brand it as a Thompson Hotel, a luxury-style hotel. Mr. Braun described the proposed design revisions based on Commission feedback. Mr. Martinelli provided further details on the design changes and described activating the first floor.

Commission Comments:

Commissioner Roberts said the developer did a great job on the new tower element. However, he thinks the street elevation façade on the North Indian Canyon frontage lacks adequate architectural treatment (mechanical equipment screening area is dramatically different than previous approval) given now that Indian Canyon has become a main thoroughfare. He suggested additional landscape could be added to soften the appearance of the equipment screening area.

Commissioner Song said in the previous design on the North Indian Canyon street level the brise soleil was translucent and now has become solid and the stair tower (perforated tower) comes down to the floor. Ms. Song also commented that any eyebrow or architectural element to suggest it is an urban street has been lost.

Commission Hirschbein thinks there has been a change from a more modernist approach to the elevation on North Indian Canyon to a less modernist approach. He concurs with Commissioner Robert's concerns about the ramp and equipment area. Mr. Hirschbein does not see equipment on North Indian Canyon as conducive in creating a more holistic street.

Director Fagg suggested as part of a recommendation to City Council requiring the applicant to revise the plans incorporating the following revisions:

1. Additional landscape is needed to soften the appearance of the mechanical equipment.
2. Additional material treatment is needed on the southern portion of the garage elevation.
3. Additional treatment is needed at base of the stair tower.

Director Fagg alternately recommended a Planning Commission subcommittee could be established to review the changes to the project prior to City Council review.

Chair Weremiuk said she is not in favor of leaving it to the City Council to resolve these issues because there currently is no designer or architect on the City Council. She prefers further review and final approval by a subcommittee (Roberts and Song).

Commissioner Song requested eyebrows or horizontal elements to bring down the scale on the North Palm Canyon facade as shown in the original design.

Roberts, seconded by Chair Weremiuk to recommend conditional approval to City Council based on further review and final approval by subcommittee (Roberts and Song) based on Commission comments:

1. A Planning Commission Subcommittee comprising of Commissioners Roberts and Song to work with the applicant to resolve the façade issues along North Indian Canyon Drive.
2. The Subcommittee to approve the final revisions to the plans prior to City Council consideration.

AYES: ROBERTS, SONG, WEREMIUK  
NOES: HIRSCHBEIN  
ABSENT: ERVIN, MORUZZI

A recess was taken at 8:27 pm. The meeting resumed at 8:35 pm.

**3B. EHOFF CANYON VIEW, LLC, REQUEST THE APPROVAL OF FINAL DEVELOPMENT PLANS FOR PLANNED DEVELOPMENT DISTRICT 381; AN 80-UNIT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE PDD-381 (CASE 5.1384 – PD 381/3.3902 MAJ/VTTM 36969). (ER)**

Principal Planner Robertson presented the revisions made to the project.

Attorney Priest provided clarification on the Commission's purview to the review the final development plans, changes to landscaping and details on the CEQA process.

Chair Weremiuk noted at the previous meeting, the Commission discussed with the Planning Director if it's within the Commission's purview to institute a new landscape plan given there are changes to the perimeter. Ms. Weremiuk questioned if this is correct. (Attorney Priest responded that the Commission could make some changes to the landscape plan, unless the Commission finds it deviates from the preliminary planned development and it's not in substantial conformance.)

Associate Engineer Minjares verified that Line 41 is designed, and Riverside County Flood Control has finished their bid opening for the construction of Line 41 approximately two weeks ago and construction will occur.

Applicant Presentation:

DAVID HARDY, representing EHOFF Canyon View LLC, provided further details on the minor modifications that largely centered around the stormwater design and a couple of architectural enhancements. Mr. Hardy described the construction timelines, existing channels, redirection of water flow to Line 41 and retention basins. He spoke about pedestrian and fire access, adding turf in dog park, landscape enhancements and the color schemes. He explained their idea about removing windows from one garage door elevation type, was his attempt for energy conservation by reducing the solar heat effect

and amount of glazing- they are more than happy to add it back if the Commission prefers it.

Commissioner Roberts questioned amidst the trash and homeless encampments on the site, if the old native trees would be retained through excavation. (Mr. Hardy explained there's a particular old willow tree that may be in the right-of-way and suggested working with staff to implement a plan that logs existing trees and if possible, they will retain and conserve in place.

The Commission further discussed and requested clarification from staff implementing conditions to address their concerns.

Weremiuk, seconded by Roberts to approve final development with added conditions:

1. Landscape plan for perimeter buffer areas shall be provided to the Planning Commission for review and recommendation, and then forwarded to the ARC for final action.
2. Dog park flooring shall be turf or artificial grass.
3. The grading plan shall be revised to provide minimal grading of the perimeter buffer areas; the Applicant shall consult with City staff in the development of the final grading plan.
4. The Applicant shall document existing native trees and vegetation and preserve in place if possible.
5. The landscape buffer areas shall utilize indigenous planting materials.
6. A biologist, as required by the Mitigation Measures, shall be hired by the City at the expense of the Applicant.
7. Construction fencings shall be placed on site with minimal impact to native vegetation.
8. The biologist, as required by condition #5, shall be consulted in the development of the landscape plan for the perimeter buffer areas, with attention given to the preservation of native plant materials and existing habitat.
9. The Applicant shall work to retain any existing grades along the Matthew Drive frontage of the development.
10. The rear yards may encroach 5' into the perimeter landscape buffer area.
11. The garage door design shall conform to the preliminary PDD approval.

AYES:       HIRSCHBEIN, ROBERTS, SONG, WEREMIUK

ABSENT:     ERVIN, MORUZZI

#### **4.     NEW BUSINESS: NONE**

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

- The City's hiring of two Code Enforcement Officers to enforce odor control and cannabis issues, per Commission concerns.



**PLANNING DIRECTOR'S REPORT:**

- Subcommittee meeting for EHOV Canyon View will be held on Thursday, June 10<sup>th</sup> at 9:30 am.
- AAC/ARC member reappointments will be forthcoming in July.
- Election of Officers will be delayed until 7<sup>th</sup> member is appointed.
- First meeting in July will include a brief training session on ARC permit process during regular meeting.

**ADJOURNMENT:**

The Planning Commission adjourned at 9:50 pm to 5:30 pm, Wednesday, June 23, 2021, 3200 East Tahquitz Canyon Way.



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David Newell, AICP  
Assistant Director of Planning