

PLANNING COMMISSION MEETING MINUTES
OCTOBER 27, 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 5:39 p.m.

ROLL CALL:

Present: Aylaian, Ervin, Song, Vice Chair Roberts, Chair Weremiuk

Excused Absence: Hirschbein, Moruzzi

Staff Present: Development Services Director Fagg, Attorney Priest, Assistant Planning Director Newell, Administrative Coordinator Hintz, Planning Technician Bruno, Associate Planner Kikuchi, Engineering Associate Minjares, Associate Planner Mlaker, 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 p.m. on Thursday, October 21, 2021, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Commissioner Song requested Item 2D, be moved as first public hearing item.

Weremiuk, seconded by Roberts to accept the agenda, as amended.

AYES: AYLAIAN, ERVIN, SONG, ROBERTS, WEREMIUK

ABSENT: HIRSCHBEIN, MORUZZI

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

DEITER CRAWFORD, Vice President, Desert Highland Gateway Estates Community Action Association, spoke in reference to Items 2C and 2D, suggested the projects be open and not gated. He said gates will prevent the flow of traffic and create barriers in

the middle of the community. He requested installing a bus stop shelter near Item 2C and improvement of landscaping and sidewalks.

LANCE O'DONNELL, architect, representing Item 1B, stated that the project is being conditioned for curbs and gutters in a neighborhood where none exist; and indicated they will continue to work with the Engineering Department to not create more of a water issue than currently exists.

LINDA SACKET, spoke in reference to Item 2D, said her major concern relates to the building height and potential loss of privacy.

There being no further speakers, public comments were closed.

1. CONSENT CALENDAR:

Vice Chair Roberts requested a correction to the minutes of July 21, 2021, on page 4, Item 8.

Chair Weremiuk requested a correction to the minutes of July 28, 2021, on page 6.

Chair Weremiuk recused herself on the minutes of October 13, 2021, noting her absence.

Commissioner Ervin noted his abstention on the minutes of July 28, 2021.

Chair Weremiuk requested clarification about including a condition relative to the curbs and gutters for Item 1B.

Engineering Associate Minjares reported the condition is included in the project; and noted there are curbs and gutters to the south of the project. He explained there is a severe low spot on this street and the mitigation measure is to protect the proposed house and the houses across the street.

Roberts, seconded by Song to approve Items 1A and 1B, with correction to minutes of July 21, 2021, and July 28, 2021.

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

**1A. APPROVAL OF MINUTES: JULY 21, 2021, SPECIAL MEETING
MINUTES JULY 28, 2021, AND OCTOBER 13, 2021**

Approved, as amended. (Noting Commissioner Ervin's abstention on the minutes of July 28, 2021 and Chair Weremiuk's abstention on the minutes of October 13, 2021.)

1B. O2 ARCHITECTURE ON BEHALF OF DANIEL NG FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE LOCATED AT 755 CABRILLO ROAD, ZONE R-1-C (CASE 3.4275 MAJ & 7.1636 AMM). (RB)

Approved, as presented.

2. PUBLIC HEARINGS:

(Items 2D and 2B were heard out of order.)

2D. SUNIA INVESTMENTS LLC., FOR A MAJOR ARCHITECTURAL APPLICATION AND A TENTATIVE TRACT MAP FOR THE CONSTRUCTION OF A TWENTY-FOUR (24) UNIT CONDOMINIUM PROJECT LOCATED AT 305 WEST SAN RAFAEL ROAD, ZONE R-2 (CASE NOS. 3.3959 MAJ AND 37143 TTM) (GM)

Associate Planner Mlaker presented the proposed project and provided details on the landscape, sidewalk and screen wall near the pedestrian gates and grade.

Commissioner Ervin expressed concern with speeding vehicles and public safety. Engineering Associate Minjares responded the section on San Rafael will be widened.

In response to Commissioner Aylaian' s inquiry, Planner Mlaker reported the pedestrian gates will be locked and accessible via key.

Chair Weremiuk referenced carports and asked whether a variance would be required to place them closer to the street. (Associate Planner Mlaker responded affirmatively adding that the applicant has not yet applied for a variance.)

Chair Weremiuk opened the public hearing.

JEROME PELAYO, applicant, discussed the architectural design and elements, noting the whole idea behind a minimalist concept is to let the landscape "shine". He reported the project is below the allowable density and exceeds the open space requirement; and described the ingress/egress points. Mr. Pelayo addressed the distance between the proposed trees along San Rafael and reported they are open to suggestions in terms of the types of trees to plant. He responded relative to the addition of covered carports, they meet the parking requirements and are not intending on filing a variance if it's not required.

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

Attorney Priest stated if the Planning Commission believes the facts and circumstances of the application merit placing a condition requiring a coded, pedestrian gate, the Planning Commission could do so, but it would need to find there are particular set of circumstances with the project that would merit the same (i.e., for health and safety).

Vice Chair Roberts commended the architect on the design and spoke in support of approval, except he'd like to keep the pedestrian gates unlocked during the day and locked at night. He referenced the General Plan discourages gated communities; and would not impose additional covered parking.

Commissioner Song spoke about ensuring that the proposed trees on San Rafael remain, with the street widening.

Chair Weremiuk asked that architectural materials, as presented to the Planning Commission, be required, without substitutions. (Director Fagg confirmed that can be added as a condition of approval.)

Chair Weremiuk asked that the pedestrian gates be self-closing but unlocked from sunrise to sunset and locked after sunset; and express the finding to confirm the project to the requirements of the General Plan, which discourages gated communities and encourages interaction with the surrounding neighborhood.

Roberts, seconded by Song to approve with added conditions:

1. Pedestrian gates to be unlocked from sunup to sun-down and be self-closing.
2. Building materials as presented shall be verified at plan check review. Any material substitutions to be reviewed by Staff with the possibility for a Planning Commission review.

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

- 2B. SMS ARCHITECTS ON BEHALF OF HALL PALM SPRINGS II, TO AMEND THE FINAL DEVELOPMENT PLANS FOR THE THOMPSON HOTEL (FORMERLY KNOWN AS ANDAZ HOTEL) TO RELOCATE THE SPA/FITNESS AND SOCIAL ROOMS FROM THE SECOND LEVEL TO THE GROUND LEVEL AND REPLACE IT WITH 4 ADDITIONAL GUESTROOMS FOR A TOTAL OF 168 ROOM HOTEL LOCATED AT 414 NORTH PALM CANYON DRIVE, ZONE PD324 (5.1091-PD-324) (ER)**

Principal Planner Robertson presented the proposed project and indicated the construction of the fitness and spa will be completed at the same time as the rooms on the floors above it.

Chair Weremiuk opened the public hearing.

BRIAN MARTENELLI, Hall Palm Springs II, was available for questions from the Commission. Mr. Martinelli reported the spa will be open to the public and construction on this project has begun and anticipates opening next season in 2022.

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

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

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

2A. MARK SHEFFIELD OF AMERICAN BUDS FOR A CONDITIONAL USE PERMIT (CUP) APPLICATION FOR A 3,971-SQUARE-FOOT CANNABIS CULTIVATION FACILITY WITHIN A MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 783 SOUTH WILLIAMS ROAD, ZONE M-1, SECTION 19 (CASE NO. 5.1503 CUP). (NK)

Associate Planner Kikuchi presented the proposed project and noted the only comment that was received was included in the staff report.

Commissioner Aylaian commented on the required distance of cannabis growing facilities from residential uses and asked about changes from the previous ordinance. (Development Services Director Fagg responded distance separation from residences was added with the 2019 update to the code.)

JAY TAKACS, odor control consultant, reported the odor control plan complies with the original regulations, but not the new regulations. He stated the air-moving components need to be brought into the building to comply with the new requirements.

Commissioner Ervin pointed out there are twelve cannabis facilities in the area and expressed concern regarding the concentration of these types of businesses.

Chair Weremiuk opened the public hearing.

MARK SHEFFIELD, applicant, reported he will use mini-split systems and there will be no transference of odors; and discussed the odor scrubbers and indicated he plans on being a green cultivator. Mr. Sheffield responded to Commission concerns relating to the odor and said he understands the concerns, however, he is comfortable with their odor control plan. Mr. Sheffield does not see a reason to install a shower but will comply with the requirement.

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

Commissioner Song spoke about ensuring that current odor control and mechanical requirements are met.

Commissioners Ervin and Aylaian concurred with Commissioner Song's comments.

Vice Chair Roberts suggested including strong language in terms of citations and/or revocation for noncompliance relative to odor control. He suggested imposing a significant citation (more than \$10,000) for noncompliance and allow the company time to mitigate the issue. If the applicant cannot mitigate an odor problem within a given period, then move towards revocation of the permit.

Attorney Priest referenced the cannabis ordinance, if a cannabis facility exceeds the approved odor control plan, there is an administrative citation of \$10,000. The permittee then has 30 days to correct the issues and if not corrected, can be issued a second citation for \$10,000. If they get three consecutive citations, the ordinance provides that the business permit be automatically revoked. He added there is no clear legal authority for the Planning Commission to impose code enforcement action through a condition of approval.

Development Services Director Fagg suggested referencing the applicable section of the Municipal Code, relative to violations, in PLN 2.

Commissioner Song referenced PLN 18 relative to inspections and getting timely reviews of the project.

Development Services Director Fagg reported the applicant will be held to the current standards relative to odor control which will require the applicant to resubmit their odor control plan to ensure they comply with the current standards.

JAY TAKACS discussed the steps the applicant will need to take to bring the odor control plan into compliance with the current standards.

Commissioner Song explained her request for a staff shower is in case of contamination and if staff bicycles to work.

Vice Chair Roberts asked to add a condition that the project will be reviewed within a year after the facility is open to ensure compliance with current regulations.

Chair Weremiuk stated she did not agree with the exact definition that was given of a youth program having to be a non-profit entity.

Roberts, seconded by Song to approve with added conditions:

1. An updated cannabis odor control plan which meets the most current odor mitigation standards and regulations and approved by the City-contracted

cannabis odor consultant is required.

2. Applicant shall provide a shower room for the employees.
3. Conditional Use Permit (CUP) is subject to the requirement of one (1)-year review by the Planning Commission following the commencement of the cannabis cultivation facility operation.
4. The operation of the cannabis cultivation facility is subject to the enforcement and penalty requirements of Palm Springs Municipal Code.

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

Commissioner Song left at 7:39 p.m. for the remainder of the meeting.

A recess was taken at 7:40 p.m. The meeting resumed at 7:52 p.m., with all Commissioners, present.

2C. SANBORN ARCHITECTURE ON BEHALF OF ALURE PALM SPRINGS, LLC, FOR AN AMENDMENT TO FINAL DEVELOPMENT PLANS FOR PLANNED DEVELOPMENT DISTRICT 309 AND MAJOR ARCHITECTURAL APPROVAL FOR THE CONSTRUCTION OF TWENTY-SIX (26) SINGLE-FAMILY RESIDENCES ON A 4.1-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF ROSA PARKS ROAD AND EL DORADO BOULEVARD, ZONE PDD 309 (CASE 5.1037 PD 309 AMND / 3.4286-MAJ) (ER)

Principal Planner Robertson presented the proposed project.

Chair Weremiuk questioned having to give the final architectural approval on plans that have not been finalized.

Principal Planner Robertson reported the Planning Commission is being asked to act on the site plan, but the final architectural approval will be provided by the ARC.

Development Services Director Fagg suggested having staff complete the presentation so that the Commission will understand what is being requested, as well as allowing the applicant to make a presentation.

Principal Planner Robertson reported the final planned development was approved by the Planning Commission in 2007, only four units were built, and construction was abandoned. He added there have been multiple amendments, subsequently, but all were abandoned. He explained the site plan has been reconfigured and the use is the same, but the new development does not have the same components and there are two ADUs. Mr. Robertson reviewed the site plan, pointed out the proposed changes to same and discussed the pedestrian gates.

In response to Commissioner Ervin's question, Planner Robertson reported shading and trees will be added along Rosa Parks Road; and noted the applicant will submit a revised landscape plan for review and identified the location of pedestrian gates.

Chair Weremiuk opened the public hearing.

SCOTT LYLE, part of development team, spoke about the development and stated they are asking for a few amendments to the already-approved plan, reported landscaping will be consistent with what exists inside the development and will exceed what was already approved.

ALLEN SANBORN, civil engineer, reported there is room on Radio Road to install an at-curb sidewalk and to add landscaping between the sidewalk and the existing wall. He noted they will finish the sidewalk on Rosa Parks Road and extend to the west end of the project and offered to submit a new landscape plan.

VICKY GOLDBECK, Vista Agave resident, said the developer has included residents in every step of the process and spoke in support of the project.

SCOTT LYLE, (responding to Commission questions) said they will prepare the landscape plan, including installation of curbs and gutters and present it to the ARC. Mr. Lyle stated they will paint existing homes to be consistent with the color palette and will improve the gates to match the architecture.

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

Vice Chair Roberts commented positively regarding the scale of the houses and noted the architect is committed to adding sidewalks, gutters and streetscape. He thinks the project is ready to be reviewed by the ARC with strict direction as to what needs to be finished.

Chair Weremiuk thinks the Planning Commission needs a complete package to review, which includes the landscape plan, a complete tree canopy with trees planted every twenty-five feet, a normal streetscape view and a plan for the pedestrian gates before sending the project to the ARC.

Commissioner Ervin expressed concern the development is isolated and not open to the rest of the community and thinks there is no flow due to the gates.

Commissioner Aylaian sympathized with the applicant who is trying to complete a long-stalled project. She spoke about affordability of the homes and having the project be integrated with the neighborhood and stated she would like to approve it with the things that can be addressed now and send it to the ARC for review.

Vice Chair Roberts spoke about the need to be specific in terms of what the Planning Commission expects. He added this was never approved as an affordable project and does not think the Planning Commission is in a position to demand affordable housing.

Chair Weremiuk said she would like to see the landscape plan for both streets, a plan for sidewalks, shade, curbs and gutters, an architectural rendering of the wall, pedestrian gates, and ingress/egress, as well as plans for common spaces and streetscapes of the project as it looks from Radio Road, Rosa Parks Road and from the interior street of the project.

Chair Weremiuk added that the original plans including landscape plans would be helpful.

Weremiuk, seconded by Roberts to continue to date certain of November 17, 2021.

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

2E. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND CHAPTER 94.05 OF THE ZONING CODE TO ALLOW RESIDENTIAL DENSITIES ON PROPERTIES THAT HAVE HISTORICALLY BEEN PERMITTED ON HOTEL OR COMMERCIAL SITES (CASE 5.1539 ZTA) (DN)

Assistant Planning Director Newell presented details of the staff report.

Commissioner Roberts wondered about expanding this to allow any former hotel use to be converted to apartment use.

Development Services Director Fagg reported this code amendment deals only with situation properties that are non-conforming with regards to density; and noted there are other opportunities within the City's zoning code to deal with converting former hotel uses to apartments.

Commissioner Aylaian referenced the findings needed and expressed concerns regarding the level of documentation necessary to make this iron clad and asked about the ability to defend the findings. Attorney Priest responded he is confident the City will be able to defend the findings; noting flexibility in that this involves a CUP process. Commissioner Aylaian expressed concerns that many of the findings seem to be subjective.

Vice Chair Roberts suggested forming a subcommittee to collaborate with staff and recommended appointing Commissioner Aylaian.

Chair Weremiuk expressed concerns about parking and thinks it would be beneficial to simplify the process.

Attorney Priest spoke about the need for a General Plan amendment to incorporate the new code provisions.

Chair Weremiuk opened the public hearing; and there being no speakers the public hearing was closed.

Roberts, seconded by Weremiuk to appoint a subcommittee (Aylaian) to collaborate with staff in creating findings and continue to a date certain of December 8, 2021.

AYES: AYLAIAN, ERVIN, ROBERTS, WEREMIUK

ABSENT: HIRSCHBEIN, MORUZZI, SONG

3. **UNFINISHED BUSINESS:** None.

4. **NEW BUSINESS:** None.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None

PLANNING DIRECTOR'S REPORT:

- Development Services Director Fagg reported the next Planning Commission meeting is scheduled for November 17, 2021.

ADJOURNMENT:

The Planning Commission adjourned at 9:32 p.m. to 5:30 p.m., Wednesday, November 17, 2021, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Director of Planning