

PLANNING COMMISSION MINUTES
September 1, 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 5:45 pm.

ROLL CALL:

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

Staff Present: Development Services Director Fagg, Assistant Planning Director Newell, Attorney Priest, Administrative Coordinator Hintz, Engineering Principal Planner Robertson, Engineering Associate Minjares, Associate Planner Mlaker, Director of Special Program Compliance Goedhart

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, August 26, 2021, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Vice Chair Roberts noted his recusal on Item 2B, as he owns property within the notification area.

Roberts, seconded by Hirschbein to accept the Agenda, as amended.

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

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

CORRINE GRISWOLD, spoke in reference to Item 2C, expressed concerns regarding Serena Park development, especially the increase in traffic; and requested consideration of a third egress/ingress.

HOWARD HYMEN spoke in reference to Item 3A, expressed concern regarding underground parking garages and spoke in opposition of the proposed rooftop deck.

LANCE O'DONNELL, project architect, Item 3A, requested additional time to speak about specific documents they were asked to provide.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR:

Vice Chair Roberts pulled Items 1A and 1B from the Consent Calendar for separate discussion.

EXCLUDED CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: JULY 14, 2021, JULY 21, 2021

Commissioner Moruzzi requested a correction to the minutes of July 14, 2021, noting he is not in favor of gates on page 5.

Weremiuk, seconded by Song to approve the meeting minutes of July 14, 2021, as corrected.

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

Vice Chair Roberts requested corrections to the minutes of July 21, 2021, relative to his comments about the Housing Element on page 4.

Commissioner Hirschbein requested comments he made referencing a list of goals for preservation of undisturbed hillsides be included in the minutes of July 21, 2021.

Hirschbein, seconded by Moruzzi to make correction to minutes of July 21, 2021 and continue to the next Planning Commission meeting.

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

1B. A REQUEST FOR A GENERAL PLAN CONFORMITY FINDING FOR VACATION OF A PUBLIC ROAD AND UTILITY RIGHT-OF-WAY WITHIN LOT 27 OF AMENDED TRACT MAP 18087, MAP BOOK 16/32-40, IN SECTION 36, TOWNSHIP 4, RANGE 4 EAST (ENG. FILE R 21-09-1679).

Assistant Planning Director Newell in response to Commission questions, reported the easement and road were not required and the Planning Commission must identify this was not part of the circulation plan; and noted the City is only giving up the easement.

Roberts, seconded by Song to approve Item 1B.

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

2. PUBLIC HEARINGS:

2A. 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)

Roberts, seconded by Song to approve continue to date certain of September 22, 2021.

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

2B. PS SOCIAL GROUP INC, DBA: HYPHEN FOR A CONDITIONAL USE PERMIT TO ALLOW A NEW WINE AND BEER RETAIL STORE WITH A TYPE 20 ABC LICENSE LOCATED AT 1007 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE NO. 5.1535 CUP). (GM)

Vice Chair Roberts noted a business-related conflict of interest and would not be participating in the discussion or vote; and left the meeting.

Associate Planner Mlaker provided an overview of the proposed project.

Chair Weremiuk confirmed that PLN 10 will be deleted and asked to add a condition authorizing the project primarily for craft beer and organic wines, indicating the specialty of the shop.

Chair Weremiuk opened the public hearing.

JOHN LIBONATI, applicant, reported the wines they will be selling are organic and mostly biodynamically grown, discussed his background and addressed operating hours and staffing.

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

Weremiuk, seconded by Moruzzi to approve the CUP with changes:

1. Delete PLN 10.
2. Include the option to allow wine and beer tasting along with retail sales of organic beer and wines.

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

Commissioner Ervin commented on the proliferation of cannabis and alcohol in the northern part of town as well as the lack of grocery stores.

Vice Chair Roberts returned to the meeting.

2C. PS COUNTRY CLUB, LLC FOR AN AMENDMENT OF THE DEVELOPMENT AGREEMENT FOR SERENA PARK – A RESIDENTIAL DEVELOPMENT CONSISTING OF (386) ATTACHED AND DETACHED RESIDENTIAL UNITS, OPEN SPACE, STREETS AND PARK SPACE ON 126-ACRES OF LAND PREVIOUSLY OPERATED AS A GOLF COURSE GENERALLY LOCATED EAST OF SUNRISE WAY, NORTH OF VERONA ROAD AND SOUTHWEST OF THE WHITEWATER RIVER WITHIN SECTIONS 1 AND 36 (CASE #5.1327 DA AMEND) (DN)

Chair Weremiuk disclosed she had asked staff to send the Commission a letter from the attorneys for Serena Park project claiming that she could not provide a fair hearing on this matter because she visited the project site and reported nuisance conditions to Code Enforcement after one of the visits. She has worked on this project for five years and is prepared to keep an open mind about the project application and has not made any decision on how she will vote. She noted the final decision on this project is with the City Council and it is the Planning Commission's job is to provide City Council with as many facts and recommendations to help them with their decision. She added that she filed a complaint with Code Enforcement, as a private citizen.

Vice Chair Roberts reported he has also been accused of bias; and noted he has worked on the project for seven years, assisted in writing the development agreement and voted for approval of the project on various occasions.

Assistant Planning Director Newell provided an overview of the development agreement amendment for Serena Park.

Chair Weremiuk opened the public hearing.

ERIC TAYLOR, applicant, discussed the purpose of the request, explained the steps completed, confirmed they have a signed purchase and sales agreement with Williams Homes. Mr. Taylor provided a brief history of the property, addressed challenges with trespassing, vandalism and dumping and spoke about working with surrounding neighbors. He explained that neighbors were opposed to a third entry/exit point. Mr. Taylor provided a chronology of what has occurred on the property and addressed undergrounding of utilities.

DENISE JANSSON EAGER, Alexander Estates II, reported the developers have not been good neighbors in that they have made promises and the property has been a nuisance, addressed problems that have occurred in the last five years and noted damage caused by existing Tamarisk trees to adjacent properties. She thinks the developer should be

forced to comply with the original agreement and urged the Commission to deny the request.

JIM MCDIVITT, expressed concern with increased traffic and the proposed project having only two entry/exit points. He urged the Planning Commission to require a third entry/exit point and find a way to spread out traffic in the neighborhood.

MARK LINDQUIST, expressed concern with increased traffic in the neighborhood and the proposed project having only two entry/exit points. He spoke about negative impacts to traffic by the proposed development and urged the Planning Commission to mandate a third entry/exit point.

JAYMES GREEN, Gene Autry Neighborhood Organization, vice chair, discussed traffic flow concerns in connection with the proposed development, recommended smart traffic management, appropriate housing density and quality land development and urged the Commission to mandate a third entry/exit point.

ROGER CONWAY, said he was impressed with Mr. Taylor in terms of reaching out to the surrounding community and thinks the longer it takes to develop the property, the worse the situation will get for surrounding neighborhoods. He spoke about damage caused by existing Tamarisk trees to adjacent properties and urged the Commission to come up with a plan to deal with the nuisance with expediency.

DANIEL FAINA, Williams Homes, presented information about the company, reported they will be one builder building the entirety of the development. He spoke about needing the time to complete the work that has been started and was available to address questions from the Commission.

LEONE LINDSAY, Gene Autry Neighborhood, urged the Planning Commission to mandate a third entry/exit point and expressed concerns with increased traffic in the area.

ERIC TAYLOR, applicant rebuttal, provided details of undergrounding utilities, discussed needing to negotiate a contract with SCE for the work, sale of the property to Williams Homes and payment of the \$3 million fee.

DANIEL FAINA, Williams Homes, stated construction of the homes would begin in less than one year, provided details on the performance schedule, addressed financing and discussed removal of the Tamarisk trees and roots. He addressed securing the property and explained their plans to address the AAC comments.

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

Vice Chair Roberts commented on the time and effort taken to assess the project and noted that he has supported the project from the beginning. He reported the project is being sold and thinks the proposed schedule for houses to built in a year is unrealistic.

Mr. Roberts indicated the property needs to be secured and kept cleaned. He discussed options including denying the project and requiring the developer to pay the \$3 million to show goodwill, as well as approving the request and placing an escalating clause with price increases after a year. Mr. Roberts reiterated the property needs to be cleaned immediately or they would be in violation of the agreement.

Commissioner Hirschbein concurred with Vice Chair Roberts' comments and expressed support for phasing the undergrounding of utilities. He would like to see at least \$1 million paid this year on November 1, 2021 and removal of the Tamarisk trees due to the ongoing problems neighbors have experienced.

Vice Chair Roberts thinks those changes would be acceptable and alternatively, suggested an escrow account to address ongoing code issues.

Commissioner Aylaian agreed with the suggestions and thinks a payment this year would help build trust and agreed with the phasing of undergrounding utilities.

Commissioner Song suggested that \$500K be paid today and if the project is not under construction within a given time, the money cannot be applied towards the \$3 million. Additionally, she spoke about the need for a traffic evaluation relative to a third egress/ingress.

Commissioner Ervin thinks the Commissioners are being very generous and is more in favor of denying the request.

Commissioner Moruzzi is not in support of denying the request and voiced support for the Commission recommendations.

Chair Weremiuk proposed a payment of \$1 million, upfront, which would be lost if the project does not move forward in a timely manner. They would still owe the \$3 million if they do not meet the timeline and requested notifying the City Council that the Commission seriously considered denying the project. Additionally, she recommended that City Council consider requiring a third entrance/exit on Francis Drive and noted concern that the Commission will be dealing with this project for several more years.

Roberts, second by Hirschbein to approve the amendment of the Development Agreement (DA) for Serena Park, subject to the following:

1. The Commission supports the project, but no longer has faith it will move forward. As a result, the property needs to be thoroughly cleaned of dead foliage and garbage and secured with walls/fences within 30 days of approval of the DA amendment.
2. Daily monitoring of the property shall be required; a copy of a contract with a security company shall be provided to the City.

3. Escrow account that the City can draw on shall be required to maintain the property, in order to allow the City to offset costs of maintenance.
4. Require \$1 million of the current \$3 million fee obligation to be paid by November 1, 2021, free and clear. The remaining \$2 million of the fee obligation shall be due November 1, 2022. If the remaining \$2 million is not fully paid by November 1, 2022, then an additional \$1 million shall be paid, for a total fee obligation of \$4 million. This requirement shall be recorded as a covenant, contractual lien, or other suitable instrument on the title of the property, in a form approved by the City Attorney.
5. The proposed extensions to the Performance Schedule are recommended for approval as presented.
6. Remove all Tamarisk trees near resident homes within 120 days of approval of the amendment to the Development Agreement.
7. If there are property maintenance or trespassing complaints, the owner shall respond and correct the violation within seven days.
8. The Commission recommended the two-phasing of undergrounding overhead utilities, as deemed acceptable by the City Engineer.

Additional Planning Commission comments to be forwarded to the City Council:

1. The Commission urged that if the applicant is unable to accommodate these requests, then the Commission would recommend denial of the amendment.
2. The Commission strongly recommends a third entrance be considered.

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

After conferring with the City Attorney, staff shall forward the final recommendations to the Planning Commission Chair.

A recess was taken at 9:00 p.m. The meeting resumed at 9:10 p.m., with all Commissioners, present.

3. UNFINISHED BUSINESS:

- 3A. CHAD AND TENAH DYER, OWNERS, FOR A MAJOR ARCHITECTURAL APPLICATION AND ADMINISTRATIVE MINOR MODIFICATION APPLICATION FOR THE CONSTRUCTION OF A 5,846-SQUARE FOOT SINGLE FAMILY RESIDENCE AND A 576-SQUARE FOOT DETACHED CASITA ON A HILLSIDE LOT LOCATED AT 585 CAMINO CALIDAD (CASE 3.4224 MAJ & 7.1631 AMM.) (AP)**

Assistant Planner Perez presented the proposed project.

Chair Weremiuk invited the applicant to address the Planning Commission.

LANCE O'DONNELL, stated their goal is to export as few truckloads of dirt as possible, reported the homes to the left and right have higher rooftops than the subject house, addressed the natural grade, identified a nearby horse trail and thinks the original proposal gives them the best relationship with the existing properties. Mr. O'Donnell responded to Commissioner Song's question, stated they would consider setting the building seven feet back, to the west to create a greater setback to the street.

Vice Chair Roberts commented positively on the project; he thinks the only related precedence would be subterranean parking, lowering the house two feet is a good compromise and recommended eliminating the rooftop deck.

Commissioner Hirschbein agreed with Vice Chair Roberts's comments.

Commissioner Aylaian stated she is open to the concept of a rooftop deck and noted it will not negatively impact neighbors' properties.

Commissioner Ervin indicated he would be open to the rooftop deck.

Commissioners Song and Moruzzi agreed with the rooftop deck.

Roberts, seconded by Aylaian to approve with changes, including lowering the house two feet and keeping the rooftop deck.

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

4. NEW BUSINESS:

4A. CONSIDERATION OF SUBMITTING PRIORITIES/AREAS OF FOCUS FOR THE CITY COUNCIL VISIONING SESSION.

Development Services Director Fagg reported City Council will be hold a visioning session in November and has requested that all boards and commissions submit their priorities and areas of focus forwarded to Council.

The Commission concurred to continue this item to the next Planning Commission meeting of September 22, 2021.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Commissioner Moruzzi commented on the demolition of the Tova Hotel.
- Vice Chair Roberts requested hearing from staff on what they think are priorities.

PLANNING DIRECTOR'S REPORT:

Development Services Director Fagg listed items coming forth on future City Council agendas.

ADJOURNMENT:

The Planning Commission adjourned at 10:17 p.m. to 5:30 p.m., Wednesday, September 22, 2021, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Director of Planning