

PLANNING COMMISSION MINUTES
JANUARY 26, 2022
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 5:32 pm.

ROLL CALL:

Present: Aylaian, Ervin, Miller, Moruzzi, Vice Chair Roberts, Chair Weremiuk

Excused Absence: Hirschbein

Staff Present: Assistant Planning Director Newell, Attorney Priest, Administrative Coordinator Hintz, 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 9:00 pm on Thursday, January 20, 2022, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Chair Weremiuk requested Item 2., Case 5.1548 ZTA moved after Item 2D on the Public Hearing portion of the agenda.

Assistant Director Newell requested Item 4A be continued to a date uncertain.

Miller, seconded by Aylaian to move Item 2A after 2D under the public hearings, continue Item 4A to date uncertain; and accept the agenda, as amended.

AYES: AYLAIAN, ERVIN, MILLER, MORUZZI, ROBERTS, WEREMIUK

ABSENT: HIRSCHBEIN

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

JANE GARRISON, Oswit Land Trust, founder, voiced opposition in reference to Item 4A, said endangered Bighorn sheep frequent this area and requested a full environment report be completed before anything is approved in this area.

DANIEL CALDWELL, strongly recommend Item 4A not be approved. He said the road in front of their home is privately owned and years of construction, heavy equipment, noise and dust are unacceptable especially with the lack of an environmental study.

CAROLYN CALDWELL, spoke in opposition of Item 4A, stated this is not a driveway as stated in the staff report but is a road that runs directly in front of her home. She said if project is approved there will be an impact to the welfare and safety to not only her family but also to the wildlife in this area- particularly the Bighorn sheep.

TRINA TURK, spoke in opposition of Item 4A, resides next door to previous speakers, said her house was built in 1936 and is a Class I Historic Designated site. She stated the neighborhood is also concerned if project is approved it will lead to continual future construction causing disruption to the neighborhood and wild habitat and urged denial of this project.

PAISLEY RAMSTEAD, staff biologist for Oswit Land Trust, spoke in opposition of Item 4A, said the tract map for this development was approved in 1969 and there have been no environmental impact reports done in this area since that time. Ms. Ramstead spoke about the numerous droughts in California and evidence of climate change throughout the Coachella Valley; and noted the endangered Peninsula Bighorn sheep has been known to frequent in this area. Ms. Ramstead requested a full environmental impact report be required before any development is approved especially where known endangered species can be found.

SCOTT CONNELLY, resident, spoke in opposition of Item 4A, said based on the potential negative environmental impacts to the area he does not think access to undeveloped lots should not be approved prior to approving development of the lot. Mr. Connelly stressed that this area is habitat for endangered Bighorn Sheep and many other wildlife in this area.

There being no further speaker public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: FEBRUARY 24, 2021, MARCH 10, 2021 AND DECEMBER 15, 2021 STUDY SESSION MINUTES

Roberts, seconded by Moruzzi to approve Item 1A, as submitted under Consent Calendar.

February 24, 2021 and March 10, 2021:

Commissioner's Aylaian and Miller; Vice Chair Roberts abstained

December 15, 2021 Study Session Minutes:

Commissioner Miller abstained

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

2. PUBLIC HEARINGS:

2B. ALURE PALM SPRINGS, LLC, FOR AN AMENDMENT TO FINAL DEVELOPMENT PLANS FOR PLANNED DEVELOPMENT DISTRICT 309 (PDD-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 NOS. 5.1037 PD 309 AMND & 3.4286-MAJ). (ER)

Principal Planner Robertson provided an overview on the proposed amendment to final development plans as outlined in the staff report.

In response to Commissioner Ervin's question regarding sidewalks; Mr. Robertson explained there is an existing sidewalk on Rosa Park; however due to the limited area between the property line wall and curb along Radio Road there will be no sidewalk.

In response to Commissioner Aylaian's questions regarding imposing a condition to add a sidewalk on adjacent undeveloped lot (south side on Radio Road), Mr. Minjares, Engineering Associate, explained this vacant lot is currently in the plan check process for a cellular tower with conditions to build curb, gutter and sidewalk in front of that lot.

Chair Weremiuk questioned if the sidewalk on the other side of Radio Road is in need of repairs, Mr. Minjares explained the sidewalk is maintained by the adjacent property owner and if there are areas of disrepair it would go through the Code Enforcement department.

Chair Weremiuk opened the public hearing:

BRIAN FOSTER, developer, stated that the designed are centered around the Palm Springs lifestyle in which they diligently worked on with these small lots and they're excited to bring this old project back to life; and was available for questions from the Commission.

TOM DOCZI, landscape architect, TKD Associates, said one of their main goals is to provide a landscape that is sustainable, ease of maintenance and wind tolerant for this area. Mr. Doczi said they simplified the plant palette; increased the size of the trees (48" box trees) and have the exact same number of trees as in the original plans and have exceeded the number of palm trees. In response to Commissioner Ervin's and Chair Weremiuk's questions, Mr. Doczi said they have the same amount of plant material on Rosa Parks Road and described the rear plantings, plant variety and overall landscape plan.

Vice Chair Roberts said he's pleased in having vines on the exterior; however, he questioned if there are vines that will survive this windy area. Mr. Doczi responded the Calliandra

would survive but needs to be wired to the wall; another vine that is sturdy and hearty is a Pyracantha type vine. Vice Chair Roberts noted a preference for the Calliandra plant because it's softer and flowers nicely. Mr. Doczi said another variety that would work in this area is Ficus Religiosa.

Vice Chair Roberts thinks it will be a very nice development and is in favor of the houses painted white with colors on the front doors, which gives it a Palm Springs "feel" and will maintain well. Mr. Roberts said his only concern is the existing houses look dated.

In response to Chair Weremiuk's question, Mr. Foster confirmed they will paint three existing adjacent houses in white color white with accent colors.

The Commission had further questions pertaining to windows on interior street (Title 24 compliance) guest parking and ADU's and options for small kitchenettes.

Roberts, seconded by Aylaian to approve with added conditions:

1. Proposed driveway lengths shall be 18 feet or more and 5 feet or less.
2. The proposed project architecture shall be subject to review and approval by the Architectural Review Committee (ARC), following the Planning Commission approval of the amended project.
3. The applicant shall be required to complete the installation of sidewalks on Rosa Parks Road and repair any damaged sections of the sidewalks.
4. The applicant shall be required to repair any damaged portions of the perimeter walls by cleaning and sealing the existing walls and complete the installation of the perimeter wall on the westerly portion of the development.
5. The applicant shall install trees to create consistent shade canopy along both Rosa Parks and Radio Roads.
6. The applicant shall choose tree varieties that are resistant to wind, diseases and other desert tree killing elements.
7. The proposed tree sizes shall be 48" box as shown on the approved landscape plan.
8. The applicant shall install a dense, quick growing and pedestrian friendly Vines, preferably Calliandra, on the walls along Rosa Parks and Radio Road. The Vines shall be wired against the walls to prevent damages by wind effect.
9. The applicant shall offer ADU units with kitchenettes for independent living in all units.
10. Pedestrian Gates. All pedestrian gates in the development shall remain opened during the daytime.
11. The applicant shall install adequate lighting designed to prevent vandalism throughout the development.
12. The applicant shall offer to repaint the existing homes within the development.

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

2C. MODLIN HOMES, LLC, FOR THE CHANGE OF ZONE OF AN UNDEVELOPED 1.35-ACRE PARCEL FROM RMHP (RESIDENTIAL MOBILE HOME PARK) TO R-1-C, (SINGLE-FAMILY RESIDENTIAL) AND A TENTATIVE PARCEL MAP (TPM 38065) TO SUBDIVIDE THE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL LOTS LOCATED AT THE NORTHWEST CORNER OF SUNNY DUNES AND SUNRISE WAY, ZONE RMHP (CASE NOS. 5.1517 CZ & TPM 38065). (ER)

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

In response to Commissioner Aylaian's question relating to change of zone, Mr. Robertson said after a long review by Development Staff and because of the size and shape of these parcels staff determined the Change of Zone is more appropriate as there will be only four units compared to amending the General Plan that would allow a higher density on these parcels. Planner Robertson noted that staff has received many phone calls and letters in support of this proposal and has not received any unfavorable comments for this project.

Chair Weremiuk verified who owns the access road to the trailer park. (Assistant Planning Director Newell responded it is a private road.)

Chair Weremiuk opened the public hearing:

EMILY WUTZ, representing the applicant, supports the change of zone request and thinks the four single-family lot subdivision is the best use of this parcel because it conforms to the General Plan and gives the mobile home park a buffer and added security to the homes in which the rear yards abut these parcels. Ms. Wutz responded to Commission question regarding why these parcels cannot be built as an extension of the mobile home park, she indicated because the parcel is 1.3-acres it does not meet the 10-acre minimum requirement for mobile home parks. Ms. Wutz clarified the applicant has reached out to the owner of the mobile home park and they are not interested in purchasing the parcel.

There being no further speakers the public hearing was closed.

Commissioner Moruzzi noted if it's the Council's will to increase the amount of housing in the City would it be appropriate for them to have the option to change the General Plan to accommodate for more housing on this parcel.

Chair Weremiuk said she would assume because of the parking situation and the need to do some kind of curb drive on the lots for ingress and egress these lots would be very difficult to split with safety conditions.

Chair Weremiuk said it's in the draft housing element to prioritize mobile home lots, but it has not been adopted yet. Ms. Weremiuk said essentially, they don't have the mobile home

park wanting to preserve the lots as a mobile home park; and reiterated the project before them. She does not think there's reason to not to approve this project.

Vice Chair Roberts made a motion of approval as presented. Chair Weremiuk seconded the motion.

Commissioner Ervin clarified that the city is looking for housing and questioned how many mobile homes would be allowed if the parcels stayed with the mobile home park designation. Staff responded four mobile homes would be allowed until the General Plan is changed. Attorney Priest added unless there's a code amendment to the mobile home park zoning regulations the site's development potential is zero because it is not 10-acres in size.

Commissioner Aylaian said if the project had mobile homes people without cars would be able to walk to the grocery store and drug store and project would not need individual entrances on Sunrise. She noted that she was not aware there was a 10-acre minimum for mobile home parks and she would be voting in support of the project. Ms. Aylaian thinks it's a lost opportunity for more affordable and well-situated homes.

Commissioners Moruzzi and Scott concurred with Commissioner Ayalain's in finding a better use and be able to access the right-of-way in a safer manner; however, he noted that they have a willing applicant, adjacent single-family homes on Sunny Dunes and from Sunrise to Palm Canyon, many which have put in circular drives, and is in favor of moving forward and let this property that's been vacant get going.

Roberts, seconded by Weremiuk to approve subject to Conditions of Approval.

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

Chair Weremiuk requested a comment be forwarded to City Council, that appropriate work could be done so that land that is zoned for mobile home parks is not lost.

2D. AGRE DCP PALM SPRINGS, LLC (DBA: RIVIERA RESORT) FOR A TWO-YEAR (2) TIME EXTENSION OF THE ENTITLEMENTS OF A CONDITIONAL USE PERMIT AND A TENTATIVE TRACT MAP (37726 TTM) FOR TIME SHARE PURPOSES TO INCLUDE THE CONVERSION OF 163 ROOMS AT THE RIVIERA RESORT LOCATED AT 1600 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 2. (CASES 5.1479 CUP & TTM 37726). (GM)

Associate Planner Mlaker using a PowerPoint presentation summarized the proposed two-year time extension.

Assistant Planning Director Newell verified there were no members of the public requested to speak. The applicant agreed to move the project forward without opening the public hearing with a motion of approval and a second.

Aylaian, seconded by Roberts to approve extension of time through November 5, 2023.

AYES: AYLAIAN, ERVIN, MILLER, ROBERTS, WEREMIUK
NOES: MORUZZI
ABSENT: HIRSCHBEIN

2A. REQUEST BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO IMPLEMENT SENATE BILL 9 RELATIVE TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS (CASE 5.1548 ZTA). (FF)

Chair Weremiuk noted the City Council approved the project as an urgency ordinance and making it as a permanent ordinance with the idea that the Planning Commission would be working on design and other details over the next four months.

Chair Weremiuk opened the public hearing; and with no speakers coming forward the Public Hearing was closed.

Chair Weremiuk verified the only change the City Council made was to increase the unit size from 800 sq. ft. to 1000 sq. ft. Staff responded yes, that's correct. Chair Weremiuk said they will be appointing a 3-member subcommittee to review and bring back to the Commission. Member's Miller, Moruzzi and Hirschbein volunteered to serve on subcommittee.

Roberts, seconded by Miller to recommend approval to City Council and appoint Members Miller, Moruzzi and Hirschbein to subcommittee.

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

3. UNFINISHED BUSINESS:

3A. HAWKINS AND MARSHALL, ON BEHALF OF CARMELITA PROPERTIES LIMITED, FOR MAJOR ARCHITECTURAL AND ADMINISTRATIVE MINOR MODIFICATION APPLICATIONS TO CONSTRUCT A 3,465-SQUARE-FOOT SINGLE-FAMILY RESIDENCE ON A 15,173-SQUARE-FOOT HILLSIDE PARCEL LOCATED AT 310 WEST CRESTVIEW DRIVE, ZONE R-1-C, SECTION 27 (CASE 3.4215 MAJ & CASE 7.1632 AMM). (NK)

Miller, seconded by Aylaian to continue to date certain of February 9, 2022.

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

- 3B. HAWKINS AND MARSHALL, ON BEHALF OF CARMELITA PROPERTIES LIMITED, FOR MAJOR ARCHITECTURAL AND ADMINISTRATIVE MINOR MODIFICATION APPLICATIONS TO CONSTRUCT A TWO-STORY 3,291-SQUARE-FOOT SINGLE-FAMILY RESIDENCE WITH THE MAXIMUM BUILDING HEIGHT OF 25.8 FEET ON A 11,206-SQUARE-FOOT HILLSIDE PARCEL LOCATED AT 322 WEST CRESTVIEW DRIVE, ZONE R-1-C, SECTION 27 (CASE 3.4216 MAJ & CASE 7.1633 AMM). (NK)**

Miller, seconded by Aylaian to continue to certain of February 9, 2022.

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

4. NEW BUSINESS:

- 4A. JOHN WESSMAN, OWNER, FOR A DEVELOPMENT PERMIT APPLICATION FOR THE CONSTRUCTION OF A 775' LINEAR FOOT EXTENSION OF SOUTH CAMINO MONTE ROAD (PRIVATE) PROVIDING ACCESS TO EXISTING HILLSIDE LOTS LOCATED AT SOUTH CAMINO MONTE ROAD, ZONE 0-20, SECTION 27 (CASE 3.4273 MAJ). (GM)**

Assistant Planning Director Newell reported based on the information received after the staff report was published staff is requesting a continuance to a date uncertain.

Chair Weremiuk recommended if the Commission has any questions, please send their questions in writing to staff via email.

Miller, seconded by Ervin to continue to date uncertain.

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

5. DISCUSSION:

5A. LIMITED UPDATE TO THE 2007 GENERAL PLAN – STATUS UPDATE

Assistant Planning Director Newell provided an update on the two-phase approach to adopt the four elements. Mr. Newell reported the Housing element will be prioritized first to comply with statutory deadlines and the Land Use, Circulation and Safety elements will be completed on separate timeline. Mr. Newell provided an overview on what's been completed and timeline for the Housing Element and Vision/Priorities.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Chair Weremiuk requested an update on Miralon's subcommittee meeting.

PLANNING DIRECTOR'S REPORT:

- City Council adopted the Urgency Ordinance for SB 9 at their last meeting and is in currently in effect; the regular Ordinance will be reviewed at their meeting tomorrow evening.

ADJOURNMENT: The Planning Commission adjourned at 7:49 pm to 5:30 pm, Wednesday, February 9, 2022, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Planning Director