

PLANNING COMMISSION MINUTES
FEBRUARY 23, 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 5:31 pm.

ROLL CALL:

Present: Aylaian, Hirschbein, Miller, Vice Chair Roberts, Chair Weremiuk

Absent: Ervin, Moruzzi

Staff Present: Assistant Planning Director Newell, Attorney Leishman, Administrative Coordinator Hintz, Engineering Associate Minjares, Associate Planner Kikuchi, Assistant Planner Perez

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, February 17, 2022 and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

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

AYES: AYLAIAN, HIRSCHBEIN, MILLER, ROBERTS, WEREMIUK

ABSENT: ERVIN, MORUZZI

PUBLIC COMMENTS:

BEVERLY PALMER, spoke on Items No. 3A and 3B, on behalf of the Mesa Neighborhood Organization, expressed concerns regarding CEQA exemptions; thinks the full scope of the contract must be evaluated and referenced unique circumstances. She voiced concerns regarding the proximity of the proposed homes to big horn sheep habitats and the flood plains. Ms. Palmer spoke about special flood hazard areas and urged the Planning Commission to reject the proposal and have the applicant provide additional information.

JOSEPH BURKE, spoke on Items No. 3A and 3B, spoke about the density and mass of the project. He said the proposed homes overwhelm the area and thinks the applicant has not made an effort to address neighbor concerns or obtain input from the community.

JOHN MALONE, Sunmore Neighborhood, spoke on Item 2B, reported there's an enormous amount of truck traffic going through the residential section on Alejo Road and urged the Planning Commission to address the matter.

JIM DUNN, speaking on Items No. 3A and 3B, discussed concerns regarding the mass and scale of the project and spoke about having more variation in the design of the proposed houses.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: FEBRUARY 9, 2022

1B. SANBORN ARCHITECTURE ON BEHALF OF ONE LAS PALMAS FOR A PARCEL MAP WAIVER TO SUBDIVIDE AN EXISTING ONE-LOT PARCEL INTO (3) THREE SEPARATE PARCELS WITHIN THE GATED ONE LAS PALMAS SUBDIVISION, LOCATED AT 555 NORTH VIA MONTE VISTA, ZONE R-1-B (CASE PMW 38270). (ER)

Roberts, seconded by Miller to approve Items 1A and 1B, as part of the Consent Calendar.

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

2. PUBLIC HEARINGS:

2A. BEATITUDE LLC, FOR A CONDITIONAL USE PERMIT TO OPERATE A CANNABIS MANUFACTURING FACILITY WITHIN AN EXISTING BUILDING AT 771 SOUTH WILLIAMS ROAD, STE 777, ZONE M-1, SECTION 19 (CASE NO. 5.1540). (AP)

Assistant Planner Perez narrated a PowerPoint presentation with details of the proposed project.

Assistant Planning Director Newell reported the application is in compliance with the current standards.

Discussion followed regarding the poor existing conditions of the facility, enforcing

compliance, adding strong language regarding compliance with odor regulations, performing regular inspections, the possibility of sending the item back to staff to include conditions regarding odor control and adding a condition about "box-in-box" or "building-in-building".

Chair Weremiuk opened the public hearing.

ARABO BEIKI, applicant, on behalf of Beatitude LLC, addressed questions from the Commission and provided details about the project. Mr. Beiki reported manufacturing will be limited to infusions for pens and cartridges which will produce minimal odor.

There being no further speakers public comments was closed.

Chair Weremiuk requested the addition of a standard inspection period, that the applicant make efforts with the landowner to improve the exterior, and a statement indicating which section of the code they are required to comply with at all times (PLN 3).

JAY TAKACS, odor control consultant, explained that a "box within a box" would be required for highly odorous activities and the odor control plan is sufficient for the proposed activity.

Vice Chair Roberts reported this would be an enforcement problem, not a condition problem.

Weremiuk, seconded by Roberts to approve with added conditions:

1. Add PLN 14. Inspections of mechanical equipment shall be required at 1 month, 3 months, 6 months and 1 year. After 1 year, then inspections will be required on a biannual basis by a 3rd party consultant chosen by the City, at the applicant's expense.
2. The applicant shall make minor exterior improvements to the building, in consultation with the property owner.
3. Revise – PLN 13 to include "The Operator shall comply with requirements found in chapter 5.55 of the Palm Springs Municipal Code and any complaints deemed credible by the City shall be resolved in a timely manner."

AYES: AYLAIAN, HIRSCHBEIN, MILLER, ROBERTS, WEREMIUK

ABSENT: ERVIN, MORUZZI

- 2B. AG LAND INVESTMENTS, LLC, FOR GENERAL PLAN AMENDMENT FROM THE CURRENT 'INDUSTRIAL' (IND) DESIGNATION TO 'VERY LOW DENSITY RESIDENTIAL' (VLDR); CHANGE OF ZONE FROM 'PLANNED RESEARCH AND DEVELOPMENT PARK' (M-1-P) TO**

'SINGLE-FAMILY RESIDENTIAL' (R-1-C); AND TENTATIVE TRACT MAP AND ADMINISTRATIVE MINOR MODIFICATION TO SUBDIVIDE 2.53 ACRES OF UNDEVELOPED LAND TO CREATE EIGHT (8) SINGLE-FAMILY RESIDENTIAL LOTS FOR FUTURE DEVELOPMENT AT 2100 EAST ALEJO ROAD, ZONE M-1-P, SECTION 12 (CASE 5.1521 GPA / CZ, 38049 TTM AND 7.1645 AMM. (NK)

Associate Planner Kikuchi narrated a PowerPoint presentation regarding the proposed project.

Chair Weremiuk opened the public hearing.

ADAM GILBERT, applicant, presented a brief history of the property; discussed getting community input and reported there are no structures on the property except for an old foundation which will be removed.

There being no further speakers' public comments was closed.

Discussion followed regarding requiring CC&Rs or deed restrictions and the need for a disclosure requirement about the industrial noise and airport noise impacts inherent on the development.

Discussion continued regarding Lots 1 and 5 and related easements and construction of a wall on the easement.

Roberts, seconded by Aylaian to recommend approval to City Council with added conditions:

PLN 1. The applicant shall provide written notice to all buyers of the adjacent land uses and noise impacts in a recordable form to be approved by the City Attorney at the City Attorney's reasonable discretion. In the event the CC&Rs are not required or proposed for the project, the requirement of the CC&Rs shall be removed from the required conditions or not be required.

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

2C. THE CITY OF PALM SPRINGS FOR APPROVAL OF THE ANNUAL UPDATE OF THE PALM SPRINGS ZONING CODE (CASE 5.1466 ZTA). (DN)

Assistant Planning Director Newell narrated a PowerPoint presentation with details of the update of the Palm Springs Zoning Code.

Discussion followed regarding changing parking limitations from 72 hours to 24 hours.

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

Commissioner Miller made minor corrections to the staff report.

Discussion followed regarding the definition of a "large daycare", redefining "youth center" as "facilities primarily used to host recreational, social or educational activities for minors" and under Finding C, update "the Director of Planning".

Assistant Planning Director Newell reported the City is currently recruiting for the position of Director of Planning.

Aylaian, seconded by Miller to recommend approval to City Council with added conditions, as discussed.

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

A recess was taken at 7:23 pm. The meeting reconvened at 7:30 pm.

3. UNFINISHED BUSINESS:

- 3A. HAWKINS AND MARSHALL, ON BEHALF OF CARMELITA PROPERTIES LIMITED, FOR MAJOR ARCHITECTURAL AND ADMINISTRATIVE MINOR MODIFICATION APPLICATIONS TO CONSTRUCT A 3,278-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)**

Chair Weremiuk announced this Item and Item No. 3B will be heard, concurrently.

Associate Planner Kikuchi narrated a PowerPoint presentation regarding the proposed project.

The Commission requested clarification on an Administrative Minor Modifications (AMM), the front setback, the size of the landscape area, calculations for density and lot coverage, the Hillside Ordinance, R-1 standards, impacts of the two lots together and hydrology issues.

Engineering Associate Minjares explained the hydrology is similar to both lots in the rear of

the lots. He said the hydrology is slightly different on the front of the lots. Mr. Minjares said staff has been working with the applicant's engineer for quite some time and are now down to one aspect of the hydrology study that they do not agree with which is the accumulation of water at Ridgefield Road and Crestview and how it would affect these lots. Mr. Minjares said Engineering Staff along with their Hydrologist are confident that the water can be mitigated safely, it will not impact homeowners to the north or south with structure protection at the bottom. He concluded that they do not have a lot of concern with the flooding area at the bottom and recently had meetings with the Department of Water Resources regarding to FEMA and they also indicated they do not see this as an issue. He said they are very confident these projects can be built, and water can be mitigated safely.

Chair Weremiuk invited the applicant to address the Commission.

ERIC HAWKINS, applicant, discussed the changes from the previous submission and noted that this has been a long process dating back to almost one year with their first neighborhood outreach meeting. Mr. Hawkins addressed community input, review by the ARC, original Planning Commission review and have addressed and revised building relationship to the surrounding topography and hydrology. Mr. Hawkins provided details on the story poles and revised renderings.

Chair Weremiuk closed public comments.

Vice Chair Roberts questioned if the plantings in the rear elevations are native. Mr. Hawkins responded the plantings are recommended vegetation for this area. Mr. Roberts said it's important to plant vegetation that will attract wildlife and reduce the visual impact from the underside of these houses from Ridge Road.

Vice Chair Roberts said these two houses have been through a tremendous amount of process and thinks they are a little large for their parcels; however, the design is good, and the applicant has gone a long way to make them work. He said the Mesa is full of everything- every style, every size and every scale.

Weremiuk, seconded by Hirschbein to deny the project applications, finding that the project doesn't meet Architectural Review findings 1, 2 or 3 and Administrative Minor Modification findings 1 or 4 as follows:

Architectural Review Findings:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas.*

The proposed residence includes a prominent cantilever which projects into the canyon in the rear. The Community Design Element of the Palm Springs 2007 General Plan states, "*The City of Palm Springs is visually defined by both its natural and built environments. Traditionally, The City's built environment has respected and complemented the natural environment...*" (Palm Springs 2007 General Plan, Community Design Element, page 9-2). The rear portion of the proposed residence projects into the canyon far more than other existing residences in the neighborhood. Therefore, the proposed project is not consistent with the historic development pattern of the neighborhood and does not meet this finding.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted*

The rear portion of the proposed residence extends into the canyon much further than other residences that are located on the rim of the canyon, and the massing of the proposed residence is greater than other existing residences in the immediate neighborhood. Therefore, the proposed residence is not harmonious with its surroundings, and it does not meet this finding.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;*

The massing of the proposed residence is greater than other residences in the neighborhood. The proposed project does not meet the maximum building height and minimum front yard setback requirements of the zoning code. In order for the project to meet this finding, the project requires the approval of an Administrative Minor Modification (AMM) application for the proposed building height increase and reduced front yard setback. However, the proposed project does not meet the findings that are required for AMM approval. Therefore, the proposed project does not meet this finding.

Administrative Minor Modification Findings:

1. *The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance.*

The approval of this AMM application is requested for an increase in the maximum allowable building height and a front yard setback reduction for a hillside single-family residence in accordance with Palm Springs Zoning Code Sections 92.01.03(B)(5) and 94.06.01(A)(10). The project proposes the building height of

23.6 feet a 10-foot front yard setback. An AMM approval is requested for a project which is not consistent with the Community Design Element of the Palm Springs 2007 General Plan that states, "*The City of Palm Springs is visually defined by both its natural and built environments. Traditionally. The City's built environment has respected and complemented the natural environment...*" (Palm Springs 2007 General Plan, Community Design Element, page 9-2). Therefore, the proposed project does not meet this finding.

4. *The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

This AMM approval is requested for a proposed residence with a prominent cantilever, which projects into the canyon in the rear far more than other existing residences on the rim. Additionally, the massing of the proposed residence is greater than other residences found in the neighborhood. Since the proposed project is not consistent with the historic development pattern of the neighborhood, it does not meet this finding.

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

- 3B. HAWKINS AND MARSHALL, ON BEHALF OF CARMELITA PROPERTIES LIMITED, FOR MAJOR ARCHITECTURAL AND ADMINISTRATIVE MINOR MODIFICATION APPLICATIONS TO CONSTRUCT A 3,344-SQUARE-FOOT SINGLE-FAMILY RESIDENCE 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)**

Associate Planner Kikuchi narrated a PowerPoint presentation regarding the proposed project.

Commissioner Aylaian referenced the General Plan; noting that other homes in the neighborhood work within the existing landforms; and thinks the proposed homes overturn that balance and give priority to the built environment rather than the landforms.

Commissioner Hirschbein agreed with Commissioner Aylaian's comments and did not believe the proposed homes have a harmonious relationship with existing adjoining developments and the immediate neighborhood.

Commissioner Miller spoke about step downs on the floorplans and thinks the volumes do not respect the existing topography.

Chair Weremiuk stated the proposed homes do not fit the topography and surrounding homes are smaller and do not jet out into the ravine. Chair Weremiuk reported the landscaping needs to be native plants and said she is unable to make the necessary findings to approve the project.

Vice Chair Roberts commented positively on the proposed project; noting there is no harmony and no consistency within the homes in the Mesa. Vice Chair Roberts disagreed with the comments of other Commissioners.

ERIC KRUT, applicant, noted the project was approved by the ARC. Mr. Krut spoke about the large expenses they have undertaken in redesigning the project and said he was told they were under a different set of rules.

ERIC HAWKINS, applicant, spoke about contradictions between the ARC and the Planning Commission. Mr. Hawkins said they attempted to respect the topography in the redesign and thinks they should not be penalized.

Chair Weremiuk recapped the Commission's concerns with overall massing and the overall objectives of the Zoning Ordinance. Chair Weremiuk will be making a motion of denial based on the Commission's inability to make Findings 1, 2 and 3 of the architectural findings and findings 1 and 4 of the minor modifications.

Weremiuk, seconded by Hirschbein to deny the project, finding that the project doesn't meet Architectural Review findings 1, 2 or 3 and Administrative Minor Modification findings 1 or 4 as follows:

Architectural Review Findings:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas.*

The proposed residence includes a prominent cantilever which projects into the canyon in the rear. The Community Design Element of the Palm Springs 2007 General Plan states, "*The City of Palm Springs is visually defined by both its natural and built environments. Traditionally. The City's built environment has respected and complemented the natural environment...*" (Palm Springs 2007 General Plan, Community Design Element, page 9-2). The rear portion of the proposed residence projects into the canyon far more than other existing residences in the

neighborhood. Therefore, the proposed project is not consistent with the historic development pattern of the neighborhood and does not meet this finding.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted*

The rear portion of the proposed residence extends into the canyon much further than other residences that are located on the rim of the canyon, and the massing of the proposed residence is greater than other existing residences in the immediate neighborhood. Therefore, the proposed residence is not harmonious with its surrounding development, and it does not meet this finding.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;*

The massing of the proposed residence is greater than other residences in the neighborhood. The proposed project does not meet the maximum building height and minimum front yard setback requirements of the zoning code. In order for the project to meet this finding, the project requires the approval of an Administrative Minor Modification (AMM) application for the increased building height and reduced front yard setback. However, the proposed project does not meet the findings that are required for AMM approval. Therefore, the proposed project does not meet this finding.

Administrative Minor Modification Findings:

1. *The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance.*

The approval of this AMM application is requested for an increase in the maximum allowable building height and a front yard setback reduction for a hillside single-family residence in accordance with Palm Springs Zoning Code Sections 92.01.03(B)(5) and 94.06.01(A)(10). The project proposes the building height of 25.8 feet, and a 10-foot front yard setback. An AMM approval is requested for a project that is not consistent with the Community Design Element of the Palm Springs 2007 General Plan that states, "*The City of Palm Springs is visually defined by both its natural and built environments. Traditionally, The City's built environment has respected and complemented the natural environment...*" (Palm Springs 2007 General Plan, Community Design Element, page 9-2). Therefore, the proposed project does not meet this finding.

4. *The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

This AMM approval is requested for a proposed residence with a prominent cantilever, which projects into the canyon in the rear far more than other existing residences on the rim. Additionally, the massing of the proposed residence is far greater than other residences found in the neighborhood. Since the proposed project is not consistent with the historic development pattern of the neighborhood, it does not meet this finding.

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

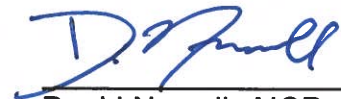
4. NEW BUSINESS: NONE

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT:

- Assistant Planning Director Newell reported the City Council's strategic visioning sessions will be forthcoming.

ADJOURNMENT: The Planning Commission adjourned at 9:05 p.m. to 5:30 p.m., Wednesday, March 9, 2022, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Director of Planning