

PLANNING COMMISSION MINUTES
MARCH 9, 2022
CITY OF PALM SPRINGS, CALIFORNIA
3200 East Tahquitz Canyon Way, Palm Springs, California
(Meeting held via Zoom)

CALL TO ORDER:

Vice Chair Roberts called the meeting to order at 5:31 pm.

ROLL CALL:

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

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

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, March 3, 2022 and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Miller, seconded by Aylaian, to accept the agenda, as presented.

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

PUBLIC COMMENTS:

KENNETH CALUYA, spoke in reference to Item 2A, said his backyard window faces the site and the proposed nightclub will increase traffic and noise.

DIRK MCCULLOCH, Jackson Main Architecture, representing the applicant, spoke in reference to Item 4A, spoke about the challenges of meeting Condition No. PLN 5.

JOY BROWN MEREDITH, spoke in reference to Item 2A, said she's opposed to the proposed nightclub and expressed concerns regarding noise and parking.

MATT KORZEN, spoke in reference to Item 2A, said he's opposed to the proposed nightclub; and it's inconsistency with the area surrounding environment. He expressed concern relating to noise and parking and thinks it will negatively impact his business.

BRUCE BAUER, legal representation for the applicant, spoke in reference to Item 2A, said he's concerned with the negative impacts to the surrounding neighborhood and businesses. He said his clients strongly oppose the proposed nightclub and urged the Planning Commission to deny the project.

TED RICHARDS, spoke in reference to Item 2A, said he's in support of the proposed nightclub; noting there's a lack of things to do for younger people in the City and urged the Planning Commission to approve the project.

ROBERT PATTERSON, spoke in reference to Item 2B, said he's available for questions relating to the Parker Palm Springs and hopes this item will not be a controversial matter.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR: NONE

2. PUBLIC HEARINGS:

2A. LWSC LLC (BUILDING OWNER), C/O PSPC ENTERPRISES LLC, (DBA FUEGO NIGHTCLUB) REQUESTING A CONDITIONAL USE PERMIT (CUP) FOR A NIGHTCLUB / COCKTAIL LOUNGE USE WITHIN AN EXISTING 9,504-SQUARE FOOT BUILDING WITH ACCOMPANYING OFF-STREET PARKING, LOCATED AT 383 SOUTH PALM CANYON DRIVE, ZONE CBD, (CASE 5.1544 CUP). (GM)

Associate Planner Mlaker provided an overview on the proposed project and as outlined in the staff report and discussed the review of provided noise studies, and security plan.

Sargent Frank Guarino, Palm Springs Police Department addressed the Commission and discussed the security plan, potential problems with the proposed project and gave an overview of nightlife issues in the Downtown area.

Vice Chair Roberts opened the public hearing:

(Additional comments were made under the Public Comment section- see page 1 and 2.)

JUSTINE BOYER, applicant, and co-owner, provided details about her background in the music industry, vision for the nightclub, architectural elements, and security plan for the proposed nightclub.

SANDY GOLDMAN, spoke in support of the project. Ms. Goldman said nightclubs have been dwindling in the city and there are no places for young people to go. She urged the

Commission to take advantage of the opportunity to bring more visitors to Palm Springs and approve the project.

LARS VIKLUND, owner, adjacent apartment, spoke in opposition of the proposed project; said the buildings are next to each other and is concerned about the tenants having to deal with noise and parking issues.

MATT SHOUGH, representing Eisenhower Health Center, stated that the clinic is located adjacent to the subject property and that the project has the potential to disrupt operations with increased noise and parking issues.

KELLY VIKLUND, owner, adjacent apartment building, La Serena Villas and other nearby hotels is opposed to the project as outlined in attorney's letter.

ROBERT BRUGGEMAN, manager of adjacent hotel, spoke in opposition of the project due to noise disruptions.

CHRISTOPHER PRECIADO, representing the applicant prepared the site and interior renovation documents stated that noise would be mitigated with new wall and other measures.

CHRISTOPHER PRECIADO, DRP, project manager, said they will be working with sound engineers to ensure noise levels are lower than what is being proposed and pointed-out this will be a "no smoking" club.

KEN, resident at adjacent apartment, opposes the project due to noise disruptions.

BRITT, resident at adjacent apartment, spoke in opposition of the project.

JUSTINE BOYER, applicant and co-owner, spoke about the extensive security plan in place and the City's option to revoke the CUP for violations. She addressed the steps they've made to mitigate noise issues.

There being no further speakers the public hearing was closed.

Vice Chair Roberts asked about potential noise from the parking lot at closing time and the proximity to the adjacent apartments. He supports the nightlife use however this is the wrong location due to potential noise issues for the nearby hotels, office buildings and housing for the elderly and work-force residents.

Commissioner Miller was concerned with the one-way parking configuration; and asked about location of smoking section. He thinks the spiral staircase leading from dance floor

to third floor is problematic. He does not think the interior wall will mitigate the noise of a nightclub and cannot make findings #2 and #3.

Chair Weremiuk is concerned with the cumulative impact of noise, high concentration of people assembling, parking, and nearby residents. She suggested a CEQA study may be needed to analyze the many issues.

Commissioner Ervin said that he cannot support the project due to the proximity to adjacent residential.

Commissioner Aylaian stated that the proposed commercial use is appropriate in the Downtown Entertainment area; however, after hearing the staff report and testimony from adjacent residents and property owners, she thinks the project would be better in a smaller venue and opposes the project.

Commissioner Hirschbein agreed with the Commission and said he is unable to make the findings, particularly Finding No. 2.

Commissioner Moruzzi does not think there is any situation that could properly mitigate issues, particularly as the building is adjacent to apartment buildings. He thinks the nightclub would be a great addition but not at the proposed location.

Vice Chair Roberts concurred with his colleagues and agreed it would be a great club; however, it's in the wrong location and thinks the problems cannot be mitigated.

Chair Weremiuk said she would support a resolution of denial, as she is unable to make Finding No. 2.

Commissioner Moruzzi said that the subject building has historic merits, and the proposed use is not in a good location and cannot make finding #2.

Hirschbein, seconded by Aylaian, to deny the application based on the inability to make Finding No. 2.

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

Vice Chair Roberts called for a recess at 7:53 p.m. The meeting reconvened at 8:00 p.m.

- 2B. PARKER PALM SPRINGS II, LLC, FOR AN EXTENSION OF TIME FOR PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT AND MAJOR ARCHITECTURAL REVIEW (MAJ) APPLICATIONS, CASE 5.927 PDD 58 AMND AND 3.2451 MAJ, TO AMEND PLANNED DEVELOPMENT**

DISTRICT 58 (PDD 58) FOR A THIRTY-TWO (32)-UNIT HOTEL ADDITION ON THE UNDEVELOPED 3.7-ACRE PORTION OF THE PARKER PALM SPRINGS PROPERTY, IN ADDITION TO THE INCLUSION OF A 3.53-ACRE PARCEL ZONED R-3 INTO PLANNED DEVELOPMENT DISTRICT 58 IN LIEU OF A CHANGE OF ZONE AT 4200 EAST PALM CANYON DRIVE, ZONE R-3/PDD 58 (CASE 5.927 PD AMND TE & CASE 3.4251 MAJ TE). (NK)

Associate Planner Kikuchi narrated the PowerPoint presentation with details of the proposed project.

Vice Chair Roberts opened the public hearing.

ROBERT PATTERSON, legal representation for the applicant, summarized the prior hearings about the project; and noted the applicant has addressed neighbor concerns. Mr. Patterson explained the impacts of the pandemic and requested a time extension of two years.

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

Hirschbein, seconded by Miller, to approve a two-year time extension.

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

2C. COASTAL BUSINESS GROUP (REPRESENTING AT&T WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT ONE (1) WIRELESS COMMUNICATIONS FACILITIES ON THE CITY PARKING GARAGE TO MIMIC AN EXTENSION OF AN ELEVATOR TOWER AT A MAXIMUM HEIGHT OF FORTY-EIGHT (48') FEET LOCATED AT 235 SOUTH INDIAN CANYON DRIVE, ZONE CU (CASE NO. 5.1500 CUP). (GM)

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

Discussion followed regarding considering co-locating the cell towers, approval of the existing towers by the Planning Commission and using elements similar to the existing cell tower.

Vice Chair Roberts opened the public hearing.

BRETT SMIRL, representing AT&T Wireless, addressed questions from the Commission.

There being no further speakers the public hearing was closed.

Commissioner Hirschbein spoke in favor of the proposed project.

Vice Chair Roberts thinks the tower hinders the views and finds it visually loud and tall. He questioned the possibility of scaling it down and adjusting parking.

Associate Planner Mlaker reported this is within the height requirements for approval.

Commissioner Hirschbein commented on the possibility of narrowing the girth.

BRETT SMIRL responded that they need to be in the proposed location to get the maximum amount of coverage.

Vice Chair Roberts said he would like to send this project back to staff to see if an adjustment can be made on the tower location and parking.

Assistant Planning Director Newell responded approval now rests with the Planning Commission and is appealable to City Council.

Attorney Priest suggested continuing the project to allow staff to work with the applicant on the location of the proposed tower.

A motion was made by Hirschbein to approve the application, subject to consideration by staff regarding moving the location of the tower on the lower part of the building and by not removing, but rather adjusting parking. MOTION FAILED DUE TO A LACK OF A SECOND.

An alternated motion was made by Roberts to continue to date certain of April 13, 2022, to allow staff to work with the applicant to mitigate the scale, height and visual impacts. MOTION FAILED DUE TO A LACK OF A SECOND.

Mr. Smirl indicated that moving the tower to a lower level would cause interference; and they need the proposed height to obtain proper coverage.

Roberts, seconded by Hirschbein, to approve the application, as presented.

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

Commissioner Aylaian left the meeting at 8:43 p.m.

3. UNFINISHED BUSINESS: NONE

4. NEW BUSINESS:

- 4A. JACKSON MAIN ARCHITECTURE, ON BEHALF OF NWB PALM SPRINGS, LLC, FOR A MAJOR DEVELOPMENT PERMIT APPLICATION TO CONSTRUCT A 61,704-SQUARE-FOOT SELF STORAGE FACILITY WITH A 912-SQUARE-FOOT LEASING OFFICE ON A 3.55-ACRE UNDEVELOPED PARCEL LOCATED AT 890 NORTH GENE AUTRY TRAIL, ZONE M-1-P (CASE 3.2802 MAJ). (NK)**

Associate Planner Kikuchi narrated a PowerPoint presentation with details of the proposed project. Ms. Kikuchi summarized details about the neighborhood outreach meeting and indicated the community outreach is optional and not a requirement and explained the requirements of the M-1-P zones.

Attorney Priest added the M-1-P zone is a variant of the industrial zone and the project is classified as warehousing and office use.

Vice Chair Roberts said he would like staff to review an alternative material for decomposed granite. Mr. Roberts suggested creating visual distancing from the neighborhood and would like the ARC to consider the proximity of the building to the boundary of Escena.

Commissioner Hirschbein said he prefers the ARC not to review the site plan and suggested they consider the elevations.

Hirschbein, seconded by Roberts, to approve the application and forward it to the ARC to address specific concerns of staff and nearby residents, subject to Airport restrictions.

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

ABSENT: AYLAIAN

5. DISCUSSION:

- 5A. 2007 GENERAL PLAN LIMITED UPDATE – REVIEW REVISIONS TO THE GENERAL PLAN VISION STATEMENT AND PRIORITIES.**

Assistant Planning Director Newell narrated a PowerPoint presentation with a review of revisions to the General Plan Vision Statement and priorities.

Members of the Commission commented positively on the item and expressed their support.

Discussion followed regarding adding a category, specifically for climate change, applying sustainability requirements to residents and all stakeholders and listing "Promote employment opportunities in renewable energy and other green businesses" under the Economic Opportunities section.

(No formal action taken.)

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: NONE

PLANNING DIRECTOR'S REPORT:

- Assistant Planning Director Newell provided an update on projects for review by the City Council on tomorrow's agenda.

ADJOURNMENT:

The Planning Commission adjourned at 9:33 p.m. to 5:30 p.m., Wednesday, March 23, 2022, 3200 East Tahquitz Canyon Way.


FOR _____
David Newell, AICP
Assistant Planning Director