

PLANNING COMMISSION STUDY SESSION MINUTES
July 27, 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 5:05 p.m.

ROLL CALL:

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

Excused Absence: Ervin

Staff Present: Deputy City Manager Fagg, Assistant Planning Director Newell, Attorney Priest, Principal Planner Lyon

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, July 21, 2022, and posted on the City's website as required by established policies and procedures.

PUBLIC COMMENT:

Chair Weremiuk opened public comment:

The following persons spoke in reference to Item 1, Case Pre-App 21-005:

BETTINA ROSMARINO, Oswit Land Trust, board member, spoke in opposition of the project; noting that this project does not comply with city ordinances and state law.

JANE GARRISON, Oswit Land Trust, provided background details on the Oswit Land Trust's interest in this property including the grant process and approval of acquisition grant.

DAVID LAHTI, Oswit Land Trust, board member and neighbor, reiterated their request to reserve this land as open space and will be an incredible addition to Prescott Preserve.

MICHAEL J. WILLIAMS, legal representation for the Prescott Foundation, said the announcement of the Prescott Preserve changes the conditions of this project and what should be considered.

PAISLEY RAMSTEAD, Oswit Land Trust, staff biologist, said the applicant's project does not comply with the City's General Plan; and noted that there's no way to allow a development of this size on this property and to benefit the community at-large.

RUSS UTHE, Sonora Sunrise, chairman, supports keeping this project designated open space and thinks a committee should be formed to discuss the project with the Tribal Council.

JOHN ANDREAS, one of landowners, said the land is privately owned Indian land and has been owned by his father for many decades. He said they want to develop the land and move forward with what's the best interest for their people.

DISCUSSION:

- 1. AN INTENT TO CONVERT THE TOMMY JACOBS BEL AIR GREENS GOLF COURSE TO RESIDENTIAL USES SUBMITTED BY ALBERT HOWELL, GENERAL PARTNER OF THE TOMMY JACOBS BEL AIR GREENS, L.P., (LEASEHOLDER) LOCATED ON 35.13 ACRES, WEST OF EL CIELO ROAD, AND NORTH OF SONORA ROAD, CASE PRE-APP 21-005 (KL)**

Principal Planner Lyon narrated a PowerPoint presentation, describing the background of the property, existing conditions, current and proposed uses, and the project's conformity to the golf course conversion ordinance.

Commissioner Moruzzi asked the following questions:

1. If the City Council does not agree changing the General Plan Amendment from 27-acres of golf course and open space to very low residential, could the Council's decision be appealed to the Tribal Council? Planner Lyon responded yes; it can be appealed to the Tribal Council.
2. What is staff's response to the statement made by the applicant at the meeting on May 10, 2022, that the Golf Course Ordinance does not apply to Bel Air Greens because the property is already zoned residential? Attorney Priest responded the General Plan designates it as Open Space since 2007; and part of it goes back to 1994, even though this property has an R-1-C Zoning designation, the General Plan governs over the zoning and is not developable as residential at this time.
3. If the formal application submitted by the applicant does not conform to the Golf Course Conversion Ordinance does the Planning Commission have the authority to recommend denial to the City Council of the application on this basis

alone? Attorney Priest responded if they do not comply with the Golf Course Conversion Ordinance, yes, the Commission can recommend that the General Plan Amendment and other discretionary entitlements not be approved and would then go to City Council to make their findings. As Attorney Priest commented earlier, this decision is potentially appealable to the Tribal Council.

Vice Chair Roberts requested staff describe how this application complies with the Golf Course Ordinance or if it doesn't. Planner Lyon said the project's conformance is described under the Analysis section of the staff report on pages 7 and 8; noting generally, that several aspects of the project do conform, and other items do not conform.

Commissioner Hirschbein asked the following questions:

1. What criteria can the Commission use to evaluate the requested change to the General Plan? Planner Lyon responded the evaluation of appropriateness or approvability of a General Plan Amendment goes back to the principals, policies and guided statements of the General Plan.
2. How the Commission evaluates the request under state law? Planner Lyon responded the General Plan must be consistent with state law.
3. Will the use of adjacent property (former Mesquite Country Club) to a desert conservation trigger an amended environmental analysis? Attorney Priest responded there has been no former environmental study report done on this application process. If this project moves forward, there would be a formal environmental report done.
4. Has there been any project in the past appealed to the Tribal Council? Planner Lyon responded staff is not aware of any projects that have been appealed to the Tribal Council.

Commissioner Aylaian asked the following questions:

1. Was alternative land uses that are consistent with the General Plan designation for recreation facilities, park facilities and public facilities considered? Planner Lyon responded no, not to his knowledge.
2. Was cluster development considered? Planner Lyon responded not as a part of this application.
3. Is there a way to recommend the applicant make more changes to comply with the standards in the ordinance. (The Commission will have an opportunity to ask the applicant to provide an option that meets the standards of the golf course conversion on a map.)
4. Is this project necessary to meet the upcoming RHNA housing units? Assistant Planning Director Newell responded this property was not considered for the City to meet its RHNA numbers.
5. Were other residential designations explored? Planner Lyon that would be a question for the applicant.

Commissioner Miller questioned when the Golf Course Ordinance was approved. Staff confirmed it was approved in 2019 with a revision in 2020.

Vice Chair Roberts asked what the thinking was for changing the General Plan designations.

Chair Weremiuk requested (1) additional studies on the Casey's June Beetle; (2) information on the flooding; and (3) further details on fish and wildlife.

ALBERT HOWELL, applicant, provided (1) background on the flood issues on adjacent properties; (2) the biological study provided; (3) desire to develop a single-family subdivision; (4) history on notification of the updated General Plan designation in 2007; (5) noted the tribe opposed the golf course conversion ordinance; and (6) why the golf course was closed and current maintenance of the property.

Commissioner Moruzzi questioned whether legal noticing for the prior general plan designations had occurred.

Vice Chair Roberts expressed concerns about compliance issues with the conversion ordinance, making it difficult to determine compliance and project impacts such as flooding and other impacts.

Commissioner Aylaian described similar concerns relative to the information necessary to evaluate the project. Ms. Aylaian said she would like to see more details given to the proposed residential development and more good faith effort to conform to the conversion ordinance. She referenced the open space, as proposed is 15%; whereas the ordinance requires 50%. Ms. Aylaian said overall she would like to see something different than what is proposed.

Commissioner Hirschbein said he's frustrated by the process and what may ultimately occur.

Commissioner Moruzzi stated that he was on the Golf Course Conversion Ordinance subcommittee, noting that it took many meetings to create the ordinance, and said this property is a golf course that is being converted and it should meet the requirements.

Commissioner Miller agreed that the project does not meet the 50% open space requirements and would not support a reduction below that requirement.

Chair Weremiuk agreed and expressed concerns with flooding in this area. She would like to understand why the General Plan was changed. Ms. Weremiuk noted concern with compliance of the 50% open space, desert greenway and the Mesquite roadway.

Chair Weremiuk encouraged the applicant meet with Oswit Land Trust and understand how the project would affect floodplain issues. She thinks an environmental report is needed to understand the protected species. Ms. Weremiuk said the larger concern is the lack of responding to the requirements of the Golf Course Conversion Ordinance. She requested when this project returns for review, the applicant provide an alternate plan that shows a compliant project with the standards in the Golf Course Ordinance.

A recess was taken at 6:55pm. The meeting reconvened at 7:05 pm.

2. DISCUSSION OF PROPOSED MODIFICATIONS TO SENATE BILL 9 REQUIREMENTS FOR URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS, CASE 5.1548 ZTA (FF)

Deputy City Manager Fagg thanked the subcommittee members for working on the draft ordinance changes and narrated a presentation on the matter, giving examples of a side-by-side lot split and a front-back lot split that would be typical under SB 9. Mr. Fagg provided background on City Council direction and described the subcommittee split recommendations on three issues.

Commissioner Moruzzi confirmed that the typical single-family lot size in the city is 10,000 sq. ft.

Commissioner Hirschbein said he prefers lot coverage to govern unit size (instead of max. unit size) and allow applicants to have flexibility and encourage implementation of units in this law.

Commissioner Miller said he was the dissenting member of the subcommittee on the three issues and provided reasoning for his recommendations. He explained that he was concerned the proposed ordinance may be taken advantage of, change the makeup of single-family neighborhoods; and thinks his recommendations provided more protections for homeowners.

Vice Chair Roberts stated that SB 9 was aimed at creating additional housing and thinks setbacks and lot coverage should be the guiding criteria. However, 1,500 sq. ft. units are reasonable and would err more on the side of preserving the spaciousness of parcels. His preference would be to use setbacks, coverage and maximum unit size.

Commissioner Aylaian agreed with Commissioner Miller and Vice Chair Roberts.

Chair Weremiuk prefers the smallest unit to be increased to 1,000 sq. ft. (instead of the example provided with 800 sq. ft.) and agrees on a maximum of 1,500 sq. ft.

Deputy City Manager Fagg continued narrating the presentation and provided details on the expansion of existing dwellings, noting proposal one limiting expansions based on setbacks and coverage and proposal two is limiting to no more than 50% of the existing dwelling square footage.

Vice Chair Roberts preferred proposal one.

Commissioner Aylaian countered that allowing existing homes would create “McMansions” that are not appropriate in all neighborhoods, she prefers a maximum.

Commissioner Miller suggested the 50% to limit the large expansions that would not be affordable.

Chair Weremiuk said she’s in favor of limiting expansions by setbacks and lot coverage.

Deputy City Manager Fagg continued narrating the presentation and described the existing ordinance requirements relative to door/window privacy standards. He said, under the proposed recommendations, proposal one involves no direct line of site to adjacent property without screening and proposal two was that any door/window within five feet of a side or rear property line must be a clerestory window or utilize obscure glass.

Vice Chair Roberts thought it would be easy to create privacy with walls and shrubs to address privacy concerns and they could allow for more glass in order to make the units more livable. He preferred proposal one.

Commissioner Miller said, there’s a need to provide privacy; and it should not fall on the adjacent property owner. He said, to comply with proposal two, the clerestory glass is only required if the unit was less than five feet.

Commissioner Moruzzi said he would not want to live in a unit that you could not look out the window. He preferred proposal one.

Chair Weremiuk also preferred proposal one.

Commissioner Miller noted that proposal one is difficult to administer by staff, based on his experience.

Deputy City Manager Fagg presented the other changes recommended by the subcommittee relative to access, second floor balconies, front-yard pools and setbacks, tandem parking, and other proposed updates and changes to the SB 9 Ordinance. He described an exhibit that shows configurations of homes on lots with standard setbacks compared to zero-lot line setbacks.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT:

- Assistant Director Newell requested formation of a subcommittee of the Planning Commission and ARC to review a new Final Development Plan for the Miralon Project. Chair Weremiuk and Commissioner Hirschbein volunteered to participate.
- Assistant Director Newell invited the Commission to attend a Planning Commissioner training held by the Institute for Local Government on August 26th in Rancho Cucamonga.

ADJOURNMENT:

The Planning Commission adjourned at 7:57 pm to Wednesday, September 14, 2022, at 5:30 pm, 3200 East Tahquitz Canyon Way.



David Newell, AICP
Assistant Director of Planning