

PLANNING COMMISSION MINUTES
October 12, 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 5:33 pm.

ROLL CALL:

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

Staff Present: Planning Director Hadwin, Attorney Priest, Administrative Coordinator Hintz, Engineering Associate Minjares, Principal Planner Robertson, Assistant Planner Rubalcava

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, October 6, 2022, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Chair Weremiuk stated that the majority of the public present are here for Item 2B and suggested moving this project to the first Public Hearing item.

Moruzzi, seconded by Roberts to move Item 2B. Case 3.4289 MAJ/DP, 5.1554 CUP & TTM 38416 to the first item under the Public Hearings and accept the agenda, as amended.

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

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

BRUCE YUNGER, resides at Miralon Development, spoke in reference to Item 4A (Miralon Development), said that although he supports this development he's concerned with the exit onto Indian Canyon; and the construction of the gate off of Avenida Caballeros be expediated.

There being no further comments public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: JUNE 8, 2022

Commissioner Hirschbein and Vice Chair Roberts noted their recusal on the minutes of June 8, 2022, due to their absence.

Weremiuk, seconded by Miller to approve minutes of June 8, 2022.

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

2. PUBLIC HEARINGS:

(This Project was moved to the first item under Public Hearings.)

2B. 12 @ LAS PALMAS, LLC (PREVIOUSLY YOKANG ZHOU) FOR A CONDITIONAL USE PERMIT, MAJOR DEVELOPMENT PERMIT AND TENTATIVE TRACT MAP TO CONSTRUCT A 12-UNIT MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF FOR-SALE CONDOMINIUMS ON A 0.95-ACRE SITE LOCATED AT 1424 CAMINO NORTE, ZONE C-1 AND R-2 (CASE NOS. 3.4289 MAJ/DP, 5.1554 CUP & TTM 38416). (ER)

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

Vice Chair Robert noted the minimal landscape and verified if additional landscape would be added. (Staff responded this plan is preliminary and the final plan will include additional landscape.)

In response to Vice Chair Roberts questions pertaining to allowance of kitchenettes in ADU's (accessory dwelling units) and the State's most recent approval, Director Hadwin said the City Council has determined that the City does support ADU's in most residential uses in response to State law and the City's own policy. He added this development is coming in at the bottom end of the General Plan's stated density range and that the number of units proposed ensures the project's compliance with City policy.

Chair Weremiuk opened the Public Hearing:

DENNIS CUNNINGHAM, Palm Springs Modern Homes, developer, responded to Commission questions relating to the guest house concept (ADU's), setbacks, limited frontage and expanded on their request for a gated development.

ERNEST VINCENT, Palm Springs Modern Homes, business partner, in response to their request for a gate, Mr. Vincent said that nine of the twelve homes are located on Palm

Canyon and Camino Norte with gates; therefore, only three homes would be inside of a gate and it's not a street but more like a large driveway.

GARTH GILPIN, nearby resident, said it's a nice project; however, neighbors' concerns have not been addressed in regard to the ADU's disposal of trash, a blind curve and no turnaround for commercial vehicles.

PAUL POPOVICH, nearby resident, said they have concerns that have not been addressed such as some of these homes as could be turned into vacation rentals, neighboring businesses have already increased pass-through traffic on side streets and blind curve is a big safety.

DAVID SILVER, nearby resident, questioned the possibility of having a southbound ingress/egress right-turn only on North Palm Canyon.

DENNIS CUNNINGHAM, applicant, said they're available for questions from the Commission.

There being no further speakers comments the Public Hearing was closed.

In response to Vice Chair Robert's question about the turn-around, Mr. Cunningham said the different is 10 feet and they'll provide a hammerhead that meets the requirements of the turn-around and the Fire Department has preliminary approved it.

In response to Commissioner Hirschbein's concern about adding more street trees, Mr. Cunningham emphasized that this is a preliminary design and as the project moves along the process, they will take this into consideration and will add additional landscape trees and plantings.

Commission Comments:

Vice Chair Roberts:

He said he doesn't think there's a compelling argument to allow gates and does not want to set a precedent. Mr. Roberts' said he'd like to see the ARC focus on landscaping for both Palm Canyon and within the development. He responded to whether vacation rentals will be allowed, noting that it's typically up to the HOA to decide if they will be allowed. Vice Chair Roberts recommended the ARC review the design of the large single-family house that has no architectural connection to the streetscape or the other houses in the development. He said he doesn't think there will be a significant amount of traffic for twelve houses in the development and the overall impact to the neighborhood will be minimal.

Commissioner Aylaian:

She concurred with Vice Chair Roberts' comments and indicated difficulty making Finding #1 as it only discusses the demo plan in terms of density and the General Plan is more than density. Ms. Aylaian said she has the same concerns, as with other projects, that it doesn't meet the threshold for having a gated development particularly in the downtown area. She disagrees with Finding #4, as the massing of this building on Palm Canyon is a solid wall unlike the approved building to the north which is open and transparent. And in reference to Finding #5, Commissioner Aylaian does not think the setbacks of this building are consistent with setbacks of the adjacent development and proposed approved development. Ms. Aylaian said for these reasons she's not comfortable with this project as its proposed and is also concerned with the lack of landscaping.

Commissioner Miller:

Commissioner Miller said many of his comments have been addressed by other Commissioners, and generally he supports this project, but it lacks landscaping especially street trees. Mr. Miller said the facade along on Palm Canyon needs some type of articulation or fenestration even if they are faux windows. He thinks the windowless wall at street level will be cold and uninviting for pedestrians along the Palm Canyon sidewalks. He prefers no gate and does not see any rationale to support special consideration for a gate along Camino Norte.

Commissioner Moruzzi:

Commissioner Moruzzi said in general he thinks gates are unfriendly especially for multi-family developments that you can see from the street. He pointed out the building to the south has the same setbacks as this proposal and has clerestory windows that are acceptable.

Commissioner Ervin:

He said the other Commissioner have made valid and important comments. Commissioner Ervin said he's in support of what fellow Commissioners have said and he's not in support of a gate for the development.

Commissioner Hirschbein:

He said he's not in support of the gates. He spoke in support of adding more landscaping and said he'd like to review the changes before it's goes to the ARC because he doesn't think there's a lot of opportunity with the existing site plan. Commissioner Hirschbein said if it's allowed, he would like to condition the ADUs, or guest houses are prohibited from renting out for less than 30 days. He thinks the developer should provide the ADUs with a dumpster and not leave this issue to the tenants. He said he prefers concrete masonry unit (CMU) on the façade because if it's stucco it will fall flat. And wants to ensure the details on the clearstory windows comply with the rendering because it's very important how this project presents itself to the public right-of-way. He does not share the concern with the large unit being a different architectural design and in response to public

comments about the project needing traffic calming measures, it's the street that needs it not the development.

Chair Weremiuk:

Ms. Weremiuk said she's not aware of a project being presented to the Commission without landscape and thinks they need to have a plan on how they'll deal with trash disposal and come back for their review and then go to the ARC. She said in terms of gates, they've all expressed they don't think it meets the conditions for a gate. Chair Weremiuk said the project looks walled off from the street unlike the project next door. She said it could possibly be addressed with very mature, lush landscape in that area and she'd like to see windows on the streetscape. Ms. Weremiuk said the project is too preliminary and is not ready. She shared concerns with Vice Chair Roberts about the large building in the rear does not architecturally blend in.

Attorney Priest clarified that the Planning Commission cannot add a condition regarding short-term rentals as the City Council has already established a policy and this project complies.

Weremiuk, seconded by Aylaian to continue to date certain of December 14, 2022, to allow the applicant to return with the following modifications to the project:

1. A better formulated landscape plan that includes the site, street trees on all three sides, and sidewalks;
2. Drawings that re-consider the Palm Canyon facade and consider activating the frontage along Palm Canyon;
3. A plan for waste disposal specifically for the ADUs;
4. A plan that reflects no gate;
5. A better understanding of why that architectural style dramatically leaves the modern style and goes into something more derivative.

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

A recess was taken at 7:25 pm. The meeting resumed at 7:36 pm.

2A. INSIGHT PROPERTY GROUP (MIKE DIACOS), FOR A MAJOR DEVELOPMENT PERMIT APPLICATION, TO CONSTRUCT A 127,200-SQUARE FOOT SELF-STORAGE FACILITY ON AN UNDEVELOPED PARCEL APPROXIMATELY 6.43-ACRES IN SIZE AT 400 WEST SAN RAFAEL DRIVE (3.4321 DP). (AR)

Assistant Planner Rubalcava presented the proposed self-storage facility as outlined in the staff report.

NICOLE CRISTE, City's Environmental Consultant, in response to questions from the Commission relating to the concerns from the California Department of Fish and Wildlife as

addressed in their letter, she clarified that the Initial Study correctly addressed both the Burrowing Owl and Migratory Bird Treat Act Mitigation. Ms. Criste stated that this site is significantly disturbed and is surrounded by development on all four sides (physical development or roadways) and is the type of site the Multi-Species Habitat Conservation Plan had in mind when it was established. Ms. Criste reported the potential for endangered plants or endangered species on this site is nonexistent.

Chair Weremiuk opened the public hearing:

MIKE DIACOS, applicant, said they are excited about this project and staff has been very helpful. Mr. Diacos said this is a facility they hope to own long term; therefore, they will have the highest level of security on-site. He provided details about landscaping, stormwater compliance and widening of the road.

CJ ROGERS, Director of Design, Insight Property Group, said they have a facility that's consistent with adjacent commercial uses and they've identified there's a great need for storage and RV storage in this area.

MIKE DIACOS, applicant rebuttal, said they are going beyond conforming to standards in terms of setbacks and landscaping. He explained they are open to staff's comments about incorporating additional landscaping on western side of property.

There being no further speakers the public hearing was closed.

Commissioner Miller suggested adding a couple of palm trees to the site and thinks some of the plant species showing at 24" or 36" box look a bit short in terms of height and suggested finding taller plant specimens at time of planting. (Mr. Diacos said they are open to palm trees and will work with the ARC.)

Chair Weremiuk requested staff forward the comment to ARC that shade trees are needed along both West Radio Road and West San Rafael. She suggested 15 ft. canopy trees could provide some street shade for pedestrians.

Chair Weremiuk noted concern with the Fish and Wildlife's request for language change. Director Hadwin responded staff will communicate with both parties to ensure appropriate language is used for future projects.

Aylaian, seconded by Miller to approve with conditions of approval and added conditions, as follows:

1. Forward landscape comments to the ARC at time of review:
 - A. Include larger size plant material at time of planting of 12' to 14' minimum.
 - B. Include 15 ft. canopy shade trees along both West Radio Road and West San Rafael to provide some street shade for pedestrians (proposed species are acceptable).

2. Delete 3rd sentence from Finding #11.
3. Delete 2nd sentence from Finding #8 and replace with “That the project as conditioned will comply with the water efficient landscape ordinances of the City and State and will comply with Riverside County Agricultural Commissioners Office requirements”.

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

*Chair Weremiuk commented in reference to letters received from the public that the community needs affordable housing, it's very difficult on a site that is already zoned for what the applicant is asking for and there being no applications for affordable housing in any way to act on this request.

2C. CITY OF PALM SPRINGS FOR A GENERAL PLAN AMENDMENT AND ZONE TEXT AMENDMENT TO MODIFY DENSITY STANDARDS AND REVISE LEGAL NON-CONFORMING CRITERIA FOR EXISTING HOTEL AND MULTI-FAMILY RESIDENTIAL STRUCTURES (CASE NO. 5.1549 GPA & 5.1539 ZTA). (CH/DN)

Planning Director Hadwin provided an overview on the proposed zone text amendment, as outlined in the staff report.

Commissioner Miller questioned if staff considered putting in a minimum amount of commercial at the ground floor that's required in order to take advantage of the lower density. His concern is if they have a developer come in and put in 1,000 sq. ft. of commercial when they could fit 20,000 sq. ft. and still take advantage of the lower density.

Director Hadwin responded staff did not consider it because it was difficult to account for every situation in the CBD, the lot sizes and configurations are different, and the zoning can be different. He said they can consider revising the language to make this clearer is that the commercial needs to be provided along the entire major thoroughfare's frontage in order of taking advantage of that reduction.

Commissioner Miller said one way of addressing it is to put a percentage of the frontage along the major thoroughfare must be of commercial space that would be changeable depending on the lot size.

Commissioner Hirschbein requested clarification on the definition for “publicly accessed services” and that it benefit the public instead of the residents only. Director Hadwin responded the intention was not meant for an amenity space that would benefit the residents only; but rather retail or uses generally accessible from the street and he would be open to an amendment clarifying it.

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

The Commission discussed if there was any reason to define the hotel size subject to the proposed regulations but overall preferred to keep it as open as possible. Planning Director Hadwin clarified the word “small” is not contained in the amendment, but only as a descriptor in the staff report given that is where the City has seen recent interest.

Miller seconded by Roberts to approve the resolution and recommend approval to City Council with a modification to the General Plan language to the General Plan Amendment, as follows:

1. To include language: “. . . for new mixed-use projects that provide at least 75% of the frontage on the major thoroughfare as public serving ground floor commercial use . . .”.

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

3. UNFINISHED BUSINESS: NONE

4. NEW BUSINESS:

- 4A. AVALON 1150, LLC, FOR THE APPROVAL OF FINAL DEVELOPMENT PLANS FOR 191 SINGLE-FAMILY RESIDENTIAL UNITS ON 40-FOOT AND 45-FOOT-WIDE LOTS WITHIN THE PHASE 2 SECTION OF THE MIRALON DEVELOPMENT LOCATED AT 801 SUNRISE WAY, ZONE PDD 290, SECTION 35 (CASE 5.0982-PD 290 / TTM 31848). (ER)**

Planner Robertson provided an overview on the proposed final development plans with Phase 2 of the Miralon Development, as outlined in the staff report.

BRAD SHUCKHART, on behalf of Freehold Communities, Miralon developer, thanked the subcommittee for their participation which was a successful way to approach this design. Mr. Shuckhart explained the single-story on one side of the street and the two-story on the other side of the street are in response to a settlement agreement and one of the accommodations was to limit the houses on the outer perimeter to single-story.

Commissioner Hirschbein, as part of the subcommittee review, said he thought it was a successful meeting and suggested if there a specific concern they should be forwarded to the ARC.

DAN WEIBEL, Robert Hidey Architects, responded to the offset on the floor plans, said it's indicated on the floor plan; they are cantilevers off the side four inches enough to give a break on that plane plus it'll be painted in an off-set color to give it some relief to the long wall. Mr. Weibel provided details on Plan 1's direct access to the bathroom, centered

massing for two-story homes, typos of square feet in staff presentation and described the floor plans with pool locations.

In response to Chair Weremiuk's questions about the gate that leads to exclusive use common area, walking paths, Mr. Shuckhart said the first 200 units that are fully or under construction those back to open space and all have gates. He explained in some instances those gates do not align with a reasonable walking path. He said those gates are approved by this Commission but installed by the builder and it has been an education process to work with the builders and going forward homes to the ARC submittal they will adjust the location of the gates.

Mr. Shuckhart addressed ingress/egress gates and quality and installation of windows.

Hirschbein, seconded by Weremiuk to approve the proposed final development plans as being substantially in conformance with the preliminary planned development with direction to the Architectural Review Committee:

1. To review Plan 1B on page 21.
2. The changes requested by the subcommittee are acceptable.
3. The gates are through the path of travel to the exclusive use common area.

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- A request to review Environmental Consultant list.
- A request to include in staff report to include how many units have been met for affordable housing and status of Housing Element update.

PLANNING DIRECTOR'S REPORT:

- City Council review of Planning items.
- Upcoming projects for Planning Commission review.

ADJOURNMENT:

The Planning Commission adjourned at 9:18 pm to 5:30 pm, Wednesday, October 26, 2022, 3200 East Tahquitz Canyon Way.


Christopher Hadwin
Director of Planning Services