

**PLANNING COMMISSION MINUTES
DECEMBER 14, 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 5:34 pm.

ROLL CALL:

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

Excused Absence: Moruzzi

Staff Present: Planning Director Hadwin, Assistant Planning Director Newell, Attorney Jim Priest, Administrative Coordinator Hintz, Associate Planner Kikuchi, 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, December 8, 2022, and posted on the City's website as required by established policies and procedures.

ACCEPTANCE OF THE AGENDA:

Miller, seconded by Aylaian to hold a public hearing for Item 3A and accept the agenda, as amended.

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

PUBLIC COMMENTS: NONE

CONSENT CALENDAR:

- 1A. APPROVAL OF MINUTES: OCTOBER 12, 2022, AND NOVEMBER 9, 2022**

Chair Weremiuk recused herself from voting on the minutes of the November 9, 2022, due to her absence.

Commissioners Aylaian and Miller requested a minor correction to the minutes of October 12, 2022.

Aylaian, seconded by Miller to approve the minutes of October 12, 2022, with minor corrections; and the minutes of November 9, 2022, as presented.

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

2. PUBLIC HEARINGS:

2A. SUN RAY NATURALS LLC SEEKING A CONDITIONAL USE PERMIT (CUP) FOR A CANNABIS CULTIVATION OPERATION WITHIN AN EXISTING 14,293-SQUARE FOOT BUILDING WITH 6,080-SQUARE FEET DEDICATED TO GROW OPERATIONS TO INCLUDE TRANSPORTATION AND DISTRIBUTION AT 690 WEST GARNET AVENUE, ZONE M-1-P (CASE 5.1555 CUP). (GM)

Associate Planner Mlaker presented the project as outlined in the staff report. Planner Mlaker confirmed the project has an approved Odor Control Plan and an environmental review was conducted by Terra Nova Group. Mr. Mlaker stated there is a letter from the Mission Springs Water District that they will be able to serve the facility with water.

JAY TAKACS, Odor Control Consultant, confirmed that the plan is up to current standards and meets all regulations. Mr. Takacs reported that with proper maintenance and inspections there should be no odors emitted from property.

NICOLE CRISTE, Terra Nova Consulting, addressed questions from the Commission related to the Negative Declaration.

In response to Commissioner Aylaian's questions relating to the energy requirements for the operations, Ms. Criste indicated that the project is consistent with standard industry practice and from a CEQA perspective, the project is exceeding the energy efficiency codes for 2023.

PUBLIC HEARING:

MR. & MRS. MEDINA, co-applicants, said they would like to get approval to cultivate cannabis for the building they've owned for many years.

Weremiuk, seconded by Roberts to adopt the Negative Declaration (ND) under the guidelines of CEQA, and approve the Conditional Use Permit Application subject to conditions of approval.

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

- 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). (DN)**

Assistant Planning Director David Newell presented the project as outlined in the staff report.

Assistant Planning Director Newell responded in reference to the letter received by legal counsel representing several residents stating the City cannot rely on CEQA exemptions due to traffic impacts associated with the project. Mr. Newell explained the project is similar and not unusual to other residential developments along Camino Norte. He stated that staff requested police records of accidents that occurred at the existing street curve during the past 5 years, and none were reported. Planner Newell stated that the restricted access to Camino Norte was imposed by the owner's request and not due to any traffic hazards at this location. He clarified that the City Engineer did not find any traffic impacts; and staff recommends the Class 32 Exemption under CEQA.

Attorney Jim Priest advised that the Commission could consider the information in the attorney letter that says there is substantial evidence that there would be additional impacts to traffic based on the observations of the neighbors. He also advised that there has been evidence provided by the staff and Engineering Department that this curve does not pose any special or unusual traffic circumstances and there are no traffic safety circumstances that need to be mitigated for this project and therefore the Class 32 Exemption applies.

PUBLIC HEARING:

DENNIS CUNNINGHAM, applicant, explain that there is less than 200 feet of frontage for the landscape planting area and suggested using 36" box size Olive Trees centered in the planter boxes. Mr. Cunningham spoke about how the gates would assist with security and with traffic calming.

ERNEST VINCENT, applicant, addressed issues about the gates including transient problems in the area and non-residents occupying guest parking spaces.

GARTH GILPIN, said that he submitted a letter to the Planning Commission signed by 18 neighbors requesting a traffic study be conducted. He explained that the trash area is not acceptable because absent owners will not allow access to their garages for trash pickup.

DENNIS CUNNINGHAM, said he's been in Palm Springs for 30 years and has built many projects; noting that much consideration was given on the design of this project.

There being no further speakers the public hearing was closed.

Chair Weremiuk also asked Mr. Cunningham if he would be willing to work with the neighborhood on traffic calming measures and pay for a traffic study. Mr. Cunningham said that he would defer to the Planning and Engineering Department; however, he does not want to be legally committed.

Commission Comments:

Commissioner Hirschbein said in reference to the veneers on the units the Planning Commission would like to see details that reflect what's present at Park Imperial South. He also requested the ARC evaluate the tree species and ensure that tree placement is appropriately distanced from the buildings.

Vice Chair Roberts suggested that the details of trees and landscaping be left to the ARC to work with the applicant and staff. He thinks the block veneer shown in the presentation is the correct material; however, he'd like to see details on how they plan to use it. He agrees with staff's recommendation not to allow gates. Vice Chair Roberts said he doesn't think a traffic calming device is necessary for 12 units; and suggested using a stop sign facing the interior of the property.

Chair Weremiuk spoke in favor of adding a condition to the CC&R's regarding the trash requirement. She is not in support the gates; and would like to forward a comment to the ARC, that the African Sumac does not thrive in the desert and to select a tree species that will work.

Commissioner Aylaian said she does not think the applicant has raised sufficient concerns that meet the necessary threshold to allow gates. She thinks it's up to the applicant to design a project with more internal guest parking if guest parking is a concern. Ms. Aylaian said that although she acknowledged the neighbors request for a traffic study; she thinks the Engineering Department is expert and their opinion must be respected. She agreed that the block veneer material and trees should be turned over to the ARC for their review.

Roberts, seconded by Aylaian to adopt resolution determining the project is exempt from CEQA and approving the project applications with added conditions:

1. No residential gate be provided.
2. A stop sign be installed facing into the complex at the entrance of the driveway.
3. Add a condition to the CC&R's stating that the primary dwelling is obligated to accept the trash from the ADU.
4. The applicant shall provide details of the block façade facing Palm Canyon for ARC review;
5. The ARC shall review the entire landscape plan.

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

- 2C. RIOS, ON BEHALF OF OLD LAS PALMAS PARTNERS, LLC, FOR THE APPROVAL OF CHANGE OF ZONE, MAJOR DEVELOPMENT PERMIT, TENTATIVE TRACT MAP, AND VARIANCE APPLICATIONS FOR A PROPOSED MIXED-USE PROJECT WHICH INCLUDES 24 RESIDENTIAL CONDOMINIUM UNITS AND A 2,214-SQUARE-FOOT COMMERCIAL SPACE AT 2.4-ACRE UNDEVELOPED PARCELS LOCATED AT 575 NORTH PALM CANYON DRIVE, ZONE CBD/R-2, SECTION 10 (CASE NOS: 5.1541 CZ, 3.4191 MAJ/DEV, TTM 38190, 6.560 VAR). (NK)**

Vice Chair Roberts recused himself on Items 2C and 2D due to a potential business-related conflict of interest, as he owns property close by.

Planning Director Hadwin reported that staff is requesting this project be continued. In addition, staff requested the Commission consider forming a subcommittee to work with the staff on revising the proposal and return to the Planning Commission at a future meeting.

Commission Comments:

Commissioner Miller said his main concern is that the project has not provided a viable commercial space on the ground floor; and is proposing a driveway along Palm Canyon, which is contradicting the goal of providing a seamless pedestrian experience. He said he supports the mixed-use concept, but there a lot of details that need to be worked out.

Commissioner Hirschbein said they are hoping for a viable commercial use that contributes to the overall street activity. He concurred that the driveway onto Palm Canyon is very problematic; however, he looks forward to working with the applicant to resolve some of the problems.

Chair Weremiuk said the City Council recently passed a zoning change which allowed a reduction in the number of housing units required if 75% of the frontage was viable commercial space. She said that this project as currently designed does not meet those requirements. Chair Weremiuk clarified that to apply the requested exemption there needs to be viable retail combined with the housing on that site or it needs to meet the older requirements.

Commissioner Aylaian said she is not convinced that commercial retail frontage all the way down Palm Canyon is completely necessary for this site. She said that you don't get solid commercial retail experience for that long a retail strip because people will not walk that far. Commissioner Aylaian said that there is room for a well-designed transition building at this location that is not a continuation of the retail that already exists. She expressed concern about the potential to overbuild the commercial uses in this area and create higher vacancy in other places.

Commissioner Hirschbein agreed with several of Commissioner Aylaian's comments; however, he think this is a very important site that is a link between two vibrant commercial districts.

PUBLIC HEARING:

BRIAN ADAMSON, developer, thanked the Commission for their comments. He apologized for not meeting the retail space requirement with this current plan but expressed eagerness to work with the subcommittee.

Weremiuk, seconded by Hirschbein to continue to a date uncertain and create a subcommittee (Aylaian, Hirschbein and Miller) to work with the applicant.

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

The Committee had a brief recess and reconvened at 6:25 pm.

(THIS ITEM WAS MOVED FROM ITEM 3A UNFINISHED BUSINESS TO PUBLIC HEARINGS 2D.)

- 2D. ANTHONY HAZELL OF MIMIDEX, LLC FOR A CONDITIONAL USE PERMIT (CUP) APPLICATION TO OPERATE A 2,891-SQUARE-FOOT COCKTAIL LOUNGE WITH AN ACCESSORY MICRO DISTILLERY AT 700 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 10 (CASE 5.1563 CUP). (NK)**

Associate Planner Kikuchi presented the project as outlined in the staff report.

PUBLIC HEARING:

ANTHONY HAZELL, of MIMIDEX, LLC, stated that the special event aspect of the business plan is not a focal point; however, their main focus is providing a well-designed area for people to sit and enjoy a cocktail. He addressed the decision to make a smaller custom-trash enclosure to allow for more frequent concierge trash pickups due to seafood selections.

Commission Comments:

Chair Weremiuk expressed her desire to accommodate and find a creative solution to the trash issue.

Commissioner Miller said one option is refrigerating trash to reduce the odor.

Aylaian, seconded by Miller to adopt resolution determining that the project is exempt from CEQA and approve the project, subject to conditions of approval with added language:

1. To add the following verbiage to Condition of Approval #9: "Direct staff and the applicant to work on an alternative trash plan that may be acceptable to the City".

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

3. UNFINISHED BUSINESS: NONE

4. NEW BUSINESS: NONE

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

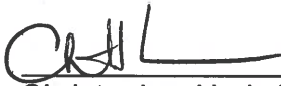
- Update on City Council action limiting a project to three review meetings.
- Attorney Priest noted under State law certain housing projects within the city there is a limited number of meetings that can be held.

PLANNING DIRECTOR'S REPORT:

- Update on the return of in-person meetings that includes a hybrid option for public participation.
- Update on the sections to the childcare amendments approved by City Council.
- Upcoming Planning Commission and City Council review of the Dream Hotel amendment.

ADJOURNMENT:

The Planning Commission adjourned at 8:24 pm to 5:30 pm, Wednesday, January 11, 2023, 3200 East Tahquitz Canyon Way.

A handwritten signature in black ink, appearing to read 'CHL', is positioned above a horizontal line.

Christopher Hadwin
Director of Planning