

PLANNING COMMISSION MINUTES
CITY OF PALM SPRINGS, CALIFORNIA
June 12, 2019
Council Chamber, 3200 East Tahquitz Canyon Way
Palm Springs, California

CALL TO ORDER:

Chair Woods called the meeting to order at 1:32 pm.

ROLL CALL:

Present: Donenfeld, Garner, Hirschbein, Hudson, Song, Vice Chair Moruzzi,
Chair Woods

Staff Present: Planning Director Fagg, Attorney Priest, Administrative Secretary
Bruggemans, Engineering Associate Minjares, Associate Planner
Kikuchi, Associate Planner Mlaker, Associate Planner Newell.

REPORT OF POSTING OF AGENDA: The Agenda was available for public access at the
City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services
counter by 6:00 pm on Thursday, June 6, 2019.

ACCEPTANCE OF THE AGENDA:

Donenfeld, seconded by Song to accept the Agenda, noting that staff had requested to table
Agenda Item #2D.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Song, Moruzzi, Woods

PUBLIC COMMENTS: None.

1. CONSENT CALENDAR:

**1A. APPROVAL OF MINUTES: MEETING MINUTES OF APRIL 24, 2019; MAY
8, 2019; AND MAY 22, 2019.**

Hirschbein, seconded by Song to approve the Consent Calendar as presented.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Song, Moruzzi, Woods

ABSTAIN: Hudson (minutes of 04/24/19); Hirschbein (minutes of 05/08/19); Donenfeld
(minutes of 05/22/19).

2. PUBLIC HEARINGS:

**2A. REQUEST BY RICK MITCHELL OF ELEVATION PROPERTY
MANAGEMENT, ON BEHALF OF ZALEKA VIA LOLA, LP AND LERANAX
VIA LOLA, LP, FOR A CONDITIONAL USE PERMIT TO CONVERT THE**

EXISTING SEVENTEEN (17) SHORT-TERM RENTAL UNITS TO HOTEL UNITS (CHANGE OF USE) AT THE TWIST, WHICH IS LOCATED WITHIN A MIXED-USE BUILDING AT 140 WEST VIAL LOLA, ZONE R-2/C-1, SECTION 10 (CASE NO. 5.1482 CUP) (NK)

Associate Planner Kikuchi provided an overview of the Conditional Use Permit request as provided in the staff report.

Commissioner Donenfeld verified the nonconforming parking issue and ability to approve the conversion from short-term rental to a hotel use. He questioned if there would be any change in the traffic generation in the conversion (it was noted that the traffic impact would be about the same), and asked how the parking became nonconforming. Mr. Donenfeld asked if amplified music would be played outdoors (staff noted that the pool area was not intended for music events).

Commissioner Hirschbein verified the two parcels that comprise the project, and that a lot-tie agreement would be required as a condition of approval. He asked for information regarding the code requirements when converting from residential to a hotel use, and asked if the code mandates staffing requirements for hotels.

Commissioner Song verified that fire sprinklers would be required in the hotel units.

Commissioner Hudson noted that the five on-street parking spaces were originally at a 90-degree angle to the street, and verified that the spaces are now in the public right-of-way.

Chair Woods opened the item for public comment, and invite the applicant to speak on the matter.

RICK MITCHELL, applicant, discussed the proposed conversion from short-term rentals to hotel use.

GORDON MC GREGOR, resident of The Twist, spoke in favor of the conversion, stated that the combination of short-term rentals and long-term rentals adds to the vitality of complex, and said that on-site parking is adequate for the use

HOWARD HAWKS and KEVIN KEMPER, design team for the building, expressed support for the application.

MARK HODGIN, booking manager at The Twist, also spoke in support of the application.

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

Commissioner Donenfeld asked if all of the hotel units will have kitchens (the applicant indicated that all will have kitchens), and verified that the conditions will require compliance with fire code requirements.

Commissioner Song asked how the on-site parking is operated, and verified the progress in making improvements to comply with fire code requirements.

Chair Woods asked if the applicant anticipates holding any special events at the property (the applicant indicated that they hold weddings occasionally, but no music events).

Commissioner Song stated that the application is well presented, and the management of property will allow both hotel and long-term rental uses to co-exist.

Song, seconded by Donenfeld, to approve the request as presented.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Song, Moruzzi, Woods
NAYS: None

2B. REQUEST BY STEPHEN NIETO OF SOUTH WEST CONCEPTS, INC., ON BEHALF OF PAMPLEMOUSSE PALM SPRINGS, LLC, FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A COCKTAIL LOUNGE (TYPE 48 ABC LICENSE) WITHIN AN EXISTING MIXED-USE BUILDING AT 140 WEST VIA LOLA SUITE A, ZONE C-1, SECTION 10 (CASE NO. 5.1473 CUP) (NK)

Associate Planner Kikuchi provided a staff report on the proposed cocktail lounge use.

Commissioner Hirschbein questioned the prohibition of on-street parking in the residential neighborhood for employee use, and verified the details of a parking specific plan and how it addresses parking deficiencies.

Commissioner Donenfeld noted traffic safety issues on Via Lola and whether Engineering reviews parking and traffic issues.

Commissioner Hudson asked if the City has initiated discussions of permit parking in residential neighborhoods (staff noted that it has been discussed in the past, but no effort has been initiated yet).

Chair Woods asked if conditions can be placed on specific parking plans, and suggested that the applicant should provide information to employees and patrons about available parking locations.

STEPHEN NIETO, applicant, discussed improvements to the tenant space and operations of the cocktail lounge.

ALLEN RAVERT stated that there weren't any parking problems with the complex until 2015 when Bootlegger/Earnest Coffee opened, and said that people leave beer bottles and trash in the street and block the gates to his driveway. He also stated that crime has increased in the area, and there shouldn't be parking so close to the intersection. He requested better

signage on the street to limit parking, and that employees shouldn't be able to park on the residential street.

RICK MITCHELL responded that the proprietors of Bootlegger Tiki/Earnest Coffee have been good tenants, discussed parking issues, and spoke in support of the proposed cocktail lounge.

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

Commissioner Song verified the materials that will be used on the exterior of the building and the details of the hedge/wall at the front of the patio area, and whether the stackable doors will remain open during operating hours.

Commissioner Garner verified the hours of the business and daytime operations.

Chair Woods asked if a security plan is required as part of the submittal (staff noted that security plans are only typically required for nightclub uses).

Commissioner Song questioned the parking ratio that was used to determine the parking deficiency for the use (staff stated that the mixed-use parking ratio was used to determine the parking requirements).

Commissioner Donenfeld stated that another bar is unnecessary on this corner and that two bars are already existing in the area. He said the proposed use abuts a residential neighborhood and will be a commercial intrusion, the street cannot accommodate the current traffic let alone an intensification of use, and that the proposed use is inappropriate in this location.

Commissioner Hirschbein felt that the use is appropriate, and does not see that it will be an oversaturation. The specific parking plan will address parking issues and prohibition of on-street employee parking.

Vice Chair Moruzzi asked where will additional parking be located (staff responded that based on a specific parking plan, the parking will be located on adjacent property upon approval of property owner).

Commissioner Hirschbein verified that the specific parking plan will address the parking needs for the cocktail lounge use and employees of the business.

Vice Chair Moruzzi noted that a cocktail lounge use had been there in the building historically, and that the use is appropriate.

Commissioner Garner offered a concern about too many bars in the area as well, and that the Planning Commission should look at the issue of over-saturation when future applications come forward.

Commissioner Song offered support for the project, condition upon the approval of a specific parking plan.

Commissioner Hudson verified that on-street spaces have been included in parking requirement for other projects, and would like to include the 5 spaces on Camino Del Corto as satisfying the parking requirement for the project.

Chair Woods understands the issues of commercial adjacent to residential areas, and that the parking plan needs to address entire business and not just the deficient space. He suggested that conformance to the parking plan should be tied to the CUP.

Commissioner Hirschbein offered support for a more comprehensive parking plan, and that it should include employee parking for rest of the building; the parking plan may improve the existing conditions in the area.

Motion: MH w/ condition that plan include parking for all employees (and not on street)
MS second

Hirschbein, seconded by Song to approve, subject to the condition that the specific parking plan address parking for all employees and that no employee parking be permitted on residential streets.

AYES: Garner, Hirschbein, Hudson, Song, Moruzzi, Woods
NAYS: Donenfeld

2C. BAKED BETTY'S, LLC FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW CANNABIS MANUFACTURING WITHIN AN EXISTING MULTI-TENANT BUILDING AT 781 SOUTH WILLIAMS ROAD, ZONE M-1, SECTION 19 (CASE 5.1481 CUP). (DN)

Associate Planner David Newell provided an overview of the application request.

Vice Chair Moruzzi asked for information about the moratorium on cannabis uses in the Demuth Park neighborhood and the boundaries of the moratorium area.

Commissioner Hirschbein asked if the City's odor consultant visited the site, and if staff visited the site. He questioned the integrity of the envelope of the building relative to containing odors to the interior, and asked if the demising walls extend to underside of the roof.

Commissioner Donenfeld requested that the City's odor consultant attend Planning Commission meetings to address questions.

Vice Chair Moruzzi questioned the details of the City's contract with the odor consultant.

Chair Woods asked staff to clarify the application and review process that the applicant goes through prior to coming forward to Planning Commission.

Commissioner Donenfeld requested a written report from the City's odor consultant (staff noted that the report was included as an attachment to the report).

Commissioner Garner questioned if there are lingering odors after a cannabis tenant vacates a tenant space.

Vice Chair Moruzzi suggested that the City Council districts should be considered in future deliberations.

The hearing was opened for public comment.

COURTNEY GREENBERG, applicant, addressed odors specific to the processes that will be used in the manufacturing of baked cannabis products.

There being no further members of the public coming forward to testify, the public hearing was closed.

Commissioner Song asked if the applicant had approved by Riverside County Public Health (the applicant stated that health department approval was not required, manufacturing is approved by CDPH). Ms. Song questioned the details of the construction of the walls and odor impacts to adjacent tenant spaces, and whether the AC system is just serving the single tenant space. She verified that the lobby is not for public use and not for retail use (the applicant stated that she cannot sell directly to the public); questions were raised about the security of the roll-up door in the back of the tenant space. The commissioner noted her concern about sealing the tenant space so that there's no odor leakage.

Commissioner Garner asked for information on handling of the raw cannabis product and manufacturing process.

Commissioner Hirschbein suggested that conditions should address specific architectural details to address odor concerns, and while the business is small, he is still concerned about potential impacts.

Commissioner Hudson expressed concerns about the roll-up door being able to contain odors, and asked if roll-up door was necessary for deliveries of product.

Chair Woods noted that in his experience odor issues are primarily due to cultivation uses and that manufacturing has a lesser impact relative to odors; he recommended that the conditions recommended by the odor control consultant should be incorporated in the conditions of approval.

Commissioner Donenfeld requested that the odor control consultant be available to address questions from the Planning Commission.

Director Fagg suggested that two conditions be added to address the concerns of the Planning Commission: that the odor control consultant review the construction details of the roll-up door, and that the demising walls be extended to the underside of the ceiling.

Commissioner Garner noted concerns with the oversaturation of cannabis businesses in the neighborhood, and that this business is closer to residences than the moratorium area. She verified that this is the only manufacturing business in this area, and is concerned about number of applicants that may come forward in this area.

Vice Chair Moruzzi stated that going forward, the Planning Commission will be tougher on approving these applications unless all necessary information is presented.

Moruzzi, seconded by Donenfeld to approve, subject to the following conditions:

- The City's odor control consultant shall review the construction details of the roll-up door;
- The demising walls shall be dry walled to the underside of the roof deck.

Commissioner Hudson requested that the conditions be amended to include a recommendation that studs and drywall be installed on the inside of the roll-up door, with a 3' door providing outside access. The motion was amended accordingly.

AYES: Donenfeld, Hirschbein, Hudson, Song, Moruzzi, Woods
NAYS: Garner

2D. AGRE DCP PALM SPRINGS, LLC (DBA: RIVIERA HOTEL) FOR A CONDITIONAL USE PERMIT (5.1479 CUP) FOR THE CONVERSION OF 163 ROOMS IN BUILDINGS 4 & 5 FOR TIME SHARE PURPOSES; AND A TENTATIVE TRACT MAP (37726 TTM) FOR TIME SHARE PURPOSES AS PART OF THE RIVIERIA HOTEL AND RESORT LOCATED AT 1600 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 2. (GM)

Donenfeld, seconded by Song, to table the item at the request of staff.

AYES: Donenfeld, Garner, Hirschbein, Hudson, Song, Moruzzi, Woods
NAYS: None

3. UNFINISHED BUSINESS: None.

4. NEW BUSINESS: None.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Vice Chair Moruzzi requested to represent the Planning Commission on the golf course conversion ordinance discussion at the next City Council meeting.
- Chair Woods noted that Commissioner Hudson will be finishing his term at the end of June; he requested a training session for the Planning Commission on the issue

of cannabis odor control; announced the City Council race; and suggested that the commissioners view the model of Downtown Park in the lobby of City Hall.

- Commissioner Hirschbein requested information on the terms of Planning Commission members and schedule of Council appointments.
- Commissioner Song commented on the recent California Preservation Foundation conference.

CITY COUNCIL LIAISON REPORT: None.

PLANNING DIRECTOR'S REPORT:

- Director Fagg requested to hold a Study Session to discuss AAC appointments on June 26th.

ADJOURNMENT: The Planning Commission adjourned at 3:55 pm to a Study Session at 1:00 pm, Wednesday, June 26, 2019, at City Hall, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP
Director of Planning Services