



CITY OF PALM DESERT
PALM DESERT PLANNING COMMISSION

PRELIMINARY MINUTES

TUESDAY, DECEMBER 3, 2019 – 6:00 P.M.
COUNCIL CHAMBER
73-510 FRED WARING DRIVE, PALM DESERT, CA 92260

I. CALL TO ORDER

Chair Ron Gregory called the meeting to order at 6:01 p.m.

II. ROLL CALL

Present:

Commissioner Joseph Pradetto
Commissioner John Greenwood
Chair Ron Gregory

Absent:

Commissioner Nancy DeLuna
Vice-Chair Lindsay Holt

Also Present:

Susan Marie Weber, Mayor
Craig Hayes, Assistant City Attorney
Ryan Stendell, Director of Community Development
Eric Ceja, Principal Planner
Kevin Swartz, Associate Planner
Nick Melloni, Assistant Planner
Monica O'Reilly, Management Specialist II

III. PLEDGE OF ALLEGIANCE

Commissioner John Greenwood led the Pledge of Allegiance.

IV. SUMMARY OF COUNCIL ACTION

Director of Community Development Ryan Stendell introduced Mayor Susan Marie Weber.

On behalf of the City Council, Mayor Susan Marie Weber thanked the Planning Commission for their service and presented them with a gift of appreciation.

V. ORAL COMMUNICATIONS

None

VI. CONSENT CALENDAR

- A. MINUTES of the Regular Planning Commission meeting of November 5, 2019.

Rec: Approve as presented.

- A. REQUEST FOR CONSIDERATION to approve a Parcel Map Waiver application for a lot line adjustment to construct a pool at 121 Netas Drive (APNs 771-280-004 & 771-280-069). Case No. PMW 19-0005 (Mike Stangl, Palm Desert, California, Applicant).

Rec: By Minute Motion, approve Case No. PMW 19-0005.

Upon a motion by Commissioner Greenwood, seconded by Commissioner Pradetto and a 3-0 vote of the Planning Commission, the Consent Calendar was approved as presented (AYES: Greenwood, Gregory, and Pradetto; NOES: None; ABSENT: DeLuna and Holt).

VII. CONSENT ITEMS HELD OVER

None

VIII. NEW BUSINESS

None

IX. CONTINUED BUSINESS

None

X. PUBLIC HEARINGS

- A. REQUEST FOR CONSIDERATION to approve an amendment to Precise Plan 13-279 to modify the entitlements by removing eight 12-plex buildings and replacing them with 30 new single-family homes on Lot 1 of Tract Map 36404 within Villa Portofino. Case No. PP 13-279 Amendment No. 1 (Palm Desert Property Ventures 2, LP, La Quinta, California, Applicant).

Associate Planner Kevin Swartz presented the staff report (staff report(s) are available at www.cityofpalmdesert.org). He mentioned that staff received comments in favor from Palm Desert Greens Country Club because they believe the proposed amendment would preserve their views. Staff offered to answer any questions.

Chair Gregory asked if the original development was oriented towards seniors.

Mr. Swartz replied that it is correct. The project is still oriented towards seniors. He noted that seniors were not buying the two-story units; therefore, the applicant has requested to change to the project to single-story homes.

Chair Gregory commented that one of the lots is a retention basin with lawn. He asked if the lot is intended to be a pocket park. If so, he asked how deep is the retention basin.

The basin is seven feet deep. Mr. Swartz said the original plans indicate there is lawn in the retention basin. However, he would ask the applicant to address the retention basin.

Commissioner Joseph Pradetto asked staff to address how the loss of 60 units affects the Regional Housing Needs Allocation (RHNA) for the City of Palm Desert.

Per the Development Agreement, Mr. Swartz said there is a condition that Villa Portofino must pay a fee of \$1,166 per unit (66 units) in lieu of providing affordable housing. He noted that the applicant is aware of the condition.

Principal Planner Eric Ceja added that RHNA provides an overall number of units the City must build. For the current RHNA cycle, he said Palm Desert is on target meeting the requirement for the number of units, even with the reduction of the 66 units at Villa Portofino.

Commissioner Pradetto commented that there is no net positive, and the applicant would have to pay the fee regardless.

Mr. Stendell stated that the fee was a negotiated condition. The fee was a concession in the original approval process in 1999.

Chair Gregory declared the public hearing open and invited public testimony FAVORING or OPPOSING this matter.

MR. BRUCE MAIZE, the representative for The Rilmington Group, stated that staff did an excellent job presenting the project as proposed. He, the architect, and the civil engineer are available to answer any questions. Mr. Maize indicated that the bottom of the retention basin would not be turf. He noted that the area is not accessible. They have talked to a landscape architect to include heavy cobble and provide proper drainage.

With no further testimony offered, Chair Gregory declared the public hearing closed.

Commissioner Pradetto commented that when he looked at this case, he thought about the action the Planning Commission took in 2018 to increase the density in the area. He felt that the developer is asking the Commission to take a step backward. He believed the amendment would make the residents at Palm Desert Greens Country Club happy. He said he was going to keep an open mind; however, there was not much testimony. At this point, he preferred to uphold the action the Commission approved in 2018.

Commissioner Greenwood understood Commissioner Pradetto's comments. However, the development has gone through a lot of turmoil, and it is contingent for seniors. He would like to see the development come to fruition and have a sellable model. He stated he would like to maintain consistency with density and the General Plan. Nonetheless, the development is a small piece of the puzzle in terms of the overall project, and the development is viable.

Chair Gregory commented that he has talked to many friends and colleagues who do not like the prospect of living in a two-story home, so he has an understanding of why people would not be interested in purchasing in a two-story development. He voiced his concern with unsold two-story units. He was in favor of single-story homes.

Commissioner Greenwood moved to waive further reading and adopt Planning Commission Resolution No. 2767, approving Case No. PP 13-279 Amendment No. 1, subject to the conditions of approval. The motion was seconded by Chair Gregory and carried by a 2-1 vote (AYES: Greenwood and Gregory; NOES: Pradetto; ABSENT: DeLuna and Holt).

- B. REQUEST FOR CONSIDERATION to approve a Tentative Parcel Map to subdivide a 2.93-acre commercial lot into two parcels at 41725 Cook Street, and adopt a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA). Case No. TPM 37795/19-0002 (The Altum Group, Palm Desert, California, Applicant).

Mr. Melloni outlined the salient points of the staff report and recommended approval.

Chair Gregory commented that the landscape at the site has somewhat withered away. He asked if this is a good time to request that the landscape be brought up to the same quality when the project was first constructed.

Mr. Stendell responded that the City would have better leverage if the Code Compliance Division handles the landscape issue other than going through the Tentative Parcel Map approval process. He would notify the Code Compliance Division in the morning.

Commissioner Greenwood noticed that a fair amount of utilities are spanning between the east and the west with the proposed subdivision. He asked if there are any concerns with future precise plans.

Mr. Melloni replied that there are telephone lines, which services the properties to Cook Street. He noted that the applicant would add a formal utility easement onto the final map. Therefore, any future development of either parcel would need to conform to the easement.

Chair Gregory declared the public hearing open and invited public testimony FAVORING or OPPOSING this matter.

MR. STEVE HEISE, the land surveyor for The Altum Group, stated that the intention for the subdivision is because the front building is vacant. The owner would like to sell the building and see the building occupied. He said the utility easement is the telephone line, and the easement would be shown on the final map.

Commissioner Greenwood asked the applicant to address the existing electrical lines.

MR. HEISE responded that Southern California Edison (SCE) has an existing easement that covers the underground electrical lines.

With no further testimony offered, Chair Gregory declared the public hearing closed.

Commissioner Pradetto moved to waive further reading and adopt Planning Commission Resolution No. 2768, approving Case No. TPM 37795/19-0002, subject to the conditions of approval. The motion was seconded by Commissioner Greenwood and carried by a 3-0 vote (AYES: Greenwood, Gregory, and Pradetto; NOES: None; ABSENT: DeLuna and Holt).

- C. REQUEST FOR CONSIDERATION to approve a Conditional Use Permit to establish a 4,842-square-foot place of worship within an existing office and industrial building at 75430 Gerald Ford Drive, and adopt a Notice of Exemption in accordance with CEQA. Case No. CUP 19-0009 (Mount Calvary Holy Church, Indio, California, Applicant).

Mr. Melloni reviewed the staff report. He noted that staff did not receive comments in favor of or opposed to this matter. Staff recommended approval.

Chair Gregory inquired if there would be a problem with parking if the two churches have a special event.

Mr. Melloni said if the City receives a complaint regarding parking, the church or churches must work with City staff to implement a plan to mitigate parking issues.

Besides the existing church and the proposed church, Commissioner Greenwood asked if there are businesses in the center that might have a heavy use on Sundays.

Mr. Melloni replied that the majority of the other businesses are only open during the weekdays.

Chair Gregory declared the public hearing open and invited public testimony FAVORING or OPPOSING this matter.

MR. JOHN GENTRY, the pastor with Mount Calvary Holy Church, stated that they are delighted for the opportunity to be coming to Palm Desert. He offered to answer any questions.

With no further testimony offered, Chair Gregory declared the public hearing closed.

Commissioner Pradetto moved to waive further reading and adopt Planning Commission Resolution No. 2769, approving Case No. CUP 19-0009, subject to the conditions of approval. The motion was seconded by Commissioner Greenwood and carried by a 3-0 vote (AYES: Greenwood, Gregory, and Pradetto; NOES: None; ABSENT: DeLuna and Holt).

- D. REQUEST FOR CONSIDERATION to approve a Conditional Use Permit to expand an existing group home from six to 10 women, including two nightly staff members at 44755 Deep Canyon Road, and adopt a Mitigated Negative Declaration of Environmental Impact in accordance with CEQA. Case No. CUP 19-0008 (HEARTbeat At 22, Palm Desert, California, Applicant).

Mr. Swartz provided the staff report. He mentioned that staff did not receive comments opposing this request. He also noted that the City has not received any complaints or

have Code violations on file for the existing group home. Staff recommended approval and offered to answer any questions.

Commissioner Greenwood asked if the occupants have cars, and could parking be an issue.

Mr. Swartz deferred the question to the applicant.

Commissioner Greenwood asked if the use were to change, what would happen with the Conditional Use Permit (CUP).

Mr. Swartz explained that the CUP is specifically for a group home. If the use were to change to medical use, the applicant would need to amend the CUP.

Chair Gregory declared the public hearing open and invited public testimony FAVORING or OPPOSING this matter.

MS. JAN LUPIA, the representative for HEARTbeat At 22, offered to answer any questions.

Commissioner Greenwood asked Ms. Lupia to address parking.

MS. LUPIA responded that the residents do not have cars. She noted that there have been no parking issues, and there is a total of eight parking spaces.

Commissioner Pradetto inquired if the organization has other group homes similar to HEARTbeat At 22.

MS. LUPIA replied no.

Commissioner Pradetto asked if the program is specifically geared for women only.

MS. LUPIA replied yes.

Commissioner Pradetto asked if there is an intent to broaden the scope to men.

MS. LUPIA replied no. She communicated that they would always focus on women that are homeless, in a crisis, and pregnant.

Commissioner Pradetto asked staff and counsel if the Planning Commission could limit the condition that states the number of residents (12) to be restricted by gender.

Mr. Stendell pointed out that the applicant's mission is for women only. He stated that the CUP is broad to the residents and the applicant could use the CUP in any way they wish.

Commissioner Pradetto referred to Commissioner Greenwood's point if the applicant sold the property to someone else.

Mr. Stendell said if the use were to change, the applicant would need to amend the CUP.

Mr. Ceja pointed out that Condition of Approval No. 8 states, "Operational changes which increase the intensity or scope of services provided by the facility shall be subject to the Department of Community Development review."

Board members with HEARTbeat At 22 stood up in favor of this matter.

With no further testimony offered, Chair Gregory declared the public hearing closed.

Commissioner Greenwood commented that his concerns were addressed in the conditions and in favor of approving the CUP.

Commissioner Pradetto moved to waive further reading and adopt Planning Commission Resolution No. 2770, approving Case No. CUP 19-0008, subject to the conditions of approval. The motion was seconded by Commissioner Greenwood and carried by a 3-0 vote (AYES: Greenwood, Gregory, and Pradetto; NOES: None; ABSENT: DeLuna and Holt).

XI. MISCELLANEOUS

None

XII. COMMITTEE MEETING UPDATES

A. ART IN PUBLIC PLACES

None

B. PARKS & RECREATION

Mr. Stendell reported that the Parks & Recreation Commission did not have a formal meeting. However, the Commission took a tour of the Family YMCA of the Desert building on San Pablo Avenue and the Palm Desert Aquatic Center.

XIII. REPORTS AND REMARKS

Commissioner Pradetto referred to accessory dwelling units and understood there is a new State law.

Mr. Ceja remarked that the State passed 19 laws in 2018 and 18 new laws in 2019 regarding housing. He stated that City staff has done their best to stay on top of all the new laws, and currently working with Best Best & Krieger to make amendments to the Accessory Dwelling Ordinance.

Chair Gregory assumed that State law supersedes any homeowner association rules.

Mr. Stendell replied yes.

If a staff report goes to the City Council regarding law changes, Commissioner Pradetto asked staff if they are willing to share the information with the Planning Commission.

Mr. Ceja replied that the process requires the Planning Commission to review changes to the ordinance.

Mr. Stendell asked staff to forward some internal documents to the Planning Commission. He noted that Mr. Ceja has a matrix of the law changes.

City Attorney Craig Hayes also mentioned they have a lot of information that they could forward to the Planning Commission.

Commissioner Greenwood mentioned that a couple of business owners on El Paseo approached him about concerns with the street improvements. They were not aware of the changes until the day the changes were being done. He asked how the City is going to communicate with the tenants on El Paseo of future changes.

Mr. Stendell responded that there is an opportunity for public input on December 12 with the City Council. Additionally, if tenants approach Commissioners about changes to El Paseo, he would appreciate having them contact Kevin Swartz. City staff is also developing tools for a survey, and staff will be doing more walking of El Paseo. He reminded the Commission that the changes were a demonstration project to generate public input.

XIV. ADJOURNMENT

With the Planning Commission concurrence, Chair Gregory adjourned the meeting at 6:51 p.m.

RON GREGORY, CHAIR

ATTEST:

RYAN STENDELL, SECRETARY

MONICA O'REILLY, RECORDING SECRETARY