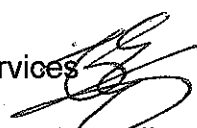




CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: October 6, 2010
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: Architectural Advisory Committee: Declaration of Pending Vacancy, and Establishment of Terms

Introduction

According to the Section 94.04.00.C of the Palm Springs Zoning Code, the Architectural Advisor Committee (AAC) is subordinate to the Planning Commission:

- C. *Planning Commission Architectural Advisory Committee.*
There is hereby established a planning commission architectural advisory committee which shall be a committee responsible to and appointed by the planning commission...

In 2008, the Planning Commission conducted a review of its appointments to the AAC, and established the Committee's current membership:

<u>Name</u>	<u>Term Ending</u>
Michael King	Dec. 2010*
Will Kleindienst	Dec. 2010
Patrick McGrew	Dec. 2010
Lance O'Donnell	Dec. 2010*
Paul Ortega	Oct. 2010
Rob Parker	Jan. 2012
Christopher Sahlin	Dec. 2010*
Alternates:	
Ana Maria Escalante Lentz	Dec. 2010
Don Wexler	Oct. 2010

*Michael King, Lance O'Donnell and Christopher Sahlin will complete two terms and not be eligible for reappointment for one year. (Palm Springs Municipal Code Section 2.06)

As can be seen, all but one AAC member will conclude their term at the end of this year. Only Rob Parker is serving a term ending in 2012.

Commission Appointments to the AAC

The Planning Commission must begin its preparation for making new appointments to the AAC later this year. As described in the same section of the Palm Springs Zoning Code cited above, the AAC is composed of seven members, with specific direction regarding the appointment of "technical advisors":

...The planning commission architectural advisory committee shall consist of one planning commissioner who shall be responsible for acting as a liaison to the planning commission architectural advisory committee. The planning commission shall appoint technical advisors to assist in reviewing detailed plans pursuant to this chapter. Technical advisors shall include three California licensed architects, one California licensed landscape architect, one other design professional, and additional technical members for a total of seven members. The planning commission shall also appoint up to two alternate members to ensure adequate representation at planning commission architectural advisory committee meetings...

As indicated above, one Planning Commissioner is appointed as a liaison, but the practice since creation of the AAC is that the liaison does not have a vote on the Committee and is not included among the seven appointed members. As a result, the membership of the AAC is comprised of the following:

- Three licensed architects
- One licensed landscape architects
- One "other design professional", and
- Two "additional technical members"

Appointment to Three-year Term

The Commission will have a number of decisions to make toward the end of this year regarding the make-up of the AAC. Staff is concerned that the current appointment terms result in too many members being potentially lost to changeover and that the AAC could lose significant institutional and project knowledge. Consequently, staff recommends that when six new appointments are made later this year, they be made for one, two or three year, as follows:

<u>Number of terms</u>	<u>Length of Term, with ending date</u>
3	3 years, ending June 30, 2013
1	2 years, ending June 30, 2012
2	1 year, ending June 30, 2011

For the alternates, staff recommends:

<u>Number of terms</u>	<u>Length of Term, with ending date</u>
1	2 years, ending June 30, 2012
1	1 years, ending June 30, 2011

This schedule would normalize the Committee's rotation of members so that out of of nine members (7 regulars and 2 alternates) three would be up for reappointment or be term-limited each year.

The Commission may consider other options in preparation for making its appointments.

Conclusion

Staff proposes to begin advertising for candidates for the AAC this fall and schedule interviews with the Commission in November.

The Commission may also wish to consider if the existing rules cited in this memo are appropriate to the operation of the AAC. If not, the Commission may forward its recommendation to the City Council for any changes it believes are appropriate.

cc: Planning Commission Staff Report July 9, 2008
Palm Springs Zoning Code Section 94.04
Palm Springs Municipal Code Chapter 2.06



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: July 9, 2008

To: Planning Commission

From: Craig A. Ewing, AICP, Director of Planning Services

Subject: Architectural Advisory Committee: Declaration of Vacancy, and Establishment of Terms

Introduction

In response to questions raised by the Planning Commission, staff has researched the provisions surrounding the appointment and operation of the Architectural Advisory Committee (AAC). This memo summarizes the main regulations and seeks the Commission's direction on certain issues. Since the materials reference elements of the Municipal Code, the City Clerk will attend the meeting to answer any questions.

Establishment of the AAC

The Palm Springs Architectural Advisory Committee (AAC) was created by the City Council to provide comment and advice to the Planning Commission on certain new and remodeled development projects (see attached Zoning Code Section 94.04).

Membership on the AAC is subject to appointment by the Planning Commission, according to Section 94.04.00.C of the Palm Springs Zoning Code, as follows:

- C. *Planning Commission Architectural Advisory Committee.*
There is hereby established a planning commission architectural advisory committee which shall be a committee responsible to and appointed by the planning commission...

Further, the AAC is composed of seven members, with specific direction regarding the appointment of "technical advisors", as follows:

...The planning commission architectural advisory committee shall consist of one planning commissioner who shall be responsible for acting as a liaison to the planning commission architectural advisory committee. The planning commission shall appoint technical advisors to assist in reviewing detailed plans pursuant to this chapter. Technical advisors shall include three California licensed architects, one California licensed landscape architect,

one other design professional, and additional technical members for a total of seven members. The planning commission shall also appoint up to two alternate members to ensure adequate representation at planning commission architectural advisory committee meetings...

As indicated above, one Planning Commissioner is appointed as a liaison, but the practice since creation of the AAC is that the liaison does not have a vote on the Committee and is not included among the seven appointed members. As a result, the membership of the AAC is comprised of the following:

- Three licensed architects
- One licensed landscape architects
- One "other design professional", and
- Two "additional technical members"

As of June 2008, the AAC roster contained the following members:

Architects: James Cioffi, Doug Hudson, Michael King, Lance O'Donnell, Chris Sahlin and Alan Sanborn

Landscape
Architects: None

Other Design
Professionals: Paul Ortega (landscape design)

Alternates: Jeffrey Jurasky and Donald Wexler

As can be seen, the AAC has several architects that serve in the "other design professional" or "additional technical members" categories; however, these distinctions have never been specifically assigned to any individual. What is clear is that the AAC has a full seven members, but no licensed landscape architect, as required by the Code. This issue is addressed below.

Requirements for Residency

Section 94.04.00.C continues regarding the operation of the Committee:

...The planning commission architectural advisory committee shall meet on a regular basis as established by resolution and shall provide written recommendations to the director of planning services and the planning commission. The planning commission architectural advisory committee shall designate a chairman and vice-chairman. The planning commission architectural advisory committee shall be an advisory commission of the city, subject to the Brown Act, and may adopt rules and procedures by resolution.

Staff notes in the last sentence of Section 94.04.00.C that the AAC is an "advisory commission", which staff has determined to mean that the AAC is subject to Chapter 2.06 (Boards and Commissions – General Provisions) of the Palm Springs Municipal Code (see attached). Included in these provisions is Section 2.06.010e which states that all members must reside and be registered to vote within the City. An exception was granted by the City Council only for the Landscape Architect position on the AAC (see attached City Council Resolution No. 21172).

Staff has reviewed the current membership of the AAC and determined one member, Mr. Alan Sanborn, is not a City resident. Staff has confirmed this with Mr. Sanborn. Consequently, the Commission must declare, by minute motion, that a vacancy exists on the AAC. Such declaration will result in the posting of the vacancy for ten (10) days following which the Commission may appoint a new member. As noted above, the absence of a licensed landscape architect on the AAC means that the vacancy must be filled by appointment of a licensed landscape architect.

Appointment to Three-year Term

According to another Section of Chapter 20.6 (Boards and Commissions) relates to the term of an appointment, as follows:

2.06.010.a Unless otherwise provided by law, or by ordinance adopted after the effective date of the ordinance codified in this section, all members of boards and commissions of the city shall be appointed for three-year terms commencing on July 1st of the year of appointment; provided, that interim vacancies shall be filled by appointment for the unexpired term of the member replaced.

Staff has determined that there is no other specific ordinance regarding the term of the AAC, and that the above section applies. As a result, it is the responsibility of the Planning Commission to assign terms to the members of the AAC.

While all current eligible members may be assigned three-year terms beginning July 1, 2008, it is staff's recommendation that staggering terms be assigned to provide overlap and continuity into the future. Staff has concluded that the terms for the seven AAC members be assigned, as follows:

Three terms: Beginning July 1, 2008, expiring June 30, 2011
Two terms: Beginning July 1, 2007, expiring June 30, 2010, and
Two terms: Beginning July 1, 2006, expiring June 30, 2009

For the alternates, staff recommends:

One term: Beginning July 1, 2008, expiring June 30, 2011, and
One term: Beginning July 1, 2007, expiring June 30, 2010

The Commission may appoint the terms as it deems appropriate. A roster is attached for the Commission's review.

Lastly, the terms of any AAC member are limited to two, just as for the Planning Commission and all others. Since no terms have been established for the AAC until now, staff believes that all members are eligible for re-appointment at the end of their assigned terms.

Conclusion

The AAC has provided a tremendously valuable service to the Commission and community since its formation. The Commission may wish to consider if the existing rules cited in this memo are appropriate to the operation of the AAC. If not, the Commission may forward its recommendation to the City Council for any changes it believes are appropriate.

cc: ~~Palm Springs Zoning Code Section 94.04~~
~~Palm Springs Municipal Code Chapter 2.06~~
~~City Council Resolution No. 21172~~
~~AAC Roster and Term Assignment Worksheet~~

Palm Springs Municipal Code

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94.04.00 Architectural review.

A. Legislative Intent.

1. It is declared that the city of Palm Springs is a city with unique characteristics, internationally well known for its spectacular topography, the respect for natural features in manmade structures, and ideal climate conditions. These characteristics have caused a significant number of visitors to come to Palm Springs with many visitors eventually becoming permanent residents, participating in both active and retired community life.

2. All of these factors constitute an important economic base for the city, both for those who earn their living here and for those who view the city as their most precious physical possession. To protect the economic welfare of the community, it is the policy of the city council of the city of Palm Springs to reaffirm its determination to protect, maintain and enhance the social and economic values created by past and present investments in the community by requiring all future development to respect these traditions and require that all buildings and structures placed on the land respect the natural land forms, and become a compatible part of the total community environment, both in the local neighborhood and in the city as a whole.

3. The city council finds that there exist in the city conditions which promote disharmony and reduce land and property values, and that the lack of appropriate guidelines for the design of new buildings and design of structures on the city's main streets contributes to these conditions, and it further finds desirable the provisions of such guidelines for the protection and enhancement of land and property values, for the promotion of health, safety and general welfare in the community.

4. The city general plan includes a community design statement relationship to physical setting element which provides objectives and policies for design of public buildings, private buildings, streetscapes, landscapes, and exterior lighting.

B. Purpose.

The purpose of this section is to:

1. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;

2. Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;

3. Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, street scapes, and open spaces.

C. Planning Commission Architectural Advisory Committee.

There is hereby established a planning commission architectural advisory committee which shall be a committee responsible to and appointed by the planning commission. The planning commission architectural advisory committee shall consist of one planning commissioner who shall be responsible for acting as a liaison to the planning commission architectural advisory committee. The planning commission shall appoint technical advisors to assist in reviewing detailed plans pursuant to this chapter. Technical advisors shall include three California licensed architects, one California licensed landscape architect, one other design professional, and additional technical members for a total of seven members. The planning commission shall also appoint up to two alternate members to ensure adequate representation at planning commission architectural advisory committee meetings. The planning commission architectural advisory committee shall meet on a regular basis as established by resolution and shall provide written recommendations to the director of planning services and the planning commission. The planning commission architectural advisory committee shall designate a chairman and vice-chairman. The planning commission architectural advisory committee shall be an advisory commission of the city, subject to the Brown Act, and may adopt rules and procedures by resolution.

D. Planning Commission Architectural Advisory Committee Review Guidelines.

The planning commission architectural advisory committee shall examine the material submitted with the architectural approval application and specific aspects of design shall be examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;
2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;
3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all

mechanical equipment;

4. Building design, materials and colors to be sympathetic with desert surroundings;

5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously;

6. Consistency of composition and treatment;

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

8. Signs and graphics, as understood in architectural design including materials and colors;

9. The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.

E. Procedures.

1. Architectural review shall be required for the following:

a. All industrial, commercial, professional and residential structures and related landscape areas, except for single-family residences not located on major thoroughfares;

b. Hillside developments, including all structures, grading, landscaping, and exterior lighting, in accordance with Section 93.13.00 (Hillside developments), which may require public hearings before the planning commission;

c. Churches, governmental buildings and hospital and health facilities;

d. Mobilehome parks and recreational vehicle parks (architectural approval shall not be required for individual mobile home or recreational vehicle sites);

e. Tennis courts in all zones;

f. Designated historic sites, upon referral by the historic site preservation board, and properties within designated historic districts not otherwise subject to Section 94.04.00;

g. Entrance features and gates above the height allowed in front and side front setback areas subject to the findings that the limited height extension is architecturally acceptable, creates no interference with sight clearance or corner cut-off, and will cause no detrimental effects to adjacent properties in the vicinity.

2. Before any building or structure or landscape area described in subsection E of this section is erected, constructed, altered, moved, remodeled or repainted a color different than that existing, an application for architectural approval shall be submitted to the department of planning and zoning. An application for new construction and additions shall include a preliminary landscape plan and drawings showing the exterior elevation of sides of a proposed building or structure, the types of materials and colors to be used, and the signs to

be displayed. The director of planning services may authorize staff approval of minor architectural approval applications, non-hillside single-family homes, and sign programs and permits. Review and approval is as follows:

a. Staff-Level Approvals.

Minor architectural applications which are acted upon by the director of planning services, or designee, shall include repaints, reroofs, walls, fences, entry features, signs, sign programs landscaping plans, minor grading plans, exterior lighting plans, and additions which do not increase existing floor area by forty percent (40%) for single-family residential and twenty-five percent (25%) for all other development subject to this section. The director of planning services may consult with the planning commission architectural advisory committee in review of minor architectural applications.

b. Staff Action Appeals.

The action of the director of planning services shall be final unless appealed to the planning commission within ten (10) working days. The appeal shall be in writing and, upon receipt and filing of appropriate appeal fee, the director of planning services shall schedule the item at the next regular meeting of the planning commission. The action of the planning commission shall be final unless appealed to the city council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

c. Planning Commission Approvals.

All other projects subject to this section shall be subject to planning commission review and approval after review by the planning commission architectural advisory committee without the need for appeal. Architectural applications may be placed on the planning commission consent calendar unless other discretionary actions are required.

3. The planning commission architectural advisory committee shall recommend approval, conditional approval, or denial to the director of planning services or planning commission. Applications shall be reviewed by the planning commission architectural advisory committee at the earliest stages of application review.

4. All applications submitted for architectural review for uses permitted by-right-of-zone applications that are exempt from the California Environmental Quality Act (CEQA) shall be scheduled for planning commission review within forty-five (45) days after it has been accepted as complete by the department of planning and zoning. All by-right-of-zone applications referenced herein shall be placed on the planning commission's next available agenda as a consent approval item unless a public hearing is required.

5. a. All architectural applications for projects which are not uses permitted by-right-of-zone including but not limited to conditional use permits, planned development districts, subdivision maps, and projects that are not exempt from CEQA shall require a public hearing in accordance with existing procedures in place for the type of land use noted above. Architectural review applications which do not require any other discretionary

applications shall be subject to the public hearing requirements in Section 94.02.00 for conditional use permit.

b. Applications for architectural approval which require environmental assessments, environmental impact reports, and/or which also involve an application which requires a public hearing shall be submitted to the planning commission along with the recommendations of the planning commission architectural advisory committee. The planning commission shall review and consider the staff report, environmental documents, public written and oral testimony prior to taking action in accordance with appropriate city codes and ordinances. The decision of the planning commission is final unless appealed to the city council in accordance with Chapter 2.05 of the Palm Springs Municipal Code. For those applications which require city council approval, the recommendation of the planning commission shall be submitted to the city council in accordance with the appropriate city codes and ordinances.

6. Before an occupancy permit is issued, there must be full compliance with all requirements and conditions as approved by the city council, planning commission, planning commission architectural advisory committee, development committee or the director of planning services, public works director, and/or the building and safety manager. If for any valid reason full compliance cannot be made, a cash bond shall be posted for the work to be completed within a reasonable period of time as determined by the director of planning services, public works director, and/or building and safety manager.

7. Planning commission and planning commission architectural advisory committee agendas shall be provided to designated neighborhood representatives in addition to any person who requests such notice. Persons who request agendas on a regular basis shall pay appropriate fees established by city council resolution.

8. Properties subject to architectural approval shall be maintained in a good, first-class condition consistent with the approval of the planning commission, planning commission architectural advisory committee, or the director of planning services. Such maintenance shall include, but not be limited to, the exterior of the building and grounds, including landscaping, parking and walking areas, exterior lighting and signing and all other features reviewed by the commission or the director of planning services. The director may, in appropriate circumstances, require the recordation of enforceable covenants containing maintenance requirements. Failure to maintain such property consistent with such standards shall constitute a public nuisance.

F. Effective Date.

An architectural approval shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the planning commission or city council.

G. Time Limit for Development.

Unless otherwise stated by the planning commission or city council, the time limit for commencement of construction under an architectural approval shall be two years from the

effective date of approval.

H. Extensions of Time.

Extensions of time may be granted by the planning commission upon demonstration of good cause. Such extension shall be requested in writing and received prior to expiration of original approval. Retroactive time extensions submitted within six months of the original expiration date may be granted for good cause. Extension of time granted for companion cases such as conditional use permits, tentative maps or planned development district will also extend the architectural approval unless otherwise provided. Fees may be charged to process an extension request.

(Ord. 1647, 2004; Ord. 1551 (part), 1995; Ord. 1500 (part), 1995; Ord. 1418 (part), 1992; Ord. 1347 (part), 1990; Ord. 1294 (part), 1988)

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[Title 2 ADMINISTRATION AND PERSONNEL](#)

Chapter 2.06 BOARDS AND COMMISSIONS—GENERAL PROVISIONS

2.06.010 General rules regarding appointments, terms, vacancies.

- (a) Unless otherwise provided by law, or by ordinance adopted after the effective date of the ordinance codified in this section, all members of boards and commissions of the city shall be appointed for three-year terms commencing on July 1st of the year of appointment; provided, that interim vacancies shall be filled by appointment for the unexpired term of the member replaced.
- (b) Subject to its unfettered legislative discretion, the council will attempt to ensure that members appointed to city boards and commissions shall reflect the social, ethnic and cultural diversity of the community.
- (c) Persons appointed to a board or commission may be reappointed for up to one additional full term, not to exceed a total of seven years of service on such board or commission; such reappointments shall not be construed as automatic, and applicants must go through the same process for reappointment as all other applicants who are seeking initial appointment.
- (d) Except in cases where the mayor or the city council are not the appointing authority, no person appointed to a board or commission shall become eligible for appointment to such board or commission for a period of one year from the expiration of his or her service upon such board or commission; provided, however, that person, if otherwise qualified, shall become immediately eligible for appointment to any other board or commission without the one-year hiatus. After the expiration of one year during which the person has not served upon the same board or commission, that person, if otherwise qualified, shall again become eligible for appointment to the board or commission upon which he or she formerly served, subject to the provisions of subsection (c) of this section.
- (e) Unless otherwise provided by law, or by ordinance or resolution of the city council, all members of boards and commissions of the city shall be initially, and during their incumbencies, bona fide residents and registered voters of the city, and no such member at or during such time shall be an employee of the city, nor a current applicant for city employment.
- (f) Any member may be removed from office at any time, with or without cause, by a majority vote of the members of the city council. If a member is absent without advance permission of the board or commission or of the member's appointing authority, from three consecutive regular meetings or from twenty-five percent of the duly scheduled meetings of

the board or commission within any fiscal year, the chair of the board or commission shall file a certification with the City Clerk that such absences have occurred, and the member's office shall thereupon automatically become vacant and shall be filled as any other vacancy.

(g) All existing members of any board or commission shall be eligible upon the expiration of their existing term for one additional three-year term, unless they have also served an additional interim term, in which case they shall not be eligible for an additional term if their total continuous service would then be more than seven years, counting the additional three-year term to which they would be reappointed. (Ord. 1724 § 1, 2007; Ord. 1556 § 1, 1998; Ord. 1512 § 1, 1995; Ord. 1480 § 1, 1994; Ord. 1434 § 1, 1993; Ord. 1394 § 1, 1991; Ord. 1350 § 1, 1990; Ord. 1270 § 1, 1986; Ord. 1051 §§ 1, 2, 1977; Ord. 1040 § 1, 1977; Ord. 930 § 1, 1972; prior code § 1160)

2.06.020 Chairmen, vice-chairmen—Selection—Terms.

Unless otherwise provided by law, or by ordinance or resolution adopted after the effective date hereof, each board and commission of the city shall annually at its first meeting held after June 30, choose one of its number as chairman and one as vice-chairman. Each chairman and vice-chairman shall have authority and perform such duties as are commonly associated with their respective titles, or as may be specially prescribed by law or by the bylaws or other rules of the board or commission. Vacancies in either such position occurring prior to July 1 may be filled as in the first instance, and a new chairman or vice-chairman may be chosen at any time by majority vote of all members of the board or commission. (Ord. 1027 § 1, 1976)