



Planning Commission Staff Report

Date: July 27, 2011
Case No.: 3.1120 MAA (APPEAL)
Type: Appeal of Director's Decision
Applicant: Fernando Silva, Silfer & Associates, Representing Appellant
Location: 2720 East Tahquitz Canyon Way
APN: 502-143-011
General Plan: High Density Residential (15 - 30 du/ac)
Zone: R-3 (Medium-Family Residential)
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION:

Fernando Silva, Principal Designer for Silfer & Associates, on behalf of the appellant and owner of the Palm Springs Village Apartments, filed an appeal of the Planning Director's decision of June 8, 2011. The Director denied a request for a new parking area consisting of four (4) spaces resulting in the removal of mature landscaping open space and the creation of mid-block driveways at the Palm Springs Village Apartments, 2720 East Tahquitz Canyon Way.

RECOMMENDATION:

That the Planning Commission uphold the decision of the Planning Director denying the request to remove mature landscaping for the construction of a four (4) space parking area at the Palm Springs Village Apartments, 2720 East Tahquitz Canyon Way.

BACKGROUND:

On June 6, 2011, the Architectural Advisory Committee (AAC) reviewed the request and voted 3-2-2 (oppose, Chair Kleindienst, Monney; absent, Purnel, Fredericks) to recommend denial of the project as submitted.

On June 8, 2011 the Director of Planning responded in writing denying the request. The applicant was informed of his right to appeal this decision to the Planning Commission.

On June 20, 2011 the appellant filed a request to appeal the Director's decision to the Planning Commission (see attachment # 3).

SETTING:

The Palm Springs Village Apartments is a 153-unit apartment complex constructed in the 1970's. The buildings are three-stories in height fronting along East Tahquitz Canyon Way; parking areas are provided in the rear of the complex with entry from Andreas Road. The complex consists of three large buildings surrounded by mature landscaping and open space areas. At present, all vehicle access to the building is off Louella Road and Andreas Road. There are no driveway curb-cuts on East Tahquitz Canyon Way. The rental office is located along Louella Road and is identified by a green entry canopy. The subject property is bounded by residential uses to the north, east, and west and vacant land to the south. Surrounding land uses, Zoning, and General Plan designations are detailed below:

Table 1: Surrounding Land Uses:

	General Plan	Zone	Land Use
North	Very Low Density Residential	R-1-C	Single-Family Residential
South	Medium Density Residential	PD-71	Vacant Land
East	High Density Residential	R-3	Multi-Family Residential
West	High Density Residential	R-3	Multi-Family Residential

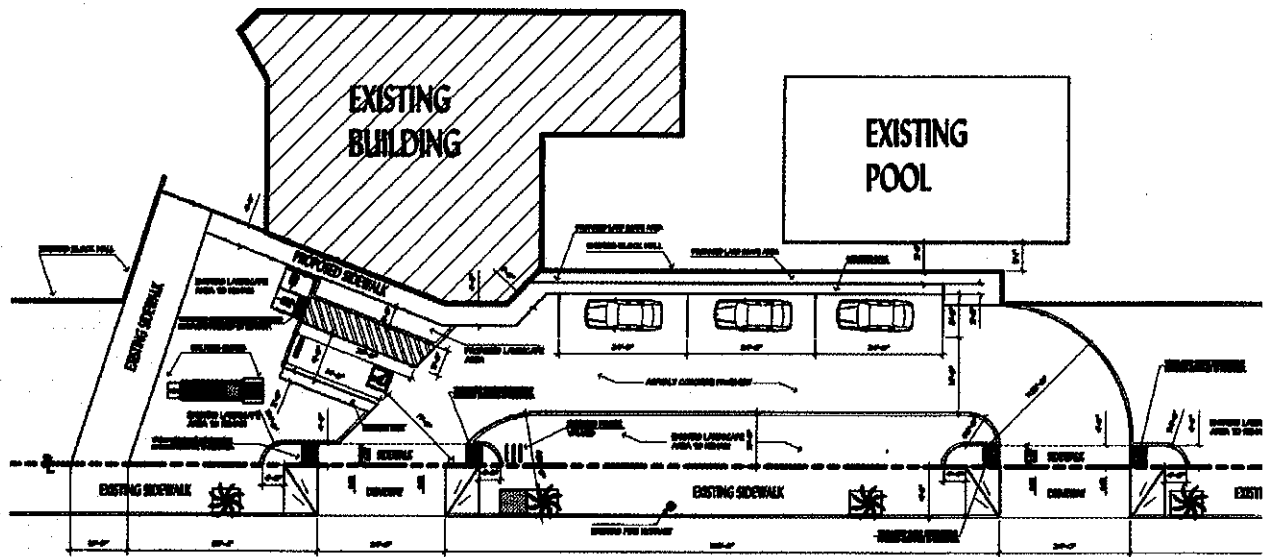
Parking Area Proposal

The appellant proposed to construct a new parking area to include three (3) standard parking spaces and one (1) handicap space. Access to the new parking area will be from the west bound lane of East Tahquitz Canyon Way through two curb cuts between existing palm tree planter beds. The drive way will be one-way into the parking area with ingress from the east entry circulating out to the street. The drive aisle width will be fourteen (14) feet with parallel parking stalls of twenty-four (24) feet long by eight (8) feet wide.

Section 93.06.00 of the Palm Springs Zoning Ordinance (PSZC) states:

Off-street Parking Adjacent to Streets.

Where parking areas front, side or rear on a street, there shall be a landscaped boarder of not less than ten (10) feet in depth, adjacent to the property line, and a decorative solid masonry wall and/or landscaped berm at least four (4) feet in height plus adequate landscaping shall be erected between the property line and the paved parking area, unless otherwise prescribed in this Zoning Code. Such wall or berming shall be reduced to thirty (30) inches in overall height within any corner cutoff area. (See Exhibit "B," found at the end of this section).

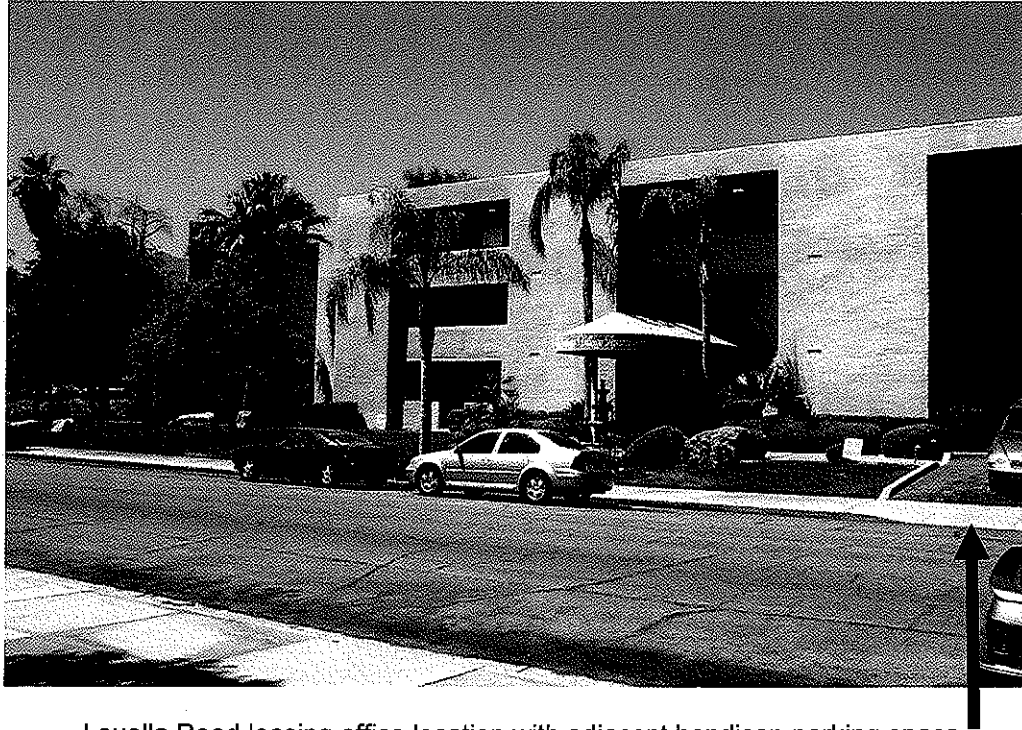


The proposed site plan includes a ten (10) foot wide landscaped area with a 48 inch high berm located between the parking area and the existing sidewalk. Currently there is an eight (8) foot tall wall adjacent to the pool which will be moved to accommodate the required set-backs. The siting of the new parking area will require the removal of many existing mature trees, shrubs, and groundcover. A fully developed landscape plan which addresses the removal of the mature plants and turf was not formally submitted for review. The "super-block" or green-way along East Tahquitz Canyon Way, west between El Cielo and Sunset Way is unique with uninterrupted open space, limited curb-cuts, and no on-street parking. A continuous bike way leading from the Airport to Downtown exists along the north side of the street.

APPEAL

The applicant/appellant has stated that his reason for appeal is:

"The importance of having the pull off on Tahquitz Way is due to the Administration building being located at the center of the complex which is very critical in regards of Security, Safety, Maintenance and administrative procedures. It will also allow the building to be identified as the Leasing Office immediately from the street. We are providing three parking spaces and one handicap space next to building, following ADA building code that request to have access to the building to the shortest route accessible to the building. We are no just making improvements to the buildings but we are creating a resort atmosphere and raising the quality of the property, trying to match that which the City of Palm Springs advertises nationally. Our intent is to get the property up to an occupancy that creates a safer environment and a community participation".



Louella Road leasing office location with adjacent handicap parking space

In response to the appellant's letter, Staff disagrees with the applicant's case; as seen in the photo above there is an existing handicap parking space located at the end of the sidewalk leading into the leasing office.

In addition, the narrow driveway entry and exit will result in slow moving vehicle's which could result in rear end collisions and conflict with bicyclists, and pedestrians. Tahquitz Canyon Way has a posted speed limit of 45-mph and the narrow driveway width of twenty-four (24) feet will require a vehicle to almost come to a stop before turning. The presence of a continuous dedicated bike lane and pedestrian walkway with unexpected turning vehicles could be hazardous. Finally, the applicant has indicated that additional signage facing East Tahquitz Canyon Way may be sought if the proposal is approved.

ANALYSIS:

The Zoning Ordinance Section 94.04.00 (E)(2)(a) gives the authority to the Planning Director to review minor architectural applications subject to the following:

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.



Area of proposed parking area looking east toward Airport

The proposal was reviewed by the Architectural Advisory Committee (AAC) on June 6, 2011 and by a vote of 3-2-2 (oppose, Chair Kleindienst, Monney; absent, Purnel, Fredericks) to recommend to the Planning Director denial of the proposed project. The AAC comments in favor of denial focused on a precedent that could be set by allowing the removal of mature landscaping for a gain of four parking spaces adjacent to East Tahquitz Canyon Way which will interrupt the streetscape.

The establishment of a consistent streetscape along Tahquitz Canyon Way with the apartment buildings setback from the street with wide landscaped areas between the sidewalk is a result of Section 93.01.02 of the PSZC - Special Setbacks which states:

A. *Tahquitz Canyon Way set-back*

1. *The building setback lines between Sunrise Way and El Cielo Road, shall be seventy-five (75) feet from the center line of construction of Tahquitz Canyon Way.*

The land uses along the north side of East Tahquitz Canyon Way are consistently setback to meet the PSZC requirement. The applicant's parking area proposal will conflict with the intent of this standard.

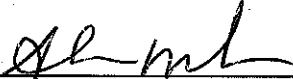
General Plan

The General Plan of the City has designated East Tahquitz Canyon Way as a major thoroughfare serving mostly through-traffic with some local access allowed; in most cases on-street parking is not permitted. Typically four or more lanes, these roadways form the basic element of the City's circulation system.

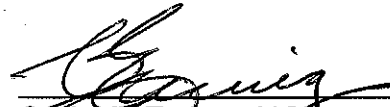
The Community Design Element of the General Plan goal CD15.4 encourages the placement of parking lots behind or on the side of buildings to minimize the visual impact of parking areas on the street scene. In addition, Tahquitz Canyon Way is considered as an enhanced transportation corridor providing an essential role in vehicular and pedestrian circulation. These corridors should be enhanced through the application of cohesive design elements such as landscaping and sidewalk connections. The appellants proposed plan to place a parking area in the front of the building is in direct conflict with the General Plan goal.

CONCLUSION:

That the Planning Commission uphold the decision of the Planning Director denying the request to remove mature landscaping for the construction of a four (4) space parking area at the Palm Springs Village Apartments, 2720 East Tahquitz Canyon Way.



Glenn Mlaker, AICP
Assistant Planner



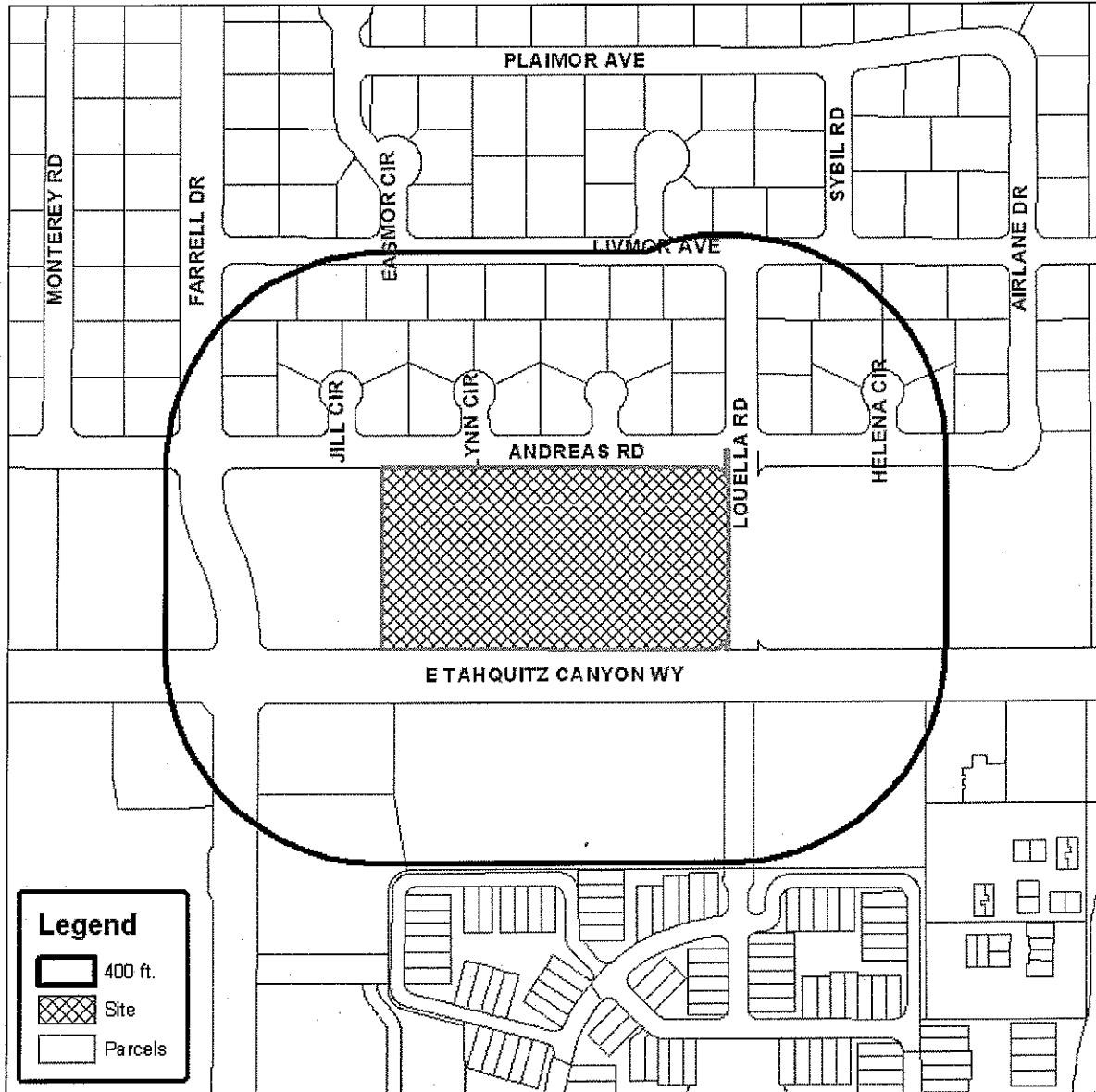
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

- 1 Vicinity Map
- 2 Denial Resolution
- 3 Letter of appeal by applicant.
- 4 Minutes of the June 6, 2011 AAC meeting.
- 5 Site / Landscape Plan.



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 3.1120 MAA

APPLICANT: Palm Springs Village Apartments

DESCRIPTION: Appeal by Palm Springs Village Apartments of the Planning Director's decision to deny a request to construct a parking area for 4 new parking spaces located at 2720 E. Tahquitz Canyon Way, Zone R-3, Section 13.

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING THE DECISION OF THE DIRECTOR OF PLANNING SERVICES AND DENYING AN APPEAL BY FERNANDO SILVA FOR THE PLACEMENT OF A FOUR-CAR PARKING AREA ADJACENT TO EAST TAHQUITZ CANYON WAY AT THE PALM SPRINGS VILLAGE APARTMENTS, APN 502-143-011.

WHEREAS, on June 6, 2011, the Architectural Advisory Committee (AAC) reviewed the project and by a vote of 3-2-2 recommend to the Director of Planning denial of the proposal; and

WHEREAS, on June 8, 2011, the Planning Director issued a written letter of denial for the request to place a four-car parking area adjacent to East Tahquitz Canyon Way resulting in the removal of mature landscaping and loss of open space at the Palm Springs Village Apartments; and

WHEREAS, on June 20, 2011, the property owner representative, Fernando Silva filed an appeal request of the Planning Director's decision; and

WHEREAS, Sections 94.04.00(E)(2)(b) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on July 27, 2011, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the decision by the Director of Planning Services to deny the request to place a four-car parking area adjacent to East Tahquitz Canyon Way resulting in the removal of mature landscaping and loss of open space at the Palm Springs Village Apartments was justified based on 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.*

The narrow driveway entry and exit will result in slow moving vehicle's which could result in rear end collisions and conflict with bicyclists, and pedestrians. Tahquitz Canyon Way has a posted speed limit of 45-mph and the narrow driveway width of twenty-four (24) feet will require a vehicle to almost come to a stop before turning. The

presence of a continuous dedicated bike lane and pedestrian walkway with unexpected turning vehicles could be hazardous.

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;

The land uses along the north side of East Tahquitz Canyon Way are consistently set-back to meet the Section 93.01.02 of the Palm Springs Zoning Code (PSZC) - Special Setbacks requirement. The applicant's parking area proposal will conflict with the intent of this standard and the General Plan.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby rejects the appeal and upholds the decision of the Director of Planning Services.

ADOPTED this 27th day of July, 2011.

AYES:

NOES:

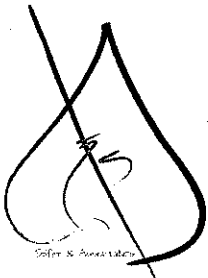
ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services



SILFER & ASSOCIATES
DRAFTING, DESIGN
& COSTRUCTION SUPERVISION

RECEIVED

JUN 20 2011

PLANNING SERVICES
DEPARTMENT

MAA
3.1120 Appeal

DATE: June 20, 2011

SENT TO: Craig Ewing
Planning Director
City of Palm Springs

PROJECT: Village Apartments.
2720 Tahquitz Canyon Way.
Palm Springs, Ca. 92262

We are appealing the decision on the case # 3.1120 for Reconsideration on the Palm Springs Village Apartments proposed Pull Off, to the Planning Commission.

The importance of having the Pull Off on Tahquitz Way is due to the Administration building being located at the center of the complex which is very crucial in regards of Security, Safety, Maintenance and administrative procedures. It will also allow the building to be identified as the Leasing Office immediately from the street. We are providing three parking spaces and one Handicap space next to Building, following the ADA Building Code that request to have access to the building to the shortest route accessible to the building. We are not just making improvements to the buildings but we are creating a Resort Atmosphere and raising the quality of the property, trying to match that which the City of Palm Springs advertises nationally.

Our intention is to get property up to an occupancy that creates a safer environment and a community participation.

Respectfully Yours.

Fernando Silva.

Principal Designer.
Silfer and Associates.

Vice-Chair Harlan stated that he agrees with the Chairman and does not support painting block, however, he would support the use of colored split-faced block.

Member Monney retracted his original motion.

ACTION: M/S/C (Harlan / Monney, 5-0-1, absent Purnel, Fredericks) To recommend approval with the following conditions:

- 3.a Building to be constructed of colored split-face block.
- 3.b Sub-committee consisting of Harlan / Jensen to review block color.
- 3.c Dumpster enclosure to meet City standards.
- 3.d Removal of all inappropriate trim from front façade.
- 3.e Shade tree box sizes to be 24 inch or larger.
- 3.f Window trim to be anodized bronze color.
- 3.g Wall material around parking and dumpster enclosure to match.

AGENDA ITEM #4: Case 3.1120 MAA -- Palm Springs Village Apartments

Palm Springs Village Apartments proposing a new parking area adjacent to new leasing office and removal of trees and turf along East Tahquitz Canyon Way, Zone R-3, Section 13.

(GM)

Assistant Planner Mlaker stated that the proposal for a pull-off area adjacent to Tahquitz Canyon Way is proposed to provide parking spaces for the newly relocated leasing office. The parking area will require the removal of a large section of mature landscaping adjacent to the street. The zoning code requires that a four foot berm be placed between the street and parking area.

Ranee Schaafsma, representing the property owner, was available to answer questions.

Member Monney stated that the removal of the landscaping will change the overall look of the street.

Member Fauber asked the applicant to point out the proposed berm. He stated that the placement of parking along Tahquitz Canyon Way as proposed with a berm would set a bad precedent.

Vice-Chair Harlan also stated that the proposal would set a bad precedent with the destruction of mature landscaping for a total of four parking spaces.

Member Jensen asked for an explanation of the proposed leasing building.

Chair Kleindienst stated that he likes the project in concept and made several suggestions to improve movements within the parking area.

ACTION: M/S/C (Jensen / Harlan, 3-2-2, oppose Kleindienst, Monney; absent Purnel, Fredericks) To recommend denial of the project as submitted.

~~**AGENDA ITEM #5: Case 01-11-050 / HD #2 - La Plaza Shopping Center**~~

~~Best Signs representing owner for the placement of two internally illuminated signs on a Class 1 historic site located at 160-C South Palm Canyon Drive, Zone CBD, Section 15. (GM)~~

~~Assistant Planner Mlaker stated that this application is for the placement of two signs on the building; one equating 14-square feet located above the second story windows facing La Plaza; and one sign equating 5.35 square feet located at the end of a sidewalk overhang facing south Palm Canyon Drive. Both signs will be internally illuminated with sixteen inch high channel letters. La Plaza is a Class 1 historic site and the HSPB will review this project at their June 14, 2011 meeting. The AAC comments will be forwarded to them.~~

~~Jim Cross, representing Best Signs, was available for questions. He stated that the proposed signs are smaller than the previous Desmond's signs.~~

~~James Davidson, owner of Bobby G's, stated that the store will sell upscale men's clothing.~~

~~Member Monney asked for staff to clarify the review process for historic properties.~~

~~Member Jensen asked if there was a sign program for the building.~~

~~Vice-Chair for a clarification of the retail use.~~

~~Chair Kleindienst stated that he believes that the proposed signs are consistent with previous signs and the proposal to place the signs in the same location as Desmond's would be sensitive to the Class 1 building status.~~

~~Vice-Chair Harlan stated that he would support a front-illuminated sign reduced in size by 25%.~~

ACTION: M/S/C (Fauber / Kleindienst, 4-1-2, oppose Harlan; absent Purnel, Fredericks) To recommend approval.

AGENDA ITEM #6: Case 3.3487 MAJ Lloyd's Pest Control

Lloyd's Pest Control for the construction of a 2,420 square foot industrial building with landscaping and parking on a vacant lot located at 19161 Newhall Street, Zone M-2, Section 15. (DM)

Associate Planner Newell presented the proposed industrial building as outlined in the staff report. The proposal is consistent with the development standards of the M-2 Zone.

