

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
October 22, 2014
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Vice-Chair Klatchko called the meeting to order at 1:31 pm.

ROLL CALL:

Present: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk and Vice-Chair Klatchko

Absent: Chair Hudson

Also Present: Planning Director Fagg, Principal Planner Robertson, Assistant Planner Mlaker, Assistant Director of Engineering Khamphou and Planning Admin. Coordinator Hintz

REPORT OF POSTING OF AGENDA:

The agenda was posted for public access at the City Hall exterior bulletin board, Planning Services counter and the City's webpage by 4:00 pm on Thursday, October 16, 2014.

ACCEPTANCE OF THE AGENDA:

Douglas Holland, City Attorney, reported that Items 3C and 3D have been the subject of litigation at the Federal Court level. This morning the mediator for the Federal Court has requested these two items be continued for November 12, 2014. The City Attorney requested no public testimony be taken at this time and offered to meet with any residents within the community that are present.

The agenda was accepted as amended.

- 3C. A REQUEST BY ERIC MCLAUGHLIN OF INTERVENTION 911 FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) FOR A SUBSTANCE ABUSE RECOVERY CENTER / ASSISTED LIVING FACILITY USE AT THE ALEXANDER APARTMENTS, AN EXISTING FIVE-UNIT BUILDING LOCATED AT 1425 VIA SOLEDAD; ZONE R-2 (CASE 5.1282 CUP). (KL)**

3D. A REQUEST BY ERIC MCLAUGHLIN OF INTERVENTION 911 FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) FOR A SUBSTANCE ABUSE RECOVERY CENTER / ASSISTED LIVING FACILITY USE AT THE PALM TEE HOTEL, AN EXISTING 16-UNIT BUILDING LOCATED AT 1590 EAST PALM CANYON DRIVE ZONE R-2 / R-3 / RESORT COMBINING ZONE (CASE 5.1283 CUP). (KL)

ACTION: To continue Items 3C and 3D to the Planning Commission meeting of November 12, 2014.

Motion: Commissioner Lowe, seconded by Commissioner Roberts and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

ABSENT: Chair Hudson

PUBLIC COMMENTS:

Vice-Chair Klatchko opened public comments and with no appearances coming public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: OCTOBER 8, 2014

ACTION: Approve the Planning Commission Minutes of October 8, 2014, as amended.

Motion: Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

ABSENT: Chair Hudson

2. NEW BUSINESS:

2A. SOUTH PALM CANYON, LLC, REQUEST FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 311 TO CONSTRUCT 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000 SQUARE FEET OF RETAIL COMMERCIAL LOCATED AT 450-490 SOUTH PALM CANYON DRIVE, ZONE PD311 (CASE 5.1342-PD311). (ER)

Principal Planner Robertson presented the proposed extension of time request as outlined in the staff report.

Commissioner Roberts questioned why staff is recommending approval since the project has not moved forward.

Principal Planner Robertson noted the following reasons: 1.) the zoning code does not have any specific findings; 2.) staff has been persuaded that the applicant has been making sincere efforts to move the project forward (meetings with brokers and potential investors) and the upkeep and maintenance of the site is on-going.

Commissioner Lowe questioned why a time extension would be approved if a project is not viable.

ROBERT HERSCU, managing member South Palm Canyon, LLC, commented that he has been involved with many financial bankers throughout the country and they are waiting for completion of the Downtown project and this development is a bookend into downtown. He said that has invested \$70 million into this project and wants to build it.

Commissioner Weremiuk said she is making a motion to support the staff report and usually questions time extension requests; but, given that this is a bookend for downtown and is remaining as condominiums she would like to see downtown as a place where more residents live.

Commissioner Lowe said that his concerns are not about the project itself; but more with the investors not believing this is not a viable project. How many years will it be continued?

Commissioner Middleton noted disappointment with the staff report and would like to see more why this project will come about.

Commissioner Roberts agrees this building would be an excellent development; however, he has a problem with the applicant using the Downtown project as viability. He said this project can sit indefinitely and does not think it is a viable project.

Commissioner Calerdine noted consideration that this site has existing viable uses and does not see the risk of continuing this project. He said that mixed-use projects have a good track record of acquiring financing and having the developer go through the entitlement process again will be very costly. He does not see the advantage in removing the entitlements at this time.

ACTION: Approve the time extension request subject to the previously certified EIR.

Motion: Commissioner Weremiuk, seconded by Commissioner Lowe and carried 5-1-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton,
Commissioner Weremiuk, Vice-Chair Klatchko
NOES: Commissioner Roberts
ABSENT: Chair Hudson

3. PUBLIC HEARINGS:

3A. **DOS PALMAS DEVELOPMENT, LLC., FOR A TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND AN APPROXIMATELY 58,831-SQUARE FOOT REMAINDER LOT LOCATED AT THE NORTHWEST CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C (CASE TPM 36693). (GM)**

Assistant Planner Mlaker provided a brief history and overview of the proposed project.

Assistant Director of Engineering Khamphou addressed questions pertaining to the access points on Sunrise Way. He noted that the General Plan requires a median along Sunrise Way that will only allow right-in and right-out. He stated that if a median is installed Engineering prefers one access point to this parcel.

This Commission asked technical questions in reference to: the conceptual plan, planning review process, access points, subdivision of the parcel into the two lots, viability of lots and zoning for the parcel.

Vice-Chair Klatchko opened the public hearing:

PAUL HRYN, applicant, Dos Palmas Development, provided an explanation to the City Council's action of a commercial project that had access off of Sunny Dunes - this project had lots of opposition because of the access on Sunny Dunes. He said the access was then moved from Sunny Dunes to Sunrise Way in which the two access points on Sunrise were approved.

There being no further appearances the public hearing was closed.

Commissioner Weremiuk asked if both sides of the parcels would be developed.

PAUL HRYN responded that he is a small developer and will build one project at a time and then sell it and then start designing a project for the Sunrise parcel. He replied that one access point will not work for this parcel and hopes the engineering dept. will consider the reduction in traffic flow.

Commissioner Weremiuk made a motion to continue this project until their next meeting to give staff an opportunity to research this proposal to see if it is feasible both from an engineering and development point of view.

Director Fagg commented that before the Commission is consideration for a tentative map and one of the things they do not want to get into is a specific development plan for the second parcel. The question is does the remainder parcel remain developable? Staff agrees there are a number of options in how this parcel could be developed.

Commissioner Weremiuk withdrew her motion.

Commissioner Calderine said he supports the motion and likes the houses along Sunny Dunes; however, is concerned that the remainder parcel will not have access on Sunny Dunes. He mentioned the commercial parcel immediately to the north has two access points and to the south there are a series of driveways on Sunny Dunes. He does not agree that it is feasible to restrict access on Sunrise Way.

Commissioner Roberts asked staff if access would be granted to the vacant parcel from Sunrise Way and not land lock the lot.

Assistant Director of Engineering Khamphou responded that access would be granted after a traffic analysis has been conducted.

Commissioner Middleton said she supports the project and noted that the developer has built good homes on Sunny Dunes. She noted that the parcel before the Commission is going to conform to the surrounding residential properties and there is nothing dependent on not approving this project. She said that the remaining parcel is a very challenging property to develop and will be interested to see what it will be.

Commissioner Weremiuk questioned about incorporating sustainable features to the project. The applicant responded said that all the homes will include solar systems, desert scape with water controllers and Astro turf in the backyard and additional efficiency features that will be incorporated into the homes.

ACTION: Approve as submitted.

Motion: Commissioner Lowe, seconded by Commissioner Weremiuk and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

ABSENT: Chair Hudson

3B. SIERRA OAKS PARTNERS, LLC, FOR A TENTATIVE TRACT MAP TO SUBDIVIDE AN APPROXIMATELY 20-ACRE VACANT PARCEL INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS AND 10 LETTERED LOCATED AT 655 WEST RAMON ROAD, ZONE R-1-C (CASE TTM 36738). (ER)

Principal Planner Robertson provided background information and presented the proposed project as outlined in the staff report.

The Commission asked technical questions pertaining to the density, access points on Ramon Road and approval process.

Vice-Chair Klatchko opened the public hearing:

TODD CUNNINGHAM, applicant, Woodbridge Pacific Group, president, emphasized that this project is consistent with the general plan and zoning code; and spoke about the input they've received from the neighborhood association, focus groups and neighborhood meetings. He provided details pertaining to elimination of the long walls, enhancing walkability and connectivity to downtown, pedestrian circulation, large lots, high-quality architecture, preservation of views and landscaping on Ramon Road.

JOHN GIANDELONE, resides at the Canyons, said he is not in opposition to development; however, expressed concern with the remaining undeveloped land (south area of the proposed development); problems in this area with homeless encampments and lack of access for police and fire.

RON HALLERAN, resides at the Canyons, spoke about this plan eliminating the common area around the canyons providing a buffer. He expressed concern with the height, noise, dust and location of rock crushers.

KENNETH FALCON, resides to the west of proposed development, questioned the height of the existing story poles at the site.

JIM HARLAN, resides in the Historic Tennis Club area, said that these homes will be lovely but they have no context with the long walls and urged the Commission to approve a conceptual project.

FRANK TYSON, Historic Club Tennis Club Neighborhood Organization, chair, thanked the developer for reaching out to the community and requested correction on the height of the story poles.

TODD CUNNINGHAM, applicant rebuttal, addressed public testimony concerns relating to the access points, surrounding gated communities, timeline of development, height of the story poles and buffer for the canyon homes.

There being no further appearances the public hearing was closed.

Commissioner Calderine commented and/or asked questions regarding:

- The vertical elevation on the meandering sidewalk; (constant rise)

- The treatment for the retention basin (on the east end of the property). (Open space maintained by the HOA and landscaped per City requirements.)
- Requested a basin plan to come back for Commission review;
- Access to the south acreage to the south and suggested an easement and/or pedestrian access provided between the two sites.

Commissioner Roberts asked questions and/or commented on the following:

- Do the current story poles reflect the actual height? (yes)
- Suggested exporting the rocks for off-site crushing. (mitigation measures prohibit rock crushing on-site)

Commissioner Middleton spoke in favor of the motion noting that this is a very attractive project and commended the applicant in reaching out to the neighborhood. She suggested more shade trees and less palm trees and suggested a dog park if there is space (towards the east side).

Commissioner Roberts disagreed about the dog park since this not a PDD or a gated community and people can get out and walk their dogs.

Commissioner Weremiuk asked for a condition for the retention basin to come back for the Commission's review (encouraged pedestrian connection); and supports Commissioner Middleton's request to add more shade trees rather than palm trees.

Commissioner Calerdine said he thinks it's a very inventive project and particularly appreciates the front-yard, backyard rotation of the mountain views.

ACTION: To re-adopt the Mitigated Negative Declaration and recommend approval to the City Council with the added conditions:

1. Pedestrian access point on one of the streets to the property to the south.
2. Submit landscape plans for a retention basin.
3. Incorporate more shade trees in the landscape plan.

Motion: Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

ABSENT: Chair Hudson

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission commented on the following items:

1. An overview of the status of the Museum Market Plaza development.
2. Number of approved hotel rooms; and how many have commenced development.
3. Advise applicants that their project must be complete prior to the AAC and Planning Commission review and consider into their timeline.
4. A request to tour the Museum Market Plaza site.
5. Continual requests for time extensions (not rubber stamping); provide a list of Las Vegas requirements for time extensions.
6. Provide an update to the Commission on current major projects under construction.
7. Number of hotel room shortage for the Convention Center to be fully operational.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg commented on the following items:

1. A study session will be held on Nov. 12, 2014 at 11:30 am.
2. Provided the breakdown on the number of existing, approved and new submittals of hotel rooms.
3. Development Project list available on the City website.

ADJOURNMENT:

The Planning Commission adjourned at 3:35 pm to 11:30 am Wednesday, November 12, 2014, City Hall, Large Conference, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services