

CITY OF PALM SPRINGS
PLANNING COMMISSION STUDY SESSION MINUTES
November 12, 2014
Large Conference Room, City Hall
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

CALLED TO ORDER:

Chair Hudson called the meeting to order at 11:32 am.

ROLL CALL:

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

ABSENT: None

ALSO PRESENT: Planning Director Fagg and Principal Planner Roberts

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 10:00 am on Tuesday, November 4, 2014.

PUBLIC COMMENTS: None.

DISCUSSION ITEMS:

1. REVIEW OF CELL TOWER REGULATIONS.

Discussion:

- Presentation by Dennis Hurvitz, PE, of Desert Engineers, regarding cell tower technology and coverage.
- Commissioner Roberts voiced concerns about cell tower height and the accuracy of coverage maps. He expressed a preference for evaluating applications on a case-by-case basis, and was comfortable with the city's current cell tower ordinance. However, he would prefer that there be independent consultation and neutral analysis of coverage maps, and offered that applicants should pay for any additional costs related to this review.
- Commissioner Weremiuk noted that the city's ordinance is outdated and needs to be updated to properly address height, setbacks, and adequate guidelines for review of cell tower applications. She also noted a preference for monopoles versus the "monopalm" design. She also suggested that applicants need to

show the locations of all their towers as part of any new applications, and that wireless equipment should be inconspicuously mounted on the new hotel buildings that are being proposed. The Commissioner noted any new ordinance would need the support of City Council, and that the goals for cell tower regulation for both groups should be aligned.

- Chair Hudson noted that residents may prefer the monopalm design, but the monopole is necessary to get co-location of equipment. He also suggested that the city needs a coordinated master plan for cell towers, and to look ahead at continued growth in wireless usage.
- Commissioner Middleton noted that context is important when installing a monopalm tower and that an isolated monopalm is of no value.
- Commissioner Lowe questioned if there were other technologies available to screen or disguise cell towers equipment. He also suggested that a map should be prepared, locating all current cell tower within the city, and to distinguish which towers are monopoles and which are monopalms. The Commissioner felt that the city should increase its review fee to pay for independent analysis of the coverage maps submitted with cell tower applications.
- Commissioner Calerdine noted that coverage maps prepared by cell tower companies rely on a standard set of variables, and can be accurate as long as the assumptions are correct. He also recommended that it's important to understand the net current cell coverage and how a new tower improves coverage in the decision making process.
- Vice Chair Klatchko suggested that companies need to provide a map showing all coverage for the company, and agreed that the city's ordinance is out of date. He also noted that the Conditional Use Permit (CUP) process is still an appropriate means for reviewing cell tower applications, and that changing technology may reduce the required height of towers in the future.
- The Commissioners questioned if the city could require co-location of providers on cell towers and if allowing added height would get greater co-location and reduce the overall number of towers.

Direction to Staff:

1. Staff to begin work on an updated cell tower ordinance.
2. A cell tower subcommittee should be appointed to work with staff in the development of a new ordinance.
3. Staff to investigate the use of an independent consultant or peer review in the evaluation of coverage maps, as well as any associated costs.
4. Staff to prepare a map of all existing cell towers within the City of Palm Springs, noting the carrier and type of tower.

2. REVIEW OF THE PROCESS FOR MAKING FINDINGS OF FACT IN PLANNING COMMISSION DELIBERATIONS.

Discussion:

- Director Fagg gave a presentation outlining the purpose of findings of fact in quasi-judicial proceedings and discussed how findings can be used to communicate the intent of the Planning Commission to City Council. Director Fagg explained that findings of fact are the specific facts about a case which you use to make your decisions relevant to code requirements, testimony, CEQA documents, etc. He provided an example of a major law case that supported the need for findings. Director Flinn presented guidelines for the types of findings and provided examples of a specific list of criteria why the project conforms or does not conform to code requirements.
- Commissioner Calerdine said the findings may be a challenge to get them out in writing.
- Director Fagg noted the AAC makes a quick list of key points discussed during the project and presents them when making a motion.
- The Commission discussed working on being more specific when making a motion.

Direction to Staff:

1. Staff to assist the Commission in making findings for their decisions.
2. Provide the Commission a list (at the dais) with the guidelines for making findings.

3. REVIEW OF PLANNED DEVELOPMENT DISTRICT DISCUSSION FROM MARCH 2014 STUDY SESSION.

Discussion:

- Director Fagg reviewed the City Council's adopted policy statement regarding the public benefit requirements for Planned Development Districts. In addition, handouts and minutes from previous study sessions on the topic were reviewed.
- Commissioner Weremiuk noted that we need to adjust our standards and provide options. The Commissioner also stated that PDD developments should include a mixed-use component, and recommended that there be a minimum acreage threshold for use of the PDD process.

- Commissioner Roberts suggested that the Sol development was a good example of providing public benefits, through the provision of an artistic walkway, trees donated to Ruth Hardy Park, and the incorporation of sustainable features. He further suggested that there should be a menu of choices in providing amenities that qualify as a public benefit.
- Commissioner Calderine recommended that a small-lot ordinance be developed; he also recommended that public benefits be proportional to the degree of waivers requested, and questioned if the City would allow any amenities that aren't accessible to the general public to be included.
- Vice-Chair Klatchko suggested that off-site amenities should be allowed as part of public benefits and those amenities should be superior to that which is generally required by code. He discouraged the approach of "buy your way in" in terms of deviations from code requirements.
- The Commissioners also noted that not every large development should utilize the PDD process, nor should small-scale projects utilize the PDD process. The concept of contributing to the completion of Measure J projects was also discussed as a means to address public benefit requirements.

Direction to Staff:

1. Staff was directed to reconvene the PDD subcommittee (Calderine, Roberts, Weremiuk).
2. Staff to develop a small-lot single-family zoning district for use in place of the PDD process.
3. Revise/expand the public benefit requirements for PDD developments (as a separate process from the PDD subcommittee).

PLANNING COMMISSION REPORTS, REQUESTS, AND COMMENTS:

- Staff was directed to review the report on historic districts that had been prepared by Craig Ewing.

ADJOURNMENT: The Planning Commission adjourned at 12:53 pm to 1:30 pm, Wednesday, November 12, 2014, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
November 12, 2014
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Chair Hudson called the meeting to order at 1:30 pm.

ROLL CALL:

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

Absent: None

Staff Present: Planning Director Fagg, Principal Planner Robertson, Associate Planner Lyon, Associate Planner Newell, Assistant Planner Mlaker, Administrative Coordinator Hintz and Assistant Director of Engineering Khamphou

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 4:00 pm on Thursday, November 6, 2014.

ACCEPTANCE OF THE AGENDA:

Commissioner Roberts requested Items 1B and 1C pulled from the agenda for further discussion.

Chair Hudson noted his abstention on Item 1A (minutes) as he was not present at this meeting.

The agenda was accepted unanimously.

PUBLIC COMMENTS:

Chair Hudson opened the public comments portion of the meeting and with no appearances coming forward public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: OCTOBER 22, 2014 Approve the Planning Commission Minutes of October 22, 2014.

ACTION: Approve the Planning Commission Minutes of October 22, 2014.

Motion Vice-Chair Klatchko, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

1B. 3 SQUARE, LLC, FOR A MAJOR ARCHITECTURAL APPLICATION (MAJ) AND AN ADMINISTRATIVE MINOR MODIFICATION (AMM) TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON A HILLSIDE LOT LOCATED AT 525 CAMINO CALIENTE, ZONE R-1-A (CASE 3.3771 MAJ / 7.1438 AMM). (KL)

Commissioner Roberts said he is having trouble with staff's recommendation with respect to the Architectural Advisory Review Guidelines and does not think it meets conditions #7, #8, #9 and finds compatibility issues.

Commissioner Weremiuk concurred with Commissioner Roberts.

BRIAN DIEBOLT, Design Concepts, questioned why these issues are being brought up now and not at the architectural level. He clarified that several finishes will have a high level that exceed the neighborhood - they are still choosing the stone and woodwork. He requested to come back in a day or two to show the samples.

Commissioner Roberts commented that the project is not complete.

Commissioner Middleton expressed concern with the amount of turf in the backyard. The applicant responded that it will be artificial turf.

Vice-Chair Klatchko asked about the AAC comments for these projects.

Planner Lyon responded that these items were on consent and no comments were made.

Vice-Chair Klatchko noted that he agrees that these issues must be resolved since these are substantial homes on a hillside.

Commissioner Weremiuk does not see the need for the additional height and requested it be defined when it comes back to them for review.

ACTION: To continue to allow the applicant to make changes in the design in the following areas:

- Compatibility to the neighborhood.
- Surface treatments.
- It needs a greater degree of architectural articulation - it needs to show some movement and character.
- Greater variation in surface materials.
- Fenestration could use balancing and reconsideration.
- Height issues - need to get in conformance.

Motion Commissioner Roberts, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

1C. 3 SQUARE, LLC, FOR A MAJOR ARCHITECTURAL APPLICATION (MAJ) AND AN ADMINISTRATIVE MINOR MODIFICATION (AMM) TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON A HILLSIDE LOT LOCATED AT 587 CAMINO CALIENTE, ZONE R-1-A. (CASE 3.3772 MAJ / 7.1439 AMM). (KL)

Discussion and motion for this item is same as above.

2. PUBLIC HEARINGS:

2A. CONT'D - 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)

Director Fagg requested Item 2A and 2B to be trailed to the end of the agenda.

Chair Hudson combined Items 2A and 2B and opened the public hearing; and with no appearances coming forward the public hearing was closed.

Director Fagg reported that the mediator for Items 2A and 2B has requested for a continuance to December 10, 2014.

ACTION: To continue Items 2A and 2B to a date certain of December 10, 2014.

Motion Chair Hudson, seconded by Vice-Chair Klatchko and unanimously carried on a roll call vote.

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

2B. CONT'D - 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)

This item was continued, as noted above.

2C. RLSMAX T41, LLC, OWNER FOR A MAJOR ARCHITECTURE APPLICATION AND RE-ADOPTION OF A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 41-UNIT CONDOMINIUM COMPLEX KNOWN AS VIBRANTE, LOCATED AT 6500 34TH AVENUE, ZONE R-G-A(6), SECTION 30 (CASE 3.3745 MAJ). (GM)

Assistant Planner Mlaker provided background information and presented the proposed project as outlined in the staff report. He outlined the recommendations provided by the AAC at the exhibits and noted a correction to delete condition ENV 3. as noted in the staff memorandum.

The Commission asked for clarification pertaining to the street width, side yard setbacks, guest parking and on the cultural survey that was conducted.

Commissioner Calerdine noted that this project will be adjacent to the CVAG trail and if any additional landscape will be provided.

Chair Hudson opened the public hearing:

RICK SCOTT, Corman Leigh Companies, stated the minimum street width is 24' and 28' on other streets including an over-supply of guest parking throughout the project. He addressed the slope and access to the bikeway path, building separation, technical matters and issues of circulation.

CHARLES MELTON, senior partner, Knitter Partners, provided details on the architectural theme, colors, window coverings, shade structures, stucco elements and the color concrete block.

CHRIS HERMANN, Hermann Design Group, landscape architect, provided details on the 34th street elevation, entry gates to the rear yards, enhanced landscaping, plant massing and interlocking pavers.

RANDY SCOTT, resides on Marguerite St., expressed concern being surrounded by walls and hoped for more of a community type development.

RICK PURNEL, resides on Marguerite St., spoke about the openness of this neighborhood which creates an atmosphere of togetherness.

TRAE DANIEL, resides on Marguerite St., expressed concerned with the gated community and requested a redesign of the project.

WENDY RODGERS, resides in the neighborhood, said she is excited to see this project; however, is concerned with gates and encouraged diversity and improvement of the curb appeal for their neighborhood.

JOANNE HURT, expressed concern with emergency and safety access to the neighborhood other than 34th street.

RICK SCOTT, applicant, explained that this is an approved plan and there are power lines and sewer lines that run throughout 34th Street.

There being no further appearances the public hearing was closed.

Commissioner Weremiuk said in listening to the testimony she supports having the project redesigned with an extension of Lawrence and Marguerite Streets - so it's a continuous neighborhood. The General Plan has a policy not to allow gated communities.

Commissioner Roberts asked questions to the applicant pertaining to changing the orientation of seven homes facing the power lines, access to the bike trail and adequate space to build the pools. The applicant responded.

Commissioner Middleton congratulated the applicant for going into this area where there is much difficulty and challenges in terms of building. She noted reluctance in approving a project that will gate off a community; she will not support gates.

Commissioner Calerdine asked about the possibility of narrowing 34th street. The applicant responded about the power poles and major water line and if the road were narrowed it would not be under the roadway.

Mr. Calerdine thought this was more road than needed and it would allow for more landscape.

Savat Khamphou, Assistant Director of Engineering, said there may have been an agreement in the past where the utilities are under the street.

Vice-Chair Klatchko questioned if a redesign of the east entrance would be amenable to have an open access to the community.

The applicant responded that a redesign would be necessary to also make it a secondary primary access point.

Commissioner Calerdine expressed concern about turning the units around because the entire site plan would have to be redesigned.

ACTION: To send this project back for a redesign to eliminate the gates based on the General Plan policy and neighborhood testimony; and turn the front units to face and enter through 34th street.

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

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

NOES: Commissioner Calerdine

A recess was taken at 2:53 pm.

The meeting resumed at 3:03 pm.

2D. PARKER PALM SPRINGS II, LLC, REQUESTING A CONDITIONAL USE PERMIT TO RENOVATE AN EXISTING BANQUET ROOM INTO A RESTAURANT USE LOCATED AT 4200 EAST PALM CANYON DRIVE, ZONE R-3/PD-58 (CASE NO. 5.1354 CUP). (FF)

Planning Director Fagg presented the proposed conditional use permit as outlined in the staff report.

Chair Hudson opened the public hearing:

BRANDAN MCCURLEY, general manager, provided details about converting a banquet space into a restaurant and addressed the parking spaces.

There being no further appearances the public hearing was closed.

ACTION: Approve subject to conditions.

Motion Commissioner Roberts, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

2E. A CONDITIONAL USE PERMIT APPLICATION BY SAMUEL RUBIN ON BEHALF OF PAUL BRAZEAU, OWNER FOR APPROVAL OF A MESSAGE OFFICE USE AT AN EXISTING BUILDING LOCATED AT 471 EAST TAHQUITZ CANYON WAY, ZONE: RESORT / ATTRACTION (RA), SECTION 14 SPECIFIC PLAN (CASE 5.1353 CUP). (KL)

Associate Planner Lyon presented the proposed project as outlined in the staff report. The Commission asked questions pertaining to the floor plan layout.

Chair Hudson opened the public hearing:

SAMUEL RUBIN, certified and licensed massage therapist, indicated that they are based on an on-call basis and explained that he was not aware of the need for a CUP to rent the office space.

PAUL BRAZEAU, building owner, provided details on the floor plan layout and the recent requirement to obtain a CUP; he spoke about the large fees required for a CUP for office space and requested consideration for 2nd story office space.

There being no further appearances the public hearing was closed.

Vice-Chair Klatchko requested clarification on continued office uses applying for a CUP and noted concern with small office use and the large fee associated with it.

ACTION: Approve subject to conditions.

Motion Commissioner Roberts, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

2F. VIA OLIVERA, LLC FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT; MAJOR ARCHITECTURAL AND TENTATIVE PARCEL MAP FOR A FIVE (5) LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AT 199 WEST VIA OLIVERA, ZONE R-2, SECTION 3 (CASE NOS. 5.1348 PD 373 / 3.3730 MAJ / TPM 36737). (GM)

Assistant Planner Mlaker presented the proposed project as outlined in the staff report.

Chair Hudson said he was in attendance at the AAC meeting when this project was heard and asked what will be substituted for the gazebo. Planner Mlaker responded the public benefit is that 1/2 of Zanjero Road will be built with curb and gutter.

Chair Hudson opened the public hearing:

Leonard Urquiza, PE, Secutrac Engineering, provided details about the replacement of the gazebo with landscaping area per the AAC recommendations.

There being no further appearances the public hearing was closed.

Commissioner Weremiuk expressed concern with the lack of public benefit for the community.

Commissioner Calerdine suggested looking at improving the cross-section road (Zanjero Road) as a public benefit.

Commissioner Middleton noted the lack of landscape and encouraged a greater variety of material and more shading could be provided.

Vice-Chair Klatchko asked about the possibility of an alternative approach for a PDD such as a change of zone.

Assistant Planner Mlaker responded that the gazebo was part of one lot; and when the application was submitted staff asked the applicant to submit a PDD because of the density and original site plan was designed it would not meet the design standards.

The Commission discussed the amount of public benefit proportionate to the project.

Director Fagg noted that without a specific ordinance by the City Council establishing a specific fee in place this cannot be done.

Director Fagg stated that the concept of proportionality for public benefit - is the amount of the variance being requested proportional to what the public benefit is given. This is a small project - streets are not being created and so the public benefit would be less.

Vice-Chair Klatchko noted hesitation because this area is vacant except for the nursing home area directly to the east and this would be a transition from the commercial use to residential. He feels this is a public benefit and an allowance should be given for development in this neighborhood.

ACTION: Approve subject to conditions and recommend approval to City Council as amended:

- To include a public benefit of solar - 1/4 to 1/2 of the estimated annual use.
- Return with a more varied landscape plan - reconsideration is given to the trees to provide shade and withstand the winds.

Motion Commissioner Weremiuk, seconded by Vice-Chair Klatchko and unanimously carried on a roll call vote.

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

2G. ALTA VERDE, LLC, APPLICATION FOR A TENTATIVE TRACT MAP (TTM 36723), TO SUBDIVIDE APPROXIMATELY 7.21 ACRES OF VACANT LAND INTO 14 SINGLE-FAMILY RESIDENTIAL LOTS, A PLANNED DEVELOPMENT DISTRICT (PDD 371) AND MAJOR ARCHITECTURAL APPROVAL TO CONSTRUCT THE PROPOSED 14 SINGLE-FAMILY RESIDENTIAL HOMES WITHIN THE CANYON PARK SPECIFIC AREA LOCATED AT 1000 BOGERT TRAIL, ZONE R-1-B (5.1342-PD 371/TTM 36723). (ER)

Principal Planner Robertson presented the proposed project as outlined in the staff report. He reported that the AAC unanimously recommended approval.

Commissioner Lowe disclosed that he lives on Bogert Trail; however, it is more than 500 feet from the proposed project. Commissioner Lowe noted there is significant increase in construction on Bogert Trail and side access road and believes the Engineering Dept. needs to take a look at it in terms of additional traffic control.

Commissioner Weremiuk questioned if this project is proposed as gated. Staff responded that it is gated and is consistent with the Canyon Specific Plans in this vicinity.

Chair Hudson opened the public hearing:

ANDREW ADLER, Alta Verde Group, president, commented that their projects are unique in the area and spoke about the homes being minimal with many sustainable features. He provided details pertaining to the lot layout, site, neighborhood meeting, view corridors and setbacks.

SCOTT LYLE, LYLE REALTORS, spoke on behalf Ed and Jill Perry, said that they attended the neighborhood meeting and the AAC meeting and he gave his testimony for approval of the project because it maintains their privacy and it's gated.

EMILY HEMPHIL, legal counsel for the applicant, spoke about the public benefit consisting of sustainable features including substantial solar arrays, dual tank less hot water heaters, twin car charging stations in all the homes and all the glass protected by significant overhang. In addition, they will be extending the walkway to Bogert Trail and no Casey June beetles were found on the property.

There being no further appearances the public hearing was closed.

Commissioner Weremiuk said she is supportive of the project with the exception of the 7 foot wall.

Commissioner Roberts commented that this is a beautiful project; however, he has issues with the 7 foot wall and would prefer a 6 foot wall. The applicant said they are ok with a 6 foot wall.

Commissioner Calderine said he does not have a problem with the 7 foot wall.

Commissioner Middleton said she does not have a concern with the 7 foot wall; however, expressed concern with the gates and doesn't think they are necessary.

Commissioner Roberts said he is not concerned with the gates because many of the adjacent properties are gated.

Commissioner Calderine made an amendment to the motion to eliminate the requirement for a six foot wall. No second was made. Amendment failed.

ACTION: Approve PDD 371 and recommend the adoption of a Focused EIR and approval of TTM 36723 to the City Council, as amended:

- The wall height shall be 6 feet in height.

Motion Commissioner Weremiuk seconded by Commissioner Roberts and unanimously carried on a roll call vote.

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

2H. PALM SPRINGS PROMENADE, LLC FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 4-STORY MIXED-USE COMMERCIAL BUILDING CONSISTING OF A 135-ROOM, 71,714-SQUARE FOOT HOTEL AND APPROXIMATELY 5,064-SQUARE FEET OF GROUND FLOOR COMMERCIAL-RETAIL ON BLOCK "F" OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN / DOWNTOWN PALM SPRINGS RENOVATION PROJECT LOCATED AT THE SOUTHWEST CORNER OF BELARDO ROAD AND MAIN STREET, ZONE CBD (CASE 3.3785 MAJ). (DN)

A recess was taken at 4:30 pm.

The meeting resumed at 4:37 pm.

Associate Planner Newell presented the project as outlined in the staff report. He recommended that the CEQA Analysis be included as an exhibit in the resolution and noted the correction to the conditions of approval.

The Commission asked questions in reference to:

- Changes made in response to the AAC comments.
- Has public event space been transferred to the city and if so is it subject of litigation.
- Expansion of museum still under consideration?

Chair Hudson opened the public hearing:

JOHN WESSMAN, applicant, stated that the overall site plan has not changed. Mr. Wessman pointed out the parcels owned by the city and described the underground parking spaces and the total build-out of the Specific Plan.

CHRIS PARDO, project architect, described the building materials, color palette, balconies, raised pool deck and public event space.

JUDY DEERTRACK, challenged the City to probe more deeply on this development. She questioned to what extent does this project conform to standards of the General Plan and expressed concern with land use compliance.

FRANK TYSEN, said the building does not belong in Palm Springs and cautioned the Commission about building the biggest disaster.

EMILY HEMPHILL, legal representation for the developer, addressed public testimony, noting that a Specific Plan was done for the entire area in 2009 and now it is being implemented. She clarified that the Specific Plan does serve as the general plan for this area and a full environmental analysis has been conducted.

MICHAEL JOHNSTON, stated that the Museum Market Plaza is the most important project for this city. He requested the proposed hotel not be approved and encouraged hiring an independent urban design consultant who specializes in multi-use public park entertainment spaces that will provide simple guidelines.

There being no further appearances the public hearing was closed.

Chair Hudson disclosed that he had a meeting with Chris Pardo, the architectural designer on this project.

Commissioner Middleton said she attended the AAC meeting in October and noted a vastly improved building particularly on the west end of the building - the drive-through under the building.

Mr. Wessman described the valet parking area and noted that they are currently working with the city for an underground parking garage.

Chair Hudson noted that along the new Main Street towards the museum it needs a lot more work; possibly pushing the first story back. This view corridor is getting pinched and asked if there are opportunities to increase the sidewalk experience.

Chair Hudson suggested that maybe they could work with the city to move the parking structure over to allow more leeway for this building.

Commissioner Roberts said he is happy to see the residential component of the project. He commented the AC Marriott landscaping needs to work with the event space landscaping. He thinks the AC Marriott is a good design and will work well. He feels comfortable approving the Marriott and moving forward.

Commissioner Weremiuk said she would like to see the curb entry sequence a little more dramatic and pushing the building back is more important than the parking lot. She would like to see this move forward.

Vice-Chair Klatchko shared the concern about getting the space for pedestrian travel towards the Museum Drive and would like to condition it for the extra two feet.

John Wessman concurred that they can commit to moving the building two feet back.

Commissioner Roberts suggested wrapping the outdoor seating around the porte-cochere.

ACTION: To approve, subject to conditions, as amended:

- The entire structure (both the ground floor and the hotel room template above) will be moved two feet to the south;
- Increase openness at the sidewalk level between the hotel entrance location and the new Belardo Road to provide exterior seating for the adjacent restaurant.
- The west elevation of the building (facing the museum) to receive more articulation in the facade texture change.
- Delete ADM 6 - pertaining to the maintenance and repair of sidewalks.
- To incorporate the CEQA findings into the resolution.
- The landscape including the streetscape and the pool area in the back to return as part of an overall plan.

Motion Chair Hudson, seconded by Vice-Chair Klatchko and unanimously carried on a roll call vote.

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

2I. CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE SECTION 91.00.10 - DEFINITIONS AND SECTIONS 92.00, 92.01, 92.02, 92.03 AND 92.04 - PERMITTED, ACCESSORY AND CONDITIONALLY PERMITTED USES AND TO REPLACE 92.23.14 - ACCESSORY APARTMENT HOUSING IN ITS ENTIRETY (CASE 5.1341 ZTA). (FF)

Commissioner Weremiuk requested a continuance of this item due to the lengthy agenda.

ACTION: To continue to a date certain of November 19, 2014.

Motion Commissioner Middleton seconded by Commissioner Lowe and unanimously carried on a roll call vote.

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

3. NEW BUSINESS:

3A. PALM SPRINGS PROMENADE, LLC FOR THE FINAL DEVELOPMENT PLANS OF A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT FOR THE CONSTRUCTION OF A 6-STORY HOTEL ON BLOCK "C-1" OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN / DOWNTOWN PALM SPRINGS RENOVATION PROJECT LOCATED AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD, ZONE CBD (CASE 5.1290 PD-361). (DN)

Associate Planner Newell presented the proposed project as outlined in the staff report and described the modifications made to the development.

Commissioner Calerdine asked about the open space on the corner of Tahquitz Canyon and Palm Canyon. Staff responded that this will be part of the landscape plan coming forward.

Vice-Chair Klatchko asked why the AAC recommend the change to the porte-cochere.

Director Flinn clarified that the AAC's concern was that the two columns holding up the porte-cochere were different.

Commissioner Weremiuk commented that it's a much better project.

ACTION: Approve and determined that final development plans are in substantial conformance to preliminary PD.

Motion Commissioner Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT:

Director Fagg reported the Special meeting to tour the Downtown Project will be on November 19th at 11:30 am on the corner of Belardo Road and Museum Way - on the top floor of the parking structure.

ADJOURNMENT:

The Planning Commission adjourned at 6:13 pm to an Adjourned Meeting at 1:30 pm, Wednesday, November 19, 2014, Council Chamber, City Hall, preceded by a tour of the redevelopment progress on the Museum Market Plaza Specific Plan / Palm Springs Downtown Renovation project located northwest of Tahquitz Canyon Way and Palm Canyon Drive.

Flinn Fagg, AICP
Director of Planning Services

DRAFT

**CITY OF PALM SPRINGS
PLANNING COMMISSION SPECIAL MEETING MINUTES
November 19, 2014
Palm Springs Downtown Renovation Project
2nd floor of the parking structure located at Belardo Road
and North Museum Drive, Palm Springs**

CALL TO ORDER:

Chair Hudson called the meeting to order at 11:35 am.

ROLL CALL:

PRESENT: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko and Chair Hudson

ABSENT: None

ALSO PRESENT: Planning Director Fagg, AICP

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 4:00 pm on Thursday, November 13, 2014.

1. PUBLIC COMMENT:

FRANK TYSEN, submitted a letter into the record, declaring the study session to be in violation of the Brown Act.

2. TOUR OF THE REDEVELOPMENT PROGRESS OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN / PALM SPRINGS DOWNTOWN RENOVATION PROJECT LOCATED NORTHWEST OF TAHQUITZ CANYON WAY AND PALM CANYON DRIVE.

Staff made a brief presentation, describing the projects that had been approved for the site to date and the layout of the public streets that would be developed under the plan.

Planning Commissioners had the following individual comments and questions:

- Vice Chair Klatchko questioned whether seismic upgrades were required for the existing parking structures on the site.

- Chair Hudson had questions about how the parking on the site would function, and noted that a drawing showing the entries into each of the garages would be necessary to understand how the parking will work. He also had questions about connections between the various underground garages, and if there was still an underground garage planned for the AC Marriott hotel site. Chair Hudson questioned if there was a need for additional traffic control at the intersection of Tahquitz Canyon Way and Belardo Road.
- Commissioner Roberts asked about the timeline for construction of the phases of the project, and questioned if there were any issues that would prevent the construction from occurring as planned. Commissioner Roberts noted that the City's event space on Block E may significantly impact parking at the site.
- Commissioner Calderine had questions about the views down Main Street and view corridors in general, and questioned if the height of the proposed buildings on Blocks A1 and B1 would impact views. Commissioner Calderine also had questions about how the intersection of Museum Drive and the Belardo Road extension would function, and if there would be left-over right-of-way space. He requested information on the proposed timeline for the opening of the new streets that will be developed with the project.
- Commissioner Weremiuk posed questions related to crosswalks within and abutting the development, and if a 4-way pedestrian ("scramble") crossing might be appropriate.
- Commissioner Middleton noted that a parking diagram should be produced; showing which spaces would be open to the general public and which spaces would be restricted for tenants of the project.

ADJOURNMENT:

The Planning Commission adjourned at 12:11 pm to an Adjourned Meeting at 1:30 pm, Wednesday, November 19, 2014, Council Chamber, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs.

Flinn Fagg, AICP
Director of Planning Services

Frank Tysen
175 South Cahuilla
Palm Springs, CA
Wednesday, November 19, 2014

To the Planning Commission
City of Palm Springs, California

RE: November 19, 2014 Special Meeting of the Planning Commission Agenda / Museum
Market Plaza Specific Plan

TO WHOM IT MAY CONCERN:

The City of Palm Springs has not adopted adequate ordinances to allow for site visits that do not violate the public protections of the Ralph M. Brown Act, and its requirements of public transparency, notice, and opportunity to set a proper record. Accordingly, the site visit of the Planning Commission to view the "Redevelopment Site" is in violation of the act. The city has not ensured the content of all discussions during the site visit are transparent to all parties, are recorded, and limited (by law) to the content of questions about the site itself, in contrast to discussion of the merits, or discussions outside of the formally adopted protections of protocol that occurs when the meetings are at City Hall. Accordingly, the site visit set for November 19, 2014, is in violation of the Act.

The public notice of the meeting is deficient, because it describes the project as a Redevelopment Project (incorrect terminology after the termination of Redevelopment in the State of California), and the notice describes the project site as a Renovation Project, when all buildings and structures within the previously identified "renovation project" have been demolished and removed. The MMPSP Downtown Project does not meet the city's ordinance guidelines or Specific Plan guidelines for a renovation project.

The City has taken previous actions to prohibit site visits through the actions of its previous Planning Director, Craig Ewing, when he canceled a scheduled site visit by the Historic Site Preservation Board, under the grounds that it violated the Ralph M. Brown Act. These previous actions show a consciousness by the City that site visits result in Brown Act violations, particularly when public meetings of the City Council in Palm Springs are recorded and televised. The public transparency and protections of this meeting are not on par with other public meetings, leaving a lesser public standard of review.

I have attached a Resolution for Site Visits from the City of Sausalito, that demonstrates that there exists the opportunity to structure site visits to protect the public interest by adequate ordinance development and adoption. Adoption of protective ordinances do not ensure that the site visits meet the Brown Act requirements, but are far beyond the gaps left from the City of Palm Springs' lack of ordinance protection, to wit, note the discussion of concerns by the City of Sausalito: *"In each of these situations, opportunities may exist for private discussions about the merits of the project as well as lobbying for or against the project."*

Under the protective ordinances of the City of Sausalito, content of discussion is limited BY LAW to "questions about the merits of the project as well as lobbying for or against the project." The ordinance also identifies different types of site visits and provides appropriate procedures for each type of visit. The meetings BY ORDINANCE, require the taking of minutes, public comments, a brief project summary by staff, and opportunity for the applicants and members of the public to address the Committee. Ad hoc provisions (meeting by meeting) without the protection of an adopted ordinance is not a substitute for ordinance protection, nor does it result in equal protection, because standards will vary over time from each site visit.



Frank Tysen

Attachment: Sausalito Ordinance (attached to original signed copy only)

MEMORANDUM

DATE: October 7, 2010
~~September 7, 2010~~

TO: Trees and Views Committee

FROM: Jeremy Graves, Community Development Director 

SUBJECT: Policy for Site Visits

Discussion

As part of the responsibilities of the Trees and Views Committee in evaluating View Claims, the Trees and Views Regulations (Section 11.12.040.B.3) state, "[t]he Trees and Views Committee shall reasonably attempt, as a group, to inspect the premises of both the claimant and the tree owner(s) prior to the arbitration meeting."

Like the Trees and Views Committee, the Planning Commission members frequently conduct site visits to project sites. The Planning Commission adopted a site visit policy in order to: (1) provide guidelines that meet the requirements of the Brown Act for public meetings by ensuring the content of discussions during site visits is transparent for all parties; and (2) identify the different types of site visits and provide appropriate procedures for each type of visit.

Staff suggests the Trees and Views Committee faces similar concerns regarding Brown Act requirements and procedures for different types of site visits. Staff has prepared the attached draft policy tailored to the Trees and Views Committee responsibilities and procedures.

Recommendation

Staff recommends the Trees and Views Committee take the following actions:

- Review and revise, as appropriate, the attached policy for site visits.
- Approve the attached resolution which approves the policy for site visits

Exhibit: Resolution regarding Policy for Site Visits [Draft]

CDD\Boards & Committees\TVC\Memos\Site Visit Policy Memo-1

3b
ITEM NO. 1st

PAGE 1

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**SAUSALITO TREES AND VIEWS COMMITTEE
RESOLUTION NO. 2010-XX**

POLICY FOR SITE VISITS

WHEREAS, site visits by Tree and Views Committee members to project sites are important since site visits foster informed decision-making by facilitating a better understanding of projects and their associated impacts; and

WHEREAS, many site visits are made by Committee members individually, during which time applicants and/or neighbors may be present. In these situations, as well as publicly-noticed site visits by the Tree and Views Committee, opportunities may exist for private discussions about the merits of projects as well as lobbying for or against the projects; and

WHEREAS, site visits pose challenges due to the potential for inappropriate *ex parte* conversations, which do not exist during formal hearings held by the Tree and Views Committee at City Hall; and

WHEREAS, a policy which addresses these situations and supports responsible and transparent public decision-making is desirable.

NOW, THEREFORE, THE TREES AND VIEWS COMMITTEE HEREBY RESOLVES AS FOLLOWS:

The attached policy for site visits is approved to provide guidelines that meet the requirements of the Brown Act for public meetings; to identify the different types of site visits; and to provide appropriate procedures for each type of visit.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Trees and Views Committee on the ____ day of _____, 2010, by the following vote:

AYES: Committee Member:
NOES: Committee Member:
ABSENT: Committee Member:
ABSTAIN: Committee Member:

Jeremy Graves, AICP
Community Development Director

Attachment: Policy for Site Visits

I:\CDD\Boards and Committees\TVCMemos\Site Visit Policy.doc

EXHIBIT
(3 PAGES)

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SAUSALITO TREES AND VIEWS COMMITTEE POLICY FOR SITE VISITS

DRAFT

Site visits by Trees and Views Committee members to project sites are important. Site visits foster informed decision-making by facilitating a better understanding of the tree settings and any associated view issues. However, due to the potential for inappropriate *ex parte*¹ conversations, site visits pose challenges which do not exist during formal hearings held by the Trees and Views Committee at City Hall. Many site visits are made by Committee members individually, during which time applicants and/or neighbors may be present. Site visits at which a quorum of the Committee are present are conducted as publicly-noticed "special meetings," at which Committee members, applicants, neighbors, City staff, and the public all have an opportunity to be present. In each of these situations, opportunities may exist for private discussions about the merits of the project as well as lobbying for or against the project. This policy addresses these situations and works to support responsible and transparent decision-making.

Policy Objectives. This policy has two objectives: (1) to provide site visit guidelines that meet the requirements of the Brown Act for public meetings by ensuring the content of discussion is transparent for all parties; and (2) to identify the different types of site visits and provide appropriate procedures for each type of visit.

Transparency. The content of discussion that may properly occur between Committee members and others during site visits is limited to questions about and presentation of factual information related to the tree(s), the view(s), the proposed action and its relationship to the physical characteristics of the site. Discussion of the merits of the project is inappropriate during site visits.

Types of Site Visits

The shortcoming of the City is that it does not have ordinance policy, and there are no pre-set limitations on what can be discussed. An option is individual site visits, with limitations on what can be discussed.

Individual Site Visits are site visits by individual Committee members. Committee members may visit at their convenience. As a courtesy, individual Committee members may contact the property owner (or resident) and let them know in advance of the visit. If the property owner (or resident) is present during the visit, the conversation must be limited to the tree(s), the view(s), the proposed action and its relationship to the physical characteristics of the site.

Group Site Visits are site visits conducted by a quorum of the Committee and must be conducted as publicly-noticed "special meetings" which are open to the public. Group site visits include view claim inspections conducted by the Committee pursuant to Section 11.12.040.B.3 of the *Municipal Code* "to inspect the premises of both the claimant and the tree owner(s) prior to the arbitration meeting." Special meetings are formal Trees and Views Committee meetings which are limited in scope. In addition to the site tour itself, these meetings include the taking of minutes, public comments, a brief project summary by staff, and an opportunity for the applicant and members of the public to address the Committee concerning any item on the agenda.

No provision has been made for minutes, public comments

In the course of the site tour, questions from the public for purposes of clarification of factual aspects of the project may be accepted at the discretion of staff and/or the Committee. Comments/questions from Committee members are restricted to inquiries about the tree(s), the view(s), the proposed action and its relationship to the physical characteristics of the site. Questions/comments should be communicated through staff by all present. Staff may refer questions to the applicant as appropriate. Committee members should refrain from making comments relating to the merits of the project at all times during a Special Meeting site visit. Handouts are permitted, so long as there are sufficient copies for all present.

¹ From or on one side only, with the other side absent or unrepresented. *American Heritage Dictionary.*

1
2 Opportunities for *ex parte* communication can occur in situations in which applicants, public, staff,
3 and Committee members walk about a site in small, unsupervised groups. Therefore, Committee
4 members should move about the site as a group and avoid private conversations among
5 themselves, with the public, and with the applicant. Within the context of Special Meetings, the
6 Commission should refrain from breaking into smaller groups.
7

8 Small Group Site Visits are visits arranged by staff and made by Committee members in groups of
9 less than a quorum of the whole Committee. This is the least preferred type of visit and is
10 discouraged, as the individual groups may be informed about different aspects of the project and site
11 and the process could be perceived as not providing the fully transparent process to which the
12 Committee aspires. When Small Group visits are necessary, strict adherence to these guidelines
13 must be maintained to avoid the appearance of impropriety. To avoid the perception of serial
14 meetings, in the event Small Group visits do occur, members of one group shall not discuss the visit
15 with members of another group. Small Group visits are to be conducted by City staff. The applicant
16 and neighbors may or may not be present. Participation by the applicant and neighbors is limited to
17 responding to questions the tree(s), the view(s), the proposed action and its relationship to the
18 physical characteristics of the site.
19

20 **Organizing Site Visits**

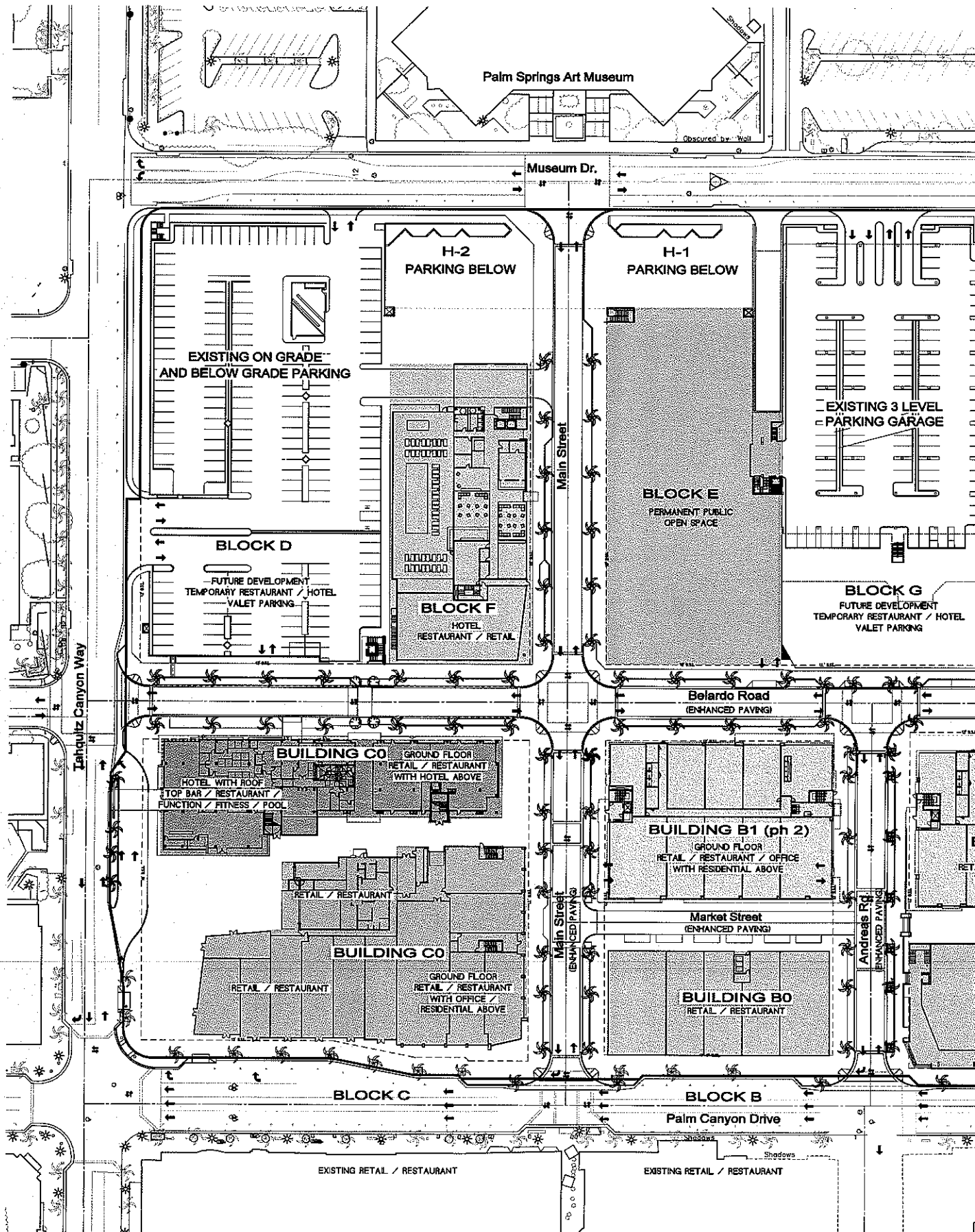
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22 Committee Member Responsibilities. If individual Trees and Views Committee members intend to
23 conduct an Individual Site Visit, the Committee members may contact staff for: (1) applicant contact
24 information; (2) directions to the site, including access point information if the address is not clearly
25 marked; (3) information about entering the property, including locked gates, pets, etc.; and (4)
26 advice as to whether providing the applicant with advance notice of a visit is necessary.
27

28
29 Staff Responsibilities. Staff is responsible for promptly providing individual Committee members
30 with the information listed above. In addition, staff must inform the applicant that individual
31 Committee members may be entering their property. For Group Site Visits and Small Group Site
32 Visits, staff will work with the applicant to provide sufficient parking, provide PA equipment as
33 appropriate, and organize the tour route in advance of the visit. For Special Meetings, staff will
34 oversee the distribution of the public notice. For Group Site Visits and Small Group Site Visits, staff
35 will conduct the tour.

36
37 Copies of this policy must be made available to all project applicants. Whenever a staff planner
38 perceives that there is a reasonable possibility of a Group Site Visit or Small Group Site Visit, the
39 planner shall provide applicant with a copy of this policy at the earliest opportunity.

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41 Applicant Responsibilities. As part of submitting a completed project application, applicants are
42 required to acknowledge in writing that they have reviewed and understand this Site Visits Policy.
43

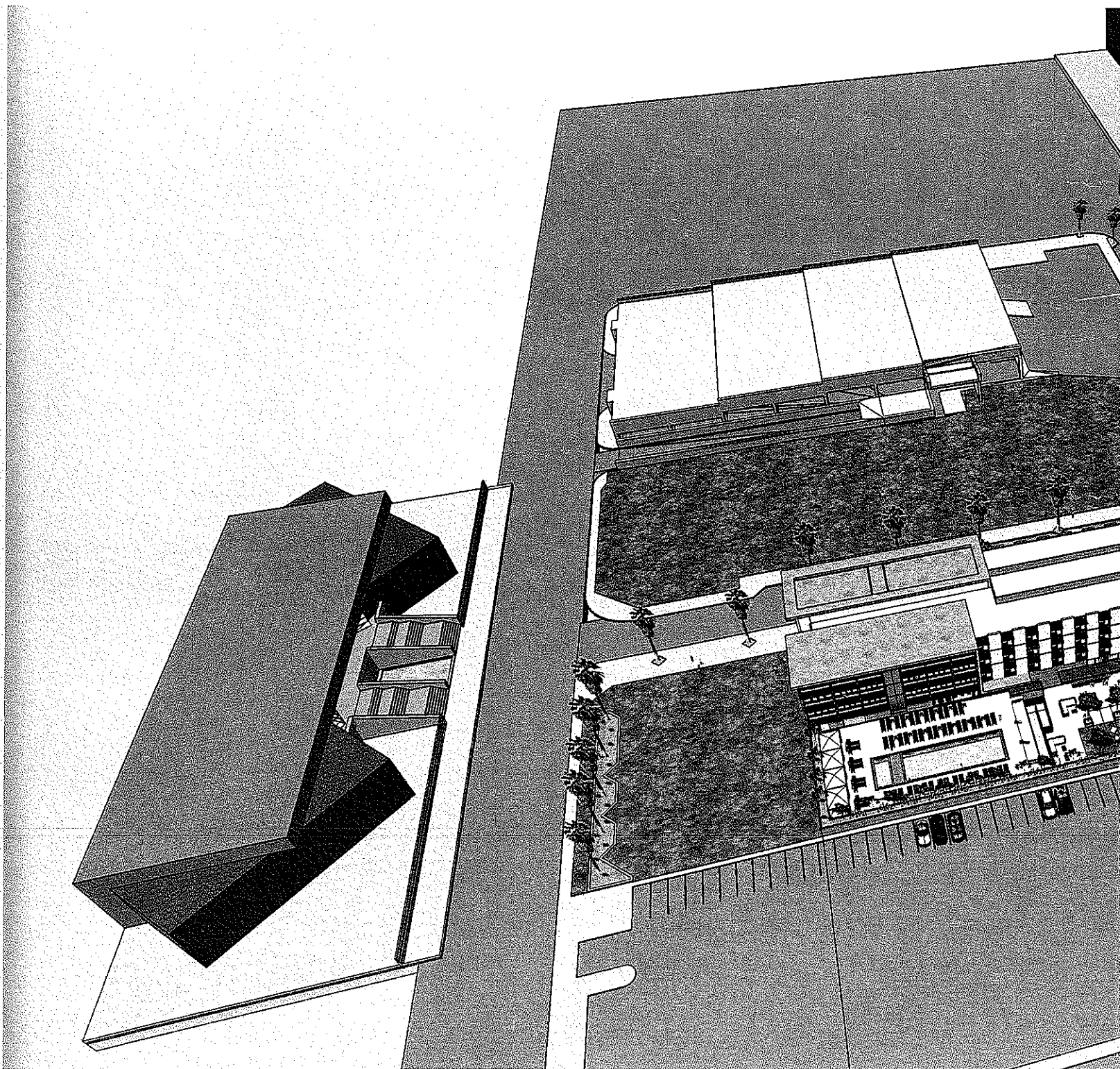
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DOWNTOWN PALM SPRINGS - PHASING EXHIBIT

WESSMAN DEVELOPMENT

Prepared by SANBORN A/E, INC. - ARCHITECTURE - CIVIL ENGINEERING - SURVEYING - 760-423-0600



CITY OF PALM SPRINGS
PLANNING COMMISSION ADJOURNED REGULAR MEETING MINUTES
November 19, 2014
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

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

ROLL CALL:

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

Absent: None

Also Present: Planning Director Fagg, Planning Admin. Coordinator Hintz, Assistant Director of Engineering Khamphou and Associate Planner Lyon

REPORT OF POSTING OF AGENDA:

The agenda was posted for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 4:00 pm on Thursday, November 13, 2014. A posting of this Agenda can be found on the City's website at: www.palmspringsca.gov.

ACCEPTANCE OF THE AGENDA:

Director Fagg requested Item 1B be heard before Item 1A.

The Commission accepted the agenda, as amended.

PUBLIC COMMENTS:

Chair Hudson opened public comments and with no appearances coming forward public comments was closed.

Vice-Chair Klatchko acknowledged the death of former City employee, Martha Edgmon, who was Executive Assistant to the Mayor and City Council prior to her retirement and worked in the Planning Department. She will be greatly missed.

1. PUBLIC HEARINGS:

THIS ITEM WAS HEARD OUT OF ORDER.

1B. WEST COAST HOUSING PARTNERS ON BEHALF OF THE PROPERTY OWNER, THE ERIC BRANDENBURG SEPARATE PROPERTY TRUST, FOR APPROVAL OF A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP PROPOSING A DEVELOPMENT OF 46 SINGLE FAMILY DETACHED UNITS, COMMON PRIVATE STREETS AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO (CASE 5.1340 PDD 370, 3.3742 MAJ, TTM 36725). (KL)

Associate Planner Lyon presented the changes made to the project as outlined in the staff report.

Commissioner Calderine asked about bus routes in the vicinity and suggested thinking about a more transit oriented development.

Commissioner Middleton questioned (page 3 of 17, #4.) if the Planning Commission in advance of a homeowners decision has the authority to place a restriction on a development to prohibit them as rental units.

Commissioner Weremiuk recalls that this issue was with the casitas facing Palm Canyon Drive and not with a requirement for the HOA placed in the CC&R's.

Staff concurred that the Commission's concern was not to allow the casitas to be rented separately from the main home. The Commission agreed.

Commissioner Weremiuk expressed concern with vehicles backing out of their garage.

Associate Planner Lyon noted that the streets are very short and as long as people back up in a safe manner staff was not concerned about this issue.

Chair Hudson opened the public hearing portion of the meeting:

WHIT HOLLIS, West Coast Housing Partners, thanked the Commission for holding a special meeting to hear this project and introduced the development team.

KRYSTAL NAVARO, Moditive, provided details pertaining to the zoning designation of the site, project amenities including the benefits of permeable paving for public streets (shared among pedestrians, cyclists and vehicles). Ms. Navaro spoke about the side-yard setbacks, pedestrian gate at the corner oasis, new parking spaces, variety of garage doors and roof slopes for effective solar panel installation.

MARVIN ROOS, MSA Associates, provided further details of the project and was available for questions pertaining to the engineering aspects.

STEPHEN HESTER, West Coast Housing Partners, commented that they tried to address all of the Commission's issues while retaining the economic viability of the project. They feel this development will help revitalize the area and requested approval of project as submitted.

There being no further appearances the public hearing was closed.

Commissioner Calerdine noted that the similar developments on Baristo Road and Racquet Club work well and believes this is the right location for density and transit. He said in more normal times this project would have been built as townhouses attached on both sides with zero feet separation. He does not have a concern with the 6 foot building separation.

Chair Hudson said he likes the Woonerf concept; it makes a lot of sense in private communities and requires a bit more articulation to make it work in a safe fashion.

Vice-Chair Klatchko said his comments were similar to Commissioner Calerdine's; if the project were done in a different configuration units would have common walls and less open space. He said he does not have a problem with the density and feels comfortable with the changes made to the project.

Commissioner Roberts agrees that he likes the paver concept as it will bring a warmer and more inviting project. However, he expressed concern with the 6 foot building separation and prefers a minimum of 10 feet. He would like to see the gates eliminated and more architectural diversity.

STEPHEN HESTER, requested action be taken today and they are not comfortable with a 10 foot separation because it would not be economically feasible; too many units would be lost.

Commissioner Roberts said he thinks this a good project but it needs more work.

Commissioner Weremiuk said she is not comfortable with the revised project; she expressed concern with the street width, 6 foot building separation and the architecture feels like a canyon of garage doors that are very repetitive.

Commissioner Middleton said she is struggling with this project; she likes a lot of elements of the projects - the pavers are a great addition and the shade and quality of trees are great; however, she does not like the density and building separation.

Chair Hudson commented that he is not opposed to the density when properly designed esp. along Palm Canyon. However, he would like to see greater variation of unit types that respond better to the adjacent single-family homes. He referenced similar developments noting that they are successful because the architecture is fairly significant. The project is too porous with the rows of garage doors - this project needs to tie-in to the neighborhood.

ACTION: Approve, subject to conditions, as amended:

1. Delete - condition PLN. 17 pertaining to the 10 ft. side yard setbacks.
2. Delete PLN. 18 - require color different pavers to delineate the pedestrian and vehicular area.
3. Revise PLN. 25 - to add additional design review by the AAC with direction for more articulation and more variations along to the casita frontage (using the balcony areas).
4. Add new condition - to eliminate all pedestrian and vehicular gates.

Commissioner Weremiuk proposed an amendment that the architecture returns to the Commission and not the AAC and a requirement to install solar panels on the units for public benefit. The Motion makers agreed.

Commissioner Roberts said he would prefer to send this back to allow the applicant to work on the concerns addressed by the Commission.

Motion: Commissioner Calerdine, seconded by Vice-Chair Klatchko and motion failed 3-4 on a roll call vote.

AYES: Commissioner Calerdine, Vice-Chair Klatchko, Chair Hudson

NOES: Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk

ACTION: To refer back to the applicant and allow the applicant to make changes more satisfactory to the Commission.

Motion: Commissioner Middleton, seconded by Commissioner Weremiuk and carried 5-2-0 on a roll call vote.

AYES: Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Chair Hudson

NOES: Commissioner Calerdine, Vice-Chair Klatchko

1A. CONT'D - CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE SECTION 91.00.10 - DEFINITIONS AND SECTIONS 92.00, 92.01, 92.02, 92.03 AND 92.04 - PERMITTED, ACCESSORY AND CONDITIONALLY PERMITTED USES AND TO REPLACE 92.23.14 - ACCESSORY APARTMENT HOUSING IN ITS ENTIRETY (CASE 5.1341 ZTA). (FF)

Director Fagg provided an overview of the proposed zone text amendment.

Commissioner Weremiuk provided a history of granny flats that are allowed as an accessory unit (cooking and bath) for aged parents, adult children or caretakers. This is affordable housing to accommodate the family rather than used as vacation rentals.

Commissioner Calerdine noted the intention when this originally came up was not allow the secondary unit as a vacation rental (less than 30 days). Staff agreed. However, he does not necessarily oppose vacation rentals as low income housing.

Chair Hudson opened the public hearing and with no appearances coming forward the public hearing was closed.

Vice-Chair Klatchko questioned if the City Attorney reviewed this language and if he came up with alternate wording. Director Fagg responded yes he reviewed it but did he not provide alternate wording; however, he felt the wording Commissioner Middleton suggested clarifies the inherent conflict between the two sections of the code and the Planning Commission's recommendation, as well.

ACTION: To revise section as noted below have the City Attorney review approve wording or provide alternate language.

- Revise: Section D. Accessory Second Unit Requirements.

4b. The rental of the accessory second unit separate from the primary unit must be for periods of 30 days or more.

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission and staff discussed the administrative process for an applicant filing an appeal for a project that was sent back for restudy.

Commissioner Weremiuk requested the PDD subcommittee tour the three developments (43 @ Racquet Club, 48 @ Baristo and 48 @ Arenas) to take a look at the street width and architecture.

PLANNING DIRECTOR'S REPORT:

Director Fagg confirmed that no Planning Commission meeting would be held next week and only one meeting will be held on for the month of December.

ADJOURNMENT:

The Planning Commission adjourned at 3:09 pm to 1:30 pm, Wednesday, December 10, 2014, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services