



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: March 9, 2016
To: Planning Commission
From: Department of Planning Services *AK*
Subject: Agenda Item 2A. Susan Thabit requesting a Conditional Use Permit for night lighting of tennis court - Case Nos. 5.1385 CUP

After opening the public hearing and receiving public testimony, a motion was made to continue discussion to a date certain of March 9, 2016. Although no formal notice of the continuance is required, Staff did contact interested residents informing them of the continued public hearing.

The Planning Commission had proposed the following conditions prior to voting on the continuance:

1. Light poles to be a maximum height of twelve (12) feet tall.
2. Number of poles to be four (4).
3. Light fixture heads to be shielded.
4. Light fixtures not to exceed 267 Watts.
5. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM.
6. Automatic timer switches to be installed to lighting system.
7. Landscaping to be planted to fill-in gaps and let to grow to twelve (12) feet.
8. A review of the CUP within 6-months.
9. Lights not be used until such time that landscape screen grows to twelve (12) feet tall.
10. Install automatic motion detector on lights.
11. Place automatic timer within a locked box.

Staff has received an email from the applicant, Susan Thabit addressed to the Planning Commission. (see attached)

The applicant has submitted a revised photometric plan showing possible light spillover onto adjacent properties.

Attachments:

1. Email from Applicant Susan Thabit
2. Revised photometric plan showing spillover light
3. Draft Minutes of the February 24, 2016 Planning Commission Meeting
4. Staff Report from February 24, 2016
5. Email from neighbor at 325 W. Mountain View Place
6. Pole and Light Fixture Detail
7. Site Photos
8. Site Plan
9. Photometric Plan

Glenn Mlaker

From: Susan McIlwain Thabit <susanmct2@gmail.com>
Sent: Wednesday, March 02, 2016 8:55 AM
To: Glenn Mlaker
Cc: Rob Parker
Subject: from Susan Thabit - 790 N Mission road

RECEIVED

MAR 02 2016

**PLANNING SERVICES
DEPARTMENT**

Hello Glenn,

I am unfortunately unable to get out of work this week. Was in Boston last week visiting my son and am now just a wee bit behind in work (and life - haha!).

Please see below and thank you for all of your work so far on my behalf.

Fondly,
Susan Thabit
949-872-7282

To the Palm Springs Planning Commission,

Please find this letter as a brief explanation to accompany our permit request.

A quick bio of me and my family... I'm Susan and my husband and I purchased 790 N Mission Road a few years ago. In this time, we have not nearly been able to visit as often as we hoped, due to our work schedules and our son's schedules as well. Our oldest is a sophomore at Harvard University in Boston, and has and will be working out of state internships over the summer. Sadly he is rarely in California. Our younger son is a Freshman in high school, straight A student, and busy with high school and Club sports, so he as well rarely has a free moment. So unfortunately for us, we are rarely there - making us very quiet neighbors :-)

We also have NEVER rented our home and have no plans to do so. We also have no plans of selling so we hope that we are pretty good neighbors to keep. No one has ever been at our home without my husband or I there. We understand the importance of being good neighbors. We live full-time on Balboa Island where our next door neighbors are 6 feet away, and our 'alley' neighbors are about a car length away. If we are sitting on the patio, we come inside before it gets late. We keep our front door light low so it does not shine in anyone's windows... when you live this close to your neighbors, you are always courteous. Our Island has many rentals, and we know that many of them have no regard for our neighborhood or neighbors, and for this reason we have decided that our home will never be rented. We love the old feel of Old Las Palmas, which is one of the many reasons that we purchased a home here. We are NOT looking to hurt this neighborhood in any manner. We signed up for Desert Alarm on a monthly basis to support a patrol car in our neighborhood. We also donated \$1,000 extra to our community organization to support Desert Alarm for the neighbors that have not signed up.

Because we are so rarely in Palm Springs, and because the sun sets so early when you live close to the mountains, we thought it would be fun to have lights on the tennis court to get some early evening tennis in, when the weather gets a little cooler. Our neighbors have tennis court lights, and I have seen others in the neighborhood, so I thought we would install a few. I called our contact at RGA Landscape Architects, who recommend an engineering company, MRC. Victor from MRC came to look at the property and said it was a smaller job than his company did, and recommended an electrician named Angel. Angel said he was able to do the job and knew just what to do, and had experience with other light installation. I absolutely assumed (clearly mistakenly) that all was being handled properly. I would have never called a large and highly regarded landscape company to

begin with if I was trying to slip something in. Again, as a 20 year 'Balboa Island good neighbor', I was mortified when contacted by the city that there was an issue. We, from that point on, have just been trying to follow whatever guidelines and make all the appropriate changes.

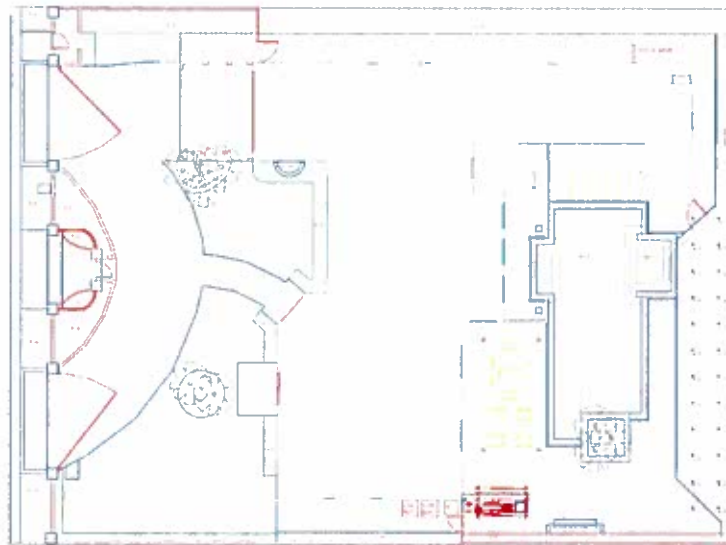
Just a quick note that the lights have only been turned on ONCE, ONCE. They were installed on the last day of one of our visits, and when we got home from dinner, our son was beyond excited, and we let he and his friends play. We absolutely let them play later than we would ever allow normally, and told him that it was a one time deal - so enjoy! I was sitting on my pool deck watching them. He's such a great kid and works so hard at school (wants to go to Harvard like his brother) that I was happy that he enjoy a little night time play. It's absolutely my fault, I'm the adult and I take the blame. But again, it was one night and it never happened again. We have offered to our neighbors at 776 N Mission (and the long time renters) that if their kids or grandkids ever wanted to play tennis, feel free. But that would have been during the day if they ever took us up on the offer when we were not there.

RGA informed us that a neighbor had sent an email. I did not ever see one. I get so much spam thru my work at a doctor's office, and have very tight parameters set on my email - so a ton of emails do end up in my junk folder (maybe 50 or more a day). And I rarely check the spam. I sincerely apologize to whomever I did not reply to. I did get contacted by the city through my husband's office, and hired RGA to help me be in compliance. I also leave my pedestrian gate unlocked so anyone could and can always knock on my front door. I would love to meet any of my PS neighbors, as I live in such a high knit community at home, it's odd for me not to know my neighbors.

In closing, we will follow the city guidelines and make any and all repairs and adjustments. We are committed to being good neighbors and look forward to many years in Palm Springs.

Fondly,

Susan Thabit



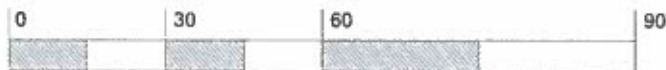
Luminaire Schedule

Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Total Watts	Description	Lum. Watts
←	4	SN E	TW @ 60	25555	1.000	2136	FLD EHO-SN-HV-12 E-UL-B2 700	267

Footcandles calculated using predicted lumen values at INITIAL hours of operation						
Label	Avg	Max	Min	Avg/Min	Max/Min	
Calc Pts	21.73	102	0.3	72.43	340.33	
Count	36.94	56.7	20.2	1.83	2.81	
Spill	0.47	15.5	0.0	N.A.	N.A.	

Pole Schedule
 (4) PS4S12CTB2 (12' X 4" X 125" STEEL SQUARE POLE)
 Proposed poles meet 140 MPH sustained winds.

Tenon Schedule
 (4) PB-2A4 Twin Tenon for 4" Square Pole



1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: FEBRUARY 10, 2016 STUDY SESSION AND REGULAR MEETING MINUTES

ACTION: Approve, as presented.

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

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

ABSENT: Commissioner Weremiuk

2. PUBLIC HEARINGS:

Commissioner Donenfeld left the Council Chamber at 1:35 pm

2A. SUSAN THABIT, REQUESTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT OF FIVE (5) TENNIS COURT LIGHT POLES AT A MAXIMUM HEIGHT OF TWELVE (12) FEET LOCATED AT 790 NORTH MISSION ROAD, ZONE R-1-A (CASE 5.1385 CUP). (GM)

Associate Planner Mlaker provided background information on the proposed tennis court lights as outlined in the staff report.

The Commission commented and/or asked technical questions pertaining to:

- Verification that the adjacent house has tennis court lights and height of poles.
- The process to address code enforcement complaints.
- Rear and side-yard setbacks.
- Light spillover.

Chair Klatchko opened the public hearing:

ROB PARKER, RGA Landscape Architects, applicant, requested four (4) light fixtures at 12 feet high and said that they are in agreement with all of the other AAC recommendations.

PRESCOTT GRIFFITH, nearby property owner, does not see the direct impact of the lights but the adjacent property is affected and anything over 10 feet will impact them; and was concerned about setting a precedence in this neighborhood.

JOHN WILLIAMS, Old Las Palmas Neighborhood Association, chair, spoke on behalf of the Board, they are requesting a continuance to allow all the neighbors to attend and let the applicant to address some of their issues.

ROB PARKER, applicant rebuttal, stated that the adjacent house has existing tennis court lights.

There being no further speakers the public hearing was closed.

Commissioner Middleton asked technical questions pertaining to:

- What is the height of the landscape hedging?
- Verify the light glare does not spillover onto other properties?
- Confirm with the applicant that hedges will be allowed to reach a mature size of 12 feet before turning on lights.

The Commission asked for clarification on:

- Is the tennis court lighting for adjacent property owner in violation? Have there been any complaints?
- Were the neighbors given notice?

ACTION: Approve with Conditions subject to:

- The applicant shall return for review in 6 months.
- Validate if the light oversprays onto the adjoining properties.
- The lights not be allowed to be turned on until the hedge reaches 12 feet and is filled in on the south and east side.
- The automatic timer to include a motion detector.
- Automatic timer is locked.
- Four 12 foot light poles.
- Include the AAC recommendations.

Motion: Commissioner Middleton, seconded by Commissioner Lowe.

DISCUSSION OCCURRED:

Commissioner Calderine noted the reflective light from the tennis court would make it difficult for not light to reach the neighbor's property and suggested adding the wording "direct" light.

Commissioner Lowe noted his preference to continue this project to allow more feedback from the neighbors and this has existed for a significant amount of time.

Commissioner Hirschbein and Chair Klatchko spoke in favor of continuing this project.

Commissioner Middleton withdrew her motion.

ACTION: Continue to a date certain of March 9, 2016.

Motion: Commissioner Lowe, seconded by Commissioner Calerdine and carried 5-0-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

ABSENT: Commissioner Weremiuk

ABSTAIN: Commissioner Donenfeld.

Commissioner Donenfeld re-entered the Council Chamber at 2:16 pm.

2B JACQUELINE BECKER, OWNER REQUESTING A VARIANCE FOR THE CONVERSION OF A GARAGE TO LIVING SPACE; THE CONSTRUCTION OF A CARPORT WITHIN THE SIDE YARD SETBACK AND THE ADDITION OF A SECOND STORY TO AN ACCESSORY STRUCTURE LOCATED AT 295 EAST PALO VERDE AVENUE (CASE NO. 6.546). (GM)

Associate Planner Maker presented the proposed variance as outlined in the staff report.

Commissioner Middleton disclosed that she lives in this neighborhood approximately a 1 1/2 blocks away from this property. She noted that the neighborhood association did not discuss this matter or take any position and noted that after consultation with Mr. Daudt it was concluded that there is no conflict.

The Commission requested clarification and/or commented on:

- The administrative process for review of this Variance.
- How this project came forward for review.
- Timeline history on the initial house construction and reconstruction after the fire.
- Permits were received in 1982 to reconstruct the house.

Chair Klatchko opened the public hearing:

JACQUELINE BECKER, applicant, said she inherited the property and was not aware there was no permit on the storage until last year. She provided details on the original house and the new construction.



PLANNING COMMISSION STAFF REPORT

DATE: FEBRUARY 24, 2016 PUBLIC HEARING

SUBJECT: SUSAN THABIT, REQUESTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT OF FIVE (5) TENNIS COURT LIGHT POLES AT A MAXIMUM HEIGHT OF TWELVE (12) FEET LOCATED AT 790 NORTH MISSION ROAD, ZONE R-1-A. (CASE 5.1385 CUP) (GM)

FROM: Flinn Fagg, AICP, Director of Planning Services

SUMMARY

The Planning Commission to review a Conditional Use Permit Application to add five (5) tennis court light poles at a height of ten (10) feet to an existing tennis court located at 790 North Mission Road.

RECOMMENDATION:

Approval with conditions.

ISSUES:

- Existing tennis court lights installed without building permit or Conditional Use Permit.
- Existing light poles are approximately eighteen (18) feet tall.
- Light poles are located within the side and rear yard set-backs.
- AAC reviewed the project and made the following recommendation:
 1. Light poles to be a maximum of ten (10) feet in height so as to reduce neighborhood impacts.
 2. Light fixture heads to be shielded and focused downward to prevent light spillover.
 3. Light fixtures not to exceed 223 Watts per head.
 4. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM.
 5. Automatic timer switches to be installed to lighting system.
 6. Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

- Staff has received a request from the applicant to reduce the number of light poles to four (4) and increase the pole height to twelve (12) feet to achieve optimal lighting coverage.

BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
1955	Building Permit issued for construction of house.
5/23/1974	Building Permit issued for installation of tennis court chain link fence.
4/23/2015	Code Enforcement issues Courtesy Notice regarding illegal tennis court lights.
2/1/2016	Architectural Advisory Committee reviewed request and recommended approval with the following conditions: <ol style="list-style-type: none"> 1. Light poles to be a maximum of ten (10) feet in height so as to reduce neighborhood impacts. 2. Light fixture heads to be shielded and focused downward to prevent light spillover. 3. Light fixtures not to exceed 223 Watts per head. 4. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM. 5. Automatic timer switches to be installed to lighting system. 6. Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

<i>Most Recent Ownership</i>	
6/22/2012	Susan Thabit

<i>Neighborhood Notification</i>	
2/11/2016	Email notification sent to the following Neighborhood Organizations located within a ½ mile radius: Old Las Palmas, The Movie Colony, and Vista Las Palmas.

<i>Field Check</i>	
January 2016	Staff visited site to observe existing conditions

<i>Notification</i>	
2/11/2016	Public Hearing notices sent to all property owners within 500 feet of subject property.

Details of Application Request

Site Area

Net Area	22,216-square feet
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Subject Site: 790 N. Mission Road

ANALYSIS:

<i>Surrounding Property</i>	<i>Existing General Plan Designations</i>	<i>Existing Land Use</i>	<i>Existing Zoning Designations</i>
Subject Property	ER (Estate Residential), 2 Units per acre	Single-Family Residential	R-1-A (Single-Family Residential)
North	ER (Estate Residential), 2 Units per acre	Single-Family Residential	R-1-A (Single-Family Residential)
South	ER (Estate Residential), 2 Units per acre	Single-Family Residential	R-1-A (Single-Family Residential)
East	ER (Estate Residential), 2 Units per acre	Single-Family Residential	R-1-A (Single-Family Residential)
West	ER (Estate Residential), 2 Units per acre	Single-Family Residential	R-1-A (Single-Family Residential)

DEVELOPMENT STANDARDS:

93.01.01(A)(1) (f)	R-1-A	Proposed Project
Tennis Court	Tennis Court located outside of setbacks	Tennis Court is located within rear and side yard setbacks (non-conforming condition) City issued permit for fencing of tennis court.
Tennis Court Lighting	Permitted with a CUP	Existing lights and pole at 18 ft. tall placed without permit approval (does not conform)
Light Pole Heights	Max height of 12 feet	Existing poles at approx. 18 feet (does not conform)
Light Watts	400 Watts max per fixture	223 Watts per fixture (conforms)
Landscaping	No specific requirements	Landscape plan provided (conforms)

PROJECT DESCRIPTION:

Original Request by Applicant:

The applicant originally submitted an application requesting approval for the installation of tennis court lighting consisting of five (5) light poles at ten (10) feet tall (to conform to AAC recommendations) with LED fixture heads located at an existing tennis court. The light poles were installed in early 2015 without a Building Permit and requires a Condition Use Permit (CUP). The Palm Springs Zoning Code (PSZC), Sections 93.01.01(A)(1) and (f) Tennis Courts; and Section 94.02.00 Conditional Use Permit (CUP) requires approval by the Planning Commission before implementation. The CUP application is a result of a Code Enforcement action started in April 2015. Staff has been in contact with adjacent neighbors to discuss on-going issues and possible solutions regarding the unpermitted lights. Email correspondence has been attached to the Staff Report.

The City issued a building permit for the construction of the house at 970 N. Mission Road in 1955; however the exact date of the tennis court construction is uncertain. The City did issue a building permit for a chain link fence enclosing a tennis court in 1974. The PSZC requires that tennis courts be placed out of all rear and side yard setbacks and the subject tennis court does not meet this requirement. The historic development patterns of the Old Las Palmas Neighborhood include several nearby properties of similar conditions with tennis courts placed within the required setbacks.

The applicant added five (5) light poles approximately eighteen (18) feet tall to the south, north, and east perimeters of the existing tennis court sometime in early 2015. The tennis court is located in the rear of the property and surrounded by tall mature shrubs and landscaping and a ten (10) foot tall chain link fence with green privacy mesh. The subject tennis court backs up to and abuts a neighbor's lighted tennis court which is also located within the required setbacks.

The PSZC limits the location of light poles out of the rear and side yard setbacks, however through the Conditional Use Permit process the Planning Commission may determine that conditions shown on an approved site plan are deemed necessary to protect the public health, safety, and general welfare and may include minor modifications of the zone's property development standards. This allows for the recognition of special yards, spaces, and buffers. The Planning Commission through its stated findings for a CUP can permit the light poles within the setbacks per Section 94.02.00(B)(6)(e)(ii).

Applicant's Request for Amendment:

Staff has received a request by the applicant to reduce the proposed number of light poles to four (4) with a maximum height of twelve (12) feet in accordance with the PSZC. After the AAC meeting, the applicant conducted a new photometric study comparing light poles at ten (10) feet verses twelve (12) feet and found that the light coverage of the court was insufficient at the lower height. As a result of this study it was determined that one light pole located on the east end of the tennis court could be eliminated if the remaining four (4) poles are allowed to be twelve (12) feet tall. A letter has been submitted by the applicant's consultant, Cree Lighting, explaining their findings.

ANALYSIS

General Plan:

The General Plan Designation of the subject site is Estate Residential (0-2.0 dwelling units per acre). This designation allows for single family dwellings to a maximum density of two dwelling units per acre. The project proposes to place five (5) light poles to an existing tennis court on a single family residential lot on a site over a half-acre in size. Thus the project is consistent with this General Plan designation.

Zoning Designation:

The proposed site is zoned R-1-A. Pursuant to the City of Palm Springs Zoning Code (PSZC), Section 92.01.01(A)(1), permanent single-family dwellings are permitted within the R-1-A zone. The proposed installation of tennis court lights does not conform with the zoning designation development standards without the approval of a Conditional Use Permit.

Lighted Tennis Court requires Conditional Use Permit:

Pursuant to PSZC Section 93.01.01(A)(f), "*Night lighting of tennis courts may be allowed under conditional use permit approval by the Planning Commission in accordance with subsections (f)(i-iv)*". The zoning code allows the maximum height of tennis court light poles to be twelve (12) feet with the proposed application to include five (5) light poles on three sides of the court. The light fixtures will be 223 Watts, LED head focused downward with no anticipated spillover onto adjoining properties due to the presence of a ten (10) foot tall screened fence and landscaping.

ARCHITECTURAL ADVISORY COMMITTEE

The Architectural Advisory Committee reviewed the case on February 1, 2016 and heard testimony from the applicant and nearby residents. The original application by the property owner requested light poles with a maximum height of twelve (12) feet conforming to the PSZC. However, Staff's recommendation was to lower the light poles to a height of ten (10) feet which would be in-line with the existing and permitted tennis court chain link fence. The applicant agreed to this condition as well as four (4) other recommendations from Staff as listed above. The AAC received testimony from adjacent and abutting residents requesting the addition of a landscape screen to be placed on the East end of the court and the existing hedge to the South be allowed to grow to twelve (12) feet. Staff notes that the application presented before the AAC did include a photometric analysis of light poles at twelve (12) feet and not at ten (10) feet.

FINDINGS FOR CONDITIONAL USE PERMIT FOR TENNIS COURT LIGHTING:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The applicant has requested approval for the night lighting of an existing tennis court, which is permitted with a Conditional Use Permit under Section 93.01.01(A)(1)(a)-(f) of the Zoning Code. Night lighting of a tennis court may be allowed if the proposed light fixtures do not exceed twelve (12) feet in height with a maximum of five (5) lights standards permitted on each side of the court. In addition, the light beam shall not extend off the subject property and lighting levels, measured at the property line shall not be increased more than one foot candle above ambient light level. Lighting shall not be greater than 400 watts per fixture. The proposed plans as designed meets the zone requirements and the finding has been met.

- b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The Old Las Palmas Neighborhood is comprised of large estate homes with similar recreational amenities including pools and lighted tennis courts. The City issued a building permit for a chain link fence enclosing a tennis court in 1974. The large lot contains an array of outdoor amenities to include a pool, spa, and tennis court. The applicant's tennis court is sited on the lot such that it is consistent in design and placement with adjacent tennis courts. The Planning Commission may determined that the location of the tennis court and new lighting at ten (10) feet tall is consistent with the development of the neighborhood.

- c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

Minimum lot size in the R-1-A zone is 20,000 square feet and the subject site is a large lot of approximately 22,216-square feet. The home was built in 1955 with accompanying landscaped grounds consisting of fully mature trees and shrubs located along the perimeter lot fencing. An existing hedge row on the East and South property lines will be allowed to grow to twelve (12) feet to provide privacy and screening. Currently a ten (10) foot tall chain link fence located on the rear and side property lines separates the existing tennis court from the adjacent property. In addition, the existing tennis court is located approximately fifty (50) feet from the adjacent residences.

- d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The site has direct access to a public street that is adequately and properly designed to serve the estate residential neighborhood in which it is located. The proposed use is not expected to generate additional traffic.

- e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

The Planning Commission may determine that the minor modification of the R-1-A zone property development standards allowing tennis court light poles within the required side yard setback is consistent with the development patterns of the Old Las Palmas Neighborhood. The presence of a tennis court within the required setbacks along with the permitted court fencing legitimizes the request to modify required standards. Adjacent property owners have been allowed to enjoy similar modification to the zone standards for tennis courts with nighttime lighting. The inclusion of Conditions of Approval limiting light pole heights, illumination standards and providing landscape screening will protect the general welfare of the public and the finding has been met.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class III exemption and is categorically exempt per Section 15303(a) (New Single-family residence).

CONCLUSION:

Staff has evaluated the amended request by the applicant to raise the pole heights to twelve (12) feet with the elimination of one pole. The PSZC Section 93.01.01 allows poles to be a maximum of twelve (12) feet to provide sufficient light coverage of the tennis court. Staff believes that the amended request to eliminate one pole and raise the pole height by two (2) feet is an acceptable compromise. The inclusion of the recommendations of the AAC within the CUP Conditions of Approval to include a cut-off switch, limiting hours of play, and additional screening achieves the intent of the CUP process.



Glenn Mlaker, AICP
Associate Planner



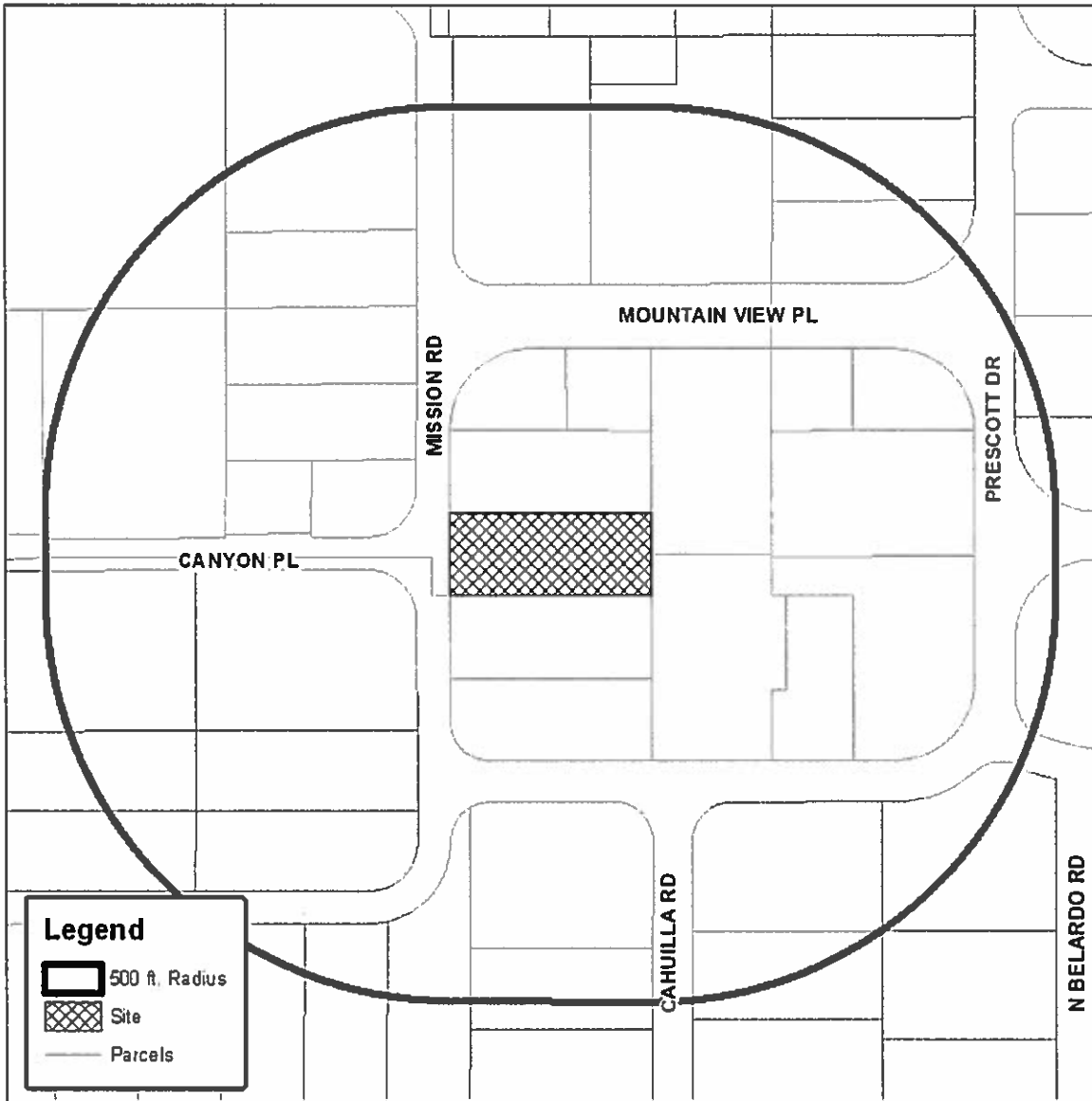
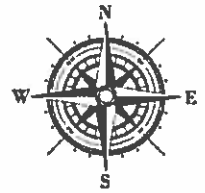
Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Justification Letter from Applicant
3. ~~Letter from Cree Lighting Consultant~~
4. Minutes of the February 1, 2016 AAC Meeting
5. Email from neighbor at 325 W. Mountain View Place
6. Pole and Light Fixture Detail
7. Site Photos
8. Site Plan
9. Photometric Plan



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1385 CONDITIONAL USE PERMIT FOR THE PLACEMENT OF FIVE (5) TENNIS COURT LIGHT POLES AT A MAXIMUM HEIGHT OF TEN (10) FEET LOCATED AT 790 NORTH MISSION ROAD (CASE 5.1385 CUP)

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Susan Thabit (the "Applicants") has filed an application Case 5.1385 for a Conditional Use Permit for the placement of five (5) tennis court light poles at a maximum height of ten (10) feet located at 790 North Mission Road, zone R-1-A, Section 10.

B. In accordance with Section 93.01.01(A)(f) night lighting of tennis courts may be allowed under a Conditional Use Permit approved by the Planning Commission in accordance with the Zoning Code; and

C. The proposed development is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt pursuant to Sections 15301 (Class 1 – Existing Facilities), 15303 (Class 3 – Small Structures) and 15332 (Class 32 – In-Fill Development) of the CEQA Guidelines.

D. On February 1, 2016, the Architectural Advisory Committee reviewed the case and recommended approval of the project to the Planning Commission with the following recommendations:

1. Light poles to be a maximum of ten (10) feet in height so as to reduce neighborhood impacts.
2. Light fixture heads to be shielded and focused downward to prevent light spillover.
3. Light fixtures not to exceed 223 Watts per head.
4. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM.
5. Automatic timer switches to be installed to lighting system.
6. Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

E. On February 24, 2016, a public hearing was held regarding Case No. 5.1385 by the Planning Commission in accordance with applicable law; and

F. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

G. Pursuant to the requirements for a Conditional Use Permit, Section 94.02.00 (B)(6) of the Zoning Code the Planning Commission finds:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The applicant has requested approval for the night lighting of an existing tennis court, which is permitted with a Conditional Use Permit under Section 93.01.01(A)(1)(a)-(f) of the Zoning Code. Night lighting of a tennis court may be allowed if the proposed light fixtures do not exceed twelve (12) feet in height with a maximum of five (5) lights standards permitted on each side of the court. In addition, the light beam shall not extend off the subject property and lighting levels, measured at the property line shall not be increased more than one foot candle above ambient light level. Lighting shall not be greater than 400 watts per fixture. The proposed plans as designed meets the zone requirements and the finding has been met.

- b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The Old Las Palmas Neighborhood is comprised of large estate homes with similar recreational amenities including pools and lighted tennis courts. The City issued a building permit for a chain link fence enclosing a tennis court in 1974. The large lot contains an array of outdoor amenities to include a pool, spa, and tennis court. The applicant's tennis court is sited on the lot such that it is consistent in design and placement with adjacent tennis courts. Therefore, the Planning Commission has determined that the location of the tennis court and new lighting at ten (10) feet tall is consistent with the development of the neighborhood.

- c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

Minimum lot size in the R-1-A zone is 20,000 square feet and the subject site is a large lot of approximately 22,216-square feet. The home was built in 1955 with accompanying landscaped grounds consisting of fully mature trees and shrubs located along the perimeter lot fencing. An existing hedge row on the East and South property lines will be allowed to grow to twelve (12) feet to provide privacy and screening. Currently a ten (10) foot tall chain link fence located on the rear and side property lines separates the existing tennis court from the adjacent property. In addition, the existing

tennis court is located approximately fifty (50) feet from the adjacent residences. Therefore, the site is adequate for the proposed use.

- d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The site has direct access to a public street that is adequately and properly designed to serve the estate residential neighborhood in which it is located. The proposed use is not expected to generate additional traffic.

- e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

The Planning Commission finds that the minor modification of the R-1-A zone property development standards allowing tennis court light poles within the required side yard setback is consistent with the development patterns of the Old Las Palmas Neighborhood. The presence of a tennis court within the required setbacks along with the permitted court fencing legitimizes the request to modify required standards. Adjacent property owners have been allowed to enjoy similar modification to the zone standards for tennis courts with nighttime lighting. The inclusion of Conditions of Approval limiting light pole heights, illumination standards and providing landscape screening will protect the general welfare of the public and the finding has been met.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves Case 5.1385 CUP to allow the placement of five (5) tennis court light poles at a maximum height of ten (10) feet located at 790 North Mission Road, subject to the conditions of approval attached herein as Exhibit A.

ADOPTED this 24th day of February 2016.

AYES:
NOES:
ABSENT:
ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

5.1385 Conditional Use Permit

Tennis Court Lighting
790 North Mission Road
February 24, 2016

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1385 CUP; except as modified with the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped December 16, 2015, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1385 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City

of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 8. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.
- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$50 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Lighted Tennis Court. Tennis court lighting associated with this Conditional Use Permit shall comply with all regulations as stipulated in Section 93.01.01(A)(1)(a) as depicted on the approved site plan and building elevations.
- PLN 2. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
1. Light poles to be a maximum of ten (10) feet in height so as to reduce neighborhood impacts.
 2. Light fixture heads to be shielded and focused downward to prevent light spillover.
 3. Light fixtures not to exceed 223 Watts per head.
 4. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM.
 5. Automatic cut-off switch to be installed to lighting system.
 6. Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

POLICE DEPARTMENT CONDITIONS

None

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

None

FIRE DEPARTMENT CONDITIONS

None

END OF CONDITIONS

Justification letter for Conditional Use Permit for Tennis Court lighting at 790 North Mission Road.

Prior to August of 2015 Mr. and Mrs. Thabit, the homeowners, asked their electrician to install tennis new fixtures tennis court lights that would provide better lighting and be more energy efficient. Without knowing that the lighting required a conditional use permit they authorized the electrician to proceed with the work.

Following the installation the City was notified and a violation was issued to the Thabit's that the lighting was not in compliance with the city requirements and a CUP needed to be filed for city review and approval.

The Thabit's acknowledge that the new fixtures are not mounted at the required height and agree to lower them to the 12' mounting height should their CUP be approved.

As shown in the accompanying documentation, when lowered, the fixtures will comply with the ordinance photometric requirements.

It should be noted that the neighboring property to the East also has lighting on their court and that the upgraded lights on the Thabit property are not out of character for the neighborhood.

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DEC 16 2015

PLANNING SERVICES
DEPARTMENT

Member Song questioned if some of the planting could be moved to the street side where the sidewalks are. She suggested trying to create more texture and a foreground of carpet of landscape for a visual screen.

Vice-Chair Cassady suggested making the landscaping look as natural as possible and not so spread out.

The Members discussed the irrigation system for the trees.

(M/S/C Fredricks/Fauber, 6-1 absent/Purnel) Approve subject to changes with final review by subcommittee (Fredricks, Fauber and Song):

- Landscape plan to return to AAC with demarcation of the decomposed granite and crushed rock.
- Location and sizing of Lantana.
- Increase the density of plant material and more layering between the meandering sidewalk and street.
- Results from DWA inquiry to leave turf on the interior of the sidewalk as is.

3. SUSAN THABIT REQUESTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT OF FIVE (5) TENNIS COURT LIGHT POLES AT A MAXIMUM HEIGHT OF TWELVE (12) FEET LOCATED AT 790 NORTH MISSION ROAD, ZONE R-1-A. (CASE 51385 CUP). (GM)

Member Song stated that she would be recusing herself on this item and left the Council Chamber.

Associate Planner Maker presented the proposed project as outlined in the staff report.

The Members asked technical questions pertaining to:

- Setback areas for the tennis court.
- Adjacent tennis court height.

ROB PARKER, RGA Landscape Architects, described the tennis court project. Mr. Parker said they are in agreement with all of the conditions except lowering the poles to 10 feet considering the existing tennis court at the adjacent home.

Member Hirschbein questioned if any light will be dispersed onto the adjacent property. (No.)

Chair Fredricks questioned if there is a difference in visibility for the 12 ft. height as

opposed to 10 ft. (No.)

PUBLIC COMMENT:

RICHARD MURAND, Las Palmas Neighborhood Organization, vice-chair, said on behalf of the neighborhood organization and adjacent homeowner they are opposed to the tennis court lights because they interfere with: privacy, views and seclusion of adjacent neighbors.

The Board had these questions:

- Are there regulations for tennis court light wattage?
- Light fixture shields.
- Add landscape screening.

Member Hirschbein spoke in favor of the project with the reduction in light wattage.

Chair Fredricks also spoke in support of adding landscape screening on the property line.

Member Secoy-Jensen said what the city is recommending is fair with the additional condition of adding: back shield onto the light fixture and landscape screening on the east and south side.

Member Fauber concurred with the additional conditions.

M/S/C (Fredricks/Hirschbein, 5-1-1 recused Song, 1 absent/Purnel) Recommend approval with conditions; and

- Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

Member Song re-entered the Council Chamber.

A brief recess was taken at 4:23 pm

Meeting resumed at 4:27 pm.

4. **PALM SPRINGS PROMENADE, LLC PROPOSING TENANT STOREFRONT DESIGN FOR A FOOD SERVICE TENANT ("JUICE SERVED HERE") WITHIN BLOCK A OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN LOCATED AT THE NORTHWEST CORNER OF PALM CANYON DRIVE AND ANDREAS ROAD, ZONE CBD (CASE 3.3605 MAJ). (DN)**

Glenn Mlaker

From: Richard Moran <marin-moran@mindspring.com>
Sent: Wednesday, February 17, 2016 9:54 AM
To: Glenn Mlaker
Subject: Re: 790 N. Mission Tennis Court Lights

Hi Glenn,

I think that would work as long as they put in 12 ft dense screening on their side of the east property line before they use the 12 foot tall lights.

Right now our ficus hedge is only 10 ft tall and you can see though it in spots.

Thanks Rick

Sent from my iPhone

On Feb 17, 2016, at 10:32 AM, Glenn Mlaker <Glenn.Mlaker@palm Springs-ca.gov> wrote:

Hello Rick, I wanted to touch base regarding next week's public hearing on the 790 N. Mission Road Tennis Court lights. After the AAC meeting, the applicant went back to their lighting consultant and conducted an analysis on the light coverage of the tennis court with ten (10) foot tall poles. The study determined that the 10 foot height did not provide adequate coverage. As a result they are requesting that the pole height be 12 feet with the elimination of one pole on the east property line. The zoning ordinance does allow a maximum height of 12 feet.

The amended request is to reduce the number of proposed light poles to four (4) with a maximum height of twelve (12) feet. They have agreed to the remaining AAC recommendations which are:

1. Light fixture heads to be shielded and focused downward to prevent light spillover.
2. Light fixtures not to exceed 223 Watts per head.
3. CUP to restrict hours for lights to be turned off between 10:00 PM – 7:00 AM.
4. Automatic timer switches to be installed to lighting system.
5. Landscape screen be placed on the east and existing hedge on the south side allow to grow to 12 feet. Fill in gaps.

Please let me know your thoughts on the proposed amendment and if you have any questions.

Glenn

Glenn Mlaker
Associate Planner
City of Palm Springs
Planning Services
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8245

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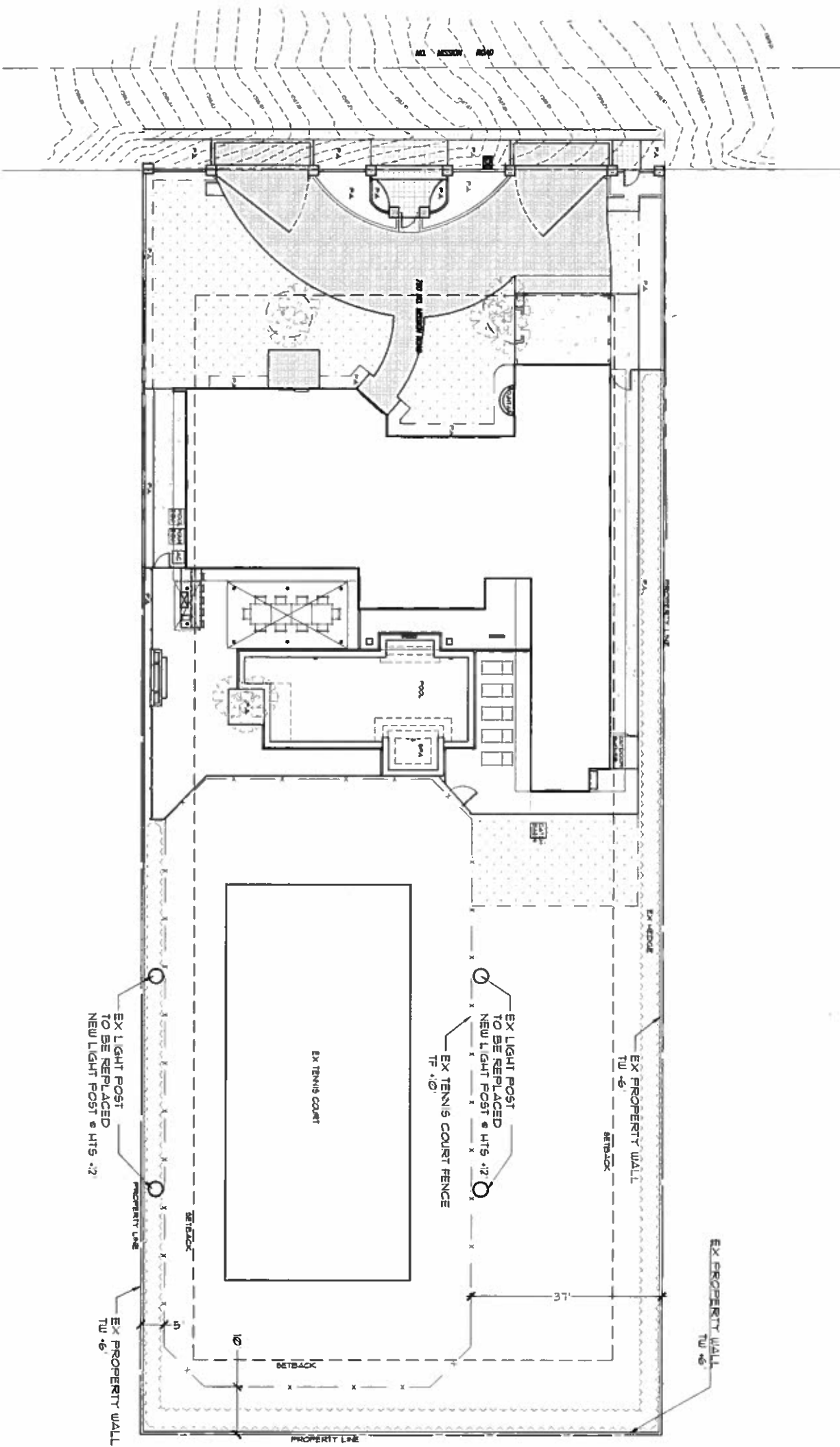
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RGA
 LANDSCAPE ARCHITECTS INC.
 7200 E. PALMO BLVD. 20
 PALM DESERT, CA 92260
 (760) 566-3034
 (760) 770-5818 FAX
 E-MAIL: rga@rga-pd.com

SHEET TITLE:
SITE PLAN

PROJECT:
**THABIT RESIDENCE
 PALM SPRINGS, CA**

LANDSCAPE ARCHITECT

A circular professional seal for a landscape architect, with text including 'REGISTERED LANDSCAPE ARCHITECT', 'STATE OF CALIFORNIA', and 'THABIT RESIDENCE, PALM SPRINGS, CA'.

SPECIFICATIONS

SHEET	BOOK
PROJECT MANAGER	EW
DRAWN	EW
CHECKED	
PROJ. NO.	RM472
DATE	7/21/15
SCALE	
REVISIONS:	
CITY COMMENTS	EW
A. 2/27/16	
A. 2/27/16	
A. 2/27/16	
A. 2/27/16	
A. 2/27/16	
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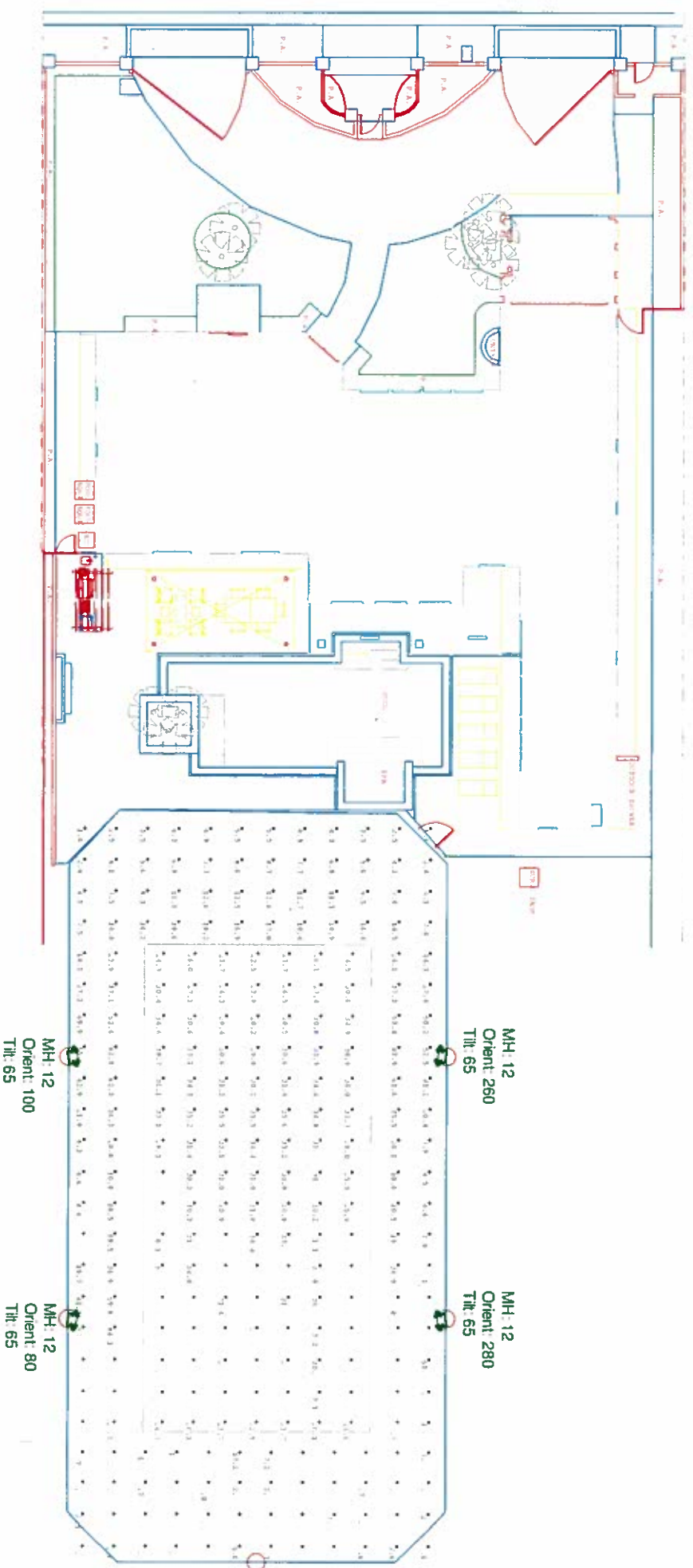
SHEET NO.

L-1.00

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Total Watts	Description	Lum. Watts
☛	4	SNE	TWIN @ 60	25555	1.000	2136	FLD-EHO-SN-HV-12-E-xx-xx-700	267

Footcandies calculated using predicted lumen values at NJTAL hours of operation					
Label	Avg	Max	Min	Avg/Min	Max/Min
Calc Pts	18.96	84.1	1.6	11.85	52.56
Court	30.58	38.9	22.5	1.36	1.73

... EXISTING 12' POLES ...



1200 92nd Street, Suhravan, WI 53177
www.cree.com (800) 236-6800

Project Name: Tabbit Residence
Date: 2/15/2016
Scale: 1"=20'
Footcandies calculated at 3' AFG
SR No: 6306
Layout by: Amy McIntosh
Filename: 150716KSIABMR2.AGI

Illustration results shown on this lighting design are based on project parameters provided to Cree, Inc. used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting, or energy code.

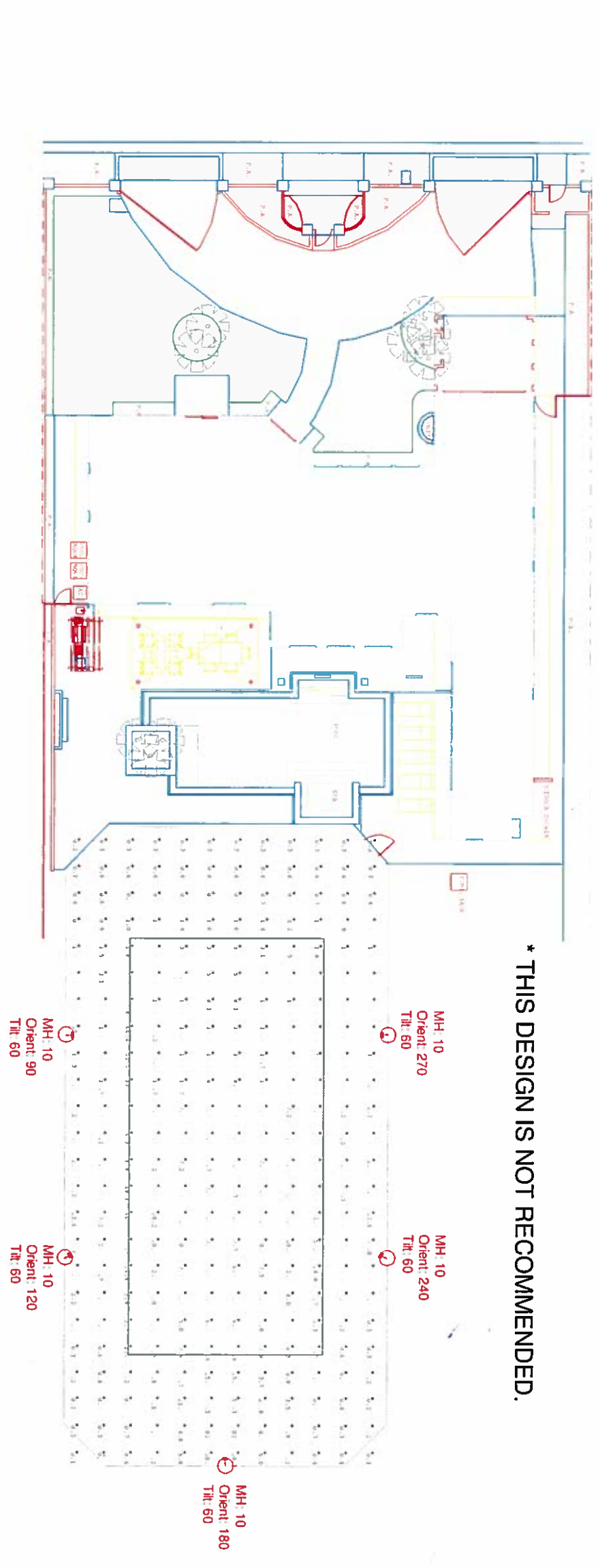
POLES AT 12 FOOT

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Total Watts	Description	Lum. Watts
	5	60D	SINGLE	21741	1.000	1115	OSCA-NM-60D-S-57K-UL-BK. OSC-AA-BK	223

Footcandles calculated using predicted lumen values at INITIAL hours of operation					
Label	Avg	Max	Min	Avg/Min	Max/Min
Calc Pts	12.31	126	0.1	123.10	1262
Court	12.29	66.4	1.7	7.23	39.06

*** EXISTING 10' POLES ***

*** THIS DESIGN IS NOT RECOMMENDED.**



1200 92nd Street, Sturtevant, WI 53117
www.cree.com 800.236.6900

Project Name: Tabbit Residence
Date: 2/15/2016
Scale: 1"=20'
Footcandles calculated at 3' AFG
SR No: 6306
Layout by: Amy McIntosh
Filename: 150716KST1ABMR1.AGI

Ilumination results shown on this lighting design are based on project parameters provided to Cree Inc. used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differ from these design parameters and may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical lighting or energy code.

POLES AT 10 FOOT