

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
July 13, 2016
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Vice-Chair Calerdine called the meeting to order at 1:34 pm.

ROLL CALL:

Present This Meeting: Commissioner Donenfeld, Commissioner Hirschbein,
Commissioner Middleton, Commissioner Weremiuk, Vice-
Chair Calerdine

Absent This Meeting: Commissioner Lowe

Staff Present: Planning Director Fagg, Deputy City Attorney Daudt,
Planning Admin. Coordinator Hintz, Associate Planner Lyon,
Associate Planner Mlaker, Associate Planner Newell,
Principal Planner Robertson

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 6:00 pm on Thursday, July 7, 2016.

ACCEPTANCE OF THE AGENDA:

Planning Director Fagg reported additional work is needed on the staff report for Item 2B and staff is requesting this item be continued for a date uncertain and project will be re-noticed.

Vice-Chair Calerdine reported that Item 3A will be tabled. Commissioner Hirschbein requested Item 1C pulled from the Consent Calendar for further discussion. Commissioner Weremiuk commented about discussion on the formatting the minutes.

ACTION: Continue Item 2B, Case 5.1394 CUP (Ascension Treatment Centers, LLC) to a date uncertain, table Item 3A, Case 5.1310 PD 365 Amnd (Dakota PS) and continue Item 3D (Election of Officers) to the next meeting.

Motion: Commissioner Donenfeld, seconded by Commissioner Weremiuk and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calerdine
ABSENT: Commissioner Lowe

1. CONSENT CALENDAR:

(A brief recess was taken at 1:40 pm for technical difficulties. The meeting resumed at 1:45 pm.)

ACTION: Approve Items 1A and 1B as part of the Consent Calendar.

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calerdine
ABSENT: Commissioner Lowe

1A. APPROVAL OF MINUTES: JUNE 22, 2016 SPECIAL MEETING MINUTES AND REGULAR MEETING MINUTES

Approved minutes of June 22, 2016 Special Meeting Minutes and Regular Meeting Minutes, as presented.

1B. TOM FORD FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE RENOVATION AND CONSTRUCTION OF A 546-SQUARE FOOT CABANA AND GARAGE ADDITION AT A HILLSIDE HOUSE LOCATED AT 1635 RIDGEMORE DRIVE, ZONE R-1-A (CASE 3.3725 MAJ). (GM)

Vice-Chair Calerdine opened public comments:

ALLEN WORTHY, spoke about contributions to a fundraiser event to restore the Cornelia White House.

RON DIAZ, Rancho El Mirador Condominiums HOA, president, spoke in opposition of Item 2B (Ascension Treat Facility) noting that there is an inordinate amount of undesirable activity from the other treatment center and requested other areas be considered.

DOUG MITCHELL, Rancho El Mirador Condominiums, manager, spoke in opposition of Item 2B, said he and his wife think this facility will add to the existing problems in the neighborhood.

WALTER UBER, resides in the neighborhood, spoke in opposition of Item 2B; pointed-out that burdening one neighborhood with these types of facilities is not a good idea and suggested the hospital would be a better use for these types of clinics.

There being no further speakers public comments was closed.

1C. CHAMPION INSTITUTE OF COSMETOLOGY, INC., REQUEST FOR A PLANNING COMMISSION DETERMINATION THAT AN INSTITUTE OF COSMETOLOGY IS SIMILAR TO OTHER LISTED PERMITTED USES IN THE C-B-D ZONE (CASE 10.479-DET).

Principal Planner Robertson provided an overview on the determination request as outlined in the staff report.

Commissioners Hirschbein and Weremiuk questioned if review of the exterior building could go before the Historic Preservation Board or the Architectural Advisory Committee. Staff responded that this building is not designated as a historic structure and would only go for review by the AAC if a proposal for exterior alterations is submitted. Staff further explained the process to notify code enforcement for maintenance issues.

Commissioner Donenfeld said he's supportive of this request and questioned if any other regulatory approvals are needed by the State or Local level. Staff responded the certification is transferable to the new location.

ACTION: Determine that a school of cosmetology is a similar permitted use in the CBD Zone.

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calderine

ABSENT: Commissioner Lowe

2. PUBLIC HEARINGS:

2A. GERGIS YOUSEF FOR A CONDITIONAL USE PERMIT TO SELL BEER, WINE AND DISTILLED SPIRITS WITHIN THE EXISTING RETAIL SPACE AT A GASOLINE STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 3 (CASE NO. 5.0712 CUP). (DN)

Associate Planner Newell provided an overview on the proposed conditional use permit as outlined in the staff report. Mr. Newell addressed questions regarding the 1996 conditions of approval and City Council's action.

Vice-Chair Calerdine opened the Public Hearing:

GERGIS YOUSEF, applicant, said he is struggling and needs to make a profit since Shell gas pulled their name brand because of the appearance. He explained that he is working and willing to comply with the original conditions.

JADE NELSON, on behalf of the Palm Springs Modern Committee, said that the addition of the liquor display cabinet will impact the vehicular traffic and the pedestrian flow will affect the wear and tear of the building. He requested no modification be allowed to the original walls.

ROBERT INGRAM, encouraged the Commission to ensure language is included to indicate that the original Cody building is protected.

JACOB YOUSEF, applicant's son, clarified that they are strictly requesting a liquor license. He said he does not understand how the outside traffic will be affected by the cabinet inside the store and reiterated that they are struggling to survive because of the financial impact from the loss of gas revenue.

There being no further speakers public hearing was closed.

ACTION: Approve subject to conditions with additional changes as follows:

1. Existing walls shall not be modified under this CUP.
2. Prior to the accessory sale of alcohol, the 1996 CUP conditions shall be completed to the satisfaction of the Director of Planning Services.

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calerdine

ABSENT: Commissioner Lowe

A recess was taken at 2:23 pm. The meeting resumed at 2:39 pm.

2B. SKIP GOODELL, ON BEHALF OF ASCENSION TREATMENT CENTERS, LLC, FOR A CONDITIONAL USE PERMIT TO OPERATE AN ADDICTION TREATMENT FACILITY AT AN EXISTING HOTEL BUILDING LOCATED AT 280 EAST MEL AVENUE, ZONE R-3 (CASE 5.1394 CUP). (ER)

Continue to a date uncertain. (Acceptance of Agenda)

3. NEW BUSINESS:

3A. DAKOTA PS, LLC. REQUESTING AN AMENDMENT TO AN APPROVED PLANNED DEVELOPMENT DISTRICT TO ELIMINATE ONE UNIT AND CONSTRUCT A PUBLIC PARK SPACE AT THE SOUTHERLY PORTION OF THE 6.37-ACRE DEVELOPMENT LOCATED AT 1501 SOUTH BELARDO ROAD, ZONE PD-365, SECTION 22 (CASE 5.1310 PD-365 AMEND). (DN)

Tabled. (Acceptance of Agenda)

3B. O'CONNER DEVELOPMENT INC., FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 3,242-SQUARE FOOT HOUSE ON A HILLSIDE LOT LOCATED AT 2371 SOUTH ARABY DRIVE, ZONE R-1-B (CASE 3.3952 MAJ).

Associate Planner Mlaker provided an overview on the proposed hillside house and described the modifications recommended by the AAC.

The Commission requested clarification and/or commented on:

- Is there a requirement that the house have a harmonious relationship to the neighborhood? If so, what are the standards?
- There is an eclectic mix of houses in this neighborhood.
- Does the house fit within the building envelope?
- Did the applicant accept the AAC recommendations?
- How much was the wall increased?
- Why is a darker color for the roof proposed?
- How much would solar panels increase the height?

Commissioner Donenfeld clarified that the reason why white roof colors were changed for hillside homes is because of the reflection to the homes on higher elevation.

BRIAN DIEBOLT, project designer, addressed questions from the Commission regarding lowering the roof pitch, the mechanical equipment, height is allowable by code, eclectic neighborhood, roof color. He said lowering the roof by 2 feet is not feasible for the design and pointed-out that they are within 26" below the allowable height.

KELLY O'CONNER, developer, said he's met with the neighbors and they did not have a problem with the house - only the neighbor to the south had concern about the height. Mr. O'Conner addressed further questions from the Commission.

BRIAN DIEBOLT (responding to questions from the Commission) said that the market dictates what types of homes people are looking for - modern mid-century with a sloping roof. Mr. O'Conner said it is not his intention to place solar panels to add height to the roof but panels can be added to the lower end of the roof.

Commissioner Donenfeld said he is moving to approve the project and it is not an easy decision when it affects people's views but we must strike a balance with landowners and ownership rights. He said this is a good design and in keeping with the neighborhood.

Commissioner Weremiuk said because of the staff's original determination that this wasn't a hillside she would have rather seen the roofline reduced. However, she does not want the applicant to go through the cost of re-doing the design and will support the project.

Commissioners Middleton and Weremiuk requested an amendment to the motion to include: a requirement to prohibit vacation rentals and provide pre-wiring for solar panels.

ACTION: Approve with conditions and subject to:

1. Rental of the accessory second unit, separate from the primary unit must be for periods of 30 days or more; however, such minimum requirement shall not apply where the entire property, including the accessory second dwelling unit shall be rented or leased to the same person under one lease or rental agreement.
2. House shall be pre-wired for solar panels.

Motion: Commissioner Donenfeld, seconded by Vice-Chair Calerdine and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calerdine

ABSENT: Commissioner Lowe

3C. ED FREEMAN FOR A MAJOR ARCHITECTURAL APPLICATION FOR DEVELOPMENT OF A ROUGHLY 4,400 SQUARE FOOT SINGLE FAMILY RESIDENCE ON A VACANT HILLSIDE LOT LOCATED AT 2025 CELESTIAL COURT, (CASE 3.3946 MAJ / ZONE ESA-SP - PLANNING AREA 4, DESERT PALISADES SPECIFIC PLAN).

Associate Planner Lyon presented an overview on the proposed first single-family house in the Desert Palisades Specific Plan.

The Commission requested clarification and/or commented on:

- Confirmation that the Desert Palisades Specific Plan does allow the discretion to change the height under the Hillside Ordinance.
- Details on the term "height pillow" in the Specific Plan.
- Length of retaining walls and placement of boulders.

LANCE O'DONNELL, O2 Architecture, project architect, clarified that the long retaining wall allows them to minimize the amount of grading on site. He provided details on the design intent, movement of the boulders, retaining walls, 6" height increase, stepped building pads, the corridor and clerestory windows.

Commissioner Donenfeld expressed concern about privacy into the adjoining homes that will be built at a later date.

Mr. O'Donnell explained that the layout of the homes will be parallel to each other.

Commissioner Donenfeld commented that until they saw a model of the downtown project was the Commission able to create a visual for the development and suggested this could be done for this site and add homes as they come forward.

Commissioner Hirschbein said this is a beautiful house but the struggle is how to move forward with modifications for future homes.

Mr. O'Donnell stated that the developer wants to create a model that will replicate the hillside that would like include major items such as the roads and guard gate.

MARVIN ROOS, MSA Consulting, clarified the HOA process and explained that there are no walls allowed around the houses other than the pool fencing. He believes that Condition of Approval Env. 3 pertaining to the Fish & Game Fees had been paid at the time the EIR was submitted.

Vice-Chair Calerdine expressed interest in doing a site visit within the next couple of months.

ALLEN WORTHY, said the house is absolutely stunning.

Commissioner Weremiuk made a motion to continue the project and would like to see: A model of how the house sits on the site because it's on an alluvial fan; The first house to be built on this site with a request for modifications.

The applicant confirmed that a model of the house could be completed by Monday.

The Commission discussed establishing a subcommittee to review a model of the house.

Commissioner Weremiuk requested a larger model come in for future applications on this site.

Commissioner Hirschbein said he is in favor of moving forward with the house at this point because the model will be reviewed on Monday.

Commissioner Middleton said she would like to move forward since it will be reviewed on Monday but would like to see a complete model of all 110 home sites (117 acres) so as the site is being built-out they can see new homes.

ACTION: Approve with Conditions and subject to:

1. The applicant shall submit a model of the house subject to review by the subcommittee (Donenfeld, Hirschbein and Weremiuk) contingent upon final approval.
2. Rental of the accessory second unit, separate from the primary unit must be for periods of 30 days or more; however, such minimum requirement shall not apply where the entire property, including the accessory second dwelling unit shall be rented or leased to the same person under one lease or rental agreement.
3. Delete condition Env. 3 relating to Fish and Game Fees if deemed paid.

Motion: Commissioner Weremiuk, seconded by Commissioner Donenfeld and unanimously carried 5-0-1 on a roll call vote.

AYES: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Calderine

ABSENT: Commissioner Lowe

- 3D. ELECTION OF OFFICERS:**
- A. ELECTION OF CHAIR
 - B. ELECTION OF VICE-CHAIR

Continued to the next meeting. (Acceptance of Agenda)

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission requested information and/or made comments on:

- Status update on the construction of the Cameron development.
- A request for staff to research the ability to require that a certain percentage of labor is local.
- A list of unmet capital needs that might be able to be used as community benefits.
- A joint meeting with City Council will be scheduled in September to discuss current issues. (Planning Director Fagg suggested adding this topic as an Agenda Item for further discussion.)
- Provide a list of approved projects.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg informed the Commission about an upcoming joint meeting with the AAC to discuss procedural items that is tentatively scheduled for September 14th.

He provided an overview on the protocol of reporting property maintenance issues to Code Enforcement.

ADJOURNMENT:

The Planning Commission adjourned 4:40 pm to Wednesday, July 27, 2016, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services