

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
July 27, 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 1:30 pm.

ROLL CALL:

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

Absent This Meeting: None.

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

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 6:00 pm on Thursday, July 21, 2016.

ACCEPTANCE OF THE AGENDA:

Commissioner Hudson noted his abstention on the minutes since he was not on the Commission during this time. Commissioner Lowe noted his abstention on the minutes due to his absence.

PUBLIC COMMENTS:

Vice-Chair Calerdine opened public comments:

JACK VANDERWOUDE, applicant for Item 2B, appreciated the City's and Planning Commission's patience in moving forward to see the fruition of this project.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: MINUTES OF JULY 13, 2016

ACTION: Approve.

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

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

ABSTAIN: Commissioner Hudson, and Commissioner Lowe.

2. NEW BUSINESS:

2A. DENLAR, LLC, FOR AN AMENDMENT TO AN APPROVED MAJOR ARCHITECTURAL APPLICATION TO REDUCE THE SIDE YARD SETBACK FROM 16'-9" TO 10'-0" FOR A NEW HILLSIDE SINGLE-FAMILY RESIDENCE LOCATED AT 2110 LEONARD ROAD, ZONE R-1-B (CASE 3.3817 MAJ). (FF)

Planning Director Fagg provided background information on the sequence of approvals and the proposed amendment as outlined in the staff report. Mr. Fagg indicated that the house as sits on the lot it does conform to setback requirements; however, there is a section of the house that exceeds past the 12' height limit.

Commissioner Middleton disclosed that she received ex-parte communication from the neighbor (including Little Tuscany Neighborhood Organization). Once she confirmed this project would be reviewed by the Commission she informed the neighbor that she could not engage in conversation on this matter.

The Commission had the following technical questions:

Commissioner Middleton:

- How did the rotation error occur?
- Has the rotation been approved?
- Are you aware if the developer reached out to the neighbors?
- How would the developer meet the height restriction?
- Does the city have the ability to impose a penalty to the developer for violating the zoning code?
- Do the neighbors have a civil action against the neighbor?

Commissioner Hudson:

- If a fee/penalty is imposed who determines the amount?
- Location of the mechanical equipment that is not shielded.

Commissioner Lowe:

- Did the developer contact the City about changing the plan?
- When the city became aware of the problem.
- Details about the "Stop Order".

Commissioner Weremiuk:

- How did this occur without the building inspector noticing it?
- Verified that a signed certification was completed for the grading plan.
- Verified the options available for the Commission.
- Verified that penalties could be imposed if amendment is not granted.

Commissioner Donenfeld:

- How would penalties be initiated?

Commissioner Hirschbein:

- The hillside approval process.
- Clarification on the sequence of events.

DENNIS FREEMAN, Denlar LLC, developer, clarified that the certification is for pad elevations and not the location. He said the house has not changed height and it will be very difficult to cut a 7" section and seal the roof properly. He said shifting the house improves the backyard and would allow for a guest house. He requested leniency for rotation of the house did not think rotating the hose affected hillside development.

ROBERT DORAN, property owner to the north, questioned how the development team misread the plans and requested the building codes be enforced with the original approval.

Commissioner Middleton said after visiting the site it was pretty obvious to her that by rotating the house additional space was gained and asked the applicant if this was a deliberate decision. Mr. Freeman responded yes it was. She asked if he reached out to the city and the neighbors. He responded no.

Commissioner Weremiuk made a motion to deny the application stating that it was an intentional disregard of the approvals and thinks it is not appropriate to modify the approval. She's glad in the future that building inspectors will be staking and measuring so that this does not happen again.

Commissioner Lowe concurred and thinks they rotated the house to add the casita and is concerned that this was done without any consultation to the City or Planning Commission.

Commissioner Hirschbein agrees with the motion and does not know where this leaves the applicant. He said without any modification to the building he is not comfortable moving forward.

Commissioner Middleton spoke in support of the motion and said that there was a mistake and consequences for that mistake and should be proportional.

Commissioner Hudson concurred with the motion and said that a clear example needs to be set with this project for the additional staff time spent and expenses involved with a fee or penalty. He commented that by looking at the photographs and walking the site he thinks with minor modifications this would fit into the zoning & building requirements. He said part of the Commission's job is and try to come up with solutions and send a strong message about future projects.

ACTION: Deny.

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

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

2B. PALM SPRINGS FREEWAY DEVELOPMENT, LLC, REQUESTING AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT A 65-ROOM HOTEL, TWO DRIVE-THRU RESTAURANTS, ASSOCIATED PARKING AND SIGNAGE AT 610 WEST GARNET AVENUE, ZONE M-1-P, SECTION 15 (CASE NO. 5.0856-CUP). (ER)

Principal Planner Robertson provided an overview of the proposed extension of time request as outlined in the staff report. He indicated that the main reason this project has come back for time extensions is to allow onsite wastewater treatment at this site.

The Commission requested clarification and/or commented on:

Commissioner Donenfeld:

- How long will it take the applicant to build an on-site wastewater treatment facility?
- Is the two-year time extension adequate time?
- Is this a valid permit from the Regional Water Quality Board?

- Is this a temporary facility until a permanent structure is built?
- Why hasn't the applicant pursued other permits while waiting for the waste water approval?

Commissioner Weremiuk:

- How much time will the applicant need - one or two years?

Commissioner Middleton:

- Was the applicant aware of all the requirements when this project was permitted?

Commissioner Hudson:

- Verified that this project will come back to review for the AAC since this was approved back in 2001.

JACK VANDERWOUDE (responded to questions from the Commission) provided background information and noted that that this project was originally approved in 2004 and was designed with septic systems. He spoke about the moratorium on septic systems due to high nitrate levels back in 2007 and until recently received approval. He said two years would be greatly appreciated to give him a chance to deal with the logistical work in moving ahead.

Commissioner Middleton said she's had serious concerns about the number of extensions they are granting for many projects. However, she thinks it's responsible for the Commission to take the moratorium into consideration.

Commissioner Weremiuk said she supports the two-year time extension because it will save staff time and it will take two years. She commented that it's not only because of the moratorium that prevented him from building but this is a good use for the city.

ACTION: Approve the two-year time extension subject to conditions.

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

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

2C. ELECTION OF OFFICERS:

A. ELECTION OF CHAIR

Commissioner Weremiuk nominated Lyn Calerdine as Chair. Commissioner Lowe seconded the nomination.

ACTION: Appoint Lyn Calderine to serve as Chair.

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

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

B. ELECTION OF VICE-CHAIR

Commissioner Lowe nominated Kathy Weremiuk as Vice-Chair. Commissioner Middleton seconded the nomination.

ACTION: Appoint Kathy Weremiuk as Vice-Chair.

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

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

3. PLANNING COMMISSION DISCUSSION:

3A. TOPICS FOR THE JOINT CITY COUNCIL / PLANNING COMMISSION MEETING IN SEPTEMBER 2016.

Planning Director Fagg reported that the City Council is planning to schedule a joint meeting with the Planning Commission and would like to get input from the Commission on topics for discussion.

The Commission suggested topics and agreed that prioritizing items would be beneficial. The Commission decided to discuss this matter in greater detail at a study session prior to the next meeting on August 10th.

PLANNING COMMISSION COMMENTS:

The Commission discussed procedures about allowing public comment on non-public hearing items.

PLANNING DIRECTOR REPORT:

Planning Director Fagg discussed the 2016 - 2017 List of Attendance for the AAC meetings.

ADJOURNMENT:

The Planning Commission adjourned at 3:24 pm to Wednesday, August 10, 2016, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs.

Flinn Fagg, AICP
Director of Planning Services

DRAFT

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
August 10, 2016
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

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

ROLL CALL:

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

Absent This Meeting: None.

Staff Present: Planning Director Fagg, Deputy City Attorney Daudt, Planning Administrative Coordinator Hintz, Senior Civil Engineer Khamphou, Associate Planner Lyon, Associate Planner Newell and Principal Planner Robertson

REPORT OF POSTING OF AGENDA: The agenda was posted and available 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, August 4, 2016.

ACCEPTANCE OF THE AGENDA:

Planning Director Fagg reported the applicant has requested to postpone Item 2D, Case 5.1384-PD 384, Canyon View.

The agenda was accepted, as amended.

PUBLIC COMMENTS:

ROBERT BRUGEMAN, spoke in favor of Item 2A, said he liked the Hacienda Cantina and encouraged the re-adaptive use of this building.

DAVID DRY, spoke in reference to Item 2B and 2C, thinks the environmental impact report for both projects are outdated. He spoke about the problems created by the adjacent Desert Palisades development including traffic, noise and blow sand.

BRAD KAIN, spoke in reference to Item 2B and 2C, commented about problems associated with the construction of Desert Palisades - 3600 trucks going up and down the hill, speeding and early morning construction.

FRANK TYSEN, spoke about the PDD process and problems of over-development associated with it and requested postponement of any PDD approval until important information comes back from the ad hoc committee.

ANDY LINSKY, spoke in reference to Items 2B and 2C, said he endorsed the letter submitted by the Little Tuscany Neighborhood Association and requested the time extensions not be approved without an updated EIR.

MICHELE JOHNSON, spoke about over-development and the problems associated with it.

TANYA PATROVNA, spoke in opposition of Item 2B and 2C, requested denial of the time extensions.

TIM ERKINS, spoke in reference to Item 2B, 2C and 2D, commented about all the hotels coming forward and what is needed in this city is affordable housing especially with the college coming in.

There being no further speakers public comment was closed.

1. CONSENT CALENDAR:

1A. RUDY DVORAK, CLIVE WILKINSON AND CHERYL SCOTT REQUESTING A SUMMARY VACATION AND ABANDONMENT OF A PUBLIC UTILITY EASEMENT WITHIN THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (ENG. FILE R 15-14). (FP)

ACTION: Approve Item 1A as part of the Consent Calendar.

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

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

2. PUBLIC HEARINGS:

2A. DEVELOP GOOD, LLC ON BEHALF OF JOHN WESSMAN (LESSEE) FOR A MAJOR ARCHITECTURAL APPLICATION AND PLANNED DEVELOPMENT DISTRICT AMENDMENT TO CONSTRUCT A 66-ROOM, THREE-STORY HOTEL BUILDING WITHIN THE PLAZA DEL SOL SHOPPING COMPLEX LOCATED AT 1555 SOUTH PALM CANYON DRIVE (CASE NOS. 3.3937 MAJ AND 5.0177 PD-131 AMEND). (DN)

Associate Planner Newell provided an overview on the proposed project as outlined in the staff report. He indicated that the applicant has added additional parking spaces to the west as requested by the Architectural Advisory Committee.

The Commission had the following technical questions:

Commissioner Donenfeld questioned if a tract map was required for this site.

Commissioner Middleton requested clarification on:

- Does the original PDD include the entire 17-acre site?
- Is the 4% reduction in open-space calculated for the 17-acre site?
- Is there room for more development on the 17-acre site? If so, would this include a further reduction in open-space?
- If this project was not on Indian land what height limit would apply to this site?

Commissioner Weremiuk requested clarification on:

- If this open-space for this project was not being measured by the PDD how much open-space would be required under the High-Rise Ordinance?
- Is a list of public benefits available to utilize for this project?
- Will the large speakers be a part of the project?
- Will the wood-framing (on the cabanas) that face Palm Canyon on the Hacienda Cantina be replaced with modern tile?
- Was a neighborhood meeting held?

Commissioner Hirschbein requested clarification on:

- Height standards and open-space requirements.
- How much is the 4% of open-space in square footage?
- Is the area that is not paved a part of the application?

- What are the parking requirements? (exceeds by 37 parking spaces.)

Commission Hudson requested clarification on:

- Were any other material boards/samples submitted?

Chair Calderine opened the public hearing:

CHRIS PARDO, Pardo Design, provided background history on the entire site and the existing building (formerly Hacienda Cantina). He described the hotel concept, rooms, setbacks, height, restaurant, tree shading, hotel entry, building façade, balcony and mechanical screening.

FRANK TYSEN, said that the Architectural Advisory Committee did not discuss how it would fit into the existing Plaza Del Sol site and architectural style. He commented that the city needs eclectic character and there is over-development in the city.

ROBERT BRUGEMAN, does not think 66 rooms will ruin the local economy; noting that this is vacant building with dirt lot behind it and is not useful to the city and its residents. He commented that the building design is an eclectic style.

TANYA PETROVNA, said the restaurant was not financially viable and could have been predestined to be something else. She hopes it works out for the best.

ROBERT FINELY, said he and his wife suffered from the Hacienda Cantina noise and appreciate the building as a buffer; and it sounds like an excellent project.

CHRIS PARDO, was available for questions.

There being no further speakers public comments was closed.

Commissioner Middleton requested details pertaining to:

- Neighborhood outreach efforts provided and requested they reach out to all the neighborhoods in this area.
- Similarities and differences between the Arrive Hotel and the Belardo Hotel.
- Will music events be held?
- How will this building impact the sound vibration from the mountains to the west?
- Monitoring sound levels for music events and noise decibels.

Commissioner Hudson commented on the architecture of the building:

- The east and west elevations is an interesting technique to get sun shading for the rooms and balconies.
- Using colors and materials to blend-in this complex to the other buildings - tiles and modern materials.

- North and south elevations of the building: the vertical windows need further strategy - jointing of stucco or perhaps a different material. The south elevation fronting the entry drive with the exterior fire escape doors need to be shielded more or fully enclosed.
- The mountain view and shading for the swimming pool and outdoor dining will be a missed opportunity.
- Move the building 15 feet to the west and eliminate a bay area.

Commissioner Weremiuk requested clarification and/or commented on:

- How much area is the 4% open-space?
- Concurs with Commission Hudson in moving the hotel back and keep the open-space.
- Wood detailing on the Palm Canyon frontage appears to be more for a beach club. Concrete detailing would improve the look of the hotel from the street.
- Concerned about the public benefit and loss of open space.
- Would like to see the hotel moved back 15 feet for additional open-space

Commissioner Hirschbein made the following comments:

- Thinks it's a great project.
- The model looks compressed and concurs with pushing back the building.
- Concurs with blending in the buildings with colors & materials and suggested a more sculptural staircase at the front entry.

Commissioner Donenfeld commented on:

- Thinks it's a great project as hotel space.
- Moving back the building is fine but not certain if 15 ft. might be too far.

Commissioner Middleton made the following comments:

- Outstanding project and the transformation of this part of town have been remarkable.
- Defer to colleagues on the architecture.
- Extremely supportive of the project.

Commissioner Lowe spoke in support of this project and suggested blending-in the frontage on Palm Canyon.

ACTION: Continue to a date certain of September 14, 2016 to allow the applicant to consider suggestions made by the Commission as follows:

- Blend-in the colors of the existing building into the new building.
- Further articulation for the stairwell.
- Push back the building back 15 feet to create more open-space.

- Consider using a different material for the wood elements on the Palm Canyon façade.
- Report back on neighborhood outreach.

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

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

A recess was taken at 3:00 pm.

The meeting resumed at 3:10 pm.

**Chair Calerdine stated that he will be recusing himself from Item 2B and 2C due to the fact that his firm worked on the EIR nine years ago.*

2B. WESSMAN DEVELOPMENT, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR THE BOULDERS; A PREVIOUSLY APPROVED TENTATIVE TRACT MAP 31095; A SUBDIVISION OF A 30.4-ACRE PARCEL OF 45 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED AT THE WEST END OF VIA ESCUELA, SOUTH OF RACQUET CLUB ROAD AND NORTH OF CHINO CANYON ROAD, (TTM 31095). (ER)

Principal Planner Robertson provided an overview of the proposed time extension request as outlined in the staff report.

The Commission had technical questions pertaining to:

Commissioner Donenfeld:

- Clarification on the staff recommendations for Items 2B and 2C.
- Clarification on the merits of the time extension.
- Consideration to re-open the Environmental Impact Report.

Commissioner Middleton:

- Have there been any legal impediments since 2007 for the developer to proceed with this project?
- Are mitigation measures for construction traffic to off-site addressed in the EIR?
- Does construction traffic create an issue that should be re-visited in the environmental impact report?
- Can it be verified that the original projections for traffic remain consistent and additional traffic created from other projects does not create new burden for the neighborhood?

Vice-Chair Weremiuk opened the public hearing:

MICHAEL BRAUN, developer, provided background history on the Boulders and Crescendo sites, the environmental impact reports, neighborhood meetings, market analysis for high-end homes, stabilization of market and economic study. Mr. Braun clarified that no changes have been made to Boulders and Crescendo only those that were imposed by the City with regard to the conditions of approval.

DENISE HOATKER, commented that developers are running into problems moving the large boulders. She thinks a new EIR is needed because the traffic has increased on Racquet Club Road and the land has been disturbed on Crescendo.

TONY HOATKER, board member, Little Tuscany Neighborhood Organization, said the neighborhood agrees that a new EIR needs to be done because the topography has changed and the load to Racquet Club Road will be impacted.

NICKIE MC LAUGHLIN, chair, Friends of Palm Springs Mountains, said CEQA litigation was settled with the applicant in May 2008. They feel that the current EIR is no longer valid due to the new surrounding projects that have impacted the neighborhood.

ROBERT ROTMAN, resident, Little Tuscany Neighborhood, believes that a 10 year EIR does not reflect the current environment. There have been significant impacts by Desert Palisades and Tuscany Heights that were not included in the EIR.

FRANK TYSEN, said that too much has changed and it's time to terminate the two approvals.

MICHAEL BRAUN, responded to public testimony, said that CEQA is a good process but unfortunately it is being abused to stifle developments such as the Downtown project. He said both Boulders and Crescendo projects have been analyzed and there are no new findings based on the facts.

There being no further speakers the public hearing was closed.

Commissioner Middleton requested the applicant describe over the last 6 months to a year the outreach programs and plans to mitigate impact of construction on the neighborhood that were conducted.

Commissioner Middleton said that although she appreciates the financial demands that are placed on the developer with undertaking a project of this size, they are looking at public policy input from the neighborhood that is nine years old. She feels that individuals that are most impacted by the construction of this project are not getting an opportunity to weigh in nor able to adapt the project to current circumstance. She said

the developer has not proceeded on this project since 2008 and will vote to deny the project.

Vice-Chair Weremiuk seconded the motion.

Commission Discussion:

Commissioner Hirschbein concurred with the motion and believes that the Desert Palisades project raised the bar on how hillside developments should be designed particularly by allowing the natural terrain and getting away from mass grading.

Commissioner Donenfeld said he's very sympathetic to the neighbors but this project has been controversial since the date it was approved. As he understands the law the merits of the project cannot be re-litigated and their focus must be very narrow on the merits of the extension. He said if a new EIR is going to be requested they must have very solid ground upon which to do so with concrete, demonstrable changes that are significant. He does not believe anything heard today will allow them to deny the extension or request a new EIR because in good faith there was a significant economic downturn and a mix of high-end homes is needed in the community to attract big chain markets. For this reason he will be voting no on this motion.

Commissioner Lowe concurred with Commissioner Donenfeld noting that their focus is very narrow in terms of looking at the extension and whether the applicant has taken appropriate measures to move this project along and there is no evidence that they have not.

Commissioner Hudson noted this is a complicated case and agrees with both sides. He questioned if conditions could be imposed to address issues such as traffic safety, truck loads, noise and dirt.

Commission Weremiuk said she will second the motion and believes this is an issue for Council.

Commissioner Middleton clarified that she did not make her motion based on the understanding that a new EIR is required but rather that public input is needed for a project of this scale, nine years after it was approved.

ACTION: Deny.

Motion: Commissioner Middleton, seconded by Vice-Chair Weremiuk, due to lack of unanimous vote **MOTION FAILED.**

AYES: Commissioner Hirschbein, Commissioner Middleton, Vice-Chair Weremiuk
NOES: Commissioner Donenfeld, Commissioner Hudson, Commissioner Lowe

ABSTAIN: Chair Calerdine

ACTION: Approve the one-year time extension with conditions:

1. The applicant to present logistics of construction mechanics to the Planning Commission upon submittal of construction plans and set-up a subcommittee to work with him on scheduling of truck loads and speed limits on Racquet Club Road.
2. If rock crushing is allowed it shall be done with the most up-to-date and non-invasive equipment, as possible.

Motion: Commissioner Donenfeld, seconded by Commissioner Hudson, due to lack of unanimous vote **MOTION FAILED.**

AYES: Commissioner Donenfeld, Commissioner Hudson, Commissioner Lowe

NOES: Commissioner Hirschbein, Commissioner Middleton, Vice-Chair Weremiuk

ABSTAIN: Chair Calerdine

Planning Director Fagg reported that on account of the second failed motion this item will be go forward to City Council with no recommendation.

2C. WESSMAN DEVELOPMENT REQUESTING AN EXTENSION OF TIME FOR THE CRESCENDO; A PREVIOUSLY APPROVED PROJECT CONSISTING OF A TENTATIVE TRACT MAP (TTM 31766), FOR THE SUBDIVISION OF A 42.2-ACRE PARCEL INTO 79 SINGLE-FAMILY RESIDENTIAL LOTS AND PLANNED DEVELOPMENT DISTRICT 294 TO CONSTRUCT 79 CUSTOM HOMES AT W. RACQUET CLUB ROAD AND VISTA GRANDE AVENUE; (CASE 5.0996/PDD 294/TTM 31766). (ER)

*Chair Calerdine previously noted his abstention and would not be participating in the discussion and vote on this Item.

City Attorney Daudt provided details on the status of the map; noting that it will not expire until 2019 and today's hearing consists of reviewing the extension of time for the Planned Development District only.

Principal Planner Robertson provided an overview of proposed time extension request for Planned Development District 294.

Director Fagg pointed-out that unlike the Boulders project this is a Planned Development District that has been approved with relief from certain development standards.

Commissioner Middleton asked staff for clarification on the appropriateness to continue this matter until a resolution has been reached by City Council on Item 2B.

Vice-Chair Weremiuk opened the public hearing:

MICHAEL BRAUN, stated that no changes have been made to the project. Mr. Braun provided details on the pad elevations, neighborhood outreach, the in-fill nature of this project and was available for questions from the Commission.

DAVID DRY, resides across from the development, commented that the Desert Palisades' environmental impact report should have been re-evaluated because more than 15 - 20,000 loads of dirt and boulders that needed to be removed from the project than were projected. They had problems with blow sand and the city was unresponsive.

ROBERT ROTMAN, referred to the letter from Little Tuscany Neighborhood Organization, reiterated that the 10 year environmental impact report needs be examined again and does not think it addresses mitigation of construction on the neighborhood.

DENISE HOATKER, resides at Palermo Development, commented about the loud noises from rock crushing from the Desert Palisades project. She thinks a new environmental impact study needs to be done because the traffic is bad and the site has changed.

TONY HOATKER, said that nine years is enough time and questioned where the line is drawn. He said the whole area has changed.

MICHAEL BRAUN, clarified that Desert Palisades is a 100-acre project and Crescendo is 40-acre project. He addressed the topography, traffic count and their intent to provide neighborhood outreach meetings.

There being no further speakers the public hearing was closed.

Commissioner Hirschbein made a motion to deny stating that he preferred the City Council direct the policy on this project.

Commissioner Middleton said she will vote to deny because it's important for the public to have the opportunity to re-visit projects of this magnitude and nine years is just too long. She pointed-out that in other time extension requests where there has been a mitigating factor that factor should be taken into consideration as to whether to grant the extension. However, this developer is stating that economically this project did not make sense to proceed during the approval time. She does not believe it is responsible public policy to grant to a developer a lifetime entitlement for a project. At some point in

time the developer must return to the public process and obtain input regarding the magnitude of the project.

Vice-Chair Weremiuk will second the motion and concurs with the previous two speakers. She believes nine years is sufficient time and the relief given with the PD is stale.

ACTION: To deny.

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

AYES: Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton, Vice-Chair Weremiuk

NOES: Commissioner Donenfeld

ABSTAIN: Chair Calderine

2D. SUMMIT LAND PARTNERS, REQUEST FOR A PLANNED DEVELOPMENT DISTRICT APPLICATION (PDD 384); A TENTATIVE TRACT MAP (TTM 36969), TO SUBDIVIDE 10.2 NET ACRES OF UNDEVELOPED PARCEL INTO 92 SINGLE-FAMILY RESIDENTIAL LOTS, AND A MAJOR ARCHITECTURAL APPROVAL TO CONSTRUCT 92 SINGLE-FAMILY RESIDENTIAL HOMES AT THE SOUTH WEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE R-3, SECTION 30 (CASE NO. 5.1384-PD 384/TTM 36969). (ER)

ACTION: To continue to a date certain of September 14, 2016.

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

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

3. NEW BUSINESS:

3A. JOSHUA LEVY, OWNER OF STONEWALL GARDENS ASSISTED LIVING FACILITY, FOR A REQUEST TO REMOVE AGE RESTRICTION FROM THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED 40-BED ASSISTED LIVING FACILITY LOCATED AT 2150 NORTH PALM CANYON DRIVE, ZONE PDD 362, (CASE 5.1293 CUP / PDD 362 AMND). (KL)

Associate Planner Lyon provided an overview on the proposed request to remove one condition of approval as outlined in the staff report.

Commissioner Middleton requested clarification on what age groups are being requested to be removed. She expressed appreciation for this type of work; however, she noted concern with the need for LGBT seniors to access this type of service.

Commissioner Donenfeld recalled this when it was approved and questioned if the elderly LGBT population will still receive the care needed.

JOSH LEVY, applicant, responding to Commission question, stated that everyone living at the resort requires assisted living and all ages will be admitted.

ACTION: Approve and remove Condition of Approval No. ADM. 1C.

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

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

3B. PALM SPRINGS PROMENADE, LLC FOR REVIEW OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT SIDEWALK LIGHTING, AS REQUIRED BY PROJECT CONDITIONS OF APPROVAL, GENERALLY LOCATED NORTHWEST TAHQUITZ CANYON WAY AND PALM CANYON DRIVE, ZONE CBD (CASE NOS. 5.1290 PD-361, 3.3605 MAJ, 3.3606 MAJ, 3.3607 MAJ, 3.3785 MAJ). (DN)

Associate Planner Newell provided an overview of the proposed revised light fixture as outlined in the staff memorandum.

Vice-Chair Weremiuk noted that she was a part of the City Council subcommittee to review the landscape plan and said that this fixture was not proposed. Staff provided clarification. She expressed concern with the intensity of the lighting.

Commissioner Middleton said she likes how the light will reflect and supports approval of the light fixture.

RALPH RAYA, lighting consultant, addressed questions from the Commission pertaining to the lighting wattage and intensity of light.

Commissioner Hudson spoke in support of the lighting fixture and trusts the lighting professionals for the coloration. He noticed there are no special light fixtures along the parking lot behind the West Elm building.

Further discussion occurred and the design team addressed the Commission's questions.

ACTION: Approve and determine project conditions related to landscape/sidewalk lighting have been fulfilled.

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

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT: None.

ADJOURNMENT:

The Planning Commission adjourned at 5:26 pm to a study session at 11:30 am, Wednesday, September 14, 2016, Large Conference Room, followed by the regular meeting at 1:30 pm, Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs.

Flinn Fagg, AICP
Director of Planning Services