

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
September 14, 2016
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Chair Calderine called the meeting to order at 1:33 pm.

ROLL CALL:

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

Absent This Meeting: Commissioner Lowe

Staff Present: Flinn Fagg, Director of Planning Services, Michael Daudt, Deputy City Attorney, Terri Hintz, Planning Administrative Coordinator, Savat Khamphou, Senior Civil Engineer, Glenn Mlaker, AICP, Associate Planner, David Newell, Associate Planner, Edward Robertson, Principal Planner

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, September 8, 2016.

ACCEPTANCE OF THE AGENDA:

Chair Calderine noted he will be recusing himself on Item 1B due to a property-related conflict of interest and will not be participating in the discussion and vote.

PUBLIC COMMENTS:

Chair Calderine opened public comments:

ROXANNE PLOSS, representing the El Mirador Neighborhood Organization, spoke in reference to Item 2C, attended the neighborhood outreach provided by the applicant and was impressed and encouraged that the project will be brought back at the 6 month and 1 year stage.

JUDY DEERTRACK, commented about a General Plan Amendment that was approved in 2013 that eliminated the minimum density threshold on all residential classifications.

MICHELE JOHNSON, spoke in reference to Item 2E, expressed concern with the setbacks, open-space, small lot size. She requested the PDD's be stopped and questioned the water shortage.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR:

ACTION: Approve Items 1A and 1B, as part of the Consent Calendar. (Noting Chair Calerdine's abstention on Item 1B.)

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

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

1A. SCOTT & KERRY BADER, OWNERS, FOR A MAJOR ARCHITECTURAL APPLICATION CASE 3.3973 MAJ; FOR THE CONSTRUCTION OF A NEW 5,379-SQUARE FOOT SINGLE FAMILY HOUSE WITHIN THE MONTE SERENO DEVELOPMENT LOCATED AT 1010 BELLA VISTA, ZONE R-1-B, PD 269 (CASE 3.3973 MAJ). (GM)

Approved, as submitted under Consent Calendar.

1B. CDI VENTURES, LLC, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY-APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 333) FOR THE DEVELOPMENT OF A 200-ROOM HOTEL, 50 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD (CASE 5.1132-PD 333). (ER)

Approved as submitted under Consent Calendar. (Chair Calerdine abstained.)

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 changes the Commission requested the applicant consider as outlined in the staff report dated September 14, 2016.

A recess was taken to review the correspondence received at the dais. The meeting resumed.

Vice-Chair Weremiuk requested staff clarification on conditions ADM #13 and PLN #3.

The Commission requested clarification on Admin #12 pertaining to sound levels, the types of applications (PDD Amendment and Major Application) for the project and moving forward after reviewing the letters received today.

Chair Calerdine opened the public hearing:

CHRIS PARDO, provided details on moving the building back 15 feet, the north/south facade of the building, stairwell material, terracotta material along the west facade, Brazilian hardwood and abiding by the noise ordinance.

ROXANN PLOSS, questioned if solar components are being considered for this project.

JUDY DEERTRACK, expressed concern about the calculation of open-space for the 17-acre parcel.

ROBERT FINELY, nearby resident and spoke in favor of the project as it's proposed.

CHRIS PARDO, addressed public testimony.

There being no further speakers the public hearing was closed.

Commissioner Middleton thanked the applicant for agreeing to assume the remaining liability with the sewer connection and verified that she was comfortable adding this as a condition of approval.

Commissioner Donenfeld questioned covering the staircases in stucco noting that they cause more attention and questioned if the applicant was comfortable with the changes made.

Chair Calerdine thanked the applicant for taking all the Commission's comments seriously and addressing them.

Commissioner Hudson, noting Commissioner Donenfeld's comments stated that design is subjective and feels comfortable if the developer would like to go back to the original open stairwell design. He commented in regards to the north and south elevations the flat facade and split windows are the way to go. He verified that the mechanical equipment will be well-shielded and entry onto the rooftop will be provided.

Commissioner Middleton commented as someone that lives in the neighborhood she congratulated the applicant and is looking forward to seeing this happen and bringing the same kind of vibe to the south end of town as the Arrive Hotel has brought.

Chair Calerdine noted that there are problems with the existing zoning on this site. It does not meet the economic criteria and neighborhood/commercial zoning has changed and that's why in part the Ralph's grocery store failed.

ACTION: Recommend the City Council adopt a Negative Declaration and approve the project, subject to conditions with the following changes:

1. Applicant to pay outstanding sewer connection fees.
2. South stairwell may be modified from current design.
3. Parking lot shade trees to be a minimum of 36-inch box sizes with preference of 42-inch or 48-inch sizes where possible. Existing Olive Trees may remain in parking lot.
4. Chapter 11 of Municipal Code Noise ordinance to be enforced and can only be modified upon approval at a public hearing.
5. Limited outdoor amplification to be from 11:00 AM and 6:00 PM.
6. Guitar/instruments and DJ's are permissible on weekends and shall not exceed decibels of the City Noise Ordinance. Patrons should be able to conduct normal conversations while entertainment is occurring.
7. Recommend the Council accept Applicant's payment on outstanding balance of Economic Development Focus Incentive Areas Program Grant issued for the property improvements.*

**The last item (#7) is not a part of the conditions, but staff will work with the applicant, where legally possible, to accept payment on the outstanding balance for the grant funds previously awarded to the prior operator.*

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

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

2B. MODERN DEVELOPMENT LLC., FOR A MAJOR ARCHITECTURAL APPLICATION CASE 3.3930 MAJ; AND A TENTATIVE TRACT MAP (TTM 37039) FOR THE CONSTRUCTION OF AN EIGHT (8) UNIT CONDOMINIUM PROJECT LOCATED AT 155 WEST SAN RAFAEL ROAD, ZONE R-2 (CASE NOS. 3.3930 MAJ / 37039 TTM). (GM)

Associate Planner Mlaker provided an overview on the proposed eight unit condominium complex.

The Commission had technical questions pertaining to:

- Widening of the street and setback.
- Trash enclosures.
- The CV Link.
- The gap in-between the parcels.

Chair Calderine opened the public hearing:

MIKE MENDOZA, representing Modern Development, provided details pertaining to the architectural design, colors and landscape. He provided details about the trash enclosures.

JUDY DEERTRACK, spoke in favor of the proposed project; noting that this project is what happens when you follow the General Plan.

There being no further speakers the public hearing was closed.

Commissioner Middleton will be making a motion to approve the project finding that this project conforms to the zoning code and create a harmonious relationship and improve the community.

Vice-Chair Weremuik requested an allowance for the pools to have 3 feet to the edge of the lot line.

Commissioner Donenfeld as the seconder to the motion, said this is great job and is an example for others to follow.

ACTION: Approve with Conditions.

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

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

ABSENT: Commissioner Lowe

A recess was taken at 3:10 pm.

The meeting reconvened at 3:25 pm.

3. NEW BUSINESS:

THIS ITEM WAS TAKEN OUT OF ORDER.

3A. DANNY LEE FOR A DETERMINATION THAT A THERAPEUTIC MASSAGE ESTABLISHMENT IS A SIMILAR PERMITTED USE IN THE RA (RESORT ATTRACTION) LAND USE DESIGNATION OF THE SECTION 14 SPECIFIC PLAN (CASE 10.480 DET). (FF)

Planning Director Fagg provided an overview of the proposed determination for a stand-alone therapeutic massage establishment as outlined in the staff report.

Staff recommended that should the Commission determine a stand-alone establishment to be a similar use permitted in this zone and that a CUP be required.

ACTION: Approval subject to requirement of a Conditional Use Permit.

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

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

2C. ASCENSION TREATMENT CENTERS, LLC, REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO OPERATE AN ASSISTED LIVING FACILITY AT AN EXISTING HOTEL BUILDING LOCATED AT 280 EAST MEL AVENUE, ZONE R-3 (CASE 5.1394-CUP). (ER)

Principal Planner Robertson provided an overview of the proposed assisted-living facility as outlined in the staff report. He clarified that the assisted-living facility is regulated by the State and a condition will imposed to add this as a requirement.

The Commission had the following technical questions:

- Will a trained professional (medical/psychological) be on the premises 24/7?
- Which rooms allow for two persons per room?
- Maximum number of people for the entire facility?

- A zoning classification to address this type of facility.
- Add a condition to maintain State licenses.
- Fence and aesthetics of wall.

Chair Calderine open the public hearing:

DAVID LIKENS, Ascension Treatment Centers, spoke about his background experience and education in the field. He provided details on: the layout and types of rooms, parking space, stabilization and screening clients, clinical staff (day) and staffing (evening), licensing, fencing/wall, building renovations and exterior landscaping.

DOUG WINCHELL, property manager for association across the street, said they have attended several neighborhood outreach meetings and are in favor but are not sure if this is the ideal use for this property.

DAVID LIKENS, applicant rebuttal, provided detail on the outreach meetings they conducted in the neighborhood.

There being no further speakers the public hearing was closed.

The Commission requested further clarification on:

- Length of stay.
- How many facilities are operated?
- Food service.
- Will the facility be locked?
- Open-door policy and rules on disciplinary action.
- Transportation to safe public location after completion of program.
- Designated smoking area.
- Has a structural engineer evaluated the building to confirm it is safe condition?

SKIP GOODELL, project engineer, stated that there are several structures that are not permitted and will ensure that all building requirements are met.

ACTION: Approve subject to conditions:

1. The facility shall be for guests staying for a period of thirty (30) days maximum.
2. State required licensing shall be obtained prior to issuance of certificate of occupancy.
3. The applicant shall be required to obtain JACO certification within one (1) year of operation.

4. The applicant shall maintain State licensing and JACO at all times; failure to maintain licensing may result in revocation of this CUP.
5. The Conditional Use Permit (CUP) shall be brought back to the Planning Commission for compliance review at six (6) months, twelve (12) months, twenty-four (24) months or as may be additionally required.
6. All renovation activities at the site shall be subject to review and approval by the Planning Director.
7. The facility shall have a maximum of eight (8) rooms for occupancy by patients and three (3) rooms shall be used by staff and treatment spaces.
8. Prior to occupancy/operations, the applicant shall provide a business and staffing plan to the City for review and approval by the Planning Director.
9. Three meals consisting of: breakfast, lunch and dinner shall be served in the facility on a daily basis.
10. The operators of the facility shall make provisions for patients' safe transportation to and from the facility, and shall include these provisions as part of the business and staffing plan.
11. The Conditional Use Permit (CUP) shall allow a maximum of fourteen (14) patients in the facility.
12. The main entry into the facility be secured at all times and shall have a buzzer so as to maintain the safety of residents.

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

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

ABSENT: Commissioner Lowe

2D. FREEHOLD COMMUNITIES, LLC, REQUEST TO AMEND THE ARCHITECTURAL STANDARDS, OPEN SPACE AND LANDSCAPING PLANS FOR THE AVALON DEVELOPMENT; A PREVIOUSLY APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, 18-HOLE GOLF COURSE, CLUBHOUSE, POOL, SPA, TENNIS COURTS, AND A PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY, ZONE PDD 290, SECTION 35 (CASE 5.0982-PD 290 / TTM 31848). (ER)

The Commission discussed continuing this item to receive further details on this large project with extensive history and suggested holding a study session prior to the regular meeting.

ACTION: Continue to date certain to October 13, 2016 preceded by a Study Session on September 28, 2016.

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

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

A recess was taken at 4:48 pm.

The meeting resumed at 4:58 pm.

2E. SUMMIT LAND PARTNERS, LLC, REQUEST FOR A PLANNED DEVELOPMENT DISTRICT APPLICATION (PDD 381); A VESTING TENTATIVE TRACT MAP (TTM 36969), TO SUBDIVIDE 14.83 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 5.1384-PDD 381/TTM 36969). (ER)

Principal Planner Robertson provided an overview of the proposed development as outlined in the staff report.

Deputy City Attorney Daudt clarified staff's recommendation.

The Commission had technical questions pertaining to:

- General Plan Designation.
- Staff's recommendation to increase the building separation, front yard-setbacks and reduce lot coverage.
- Is this site considered for potential low/moderate housing?
- Were shadow studies prepared?

Chair Calerdine opened the public hearing:

TIM UNGER, Summit Land Partners, principal, provided details on the background information noting that they have been working on this project for two years with staff's cooperation.

RHONDA NEELY, Summit Land Partners, principal, clarified several issues in the staff report. She presented an overview of the proposed developments including the: site, perspective public social art garden, public dog park, sidewalk and landscaping and setbacks. She respectfully requested relief on the undergrounding of utilities which will be a heavy financial burden.

JUDY DEERTRACK, noted concerns with the lack of following the General Plan land use requirements and systematically leading into the use of PDD's.

MICHELLE JOHNSON, Canyon Sands resident, commented that the project is too dense and overcrowded.

CATHY WOLFF, Canyons Sands residents, agreed that litigation is not the ideal thing; but felt that if this development falls within the guidelines would prefer to have this project than the vacant lot that attracts homeless people and is a dust magnet.

-RHONDA NEELEY, applicant rebuttal, provided details on the setbacks to Canyon Sands.

There being no further speakers the public hearing was closed.

Vice-Chair Weremiuk noted concern with setbacks and density and suggested a redesign.

Commissioner Middleton requested a continuance to allow more time for the Commission to consider this project because this is a substantial development. She agreed that a vacant lot is not preferable to a quality project. She also noted concerns with the setbacks, lack of a mix of single story and multi-story, solar-wired, and the 36 foot width roadway without any sidewalks.

Commissioner Donenfeld appreciates all the work the applicant has done on this site because it is an eyesore. However, he agrees that it is too dense and the setbacks are not appropriate.

Commissioner Hudson does not see density as a problem and thinks a greater number of units on this site could be a good thing. He thinks the problem is trying to go for a greater number of units with the single-family small lot approach. He concluded that this site underlying zoning and general plan, public transportation and adjacent shopping center should have greater density and variety of housing types and not the same development in the city. He is not willing to accept a substandard, overly dense project of this housing type.

Commissioner Hirschbein noted a concern with the lot coverage and thinks the use of common walls or multi-story buildings could provide more units with a quality development. He is not favor of the quality of the architecture.

Chair Calerdine pointed-out that this project reduces the density from what the General Plan allows.

Vice-Chair Weremiuk said she would be making a motion to deny the project. She stated that her findings were as follows:

- The project does not conform to the following criteria for Architectural Review:
 - Criterion #1: Site layout, orientation and location of structures with relationship to one another;
 - Criterion #2: Harmonious relationship with existing and proposed adjoining developments and neighborhood context;
 - Criterion #3: Maximum height, setbacks, and overall mass.
- The project does not conform to the criteria for approval of a Planned Development District in lieu of a Change of Zone:
 - Criterion #2: The subject property is suitable for the uses permitted in the proposed zone;
 - Criterion #3: The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to adjacent properties.

The Commissioner also noted that the proposed lots were too small, the separation between buildings was too small, the driveways were too short, and the lot coverage was too high. She stated that the proposed plan “maxed out” the site.

ACTION: Deny the project.

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

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

NOES: Chair Calerdine

ABSENT: Commissioner Lowe

Commissioner Donenfeld left the chamber at 6:06 pm.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

*** REPORT FROM SUSTAINABILITY COMMISSION**

Commissioner Middleton, as liaison to the Sustainability Commission, provided details on the solar mandate program reviewed by the Green Building/Solar Subcommittee. A joint meeting with the Planning Commission and Sustainability Commission would be forthcoming to discuss this item.

Commissioner Donenfeld returned at 6:08 pm.

PLANNING DIRECTOR'S REPORT:

Director Fagg reported that a study session will be scheduled on September 28, 2016, at 10:00 am to discuss the Miralon project.

ADJOURNMENT:

The Planning Commission adjourned at 6:20 pm to Wednesday, September 28, 2016, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services