

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
March 08, 2017
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

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

ROLL CALL:

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

Absent This Meeting: None.

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

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, March 2, 2017.

ACCEPTANCE OF THE AGENDA: The agenda was accepted as presented.

PUBLIC COMMENTS: Chair Calderine opened public comments and with no speakers coming forward public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: FEBRUARY 8, 2017

ACTION: Approve, as amended.

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

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

2. PUBLIC HEARING:

2A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME APPLICATIONS (CASE 5.1405 ZTA). (FF) (Continued from the February 22, 2017 meeting.)

The Commission commented and/or requested clarification on:

- The language on time-limits.
- Subdivision map and PDD's.
- Effective date of ordinance and projects subject to the new regulations.
- Strategy to inform all the affected parties.
- Approval process for Tentative Tract Maps, Final Tract Maps and Planned Development District (PDD's).

Chair Calerdine opened the public hearing and with no speakers coming forward the public hearing was closed

The Commissioners discussed the following changes to the draft ordinance:

- Replace the criteria suggested by staff with the criteria proposed by Commissioner Donenfeld at the 2/22/17 meeting;
- Add language requiring the applicant to demonstrate clear and convincing evidence for the extension;
- Eliminate the language in Section F(2) as proposed by staff;
- Reference the extension process for map applications;
- Limit the extension to a maximum of 2 years beyond the original 2-year approval period; and
- Correct the references in other sections of the zoning code to reflect the maximum 2-year extension timeframe.

ACTION: Approve with changes as directed by the Commission.

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

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

3. UNFINISHED BUSINESS:

3A. FAR WEST INDUSTRIES, INC. FOR A REVISED FINAL PLANNED DEVELOPMENT DISTRICT APPLICATION FOR "ICON" (FORMERLY "ALVARADO AT THE ART COLONY", A PROPOSED GATED DEVELOPMENT OF 46, TWO-

STORY DETACHED CONDOMINIUM DWELLING UNITS ON A 5.23-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (CASE 5.1340 / PDD 370) / 3.3742 MAJ.) (KL)

Associate Planner Lyon provided an overview on the proposed changes made to the project.

Commissioner Donenfeld requested clarification on the shade structures and garden walls.

Vice-Weremiuk requested clarification and/or commented on:

- Why staff is comfortable with the shade structures as an option and not a requirement?
- Noise emitting from the mechanical equipment. (The noise ordinance applies to all properties within the city.)
- The colors of the homes look dark and fairly similar and questioned if a differentiation in the color palette is possible.

Vice-Chair Weremiuk is uncomfortable with the noise for the mechanical equipment and thinks the shade structures should not be an option but should be included as part of the architecture.

Commissioner Hirschbein asked if placing the HVAC equipment on the roof would mitigate the noise. (originally the roofs were sloped)

Commissioner Hudson thanked the applicant for their response and thinks the site plan is a significant improvement. He agrees the shade structure should be requirement on all west facing units (adequately shade the west facing glass) and the useable patio structure could be an option.

Commissioner Hirschbein commented that the elevations on Palm Canyon (the smaller one-story units) are quite sophisticated and the buildings and set-backs are fine. He doesn't think it makes a lot sense to start adding more colors on the Palm Canyon frontage. He suggested the applicant remove the stacked stone from the palette (now in decline) and suggested using another accent material.

Commissioner Hudson agrees with Commissioner Hirschbein about having too much color variation. He thinks it is a bit dark and encouraged the applicant to simplify the color palette (4 basic colors) using lighter or warmer colors. The auxiliary buildings along Palm canyon are successful.

Commissioner Middleton noted concern with security of the door on the accessory units facing Palm Canyon.

GEORGE ALVAREZ, Far West Industries, addressed the Commission's comments and indicated that he is comfortable extending the shade structure by 5 ft. on the west facing units.

Commissioner Hudson commented that a 3D model would be helpful to understand the side elevations.

ACTION: Continue to a date certain of March 22, 2017, to allow the applicant to work with a subcommittee (Hudson, Hirschbein and Calerdine) and incorporate the Commission's comments.

1. Study the side elevation of the units to ensure proper alignment of windows to ensure placement is not directly in front of one another.
2. Simplify the color palette (4 colors) using lighter/warmer color palette.
3. In lieu of stack stone consider different elements.
4. Shade structures will be required on the west facing elevations and shall be extended 5' on the first floor level.
5. Study the placement of the pool equipment or ways to mitigate the sound.
6. Study the issue of security doors on the accessory structures facing Palm Canyon Drive.

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

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg provided an update on:

- The PDD AD HOC Committee's recommendations have been finalized and will be coming forward for Planning Commission review.
- Background materials for the Commission's review on the Vacation Rental Ordinance as it pertains to Zoning that will be discussed on March 15th.
- The Cameron Development.
- Oswit Canyon petition.
- The Downtown Landscape plan.
- Canyon View appeal.
- City Council review on the Epic Hotel.
- Condo conversions.

ADJOURNMENT:

The Planning Commission adjourned at 3:10 pm to Wednesday, March 15, 2017, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services

DRAFT

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
March 15, 2017
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Chair Calderine called the meeting to order at 1:35 pm.

ROLL CALL:

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

Absent This Meeting: None.

Staff Present: Planning Director Fagg, City Attorney Holland, Planning Administrative Coordinator Hintz

REPORT OF POSTING OF AGENDA:

The Agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 4:00 pm on Thursday, March 9, 2017.

ACCEPTANCE OF THE AGENDA:

The agenda was accepted, as presented.

PUBLIC COMMENTS:

Chair Calderine opened public comments and with no speakers coming forward public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: FEBRUARY 8, 2017 STUDY SESSION MINUTES AND FEBRUARY 22, 2017 REGULAR MEETING MINUTES

Commissioner Middleton requested a minor correction to the minutes of February 22, 2017.

ACTION: Approval, as amended (Feb. 22, 2017).

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

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

2. PUBLIC HEARING:

2A. A REQUEST BY THE CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) RELATING SPECIAL STANDARDS FOR VACATION RENTALS OF ESTATE HOMES (CASE 5.1411 ZTA). (FF)

Commissioner Middleton disclosed that she verified with the City Attorney, as she was the previous chair of OnePS task force that she could participate in the discussion and vote on this matter.

The meeting recessed at 1:40 pm and resumed at 1:47 pm to give the Members an opportunity to review additional materials submitted to the Commission.

Planning Director Fagg provided an overview on the vacation rental ordinance and the proposed amendment relating to Estate Homes.

Chair Calerdine opened the public hearing:

MARLA MALASPINA, speaking on behalf of the board of Protect Our Neighborhoods, commented that estate homes would be less than 4% of the short term rentals; and noted concern with the last-minute timing of the Commission's review of this item.

STEVE ROSE, Protect Our Neighborhoods, noted concern about legitimizing what is not allowed in the zoning code; and the number or density of allowed estate homes is not specified.

TIM ERKIN, said the city needs to do research on the number of existing 5 bedrooms homes. He noted concern with concentration and questioned if existing homes will be grandfathered in.

FRANK TYSEN, expressed concern about the use of small hotels decreasing by 20% due to the increase of vacation rentals.

DAVID FELTMAN, expressed concern with the brevity of consideration of this ordinance before the Commission. He said more time is needed to deliberate and consider the complexity and issues involved.

There being no further speakers the public hearing was closed.

Commission Comments:

Commissioner Hirschbein believes Planning staff is currently overburdened with the amount of work they have (assemble facts, site-visits, prepare staff reports and present for Commission review etc.). He believes with certain changes to Chapter 5.25 they could have the vacation rental staff handle this process. He will vote against solely on procedural concerns and does not want this body to become the watchdog over judicial violations of the vacation rental ordinance.

Commissioner Middleton concurred with Commissioner Hirschbein regarding the increased workload that this will create for staff and the Commission. She thinks having the opportunity to work with a limited number of homes of (approximately 80) to address the questions within this body, the Planning department and in conjunction with the vacation rental staff is a good way to begin. She noted concerns with City Council's decision not to require an initial approval by the Commission and thinks the Commission should be involved from the onset and play a role in determining if the permit should be issued in the first place. This would allow the Commission to identify the conditions and trigger public notification for adjacent neighbors. She stated that properties zoned R-1-B (15,000 sq. ft.) are an inadequate size to be identified as estate and limited to homes that are on 20,000 sq. ft. lots or larger in the R-1-A / R-1-B zones.

Commissioner Lowe expressed concern that this process will create a judicial process and this body will be an appeal board to overrule decisions made by the vacation rental staff. He also noted concern with the volume of applications that will be coming forth for review.

Vice-Chair Weremiuk concurred with Commissioner Hirschbein about Planning staff's work overload. She agreed that the R-1-B zone would be an inappropriate size and thinks the number of bedrooms listed should be clearly defined with the county and on title. She believes the appeal process will create too many processes (with 3 strikes coming to the Commission and the appeal process with the City Council) and "community saturation" should be considered.

Commissioner Donenfeld thinks it will be very confusing to add further regulatory obligations to existing estate homes. He said having a comprehensive vacation rental

staff to regulate these permits is much better and does not see how the Planning Commission would play a role in this and single out estate homes.

Chair Calerdine prefers to see any home that has 5 bedrooms or more be considered for estate homes regardless of the zoning.

Vice-Chair Weremiuk recapped the concerns of the Commission:

- Placing this regulatory process on the Commission and staff may not be the appropriate process.
- Having two separate regulating bodies (Planning Commission as an appeal body).
- Over-load and burden on staff.

Consideration of the following is recommended:

- The homes in the R-1-B zone should not be included.
- Definition of bedrooms should be considered as the recorded number of bedrooms; up to 4 bedrooms.
- Planning Commission reviews all initial permits and allows review of neighborhood concentration.
- Notification to occupants and not only property owners.

Commissioner Hudson preferred to simplify this process and get away from bedroom counts and concentrate on the number of rental occupants. He does not want to see every estate home come before them but rather the Commission could provide input to the Council regarding density or proximity issues. He agrees that the vacation rental staff should be able to handle this process.

Commissioner Middleton said she shares the concern about workload this will create for staff and the commission; however, more public input is necessary and starting with estate homes is a good place.

Vice-Chair Weremiuk said she would be voting with the majority and her main concern is a Land Use Permit in the R-1 Zone.

Chair Calerdine stated that this is a very difficult subject matter to handle in the absence of not looking at the entire ordinance.

ACTION: Recommend to the City Council not set-up a Land Use Permit process for estate homes.

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

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT: None.

ADJOURNMENT:

The Planning Commission adjourned at 3:37 pm to 1:30 pm on Wednesday, March 22, 2017, City Hall, Council Chamber, preceded by a Study Session, at 11:30 am, Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services

CITY OF PALM SPRINGS
PLANNING COMMISSION STUDY SESSION MINUTES
MARCH 22, 2017
Large Conference Room, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

Vice-Chair Weremiuk called the meeting to order at 11:35 am.

ROLL CALL:

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

Excused This Meeting: Commissioner Hudson, Chair Calerdine

Staff Present: Planning Director Fagg, Deputy City Attorney Daudt,
Associate Planner Newell

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, March 16, 2017.

PUBLIC COMMENTS: None.

- 1. DISCUSSION OF AN AMENDMENT TO THE APPROVED LANDSCAPE AND HARDSCAPE PLANS FOR DEVELOPMENT PROJECTS WITHIN THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN LOCATED GENERALLY AT THE NORTHWEST CORNER OF PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, ZONE CBD (CASE NOS. 5.1290 PD-361, 3.3605 MAJ, 3.3606 MAJ, 3.3607 MAJ, 3.3785 MAJ, 3.3908 MAJ AND 3.3948 MAJ).**

Planning Director Fagg provided a brief introduction to the discussion, noting the actions that had been taken since the amendment was denied at the Planning Commission meeting of February 8, 2017.

Associate Newell provided a detailed presentation on the proposed changes to the landscape and hardscape plan.

Commissioner Donenfeld questioned if public seating was a concern of the City Council subcommittee; it was noted that the subcommittee did discuss the importance of public seating areas.

Commissioner Middleton verified restaurant locations on Block C of the site plan.

TOM DOCZI, representing the applicant, gave a presentation on the proposed amendments to the plan and then discussed the proposed plant materials and street furniture. He was joined by Octavio Fernandez and Michael Braun in responding to questions.

Vice-Chair Weremiuk requested that a second water feature be added, and asked that the crosswalk on Museum Way be changed back to the pattern that had previously been approved by the subcommittee.

Commissioner Middleton also expressed concern with the crosswalk design and pedestrian safety issues.

Commissioner Hirschbein questioned how much space would be left for the pedestrian walkway on Museum Way with the proposed outdoor dining; the applicant responded that 12' to 15' of clearance would remain on the sidewalk.

Commissioner Middleton noted the importance of public space and minimizing encroachments, and expressed concern with the amount of space devoted to outdoor dining. In addition, she expressed concern that there wasn't enough public circulation space around the specimen tree at the corner of Museum Way and North Palm Canyon. (The applicant noted that there would be about 28' to 30' of clearance between the curb-line at the corner to the base of the tree.)

Commissioner Donenfeld offered support for the three additional palm trees in the paseo area, noting that they would provide additional shade for pedestrians.

Vice-Chair Weremiuk also supported the additional palm trees in the paseo.

Vice-Chair Weremiuk requested further clarification on the planting treatment at the corner of Tahquitz Canyon and North Palm Canyon. Mr. Doczi described the changes between the plan originally approved in November 2015 and the current proposal.

Commissioner Donenfeld questioned if decorative lighting would be provided, and requested additional information on the proposed lighting.

Commissioner Hirschbein expressed concern about the spacing and maintenance of the plant materials at the corner of Tahquitz Canyon. Mr. Doczi stated that the plants would be spaced to so as to grow naturally.

Vice-Chair Weremiuk opened the public comment portion of the agenda, with the following speakers addressing the commission:

TIM ERKINS, requested that misters be provided; he noted that date palm trees can be messy, and any fencing in the sidewalk area needs to be removable. He requested that the outdoor dining not impede the pedestrian corridors.

MICHAEL JOHNSTON, noted that the design had come a long way, but that additional work was needed. He suggested that the plant materials should be designed to flow over the edges of the planters, that the design needs more desert colors, and that the outdoor dining areas need plant materials integrated into the design. He also stated that warning flashers need to be installed at crosswalks, and that ground-level lighting was important.

There being no further speakers public comment was closed.

Due to the time, Vice-Chair Weremiuk closed the discussion.

ADJOURNMENT: The comments the Planning Commission adjourned at 1:05 pm to their regular meeting at 1:30 pm, Wednesday, March 22, 2017, City Hall, Council Chamber, 3200 E. Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services