

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
May 10, 2017
Convention Center, Primrose C
277 N. Avenida Caballeros, Palm Springs, CA 92262

CALL TO ORDER:

Chair Calerdine called the meeting to order at 1:32 pm.

ROLL CALL:

Present This Meeting: Commissioners Hudson, Middleton, Vice-Chair
Weremiuk, Chair Calerdine

Absent This Meeting: Commissioners Donenfeld, Hirschbein, Lowe

Staff Present: Planning Director Fagg, Deputy City Attorney
Daudt, Engineering Director Garcia, Planning Administrative
Coordinator Hintz, Associate Planner Newell, 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, May 4, 2017.

ACCEPTANCE OF THE AGENDA:

Chair Calerdine reported that Item 2D will be continued due to a lack of voting quorum on this Item. He disclosed that he has a property related conflict of interest and will be recusing himself from the discussion and vote.

(This Item was moved to the beginning of the Agenda.)

2D. SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED FINAL PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE TRACT MAP 35236 FOR THE DEVELOPMENT OF A 175-ROOM HOTEL, 30 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, (CASE NOS. 5.1132-PD 333 AMND & TTM 35236). (ER)

ACTION: Continue to a date certain of May 24, 2017.

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

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

PUBLIC COMMENTS:

Chair Calerdine opened public comments:

JOY BROWN, MainStreet, president, spoke in favor of the proposed Sign Ordinance as presented.

JUDY DEERTRACK, spoke about the 750 Lofts project, she questioned how the reprocessing of the project will move forward in spite of the court order to rescind all approvals.

MIKE STEWARD, resides near the Dream Hotel, spoke in full support of the proposed project; the developer has accommodated all of the neighbors concerns.

CONSENT CALENDAR:

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

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

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

1A. APPROVAL OF MINUTES: APRIL 12, 2017 REGULAR MEETING MINUTES AND APRIL 26, 2017 STUDY SESSION MINUTES

Approved, as presented.

1B. PALM SPRINGS MODERN CONSTRUCTION, REQUESTING A PARCEL MAP WAIVER (TPM 37327) FOR A TWO (2) LOT SUBDIVISION ASSOCIATED WITH THE 64@RIV PROJECT LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3. (GM)

Approved, as presented.

2. PUBLIC HEARINGS:

2A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND SECTION 91.00.10 AND SECTIONS 93.20.01 THROUGH 93.20.11, AND TO ADD SECTION 93.20.12 TO THE PALM SPRINGS ZONING CODE (PSZC) RELATIVE TO THE CITY'S SIGN ORDINANCE (CASE 5.1416 ZTA). (FF)

Planning Director Fagg provided background information on the proposed amendment to the Sign Ordinance as outlined in the staff report.

Chair Calerdine opened the public hearing:

JUDY DEERTRACK, spoke about constitutional rights relating to the Sign Ordinance amendment.

Commissioner Hudson noted concern about the square footage of signs in residential neighborhoods.

Commissioner Middleton said she would like to create two exemptions for security and no solicitation signs. She is opposed to a single 16 square foot sign or two 8 square foot signs in residential areas.

Commissioner Hudson commented on codifying real estate signs that are located remotely off-site for open house events.

ACTION: Approve, subject to:

- Limit size of signs in residential areas to 4 square ft.
- Allow two permanent signs (security or no solicitation signs) not to exceed 1/2 sq. ft. in dimension.
- No time limitations on temporary signs and limited in residential zoning districts (remove after event if applicable).
- Allow a provision for remote real estate signs (such as open house signs and directional signs for special events).

Motion: Chair Calerdine, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

**Chair Calerdine expressed concern about separation of political speech and commercial speech.

2B. REVIEW OF THE RECOMMENDATIONS OF THE HOC PDD (PLANNED DEVELOPMENT DISTRICT) COMMITTEE REGARDING MODIFICATIONS TO THE PLANNED DEVELOPMENT DISTRICT PROCESS. (FF)

Planning Director Fagg provided background details and overview on the recommendations provided to the Commission by the PDD Ad Hoc Committee.

Chair Calerdine opened the public hearing:

MARVIN ROOS, MSA Consulting & member of the PDD Ad Hoc Committee, referenced item #54 relating to small-lot development and item #62 relating to (modifications of development standards).

JUDY DEERTRACK, thanked staff and the committee for their hard work; she feels this will create tremendous change. She reminded the Commission's right to not approve a PDD when it comes forward to them for review.

There being no further speakers the public hearing was closed.

Commissioner Middleton noted that with all the disagreements on PDD's it was a remarkable achievement to have a group of people come up with 68 recommendations that were almost unanimous. Ms. Middleton said the test is not whether there are no PDD's that come before them but rather fewer PDD's and more projects by right-of-zone.

Chair Calerdine concurred with Commissioner Middleton noting that this will be a big change in process for the city.

ACTION: Recommend approval to City Council with modifications made by the Commission:

- Correct the notation for Items #34 and #35;
- Item #37: Amend the Planning Commission recommendation to note that time extensions for Planned Developments should be the same as the recent one Text Amendment for other EOT applications (Case 5.1405 ZTA).
- Item #39: Amend the Planning Commission recommendation to note that the additional public comment period is limited to comments on the motion and cannot include comments on environmental issues.
- Item #54: Amend the Planning Commission comment to include a recommendation to pass a small-lot ordinance with a provision for common open space.
- Item #61: Add a comment that the zoning code should be amended to include new development types, instead of relying on the PD process.

- Item #62: Identify the citations in the zoning ordinance which grant the City Council authority to waive development standards.
- Item #66: Add language to recommend that grading standards be adopted for hillside development.

Motion: Vice Chair Weremiuk, seconded by Calerdine, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

A recess was taken at 3:00 pm. The meeting returned at 3:12 pm.

2C. LARS VIKLUND, OWNER, (D/B/A LA SERENA VILLAS) REQUESTING A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT AS AN ACCESSORY USE TO A HOTEL LOCATED AT 339 SOUTH BELARDO ROAD, ZONE R-3 (Case 5.1413 CUP). (GM)

Planning Director Fagg provided an update on the Conditional Use Permit for La Serena Villas to allow a restaurant as an accessory use to a hotel.

Chair Calerdine opened public comments and with no appearances coming forward the public hearing was closed.

ACTION: Approve with conditions subject to:

- Revise PLN 5. Hours of Operation. The operating hours for the restaurant and bar shall be primarily limited to 7:00 am to 6:00 pm daily. Dinner service may be provided until 10:00 pm up to three evenings per week, ***excluding Thursday evenings (VillageFest).***

Motion: Vice Chair Weremiuk, seconded by Chair Calerdine, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

3. UNFINISHED BUSINESS:

3A. MG2 FOR AN ARCHITECTURAL REVIEW APPLICATION AND A LAND USE PERMIT TO REVIEW THE STOREFRONT DESIGN AND OUTDOOR SEATING SPACE FOR A PROPOSED TOMMY BAHAMA RESTAURANT LOCATED

**WITHIN BLOCK C OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN
AT 111 NORTH PALM CANYON DRIVE, SUITE 150, ZONE CBD (CASE
3.4014 MAA & LUP 17-017). (DN)**

Associate Planner Newell described the two layout options in the revised plans as outlined in the staff report.

FRANK KENNARD, Tommy Bahama, design director, said the ideal target count for seating (interior seat count is limited) is 200 seats. He said their goal is for people to be able to come in from off the street and interact with the bar, restaurant or retail. Mr. Kennard explained with the tree closer to the corner it would allow a 180 seat count and with the tree moved toward their patio the table count will drop drastically to a seat count of 154.

MICHAEL BRAUN, applicant, addressed the tree location on the site plan.

Chair Calerdine said he's comfortable with the first option as recommended by the AAC.

Vice Chair Weremiuk prefers the placement of the original location of the tree.

ACTION: Approve plan shown in Option 1, subject to three items returning for AAC review:

1. Seating layout and barrier detailing at raised planter.
2. Construction detailing of railing sleeve.
3. Alternate proposal for permanent bar top seating near entryway.

Motion: Chair Calerdine, no second. ***MOTION DIES DUE TO LACK OF SECOND.***

Commissioner Hudson said their goal was to move the tree closer to its original location with a minimum of 10 feet separation between the tree and the fence -and with that he made a motion.

ACTION: Approve with final review by Planning Director subject to:

1. Keep the tree to its original location as close as possible.
2. Maintain a 10 ft. distance from the seating to the railing. (While trying to maintain the seating count as proposed by the applicant.)

Motion: Hudson, seconded by Vice Chair Weremiuk, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

3B. DAKOTA PS, LLC REQUESTING AN AMENDMENT TO AN APPROVED PLANNED DEVELOPMENT DISTRICT TO ELIMINATE ONE UNIT AND INSTALL A TRAILHEAD AT THE SOUTH END OF THE 6.37-ACRE DEVELOPMENT KNOWN AS “DAKOTA” LOCATED AT 1501 SOUTH BELARDO ROAD, ZONE PD-365, SECTION 22 (CASE 5.1310 PD-365 AMEND). (DN)

Associate Planner Newell presented the proposed amendment to eliminate one unit and install a trailhead as outlined in the staff report.

Vice-Chair Weremiuk questioned why the water fountain was not provided and the unit was not moved five feet away from the street as previously discussed.

Michael Braun, applicant, said they preferred not to move the house back five feet because the side yard setbacks would be inadequate for the future homeowner. Mr. Braun explained the park was proposed in the past because it was related to waiving of certain fees; however they withdrew this request and the park is no longer necessary as a condition. He said in regard to the public benefit of the project they dedicated hillside land to the city that was approved. Mr. Braun said the drinking fountain was not proposed because it is a maintenance hazard and the HOA would be required to maintain it which would create an unnecessary burden for the homeowners.

Commissioner Middleton said that although she appreciates the maintenance issues with the drinking fountain this is something the Commission requested.

Commissioner Hudson says he feels comfortable requiring the water fountain and feels there is enough separation with the landscaping; he is comfortable not pushing the house back five feet.

Vice Chair Weremiuk thinks it's appropriate to require the drinking fountain as a part of the public benefit.

ACTION: Approve with conditions subject to:

1. Require a water fountain at trailhead.

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calderine

ABSENT: Donenfeld, Hirschbein, Lowe

4. NEW BUSINESS:

4A. REQUEST BY THE CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 92.04.01(D) TO REVISE THE STANDARDS FOR HOTEL RESTAURANTS IN THE R-3 ZONE. (FF)

Planning Director Fagg provided an overview on the two options proposed to revise the standards for hotel restaurants as outlined in the staff report.

Chair Calerdine and Vice Chair Weremiuk spoke in preference of the second option that requires a Conditional Use Permit on a case-by-case basis.

ACTION: Direct staff to prepare the zone text amendment and schedule a public hearing.

Motion: Chair Calerdine, seconded by Vice Chair Weremiuk, and unanimously carried 4-0-3 on a roll call vote.

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

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Fence design on Block B-1 (Virgin Hotel) site.
- Site tour of the Dream Hotel property.
- Chair Calerdine will not be present at the first meeting in June.
- Update on the 750 Lofts project.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg encouraged the Commission to consider all the projects on the agenda and not to continue them.

ADJOURNMENT:

The Planning Commission adjourned at 4:36 pm to 1:30 pm, Wednesday, May 24, 2017, Convention Center, Primrose C, 277 Avenida Caballeros, Palm Springs, California.

Flinn Fagg, AICP
Director of Planning Services

CITY OF PALM SPRINGS
PLANNING COMMISSION MEETING MINUTES
Wednesday, May 24, 2017
Palm Springs Convention Center
Primrose C, 277 N. Avenida Caballeros, Palm Springs, California

ROLL CALL: Chair Calerdine called the meeting to order at 1:32 pm.

PRESENT: Commissioners Donenfeld, Hirschbein, Lowe, Vice Chair Weremiuk and Chair Calerdine

EXCUSED: Commissioners Hudson and Middleton

STAFF PRESENT: Planning Director Fagg, Deputy City Attorney Daudt, Planning Administrative Coordinator Hintz, Director of Engineering Garcia, Associate Planner Mlaker, Associate Planner Newell, 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 5:00 pm on Thursday, May 18, 2017.

ACCEPTANCE OF THE AGENDA:

The agenda was accepted, as presented.

PUBLIC COMMENTS:

DAVID POWELL, questioned the notification process and encouraged the city to provide all environmental documents pertaining to projects be available online for the public.

JIM SCHMIDT, project architect, (spoke regarding Item 1) is available for questions from the Commission.

CONSENT CALENDAR:

1A. KIM AND MARK DEMPSTER REQUESTING A MAJOR ARCHITECTURAL REVIEW FOR A NEW 2,287-SQUARE FOOT HOUSE ON A HILLSIDE LOT LOCATED AT 1900 SOUTH CAMINO MONTE, ZONE R-1-B, SECTION 27 (CASE 3.3957). (GM)

ACTION: Approve as presented.

MOTION: Commissioner Donenfeld, seconded by Vice Chair Weremiuk, and unanimously carried 5-0-2 on a roll call vote.

AYES: Donenfeld, Hirschbein, Lowe, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Hudson, Middleton

2. PUBLIC HEARINGS:

2A. SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED FINAL PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE TRACT MAP 35236 FOR THE DEVELOPMENT OF A 171-ROOM HOTEL, 34 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, (CASE NOS. 5.1132-PD 333 AMND & TTM 35236). (ER)

RECOMMENDATION: Recommend adoption of the Mitigated Negative

Chair Calerdine noted a conflict of interest and would not be participating in the discussion or vote. He left the dais at 1:37 pm.

The Commission took a brief recess at 1:40 to review the additional materials received at the dais. The meeting resumed at 1:47 pm.

Principal Planner Robertson provided background information on the prior approval and outlined the proposed significant changes to the site plan, configuration and overall mass compared to the original entitlement.

NICOLE CRISTE, Terra Nova Consulting, was available for questions relating to the Mitigated Negative Declaration. Ms. Criste reported that the Subsequent IS/MND determined that the amended project would not result in any significant environmental impacts that could not be mitigated.

Vice Chair Weremiuk opened the public hearing:

LAURI KIBBY, applicant, described the significant changes made to the previously approved project including a reduction in rooms and residential units, elimination of

above-grade parking, greenhouse building (with meeting and event space) and proposed landscaping the southeast corner of the site.

DARRYL LONG, project architect, provided details on the elimination of the above-ground parking structure and addressed the pedestrian and parking circulation.

DAVID POWELL, expressed concern with the mitigated negative declaration referring to the previous one and about the noise that will come from the driveway adjacent to their perimeter wall.

MIKE STEWART, Center Court resident, spoke in favor of the project - said this hotel is much better than the previously approved project with less density and the applicant has worked very hard with the neighbors

LAURI KIBBY, Selene Palm Springs, LLC, applicant, responded to questions from the Commission.

MARTA FRY, MFLA, project landscape architect, provided details on the proposed landscape and addressed questions from the Commission.

OSWALDO LOPEZ, project architect, provided details on the building architecture and responded to questions from the Commission.

There being no further speakers the public hearing was closed.

Vice-Chair Weremiuk said she is always cautious about palm trees because of the lack of shading; she questioned the distance between the shade trees and if they will provide a canopy on the pedestrian street.

Marta Fry responded that they are following the Section 14 Master Plan by double-staggered rows of palm trees and introduced a shading canopy tree (the spacing is 25' and can look at putting them as close as necessary). Ms. Fry said they feel this is important as well and have addressed in all of the streetscape (doubling up of shade trees on both the curbside and property side) to achieve a touching canopy.

Commissioner Donenfeld thinks this project is outstanding and the developer has been very sensitive to the neighbors concerns. He was impressed by the developer's willingness to pay for double-pane windows on neighboring homes adjacent to the perimeter wall. Mr. Donenfeld made a motion of approval.

Commissioner Lowe made a second on the motion and thinks the developer has done a terrific job in terms of working with the neighbors and the final product is phenomenal and believes it will be a boom for the Convention Center and the city.

Commissioner Hirschbein agreed that it's a great project but thinks the facade treatment particularly the one on the corner needs more lavishing.

ACTION: Recommend approval of the amended project and condominium map to the City Council, subject to added conditions and review by Planning Commission subcommittee:

1. The applicant shall be required to provide adequate height of rear wall/fencing to contain fugitive dust during construction.
2. The applicant shall coordinate with City staff to investigate installing a mid-block pedestrian crossing subject to City approval and to be funded by the applicant.

The subcommittee (consisting of Vice-Chair Weremiuk and Commissioners Hudson and Hirschbein) will review the following:

1. The building façade at the intersection of Amado Road and Calle Alvarado.
2. Lobby path from the intersection of Amado Road and Calle Alvarado.
3. East wall of farm building facing Avenida Caballeros.
4. Design of the landscaping and block wall at the common property line with the Center Court Condominiums.

Motion: Commissioner Donenfeld, seconded by Commissioner Lowe and unanimously carried 4-1-2 on a roll call vote.

AYES: Donenfeld, Hirschbein, Lowe, Vice Chair Weremiuk

ABSTAINED: Chair Calerdine

ABSENT: Hudson, Middleton

Chair Calerdine returned to the dais at 3:17 pm.

A recess was taken at 3:18 pm. The meeting resumed at 3:31 pm

Vice-Chair Weremiuk noted that two Commissioners will need to leave at 5:30 pm and requested Items 2C and 2D moved next on the agenda.

Chair Calerdine accepted the amended agenda.

(This Item was heard out of order.)

2C. PHILIP J. PRIETO, OWNER, FOR A MAJOR ARCHITECTURAL APPLICATION; AN ADMINISTRATIVE MINOR MODIFICATION; AND RECOMMENDING TO CITY COUNCIL APPROVAL OF A TENTATIVE TRACT MAP FOR THE CONSTRUCTION OF A THIRTY (30) UNIT

CONDOMINIUM PROJECT LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND HERMOSA DRIVE, ZONE HDR, SECTION 14 (CASES 3.4007 MAJ; 7.1519 AMM; 37245 TTM). (GM)

Associate Planner Mlaker provided an overview on the proposed construction of a thirty (30) unit condominium project as outlined in the staff report.

Chair Calerdine opened the public hearing:

JESSICA PEAT, Peat Architecture, principal architect, addressed questions from the Commission pertaining to the landscape buffers, privacy views from balconies, tree shading, paseo seating, solar and building orientation.

TOM NOYA, developer, said he designed private spaces where no one is looking into their yard and created the view corridors to take advantage of the incredible views.

There being no further speakers the public hearing was closed.

Vice Chair Weremiuk said she likes the project and it fits into the Section 14 guidelines.

Commission Donenfeld supports the motion and said that it's a great project and is in-keeping with the neighborhood.

ACTION: Approve with conditions subject to:

1. Add appropriate street furniture (bench seating) located in landscaped area adjacent to Arenas Road.
2. Trees planted adjacent to streets to provide shading of sidewalks.
3. CC&R's to restrict short term rental to no less than thirty (30) days.
4. Residential buildings to be wired for solar installations providing a minimum of 2,000 kilowatts.

Motion: Vice Chair Weremiuk, seconded by Chair Calerdine, and unanimously carried 5-0-2 on a roll call vote.

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

2D. NEXUS DEVELOPMENT CORPORATION FOR A PLANNED DEVELOPMENT DISTRICT, A MAJOR ARCHITECTURAL APPLICATION AND TENTATIVE TRACT MAP FOR A TWO PHASE DEVELOPMENT CONSISTING OF (1) REPURPOSING CLASS 1 HISTORIC BUILDINGS ON 3.1-ACRES AT THE NORTHEAST CORNER OF NORTH CALLE EL SEGUNDO AND EAST TAHQUITZ CANYON

WAY AND (2) FORTY-EIGHT ATTACHED RESIDENTIAL UNITS ON 5.6-ACRES LOCATED AT THE SOUTHEAST CORNER OF NORTH CALLE EL SEGUNDO AND EAST ANDREAS ROAD, ZONE RA AND REO, SECTION 14 (CASE NOS. 5.1399 PD-385, 3.3983 MAJ AND TTM 36876). (DN)

Associate Planner Newell described the proposed 48-unit attached single-family development as outlined in the staff report.

Chair Calerdine opened the public hearing:

ROB ERES, applicant, stated that they've submitted five renderings and have went through three separate AAC meetings; and respectfully requested an action be taken today. Mr. Eres said all of the previous Planning Commission comments have been addressed to meet the standards including 100% of Tahquitz Plaza retained, building separations, removal of entry gates, street width 28 feet minimum, building heights and removal of the live/work lofts. Mr. Eres said that the public benefit is well over in the minor deviations they are requesting. He pointed out the biggest public benefit is the preservation and restoration of the Class 1 Tahquitz Plaza and a community center that will provide amenities and described the project in full detail.

There being no further speakers the public hearing was closed.

Commissioner Hirschbein thanked the applicant for preserving the historic buildings.

Vice-Chair Weremiuk commented that she previously voted against this project and her concern at that time was that this project was residential in between two hotels in a commercial designated area. Ms. Weremiuk does not think it is appropriate for housing in this area and supports staff's recommendation of denial.

Commissioner Donenfeld concurred with Vice-Chair Weremiuk and thinks this project is too dense and not appropriate for this commercial site.

ACTION: Deny.

Motion: Vice Chair Weremiuk, seconded by Chair Calerdine, and unanimously carried 5-0-2 on a roll call vote.

AYES: Donenfeld, Hirschbein, Lowe, Vice-Chair Weremiuk, Chair Calerdine

ABSENT: Hudson, Middleton

Planning Director Fagg reported that the applicant may appeal the Planning Commission action within 10 days.

2B. SUMMIT LAND PARTNERS, LLC, ON BEHALF OF EHOFF CANYON VIEW, REQUEST FOR A GENERAL PLAN AMENDMENT, A PRELIMINARY PLANNED DEVELOPMENT DISTRICT APPLICATION, A MAJOR ARCHITECTURAL APPLICATION, AND A VESTING TENTATIVE TRACT MAP FOR AN 80-LOT SINGLE-FAMILY SUBDIVISION ON A 13.25 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE R-3 (CASE 5.1384 – PD 381/VTTM 36969). (FF)

Planning Director Fagg described the changes and provided an overview of the proposed project as outlined in the staff report. Mr. Fagg reported that the proposed project is in compliance with the General Plan in terms of density and use; he described a public dog park and sculpture garden as part of the public benefit.

Chair Calderine opened the public hearing:

TIM UNGER, Summit Land Partners, principal, said their complete team is available for questions from the Commission. Mr. Unger described the vehicular turning (motor court), paving treatments and trash pick-up areas. He spoke about the 2nd story massing, setbacks, driveway lengths, community open space, pedestrian access to the dog park (double-gates), pedestrian accessibility (not advisable because adjacent to flood control channel), building architecture; and noted that rear-yard gates cannot be put on the perimeter homes because of the flood channel.

ROB BERNHEIMER, applicant team, spoke about the issues of the gates; noting that this site is adjacent to the flood control channel, affordable housing and Von's shopping center and they believe this project is appropriate to have gates given its unique location.

There being no further speakers the public hearing was closed.

Vice Chair Weremiuk commented while making the motion that unless they find a reason to have gates their default position is not to have them and they don't want a gated city.

Commissioner Hirschbein said he will be voting in opposition of the project. He said when it originally came before them (at the AAC meetings) he was opposed to it. One of the things was having the concrete drainage channels as a part of a residential development. Mr. Hirschbein does not think the way the units are distributed throughout the site will provide an amenity that is very attractive. He thinks this model creates this problem and it is not enough to make it work.

Commissioner Donenfeld concurred with Commissioner Hirschbein; noting that he appreciates what the applicant has done with the changes to the project. However, he does not feel it is right for Palm Springs because 1.) the motor courts are not

appropriate for Palm Springs 2.) a canyon effect from the 2nd story units and 3.) it has a confusing, incoherent sense to him. Mr. Donenfeld said if this was a spectacular project he could understand amending the general plan and zoning but this project does not justify it.

NICOLE CRISTE, Terra Nova Consulting, addressed the project meeting the Fish & Wild Life mitigation measures.

ACTION: Approve the project with staff's recommendations subject to:

- No gates.
- Pedestrian connectivity.
- Undergrounding of utilities.
- Inclusion of the median.
- A minimum of 15 feet of separation between the second floor of a building to and adjacent first floor of a building.
- A touching canopy of trees surrounding the project allowing walkability.
- Solar requirement.
- Limitation of a minimum 30-day rental included in the CC&R's.

MOTION: Vice Chair Weremiuk, seconded by Chair Calerdine, and fails 2-3-2 (Hudson and Middleton absent) on a roll call vote.

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

Planning Director Fagg reported that based on the Planning Commission's action a resolution will be brought to their next meeting reflecting their decision. Mr. Fagg explained with denial of the project it will not move forward to City Council; however the applicant has the right to appeal this action to the City Council.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg provided an update on the Architectural Advisory Committee vacancies.

Mr. Fagg reminded the Commission the next meeting will be held at the Palm Springs Airport.

ADJOURNMENT:

The Planning Commission adjourned at 5:56 pm to 1:30 pm, Wednesday, June 14, 2017, ***Palm Springs International Airport, Airport Conference Room, 3400 E. Tahquitz Canyon Way, Palm Springs, California.***

Flinn Fagg, AICP
Director of Planning Services

DRAFT