

**CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
September 13, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, California**

CALL TO ORDER:

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

ROLL CALL:

Present: (6) Hudson, Hirschbein, Donenfeld, Middleton, Chair
Weremiuk, Vice Chair Calerdine
Absent: (1) Lowe

Staff Present: Flinn Fagg, AICP, Director of Planning Services, Michael Daudt, Deputy City Attorney, Thomas Garcia, Director of Engineering, Terri Hintz, Planning Administrative Coordinator, Glenn Mlaker, AICP, Associate Planner, David Newell, Associate 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 7, 2017.

ACCEPTANCE OF THE AGENDA: The Agenda was accepted, as presented.

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

SEAN LOCKYER, appellant on Item 4A, is available for questions from the Commission.

LALITH CHANDRASENA, applicant on Item 2B, is available for questions from the Commission.

1. CONSENT CALENDAR:

**1A. APPROVAL OF MINUTES: MAY 10, 2017, JULY 12, 2017, JULY 20, 2017
AND JULY 26, 2017**

ACTION: Approve minutes of May 10, 2017 and July 20, 2017 as presented and minutes of July 12, 2017 and July 26, 2017, as amended. (The following abstentions were noted: 1.) May 10, 2017 - Donenfeld and Hirschbein; 2.) July 12, 2017 - Hudson; and 3.) July 20, 2017 - Calerdine and Hudson.)

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

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

EXCLUDED CONSENT CALENDAR: None.

2. PUBLIC HEARINGS:

2A. REQUEST BY DOUG AITKEN WORKSHOP ON BEHALF OF PINNACLE VIEW, FOR APPROVAL OF A LAND USE PERMIT FOR A TEMPORARY ART EXHIBIT ON LOT 22 (WINTER SUN DRIVE) OF THE DESERT PALISADES DEVELOPMENT, ZONE ESA-SP (CASE LUP 17-029). (FF)

Planning Director Fagg provided an overview of the proposed temporary art exhibit as outlined in the staff report.

Chair Weremiuk opened the public hearing:

JENNIFER COX, studio manager, Doug Aitken Workshop, commented that issues arose during the Coachella Fest and they quickly addressed. Ms. Cox said the artwork was closed during July and August per stipulations of current permit. She provided details on the reservation ticketing system (Eventbrite) which will only allow a maximum of 75 visits per day in contrast to 2000 people during that weekend.

DOUG AITKEN, applicant, said its been his dream to create an artwork that merges with the landscape that highlights the mountains, basins, changing of the lights, and found this incredible location where there is nothing surrounding it. Mr. Aitken said they want to work with the neighborhood and have reduced the visits from 1000 - 2000 to 75 people on one day. He noted the overwhelming positive response they've had and are willing to compromise with the neighbors.

CONNOR MC FEE, Doug Aitken Workshop, read several letters into the record in support of the project.

KEN MOLLENHAUER, resides in Little Tuscany Neighborhood, said the Mirage artwork is directly in front of his house and he's been impacted with excessive traffic and debris.

He suggested a different location and not in their residential neighborhood.

ED FREEMAN, co-owner, Desert Palisades, spoke in support of keeping the artwork for an additional 6 months. He spoke about the issues they dealt due to the excessive amount of visitors but pointed-out that they are trying to mitigate the traffic by limiting the amount of visits.

BARB KAPLAN, resides on Racquet Club Road, said she's been impacted by endless traffic and trash from this artwork and suggested a different location.

RON HANSON, board of directors, Tuscany Heights Homeowners Association, said they are most impacted by this artwork. He said there are hundreds of cars in their neighborhood and urged denial of the permit.

MARIANNE FALK, managing director, Desert X, resides in the city and read several letters into the record in full support of the artwork.

BRAD KAIN, resides on Racquet Club Drive, spoke about traffic jam problems that affected his home since Modernism week and after Coachella Fest. He commented that the Land Use Permit does not state the hours/days of operation and expiration date.

DAVID DRY, said the city has not enforced three conditions; and the permit states it is not to be renewed and developer has not abided by the rules.

SCOTT BRIDGEMAN, resides at the top of Racquet Club Road, said this type of attraction does not belong in an existing residential neighborhood. He said traffic and noise distraction has been on a daily basis.

DENNIS WOODS, co-chair, Little Tuscany Neighborhood Organization, said the decision before the Commission is about land use. He spoke about specific regulations for the Desert Palisades Specific Plan which does not permit this type of use.

JENNIFER COX, applicant, said they would like to see a positive outcome and be able to work with the neighborhood.

Chair Weremiuk closed the public hearing.

Planning Commission Comments:

Commissioner Hudson said obviously this is a very significant artwork and installation and there is no doubt that it has become a major sensation but this is not what they are reviewing today. He is not convinced that things will get much better with a new permit. He thinks the Desert Palisades site is fantastic and this art piece has done a great service and given Palm Springs a lot of press in the art world. However, as much as he likes the artwork he cannot support the new permit.

Commissioner Hirschbein believes many of the problems that were encountered the first time will be severely reduced because of the limited access to it. He would like to see some systems built in to mitigate it even further such as a shuttle bus, towing and no parking zones and with some other mitigating factors he could support it.

Commissioner Donenfeld concurred with Commissioner Hudson and cannot support it. He said Desert X put the city on the map in terms of people knowing that the Coachella Valley is full of great art and with letters from people worldwide (as far away as New Zealand) is very heartwarming with its presence known internationally. Mr. Donenfeld said that we are also a city of neighborhoods and our greatness comes from the people who live here. He does not think the neighborhood was taken as seriously as it should have been and the community's needs must be looked at and for this reason he cannot support this installation.

Commissioner Middleton concurred with the Commissioners. She reiterated that Palm Springs as a community takes art very seriously. But you cannot ask residents on one block to host the world and this is what happened. She said in order for this to continue the issues have to be mitigated on Racquet Club and the neighborhood and this begins with constructive conversation across the table between the workshop and this neighborhood. Until this conversation takes place and this neighborhood finds something they can work with she cannot support this Land Use Permit.

Vice Chair Calderine said he would agree with Commissioner Hirschbein if they could come up with a set of mitigation measures and monitoring program to address these impacts. The traffic would be far less and the idea of a shuttle would greatly help the traffic on Racquet Club as well as signage with no access to the site. He felt Commissioner Middleton had a good idea to delay a decision until the applicant and neighbors have a chance to meet.

Chair Weremiuk said she really wanted to support this. She is willing to wait until the community can meet with the applicant. Chair Weremiuk said the only program she could accept is having a shuttle bus and ticketing system at the visitor's center. She thinks this is a very important exhibit and it should be moved close to its current location - possibly the new land in the Chino Cone area that is turned over to the city would be a better location.

Discussion:

Commissioner Donenfeld thinks it's appropriate for the applicant and neighbors to meet and discuss this matter. However, he feels there's a lack of trust from the neighbors towards Desert X. He thinks the applicants failed to properly engage the neighborhood from day one. Mr. Donenfeld encouraged both parties to sit down and discuss this and feels if the neighborhood is comfortable with the accommodations he could support this.

Commissioner Hudson commented that even though the neighborhood agreed with the mitigation measures (shuttle buses) there is no guarantee given the international

attention this has received. He does not think this can be controlled in a way that is safe to the neighborhood.

ACTION: Continue to meeting of September 27, 2017, with direction to the applicant to:

- 1.) Consider disassembling and reassembling in a new location.
- 2.) Work with the neighborhood association on a type of arrangement that would mitigate the issues that have impacted the neighborhood relative to the art exhibit, subject to approval by the neighborhood organization.

MOTION: Commissioner Middleton, seconded by Vice Chair Calerdine, and carried on a 5-1-1 roll call vote.

YES: Middleton, Vice Chair Calerdine, Hirschbein, Donenfeld, Chair Weremiuk
NO: Hudson
ABSENT: Lowe

A recess was taken at 3:12 pm. The meeting resumed at 3:28 pm.

2B. PALM SPRINGS MOTORSPORTS, LLC REQUESTING A TWO YEAR TIME EXTENSION FOR AN APPROVED MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A DRIVE-THROUGH RESTAURANT ON A 2.64-ACRE SITE THAT IS PARTIALLY DEVELOPED WITH A MOTORCYCLE DEALERSHIP AT 6550 NORTH INDIAN CANYON WAY, ZONE H-C, SECTION 23 (CASE 3.3870 MAJ). (DN)

Associate Planner Newell provided an outlined on the proposed time extension as outlined in the staff report.

Chair Weremiuk opened the public hearing:

LALITH CHANDRASENA, owner, Palm Springs Motorsports, LLC, provided details on the lengthy approval process for the water treatment system and the associated costs. He clarified that Mission Springs Water District will take about two years for completion of the infrastructure.

There being for further appearances the public hearing was closed.

Chair Weremiuk said staff recommended a one-year time extension because this is policy; however, in this instance it makes no sense to go with one year.

Vice Chair Calerdine spoke in support of the motion for a two-year extension; however, he's not certain this will be completed in two years time.

ACTION: Approve two (2) year time extension.

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

YES: Hudson, Hirschbein, Donenfeld, Middleton, Vice Chair Calerdine, Chair Weremiuk

ABSENT: Lowe

- 2C. ROCCO DILUCCHIO, OWNER (DBA THE JEWELRY VAULT AND LOAN) REQUESTING A CONDITIONAL USE PERMIT TO ALLOW A PAWN SHOP TO BUY, SELL AND LOAN AGAINST JEWELRY LOCATED AT 1502 SOUTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.1423 CUP). (GM)**

Associate Planner Mlaker provided details on the proposed project as outlined in the staff report.

Chair Weremiuk opened the public hearing:

ROCCO DILUCCHIO, applicant, provided background details on the ownership of the pawn shop; noting that it is more of jewelry store and not your common pawn shop. Mr. Diluechio verified that they buy coins.

ACTION: Approve with conditions of approval as amended:

- PLN 1. To include coins in scope of service.

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

YES: Hudson, Hirschbein, Donenfeld, Middleton, Vice Chair Calerdine, Chair Weremiuk

ABSENT: Lowe

(This Item was heard out of order.)

4. NEW BUSINESS:

- 4A. REQUEST BY STUDIO AR&D ARCHITECTS INC. FOR AN APPEAL OF THE PLANNING DIRECTOR'S INTERPRETATION OF SETBACK REQUIREMENTS FOR THE PROPERTY AT 1981 RANCHO VISTA TRAIL, ZONE R-1-B (CASE 3.4052 MAA). (FF)**

Planning Director Fagg provided background information on the setback requirements for the 5-lot subdivision as outlined in the staff report.

Vice Chair Calerdine questioned if there is a homeowners association for this 5-lot subdivision. (Mr. Lockyer confirmed according to the CC&R's within the easement there is a required homeowners association amongst the 5 owners for the purpose of maintaining the commonality.)

ACTION: Approve as submitted by the applicant.

MOTION: Commissioner Hirschbein, seconded by Vice Chair Calerdine, and carried 6-0-1 roll call vote.

YES: Hudson, Hirschbein, Donenfeld, Middleton, Vice Chair Calerdine, Chair Weremiuk

ABSENT: Lowe

Vice Chair Calerdine requested staff review the original requirements for a pedestrian gate and landscaping along Anza Trail.

3. UNFINISHED BUSINESS:

3A. TAHQUITZ CANYON INVESTORS, LLC FOR A PROPOSAL TO REMODEL "THE COURTYARD AT PALM SPRINGS" INCLUDING THE DEMOLITION OF THREE BUILDINGS, CONSTRUCTION OF TWO MULTI-TENANT COMMERCIAL BUILDINGS AND IMPROVEMENT OF LANDSCAPE AND HARDSCAPE AREAS AT 601-789 EAST TAHQUITZ CANYON WAY, ZONE REO OF SECTION 14 SPECIFIC PLAN (CASE 3.4002 MAJ). (DN)

Associate Planner Newell provided an update on the outcome of the two (2) meetings held with a subcommittee of the Planning Commission subcommittee and the applicant to address the Planning Commission and AAC comments as noted in the staff report.

WILLIAM AZZALINO, project architect, said they took into consideration the subcommittee comments and described the changes made to the project. Mr. Azzalino was available to answer questions from the Committee.

Comments from the Planning Commission Subcommittee:

Commissioner Donenfeld said he likes the project and it will revitalize an empty space that will bring people back to the theater and to the site, in general. He likes the concept and thinks it's a good site plan. The height is appropriate and the materials are good; however, some of the embellishments and vertical elements could be toned down a bit - and some of the vertical aspects could be eliminated or toned down more and could be worked out in minor details. He said from the very beginning he was not pleased with the rooflines - the perimeter roof is not bad architecture - it's quite modern but feels quite strongly, with respect to our town, these rooflines do not belong. He thinks the architecture reflects a much denser, urban environment than what we have in Palm Springs. He feels there are other ways to have that sort of "pop and appeal" from

the street and drive-by standpoint without these very imposing rooflines that are not suitable for Tahquitz Canyon or this town.

Commissioner Hirschbein said he likes the site plan; bringing the project to street level and activation of the courtyard. However, he feels this type of building is suited more for a site off of Highway 111 en route to Palm Desert. He thinks there is nothing elegant about this building but rather architecturally overbearing. The dual curved roofs remind him of a modern day airline terminal at LAX; and noted that the restaurants are relatively small. He does not believe this building's shape and scale are appropriate and thinks the project makes no effort to engage the two buildings on either side of it or the building across the street. He said the scale of the detailing is wrong; the fascia band is too heavy and is not certain the stone veneer is the right element. He said they have asked for shade trees along on Tahquitz Canyon and thinks the Indian monument signage is important based on Section 14 requirements. He will not be supporting this project.

Commissioner Hudson said he did not originally like this building. He agrees with some of the specific comments about the detailing. He noted that in their meetings with the developer he was very clear and correct in that this complex will continue to falter and not succeed unless there is some of the drive-by architectural attraction. He would like to see further positive evolution in some of the stone elements and the detailing is a bit heavy. He pointed-out that two renderings presented today are more useful in describing the ambiance of the complex. Mr. Hudson said he is not ready to deny this project based on design. He said the height is not a problem, the site plan is quite good, and shade trees could be a discussion. He thinks the design has improved and would encourage the design team to make further improvements.

SAM RUSMUSSEN, Ocean Properties Development, president, said they are trying to avoid the project looking like a strip mall and the buildings have been designed as expensive as you can get. Mr. Rasmussen addressed Commission questions relating to building height and architecture.

Chair Weremiuk thinks the project is marginally better than last time but does not think it's approvable yet. She thinks the materials could relate better to the elements of the Wexler building - they are horizontal rather than vertical. She expressed concern with the roofline; and likes the site plan but would like to get access to the theater from the rear. She would like to see more shade in the center courtyard. She agrees with the AAC that this project should be timeless but it feels trendy and will be out of fashion in a couple of years. She thinks it's better but it still needs more shade trees and a consistency with the Section 14 requirements. She likes the site plan; however does not like the embellishments.

Commissioner Middleton said this is a project she wants to see work. She is still struggling with some of the architectural elements. She said integration with the surrounding buildings (especially across the street) is not an easy project to take on.

She shares some of the concerns of the Commissioners regarding the height of the buildings and thinks the curved roofs are much better than the original plans. Ms. Middleton said she would like to get the scale closer to something they can approve.

Commissioner Donenfeld said it's the basic fundamental architectural design that they are having the most problem; and for him it's the rooflines. He likes the height, clerestory windows and they are willing to work with the developer.

SAM RUSMUSSEN said he would like the opportunity to take one more look at the rooflines to come up with something more creative. He said he will not build a project that is not economically feasible. He said the buildings will not lease if he builds a box or a strip mall. He pointed out that project across the street has been vacant for 10 years.

Commissioner Hudson suggested that a simple massing model (cardboard with more emphasis on the rooflines) could be the most effective tool. He encouraged the design team to look at certain mid-century examples such as the interesting wave-shaped roofs done in Brazil in the 50's and 60's. He encouraged a crisper, lighter roofline that alludes to mid-century modern and gives it the attention it needs not only from the street frontage but for the developer as well.

Chair Weremiuk said she would like to understand how it fits in with the bank, theater and Tahquitz Plaza across the street.

Commissioner Middleton said the project needs more shade structures to provide sufficient shade. She would like to see how much will be "thrown" by buildings and at what time of day. She thanked the developer for coming back with changes to the project.

Vice Chair Calerdine said it may be more important to look at the shade issues on the west side.

ACTION: Continue to a date certain of October 11, 2017, with review by Subcommittee on:

- Rooflines - crisper, more dynamic and lighter.
- Detailing on the buildings.
- Materials - compatibility with bank, theater and Tahquitz Plaza.
- Detailing of where the shade comes from and where it's needed.

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

YES: Hudson, Hirschbein, Donenfeld, Middleton, Vice Chair Calerdine, Chair Weremiuk

ABSENT: Lowe

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- List of the Planned Development District Recommendations.
- Budget for General Plan and Zoning Updates.

PLANNING DIRECTOR'S REPORT:

- Reminder of the Commission's Orientation at 11:00 a.m. on September 27th with the Architectural Advisory Committee and the Historic Site Preservation Board.

ADJOURNMENT: The Planning Commission adjourned at 5:23 pm to 1:30 pm, Wednesday, September 27, 2017, City Hall, Council Chamber, preceded by a Study Session at 11:00 a.m., Large Conference Room, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP
Director of Planning Services