

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 plays 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.

A handwritten signature in black ink, appearing to read 'Flinn Fagg', written over a horizontal line.

Flinn Fagg, AICP
Director of Planning Services