

**CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
January 11, 2017
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262**

CALL TO ORDER:

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

ROLL CALL:

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

Excused This Meeting: Commissioner Donenfeld, Commissioner Hirschbein

Absent This Meeting: Planning Director Fagg, Deputy City Attorney Daudt, Planning Administrative Coordinator Hintz, Senior Civil Engineer Khamphou, Assistant Planner Kikuchi, Associate Planner Lyon, Associate Planner Mlaker, 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 5:00 pm on Thursday, January 5, 2017.

ACCEPTANCE OF THE AGENDA:

The agenda was accepted, as presented.

PUBLIC COMMENTS:

Chair Calerdine opened public comments:

ELLEN LOCKERT, Climate Action PS, founder, commented on the importance of cutting the greenhouse omissions and requested approval of the solar ordinance.

JAAK JUHKENTALL, resides at Sundial HOA, spoke in reference to Item 3A, supports the proposed development and requested consideration of security due to high traffic on Farrell Road.

LAURA RAMSEY, Climate Action, noted concern that if the solar ordinance is not addressed locally - nationally nothing will happen in the next four years.

FRANK TYSEN, noted concern with PDD's and hotel over-building in the community.

MELISSA DUNBAR, Greenhouse East Dev., spoke in reference to Item 2B, requested a continuance of this item because many nearby residents did not have adequate time to respond; and commented on safety concerns associated with the antennas.

LANI MILLER, spoke in reference to Item 4A, commented that poor smog levels are the highest in this area and requested approval of the solar ordinance.

DEITER CRAWFORD, resides at Desert Highland, spoke in support of the solar mandate, however, requested consideration of affordability for first-time home buyers of single-family homes.

There being no further speakers public comments was closed.

1. CONSENT CALENDAR:

Vice-Chair Weremiuk noted her abstention on the minutes of December 14, 2016.

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

Motion: Commissioner Lowe, seconded by Commissioner Middleton and unanimously carried 5-0-2 on a roll call vote.

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

1A. APPROVAL OF MINUTES: DECEMBER 14, 2016 STUDY SESSION AND REGULAR MEETING MINUTES

Approved as presented (noting Vice-Chair Weremiuk's abstention).

1B. APPROVAL OF A RESOLUTION WITH WRITTEN FINDINGS DENYING A REQUEST BY FAR WEST INDUSTRIES, INC., FOR A REVISED FINAL PLANNED DEVELOPMENT DISTRICT APPLICATION FOR "ICON", 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).

Approved as presented.

2. PUBLIC HEARINGS:

2A. PALM SPRINGS MODERN CONSTRUCTION, FOR A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT; MAJOR ARCHITECTURAL APPLICATION; AND TENTATIVE TRACT MAP FOR THE CONSTRUCTION OF A SIXTY-FOUR (64) UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3 (CASE NOS. 5.1395 PD 383, 3.3963 MAJ, TTM 37210). (GM)

Associate Planner Mlaker provided an overview of the proposed development as outlined in the staff report.

Technical Questions:

Vice-Chair Weremiuk noted that no public benefits are being recommended and requested confirmation. She requested clarification on the underlying zoning and adding a deed restriction to protect the open-space easement.

Commissioner Middleton requested clarification on: ownership of parcel 1 and 1A and on the correspondence received regarding blocking of views.

Chair Calerdine opened the public hearing:

DENNIS CUNNINGHAM, Palm Springs Modern Homes, principal, commented that they want to blend-in with the Riviera property and want to bring modern architecture to the affordable market. He provided details on the site plan and models.

CHRISTOPHER BRODWELL, Riviera Gardens HOA, spoke in favor of the development; voiced concern with the lack of elevations on the eastern side, location of the trash bin in the northeast corner and impact of the water retention area.

SCOTT LYLE, spoke in favor of the proposed development noting that it will provide affordability to the community.

DENNIS CUNNINGHAM, addressed the trash area, view corridor between project and Sundial and retention basin.

There being no further speakers the public hearing was closed.

Commissioner Hudson questioned if a pedestrian connection to the Riviera was considered.

Commissioner Weremiuk requested details on:

- Gated community.
- Pedestrian access.
- Limited number of carport parking.

Commissioner Lowe complimented the developer on a great project and asked if solar was considered. (The applicant responded that solar will be plumbed for every unit.)

Commissioner Hudson commented that hopefully the canopy colors blend-in with the rest of the buildings and encouraged the lighting to be more creative.

Commissioner Lowe noted that generally he is opposed to gated communities; however, since this project is not designed as a drive-through neighborhood he supports it. He thanked the developer for providing affordable housing.

It was noted that gates may be appropriate as the Riviera charges for parking.

Vice-Chair Weremiuk requested a total of 52,700-square feet shall remain as open space and recorded as a deed restriction. She said it's a great project a made a motion to approve.

ACTION: Approve with changes to Conditions:

1. Carports to be painted to match the main body of the buildings.
2. The Planning Commission shall allow the use of vehicular entry/exit access gates.
3. Pedestrian gates to be open and unlocked from sun-up to sun-down. The developer may request that the Planning Commission re-examine this condition after one year of build-out.
4. The Planning Commission has determined that the Planned Development District approval conforms to the General Plan and underlying zoning and does not require a public benefit.

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

A recess was taken at 2:50 pm. The meeting resumed at 3:00 pm.

2B. CORTEL INC. (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT AND A MAJOR ARCHITECTURAL REVIEW TO CONSTRUCT A FORTY-FIVE FOOT TALL MONOPALM STRUCTURE WITH ASSOCIATED EQUIPMENT SHELTER AT THE METHODIST CHURCH OF PALM SPRINGS LOCATED AT 1555 EAST ALEJO ROAD, ZONE MBR (CASE NOS. 5.1387 CUP). (GM)

Associate Planner Mlaker provided an overview of the proposed monopalm structure as outlined in the staff report.

Chair Calerdine opened the public hearing:

ANDREA URBAS, Cortel Inc. (consultant representing Verizon), provided a PowerPoint presentation that showed the existing condition, alternative locations and design. Ms. Urbas addressed concerns raised by residents in the area.

REV. AMANDA BURR, United Methodist Church, commented that the consistency of the extra income from the cell tower has allowed them to survive during the summer months of extremely high electric bills.

DOUG JONES, resides in the neighborhood, commented that good cell coverage is needed in this area and requested approval.

There being no further speaker the public hearing was closed.

Commissioner Lowe requested clarification about the health & safety emissions from cell towers.

Associate Planner Mlaker responded to questions regarding the existing cell coverage within the city limits and noticing requirements.

Vice-Chair Weremiuk made a motion to approve with findings in the staff report; noting that cell coverage is needed.. She requested an engineer to attend the hearings if another application is filed.

ACTION: Approve with Conditions.

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

2C. PALM GROVE GROUP, LLC, FOR PALM SPRINGS FAN CLUB, FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A COCKTAIL LOUNGE WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 1539 AND 1541 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 10 (CASE 5.1402 CUP). (NK)

Assistant Planner Kikuchi provided an overview of the proposed cocktail lounge within an existing commercial building as outlined in the staff report.

Technical Questions:

Commissioner Lowe spoke in support of the project; noting that it's an extension of the Arrive Hotel.

Commissioner Middleton requested clarification on:

- Does this project meet the parking requirements with inclusion of the associated buildings?
- Any noise complaints received from the neighborhood.
- Written public comment issues (access to grant funds).

Ms. Middleton noted concern that the economic incentive grant not be used for the proposed project.

Chair Calerdine opened the public hearing:

EZRA CALLAHAN, Manager of Artist & Recreation, LLC, (co-founder Arrive Hotel) commented on their plans to activate the whole block around the hotel and provided details on using the lounge as an event space for the hotel, adequate parking and mitigation of noise levels. Mr. Callahan provided an overview on the concern about the economic grant funds.

There being no further speakers the public hearing was closed.

Vice-Chair Weremiuk questioned if there are plans to purchase the adjacent house.

Chair Calerdine commented that it would be helpful to have the parking signage from the Arrive Hotel and Draughtsman allows use by patrons of the Palm Springs Fan Club.

Planning Director Fagg responded that this condition will be placed on the Land Use Permit.

ACTION: Approve with Conditions subject to:

1. Parking Requirement: Parking for the property shall be established per associated Land Use Permit (LUP). Signage at the Draughtsman restaurant and the

Arrive Hotel allowing patrons of Palm Springs Fan Club to park their vehicles on their premises shall be required.

2. Active Noise Monitoring Required: Active, constant noise monitoring with a decibel meter shall be required for all outdoor activities including the use of amplified sound. There shall be designated on-site personnel to measure noise level to ensure that noise generated by such activities does not exceed the maximum allowable noise level regulated by the City Noise Ordinance.

3. Entertainment and Amplified Noise: Outdoor live entertainment and amplified noise are subject to the Noise Ordinance. The hours of outdoor live entertainment and the use of amplified noise shall be limited to 12:00 PM and 10:00 PM. Motion Vice-Chair Weremiuk, seconded by Commissioner Hudson and unanimously carried 5-0-2 on a roll call vote.

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

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

2D. DTPS A-14, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A 4,492-SQUARE FOOT REAL ESTATE OFFICE ON THE GROUND FLOOR OF THE MULTI-TENANT BUILDING LOCATED ON BLOCK A OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT 201 NORTH PALM CANYON DRIVE, ZONE CBD, SECTION 15 (CASE NO. 5.1403 CUP). (DN)

Associate Planner Newell provided an overview on the request to allow a real estate office on ground floor frontage on Palm Canyon Drive as outlined in the staff report.

Commissioner Middleton commented that as she walks downtown she sees real estate offices throughout downtown and is struggling why this company should be treated differently.

Commissioner Lowe noted concern with setting a precedent.

Chair Calerdine opened the public hearing:

CHRIS ANDERSON, Bennion Deville Homes, general manager, provided background details on the previous real estate office locations in the city. He spoke about customers and staff providing discretionary spending in downtown and respectfully requested approval.

PATRICK JORDAN, Bennion Deville Homes, agent, commented about the real estate office being a meeting place where people go and thinks this would be a great mix for the community.

DAVE LINTZ, Bennion Deville Homes, spoke about benefits to the City and the active use on the first floor. He said it is synergistic to other uses in downtown.

DUANE GRAVES, Wessman Development, read a letter from Michael Braun, said that desirable offices that cater to a large public market can also generate lively traffic foot pattern; and the need to support a broad range of uses not just retail.

BOB DEVILLE, Bennion Deville Homes, owner, stated that they are the catalyst for bringing people downtown explained that there are other events held in the office.

There being no further comments the public hearing was closed.

Technical Questions:

The Commission had questions pertaining to:

- Has consideration been made taking more space on the top floor?
- Are the two spaces inter-connected?
- Verified that no other space will be leased on Palm Canyon.

Commissioner Middleton noted reluctance not to support staff's decision; however, in this case she thinks the use as described by the applicant is an extremely appropriate use. If there were numerous real estate locations within the downtown project she would have concerns; however, the Commission has been assured that they will deal on a case-by-case basis (concentration) for these types of applications.

Commissioner Hudson commented that he would be more supportive of the frontage if it was 30 feet instead of 60 feet. He noted this building is very challenging; however, with this compromise he could support it.

Commissioner Lowe said he is going to support this project; he's comfortable cutting back the frontage on Palm Canyon.

Chair Calderine spoke in favor of the project; he noted that he is uncertain about 30 feet being adequate space.

Vice-Chair Weremiuk said she would be supporting this project; however, requested a message be forwarded to Mr. Wessman that they do not want other office space on the ground floor in downtown.

Staff reported at the next meeting a new resolution will be brought forward with the Planning Commission's decision.

ACTION: Approve.

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

2E. 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)

The public hearing was opened and with no speakers coming forward the public hearing was closed.

ACTION: Continue to a date certain of January 25, 2017.

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

2F. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT RELATING TO SEPARATION DISTANCE REQUIREMENTS FOR MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND MEDICAL CANNABIS DISPENSARIES (CASE 5.1218-E). (FF)

Chair Calerdine opened the public hearing:

ROBERT VAN ROO, Palm Springs Safe Access, agreed a separation distance requirement is appropriate for new applicants and requested a "grandfather variance" for prior Medical Cannabis applicants who have applied but not received approval be considered.

There being no further speakers the public hearing was closed.

Planning Director Fagg provided an overview on the proposed zone text amendment.

Commissioner Middleton noted hesitancy in understanding why the city needs to impose a separation distance requirement.

ACTION: Approve subject to:

- A "grandfathering" exception for those who previously applied and met the city requirements.

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

A recess was taken at 4:59 pm. The meeting resumed at 5:09 pm.

3. UNFINISHED BUSINESS:

3A. ARMADA REAL ESTATE GROUP, LLC FOR A MAJOR ARCHITECTURAL APPLICATION, A FINAL PLANNED DEVELOPMENT DISTRICT APPLICATION AND A TIME EXTENSION REQUEST FOR "VIBE", A RESIDENTIAL DEVELOPMENT OF 93 MULTI-FAMILY UNITS AND 72 SINGLE FAMILY HOMES ON SMALL LOTS ON A 24-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF SOUTH FARRELL DRIVE AND EAST BARISTO ROAD, ZONE PD 232 (CASE 5.1046 PDD 232 AMND, 3.3974 MAJ, TTM 36689 AND TPM 36767). (KL)

Associate Planner Lyon provided an overview on the proposed development as outlined in the staff report.

Vice-Chair Weremiuk made the following comments:

- Likes the changes made on the frontages.
- Agrees the dog park is not public.
- Does not agree with not having the pedestrian gates opened.
- Visibility of the layout - side-yard articulation on the zero lot-line of the building.
- Ensure that roof decks do not overlook neighbor's yards.

Commissioner Hudson appreciates the work that has been done; however, noted concern with the layout on the models. He thinks the project is on its way to answer the concerns but additional work is needed.

Planning Director Fagg suggested a subcommittee of the Planning Commission to discuss changes to the design that would bring it more closely in conformance with criteria for architectural approval.

BRUCE LEHMAN, Armada Real Estate Group, requested the project be approved subject to review by the subcommittee.

ACTION: Continue to a date uncertain to allow review by Planning Commission Subcommittee (Hudson, Hirschbein and Lowe).

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

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

4. NEW BUSINESS:

4A. RECEIVE A REPORT FROM THE SUSTAINABILITY COMMISSION RELATING TO A PROPOSED MANDATORY REQUIREMENT FOR THE INSTALLATION OF SOLAR SYSTEMS FOR RESIDENTIAL CONSTRUCTION. (FF)

Planning Director Fagg provided an overview on the proposed residential solar strategy as outlined in the staff report.

Commissioner Middleton gave a brief introduction of the proposed solar strategy developed by the Green Building/Solar Subcommittee.

Sustainability Commissioner Freedman provided a summary of the proposed residential Solar Strategy as outlined in the staff memorandum.

Vice-Chair Weremiuk said they would need the accurate numbers from solar companies and builders. She noted concern with the down payment and would like to see the savings for a medium priced home. She would like to forward a complete package to the City Council.

Commissioner Lowe commented that he completely supports alternative energy and had questions regarding:

- The coverage and average consumption use
- Solar impacts on mortgage.

Vice-Chair Weremiuk questioned if the solar systems are currently expandable.

Commissioner Lowe requested details on the costs associated with purchasing vs. leasing the solar equipment.

Chair Calerdine concurred that making solar panels affordable and making sure the numbers are accurate.

ACTION: Continue to a date uncertain to allow the Green Building/Solar Subcommittee to:

1. Firm up the numbers and exhibits presented to the Commission.
2. The independent study that is required by the State can be initiated and move forward.
3. Conceptually the Planning Commission is in agreement to move forward.

Motion: Commissioner Middleton, seconded by Commissioner Lowe and unanimously carried 5-0-2 on a roll call vote.

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

ABSENT: Commissioner Donenfeld, Commissioner Hirschbein

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission requested details on:

- What can the City do to guarantee developments are financially viable?
- Extensions of time.

PLANNING DIRECTOR'S REPORT:

None.

ADJOURNMENT:

The Planning Commission adjourned at 6:30 pm to Wednesday, January 25, 2017, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.


Flinn Fagg, AICP
Director of Planning Services