



Tuesday, December 18, 2018
Minutes of the Special Joint Meeting of the City Council
and the Planning Commission

CALL TO ORDER

A Special Joint Meeting of the Palm Springs City Council and the Planning Commission was called to order by Mayor Moon on Tuesday, December 18, 2018, at 6:10 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE

Mayor Moon led the Pledge of Allegiance.

ROLL CALL

Present: Councilmembers Christy Holstege, Lisa Middleton, J.R. Roberts; Mayor Pro Tem Geoff Kors; and Mayor Robert Moon.

Absent: None

Present: Commissioners Douglas Donenfeld, Michael Hirschbein, Peter Moruzzi, Dennis Woods; Vice Chair Lyndon Calerdine; and Chair Kathy Weremiuk

Absent: Commissioner Douglas Hudson

City Staff

Present: David H. Ready, City Manager; Edward Z. Kotkin, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

REPORT OF CLOSED SESSION

The Special Closed Session of the City Council of December 18, 2018, was called to order by Mayor Moon at 4:30 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Special Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

4348 Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC 1703102, Riverside County Superior Court, Riverside Division

EHO Canyon View, LLC v. City of Palm Springs
Case No. PSC 1806289, Riverside County Superior Court, Palm Springs Division

City of Palm Springs v. Miggy's Cantina, LLC
Case No. PSC1600359, Riverside Superior Court, Palm Springs Division

Sabordo and Huerto v. City of Palm Springs
Case No. PSC 1602732, Riverside County Superior Court, Palm Springs Division

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Number of Anticipated Cases: (8) Including:
Challenges to districting per California Voting Rights Act, Ordinance No. 1971

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION, Pursuant to Government Codes Section 54956.9(d)(4):

Number of Anticipated Cases: (3)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code Section 54957(b)(1):

City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Address/Description: State Highway 111, Vista Chino and Gene Autry Trail
Within the Boundaries of the City of Palm Springs
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: State of California, Caltrans
Under Negotiation: Terms of Payment (Relinquishment)

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Palm Springs Unified School District; Sandra Lyon, Superintendent
Under Negotiation: Price and Terms of Payment (Lease or Purchase)

Property Address/Description: 3.6 Acres at SE corner of Indian Canyon Drive and San Rafael Road APN 501-031-028
 Agency: City of Palm Springs as Housing Successor
 City Negotiator: David Ready, City Manager or Designee
 Negotiating Parties: Community Housing Opportunities Corporation (CHOC)
 Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 3400 E Tahquitz Canyon Way APN 009-671-571
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Agua Caliente Band of Cahuilla Indians; Tom Davis
 Under Negotiation: Price and Terms of Payment (Lease)

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

Agency Designated
 Representatives: City Manager David Ready and Attorney Peter Brown
 Employee Organizations: Palm Springs Firefighters Association
 Palm Springs Fire Management Association
 Palm Springs Police Management Association
 Palm Springs Police Officers Association
 Service Employees International Union Local 721
 Unrepresented Employees

City Attorney Kotkin reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action.

PUBLIC TESTIMONY

Jane Garrison, urged the City Council to support the recommendations of the Planning Commission; suggested that remaining open space should be clustered when redeveloping a golf course.

Tonya Petrovna, voiced support for establishing development standards for golf course conversions and the clustering of open space.

Michelle Johnson, expressed support for the establishment of development standards for golf course conversions; voiced opposition to allowing an in-lieu fee for the replacement of open space.

Michael Johnson, urged the City Council to support the Planning Commission’s recommendation to establish development standards for golf course conversions.

Wayne Guralnick, representing Guralnick and Gilliland, recommended that the City Council support the creation of development standards for golf course conversions.

STUDY SESSION**A. DISCUSSION OF PROPOSED AMENDMENTS TO PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 93.05.00 AND 94.03.00 RELATING TO THE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS, CASE 5.1439 ZTA**

Director of Planning Services Fagg presented the staff report.

Chair Weremuik advised that the Planning Commission begun examining this issue due to community concerns that the Planned Development District (PDD) process was being used to create residential gated communities which interrupt the street grid, noting that future developments will require fewer Zoning Code waivers.

Councilmember Roberts opined that the term Public Benefits is not clearly defined and that a list/menu of Public Benefits should be developed.

Mayor Pro Tem Kors suggested that a Development Agreement could be required for each PDD, enabling the City to require affordable housing or contributions to the in-lieu fund; voiced opposition to including “public safety concern” as a consideration for whether controlled access (gates) should be allowed as part of a new development.

Councilmember Middleton expressed support for the recommendations related to limiting gated communities.

Councilmember Holstege voiced concern that the notification requirements are vague and should be clearly defined; suggested that the City Council develop a threshold for the requirement of a Development Agreement in association with a PDD; agreed that gated communities negatively impact the walkability of the City and that the criteria for allowing controlled access should be modified to state “*documented* public safety concern.”

Mayor Moon suggested that “whenever feasible” be added to the section related to street alignment to allow for greater flexibility.

In response to inquiry, Director Fagg expressed concern regarding the difficulty to monetize a Public Benefit in relation to a Zoning Code waiver; noted that Public Benefits must be tied to the impacts created by the Zoning Code waiver; advised that a developer is responsible for hosting community outreach meetings and providing the noticing materials, under the supervision of City staff; noted that a Development Agreement may be appropriate for large or multi-phased developments, but may be a burden for smaller development projects.

B. DISCUSSION OF PROPOSED ZONE TEXT AMENDMENT TO ESTABLISH THE R-1-E ZONE, A NEW SMALL-LOT SINGLE-FAMILY RESIDENTIAL ZONE, CASE 5.1398 ZTA

Director of Planning Services Fagg presented the staff report.

During the course of discussion, members of the City Council and Planning Commission commented positively on the proposed ordinance; no modifications were proposed.

C. DISCUSSION OF A PROPOSED ORDINANCE TO AMEND THE PALM SPRINGS ZONING CODE TO ESTABLISH DEVELOPMENT STANDARDS PERTAINING TO THE REDEVELOPMENT OF GOLF COURSES (CASE 5.1444 ZTA)

Associate Planner Newell presented the staff report; noted that the Agua Caliente Band of Cahuilla Indians (ACBCI) submitted a letter expressing opposition to the draft ordinance, citing concerns that open space and desert greenways are not compatible with the highest and best use of trustee land.

Councilmember Roberts expressed concern that development standards for golf course conversions may incentivize developers to convert these properties into housing units.

Mayor Moon opined that a private landowner should have a route to convert a golf course into a reasonable development, when necessary.

Mayor Pro Tem Kors opined that golf course conversions should maintain 70% as open space; stated that a property owner should demonstrate an inability to operate a profitable golf course, prior to moving forward with a conversion.

Chair Weremuik noted that the Planning Commission recommends maintaining 50% as open space, noting that it does not include property setbacks and spaces dedicated for streets, medians, and other public spaces.

Vice Chair Calderine opined that a 50% open space requirement would ensure that the 50% developable space could serve as the funding source for maintenance.

In response to inquiry, Mr. Newell advised that approximately three or four of nine golf courses located in Palm Springs are on ACBCI property and two are owned or leased by the City.

Councilmember Middleton opined that the proposed ordinance does not incentivize the conversion of golf courses, but creates a path forward when the situations calls for it; requested that staff provide information regarding the underlying land use designation prior to designation as a golf course.

In response to inquiry, City Attorney Kotkin noted that Bel Air Greens is located on allottee land and that staff will need to review the lease agreement to determine if the City's regulations would apply to the property.

Councilmember Holstege noted that it is the City's responsibility to provide parks and open space; opined that prohibiting or overburdening the conversion of golf courses may result in more fallow golf courses; requested that staff provide additional information regarding the ownership of each golf course and an analysis of alternative land uses.

Commissioner Donenfeld pointed out that the proposed ordinance requires that a developer generate an alternative statement for other possible uses of the property, noting that the City Council may want to develop its own analysis on alternative land uses.

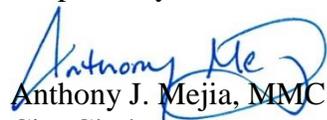
CITY COUNCIL AND PLANNING COMMISSION COMMENTS AND REQUESTS

None.

ADJOURNMENT

At 8:33 p.m., City Council adjourned to the next regular meeting Wednesday, December 19, 2018, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk