

CITY OF PALM SPRINGS  
PLANNING COMMISSION MINUTES  
June 08, 2011  
Council Chamber, City Hall  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**CALL TO ORDER:**

Chair Caffery called the meeting to order at 1:30 p.m.

**ROLL CALL:**

	<b>Present This Meeting:</b>	<b>Present to Date:</b>	<b>FY: 2010 / 2011 Absences:</b>
Tracy Conrad	X	18	8
Doug Hudson	X	24	2
Philip Klatchko	X	24	2
Leslie Munger	X	20	6
J.R. Roberts	X	1	0
Doug Donenfeld, Vice Chair	X	25	1
Jon Caffery, Chair	X	25	1

**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 p.m. on Thursday, June 2, 2011.

**ACCEPTANCE OF THE AGENDA:**

Chair Caffery requested Election of Officers to be added on the next agenda.

Commissioner Conrad noted her abstention on Item 2A, Case 5.1263.

Commissioner Klatchko noted a business-related conflict of interest on Item 2A, Case 5.1263 and would be abstaining on the minutes of May 11, 2011.

Commissioner Munger noted her abstention on the minutes of May 11, 2011.

Commissioner Roberts noted his abstention on the minutes of May 11, 2011.

**PUBLIC COMMENTS:**

Chair Caffery opened public comments:

*The following persons spoke in opposition of 2A, Case 5.1263, the proposed Development Agreement for the Desert Fashion Plaza:*

- Robert Stone, spoke in reference to Item 2A, commented on a discrepancy with Development Agreement and the new timeframes.
- Ron Marshall, Palm Springs Preservation Foundation, commented that everyone is in favor of revitalization for downtown; however, the proposed Development Agreement is deeply flawed.

*The following person(s) spoke in favor of Item 2A, Case 5.1263, the proposed Development Agreement for the Desert Fashion Plaza:*

- Doug Jones, Palm Springs, spoke of the high-quality homes developed by John Wessman and recommended him as the builder.
- Adam Ruelas, spoke in support of the revitalization of the Desert Fashion Plaza.
- Tim Ellis, Palm Mountain Resort, (general manager), spoke of the success of the Mercado Plaza and requested the redevelopment of the Desert Fashion Plaza move forward.
- Julius Kazen, Palm Springs, commented that one of the main reasons that people come into Palm Springs is for the downtown shops and encouraged the redevelopment of the Desert Fashion Plaza move forward.
- John Daw, (general manger of the Renaissance Hotel), stated that anything that revitalizes and adds to the City of Palm Springs will improve the tourism and convention attendees.
- Jason Dibler, (general manager of the Ace Hotel), spoke in support of the revitalization of the Desert Fashion Plaza.
- Aftab Dada, general manager of the Hilton Hotel) outlined the benefits of the revitalization of the Desert Fashion Plaza that include an increase in parking spaces, open-space, new shops and a movie theater for the world-renowned Palm Springs International Film Festival.
- Debbie, Palm Springs, spoke of the benefit of this project for the families in Palm Springs and spoke in support of the redevelopment of the Desert Fashion Plaza.
- William Hutchinson, Police Officers Association of Palm Springs, stated that the men and women of the Police Association strongly support the redevelopment of the Desert Fashion Plaza.
- Stephanie Miller, Indio, commented that it's time for the City of Palm Springs to come together in unity during this challenging economy and the revitalization plan is a good start.
- Vince Taylor, commented that he has attended all of the visioning workshops and Mainstreet meetings and noted that the majority of the people welcome this project to the City.

*The following person(s) spoke in favor of Item 2A, Case 5.1263, the proposed development Agreement for the Desert Fashion Plaza (continued):*

- Jerry Keller, restaurant owner, spoke in favor of the revitalization plan for the Desert Fashion Plaza; noting that the more people are brought into the City the more everyone will benefit downtown; he feels that it is a very good plan.
- Cathryn Robinson, La Quinta, spoke of her love for this City and firmly believes it's time to move forward in support of this plan.
- Dennis Cunningham, Palm Springs Modern Homes, commented on benefits of the project that include a large amount of open-space and parking; he noted that John Wessman builds high-quality homes.
- Joel Wallis, commented that he spends a lot of time in the east side of the valley but is looking forward to coming back to the revitalized downtown.
- James Francisco, Palm Springs, commented on the large amount of work that would be created from this development and spoke in support of the project.
- John Tymon, Palm Springs, stated that it's been a long 10 years in waiting for this project and encouraged the Commission to move forward with this redevelopment.

There being no further appearances public comments was closed.

**1. CONSENT CALENDAR:**

**1A. Minutes of May 11, 2011.**

**ACTION:** To approve minutes of May 11, 2011.

**Motion Tracy Conrad, seconded by Doug Donenfeld and carried 4-0 on a roll call vote.**

**AYES:** Tracy Conrad, Doug Donenfeld, Doug Hudson, and Chair Caffery.

**NOES:**

**ABSTAIN:** Leslie Munger, Philip Klatchko, and J.R. Roberts.

**2. OTHER BUSINESS:**

**2A. Case 5.1263 - A Resolution of the Planning Commission of the City of Palm Springs recommending to the City Council that a proposed Development Agreement for the Desert Fashion Plaza and related properties is not in conformance with the 2007 Palm Springs General Plan; location is at the intersection of North Palm Canyon Drive and Tahquitz Canyon Way and related properties; Zone C-B-D, Section 15. (Project Planner, Craig A. Ewing, AICP, Director of Planning Services)**

Commissioner Conrad noted her property-related conflict of interest and would not be participating in the discussion and vote. Commissioners Conrad and Klatchko left the Council Chamber at 1:42 p.m.

Director Ewing provided an overview of the draft resolution recommending to the City Council that the proposed Development Agreement is not in conformance with the 2007 Palm Springs General Plan.

Chair Caffery requested the word "donate" changed to "dedicate" on item 25. He addressed the public on the Commission's decision to recommend denial of this project to the City Council.

Commissioner Munger explained to the public that the Commission's decision was not taken lightly and noted that the Commission spent an inordinate amount of time on reviewing this project.

**ACTION:** To approve, the draft resolution recommending to the City Council that the proposed Development Agreement is not in conformance with the 2007 Palm Springs General Plan, as amended:

-Revise item #25 to: "Developer should dedicate those properties to the City that are to be developed as public right-of-way."

**Motion Leslie Munger, seconded by Doug Hudson and carried 3-1 on a roll call vote.**

**AYES:** Leslie Munger, Doug Hudson, and Chair Caffery.

**NOES:** Doug Donenfeld.

**ABSTAIN:** Tracy Conrad, Philip Klatchko, and J.R. Roberts.

**2B. Case 5.0899 PD 271 AMEND - An application by Toll Brothers, Inc. for an amendment to the Final Development Plans of Planned Development District 271, commonly known as Alta, to allow minor footprint and elevation changes to the three house plans approved for the 67-lot subdivision located at 3200 South Palm Canyon Drive, Zone R-1-B, Section 35. (Project Planner: David A. Newell, Associate Planner)**

Commissioners Conrad and Klatchko returned to the dais at 2:07 p.m.

David Newell, Associate Planner, provided background information as outlined in the staff report dated June 8, 2011.

Commissioner Conrad noted that she attended both AAC meetings when this item was presented and commended the applicant for their hard work and taking into account the recommendations of the AAC.

**ACTION:** To approve the amendment as proposed.

**Motion Doug Donenfeld, seconded by Tracy Conrad and unanimously carried on a roll call vote.**

**3. PUBLIC HEARINGS:**

**3A. Case 5.1264 CUP - An application by Richard Haskamp, owner of Streetbar, for a Conditional Use Permit (CUP) for the expansion of an existing bar, new game room and additional outdoor patio seating area located at 224 East Arenas Road, Zone RA, Section 14. (Project Planner: Glenn Mlaker, Assistant Planner)**

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated June 8, 2011.

Chair Caffery opened the public hearing:

-Tom Scherer, project designer, provided details on the expansion of the patio, removal of existing signage and landscaping.

There being no further appearances the public hearing was closed.

The Commission commented and/or requested clarification on the patio railing material, additional landscaping and existing plantar.

**ACTION:** To approve the Case 5.1264 CUP, subject to Conditions of Approval, as amended:

-A sign program shall be required prior to any new tenant signage.

**Motion Leslie Munger, seconded by J.R. Roberts and unanimously carried on a roll call vote.**

**3B. Case 5.1039 CUP-AMEND - An application by Willamette Capital Management, LTD, requesting an amendment to an existing Conditional Use Permit to allow the sale of alcohol in the pool area of Horizon Hotel located at 1050 East Palm Canyon Drive (The Horizon Hotel), Zone R-3 & R-2, Section 23. (Project Planner: David A. Newell, Associate Planner)**

Associate Planner Newell provided background information as outlined in the staff report dated June 8, 2011.

Commissioner Munger stated that she serves on the Deepwell Neighborhood Organization as a board member. She indicated that she has not participated in any discussions with the Horizon Hotel and toured the property yesterday with the manager.

Chair Caffery opened the public hearing:

- Eric Cress, Williamette Capital Management, spoke about the history and architectural character of the hotel, reinvestment of the property and the new management staff. Mr. Cress spoke about the problems associated with the lack of providing alcohol to the guests at the pool.
- David Martin, publicist for Horizon Hotel, spoke about the negative reviews on the internet because of the inability to purchase alcohol at the poolside bar; he requested the opportunity to serve alcohol to the hotel guests.
- Charles Santrello, Palm Springs, expressed concern with the noise level coming from this property and spoke in opposition of allowing bar activity.
- James Rider, Palm Springs, spoke in opposition of the proposed project due to the loud noise created from these events; and noted that the police department's response has been poor.
- Jim Seavy, Palm Springs, stated that no support has been received from the management team on all of the neighborhood issues.
- Eric Cress, applicant rebuttal, addressed the landscaping along the rear wall and monitoring of outdoor events.

There being no further appearances the public hearing was closed.

Vice Chair Donenfeld suggested the applicant establish a working relationship with the neighborhood to discuss upcoming events at the hotel.

Director Ewing responded to questions from the Commission noting that hotels have regular calendar activities that do not require permits. Hotels are required to meet the performance standards of the noise ordinance; and there is no limitation on the use of outdoor amplified music, but is regulated on decibels.

Commissioner Klatchko expressed concern that two separate items are being confused. He is in favor of serving alcohol and hotel conducting events.

Chair Caffery spoke in favor to allow the sale of alcohol in the pool area; noting that the conditions of approval covered all the issues at hand. He does not support a continuance.

**ACTION:** To continue to the meeting of June 22, 2011, and direct staff to:

- Review the property's compliance with the original Conditional Use Permit relating to noise mitigation and the number of police complaints on the property.
- That the applicant pursues further dialogue with the neighbors on a noise mitigation plan.

**Motion Tracy Conrad, seconded by Doug Donenfeld and unanimously carried on a roll call vote.**

**3C. Case 5.1222 ZTA - An application by the City of Palm Springs to amend the Palm Springs Zoning Code relating to the purpose, definition and review criteria of Hillside Development, as contained within Section 93.13.00. (Project Planner: Craig A. Ewing, AICP, Director of Planning of Services)**

Director Ewing provided background information as outlined in the staff report dated June 8, 2011.

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

The Commission discussed adding the word, "stepping" to the draft Ordinance and establishing a minimum elevation to minimize view impact to the adjacent property owner.

**ACTION:** To adopt the draft resolution recommending certain amendments to Section 93.13.00 of the Palm Springs Zoning Code regarding Hillside Development, as amended:

-To include the word "stepping" in the "Statement of Purpose" and in Section 3. a. iii. of the draft Ordinance; and

-Section 2. shall include ". . . any portion of the lot above the mean elevation of 500 feet or has an average grade of ten (10) percent or more . . .".

**Motion Philip Klatchko, seconded by Tracy Conrad and carried 6-0 on a roll call vote.**

**AYES:** Leslie Munger, Tracy Conrad, Doug Hudson, Philip Klatchko, Chair Caffery, and J.R. Roberts.

**NOES:**

**ABSTAIN:** Doug Donenfeld.

**3D. Case 5.1211 ZTA - An application by the City of Palm Springs to amend the Palm Springs Zoning Code relating to the establishment of policies and standards for outdoor accessory and religious institutions.**

Director Ewing provided background information as outlined in the staff report dated June 8, 2011.

Chair Caffery opened the public hearing and no appearances coming forward the public hearing was closed.

Vice Chair Donenfeld expressed concern with losing the quality of the displays by allowing everything and having a carnival atmosphere. He preferred the Planning Commission have the discretion in keeping with what Palm Springs should be.

Commissioner Conrad requested staff research on the number of outdoor displays that have been issued.

Commissioner Roberts spoke in favor of the Commission reviewing outdoor displays and questioned the possibility of reviewing non-permitted displays. Director Ewing responded that code enforcement pro-actively patrols the downtown area and the applicant is notified of non-permitted outdoor displays.

Chair Caffery expressed concern that outdoor displays are completely out of control especially on weekends.

**ACTION:** To adopt draft resolution and recommend approval to the City Council.

**Motion J.R. Roberts, seconded by Doug Donenfeld and carried 6-1 on a roll call vote.**

**AYES:** Leslie Munger, Tracy Conrad, Doug Donenfeld, Doug Hudson, Philip Klatchko, and J.R. Roberts.

**NOES:** Chair Caffery.

**PLANNING COMMISSION COMMENTS:**

Chair Caffery welcomed J.R. Roberts as a new member of the Planning Commission and welcomed back Tracy Conrad and Doug Donenfeld.

Commissioner Hudson noted that he would not be present for the meeting of June 22, 2011.

**PLANNING DIRECTOR'S REPORT:**

Direct Ewing reported that the City Council would be hearing the Desert Fashion Plaza item on June 15, 2011.



**ADJOURNMENT:**

There being no further comments the Planning Commission adjourned at 4:14 p.m. to 1:30 p.m. on Wednesday, June 22, 2011, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

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Craig A. Ewing, AICP  
Director of Planning Services

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