

CITY OF PALM SPRINGS  
PLANNING COMMISSION MINUTES  
May 25, 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 1:33 p.m.

**ROLL CALL:**

	<b>Present This Meeting:</b>	<b>Present to Date:</b>	<b>FY: 2010/ 2011 Absences:</b>
Tracy Conrad	X	17	8
Doug Hudson	X	23	2
Philip Klatchko	X	23	2
Leslie Munger	X	19	6
Doug Donenfeld, Vice Chair	X	24	1
Jon Caffery, Chair	X	24	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, May 19, 2011.

**ACCEPTANCE OF THE AGENDA:**

Chair Caffery noted that Item 2A, Case 3.3439 SFR, will be moved from Other Business to the Consent Calendar.

**PUBLIC COMMENTS:**

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

**1. CONSENT CALENDAR:**

**ACTION:** To approve, Items 1A, 1B, 1C and 2A, as part of the Consent Calendar.  
**Motion Leslie Munger, seconded by Doug Hudson and unanimously carried on a roll call vote.**

**1A. Minutes of April 13, 2011 and April 27, 2011.**

Approved, as part of the Consent Calendar.

**1B. Case 5.1082 PD 321 AMND/TTM 34165 - (The Morrison) - An application by Nexus Development to amend a previously approved Final Development plan to allow accessory units of approximately 468 square feet on lots 3 and 28 of the 53 unit gated single-family residence complex located at the southeast corner of Avenida Caballeros and Alejo Road, Zone PD 321, Section 1 (IL). (Project Planner: Ken Lyon, Associate Planner)**

Approved, as part of the Consent Calendar.

**1C. Case 5.1056 PD 314 Time Extension - A request by Palm Canyon 102, LP, for a one-year time extension for a previously approved mixed-use project located at 850 - 990 South Palm Canyon Drive, Zone PD 314, Section 23. (Project Planner: Glenn Mlaker, AICP, Assistant Planner)**

Approved, as part of the Consent Calendar.

**2A. Case 3.3439 SFR - A request to construct an approximately 5,500 square foot single family residence on a hillside lot at 3172 Bogert Trail, Zone R-1-B; Section 35. (Planner Planner: Ken Lyon, Associate Planner)**

Approved, as part of the Consent Calendar.

**2. OTHER BUSINESS:**

*(Item 2A, Case 3.3439 SFR was moved to the Consent Calendar.)*

### 3. PUBLIC HEARINGS:

#### 3A. Case 5.0749 CUP-A (Space120) - To consider revocation or modification of a Conditional Use Permit to operate a cocktail lounge located at 120 South Palm Canyon Drive, Zone CBD, Section 15. (Project Planner: David A. Newell, Associate Planner) (Continued from the meeting of April 27, 2011.)

David Newell, Associate Planner, provided background information as outlined in the staff report dated May 25, 2011.

Officer Chad Nordman, (responding to questions from the Commission), explained that Space 120 provides different types of music and noted that the majority of problems seem to occur during "Hip Hop" night. Officer Nordman recommended implementation of a security plan to help alleviate problems and provided details on the types of incidents that have occurred at the bar.

Chair Caffery opened the public hearing:

- Angelo Serio, owner, distributed a copy of the draft security plan and explained that many changes would be taking place including new management, different types of music, a more stringent dress code and a security plan.
- Sheryl Hamlin, Palm Springs, questioned how many exceptions would be made for outdoor noise and suggested no outdoor music be allowed.
- Rex Olaires, representing Spinello Property Management, spoke in opposition to the revocation of the CUP; noting that it would be a financial hardship to the tenant and landlord.
- Martha Higgins, representing Wessmen Development, (landlords), spoke of the tenant's willingness to comply with the requirements and requested approval of the Conditional Use Permit.
- Frank Tysen, Historic Club Tennis Club Neighborhood Association, (vice-chairman), spoke in opposition to the outdoor speakers and requested revocation of the Conditional Use Permit.
- John Tymon, Palm Springs, spoke in favor of modifications to the Conditional Use Permit and suggested no outdoor speakers be allowed.
- Angelo Serio, applicant, responded to questions from the Commission pertaining to the inception of the security plan and changes to the venue.

There being no further appearances the public hearing was closed.

The Commission discussed the appropriate length of time for a review period, existing conditional use permit and the implementation of a security plan.

**ACTION:** To recommend to the City Council to modify the Conditional Use Permit (CUP) as follows:

- The Conditional Use Permit shall be reviewed by the Planning Commission six (6) months and twelve (12) months from the date of City Council action.
- If three complaints are received revocation of the Conditional Use Permit will be recommended to the City Council.
- Within 30 days of City Council action, the applicant shall implement a security plan which has been reviewed and approved by the Director of Planning Services and the Chief of Police.
- Condition No. 2 of Planning Commission Resolution 7115 shall be deleted. No amplified speakers or other sound amplification equipment is permitted on the outdoor balcony.
- Consider revocation of the CUP if the applicant has not progressed towards receiving approval of a security plan prior to the City Council public hearing. **Motion Tracy Conrad, seconded by Leslie Munger and unanimously carried on a roll call vote.**

A recess was taken at 2:24 p.m.

The meeting resumed at 2:36 p.m.

**3B. Case 5.1263 - A request by Wessman Holdings, LLC for consideration of a draft Development Agreement to renovate and remodel the existing Desert Fashion Plaza in accordance with the Museum Market Plaza Specific Plan (Case 5.1204) located at the intersection of North Palm Canyon Drive and Tahquitz Canyon Way and related properties.**

Commissioner Klatchko noted a business-related conflict of interest and would not be participating in the discussion and vote. He left the Council Chamber at 2:23 p.m. for the remainder of the meeting.

Commissioner Conrad noted a property-related conflict of interest and would not be participating in the discussion and vote. She left the Council Chamber at 2:23 p.m.

Director Ewing provided background information as outlined in the staff report dated May 25, 2011.

Douglas Holland, City Attorney, reported that there has been dialogue and negotiations between members of the City Council and Wessman Development aimed at the revitalizing of the existing Desert Fashion Plaza and the Town & Country properties. Mr. Holland stated that both parties have determined that a Development Agreement is an appropriate vehicle for establishing the terms that would move the project forward.

Chair Caffery opened the public hearing:

- John Wessman, applicant, stated that this plan will bring back the connectivity back to Palm Springs and was available for questions from the Commission.
- Gary Johns, referenced a letter submitted by Palm Springs Preservation Foundation, spoke in favor of preserving the Town and Country Center and requested it be removed from the Development Agreement.
- Sheryl Hamlin, Palm Springs, commented that the Development Agreement does not include a review process and a two-way street on Palm Canyon should be considered a part of the circulation plan.
- Robert Stone, Warm Sands Neighborhood Organization, expressed concerns with the Development Agreement.
- Sheila Hewitt, Rancho Mirage, read a letter from Sanford Garner into the record, in opposition of demolition of the Town and Country Center and suggested the Sustainability Commission be consulted on this matter.
- Barbara Marshall, Palm Springs, spoke about the public response to the Museum Market Plaza at the visioning workshops and requested denial.
- Dave Frank, Palm Springs, stated that the Henry Frank building is not a part of the Museum Market Plaza project and requested this language be added to the proposed plan.
- Vincent Williams, Palm Springs, requested exclusion of the Town & Country Center as part of the Museum Market Plaza project.
- Peter Moruzzi, Palm Springs Modern Committee, stated that the Specific Plan does not indicate that the public is required to purchase the streets and public parking structure.
- Frank Tysen, Palm Springs, spoke about the importance of historic preservation for the city and suggested another public forum be held.
- Ron Marshall, Palm Springs, spoke of needed transparency for this project and requested site plans be made available to the public.
- John Tymon, Palm Springs, spoke of Andreas and Belardo roads and how the project will be an entry to the casino.

There being no further appearances the public hearing was closed.

Chair Caffery requested clarification and/or commented on the proposed Development Agreement pertaining to the term, sales and assignments, vested rights to develop, public benefit, downtown redevelopment, phasing, default, remedies, litigation issues and future review procedures.

Commissioner Munger asked about completion bonds, timing of the City's financial contribution and the Project Financing Agreement.

Vice Chair Donenfeld requested staff address the standards for successful condemnation and acquisition of the property for public benefit.

A five minute recess was taken @ 4:50 p.m.

The meeting resumed at 5:00 p.m.

Chair Caffery sought confirmation of the proposed hotel parking plans for Blocks K1 and K2.

Commissioner Hudson discussed hotel parking standards and suggested that a more comprehensive circulation plan should be studied by the City prior to approval of the plan. While he supported the narrowing of Indian Canyon Drive, he also believed that restoration of two-way traffic should also be considered. He questioned why no residential units are part of the project plans, when they were prominently featured in the Specific Plan. He expressed disagreement with the statement in the Current Revitalization Plan (Exhibit A) pertaining to the community support during the visioning sessions of the new plan. Finally, Mr. Hudson noted that the majority of the public attending these workshops were in favor of retaining the Town and Country Center.

Commissioner Donenfeld noted that residential uses were not required but only permitted. He also noted that the Commission is only seeing one part of the entire program. He concluded by noting that the Specific Plan already eliminates the Town and Country Center.

Chair Caffery recommended that the Commission revisit the removal of the Town and Country Center and suggested that the Council consider removing Block K from the Development Agreement. He also opposed creating multiple blocks and streets within the Desert Fashion Plaza site.

Commissioner Hudson noted that no grid existed in the area, including where the Town and Country Center is located, and that more streets would not save the area. He reiterated his desire for an expanded traffic study, including the construction of the Belardo Bridge.

Commissioner Munger suggested this could be an opportunity to showcase the historical building and make it an open space; she spoke in favor of returning Indian Canyon Way to a two-way street.

Chair Caffery supported the idea of a pedestrian way through the Town and Country Center and that there is not sufficient open space in the project.

Vice Chair Donenfeld spoke in favor of moving forward with the Development Agreement and listing all of the concerns of the Planning Commission.

Commissioner Hudson stated that there is a lack of open space and suggested that a marketing study should be prepared, that the Planning Commission provide further

review of the proposed Development Agreement in a study session; and that consideration should be given to the current owner's long history with this project.

**ACTION:** To recommend to the City Council that the proposed draft Development Agreement for the Desert Fashion Plaza and related properties is not in conformance with the 2007 Palm Springs General Plan. **Motion Doug Hudson, seconded by Leslie Munger and carried 3-1 on a roll call vote.**

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

**NOES:** Doug Donenfeld.

Director Ewing reported that a final resolution noting all of the concerns of the Planning Commission would be brought back for final approval at the Commission meeting of June 8, 2011.

Commissioner Conrad re-entered the Council Chamber at 5:42 p.m.

**PLANNING COMMISSION COMMENTS:**

None reported.

**PLANNING DIRECTOR'S REPORT:**

None reported.

**ADJOURNMENT:**

There being no further comments the Planning Commission adjourned at 5:43 p.m. to Wednesday, June 8, 2011, City Hall Council Chamber, 3200 East Tahquitz Canyon Way.

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Craig A. Ewing, AICP  
Director of Planning Services