



CITY COUNCIL STAFF REPORT

DATE: January 2, 2013

PUBLIC HEARING

SUBJECT: DESERT SCAPES WELDING, INC. – AN APPEAL OF THE DECISION BY THE PLANNING COMMISSION TO DENY THE RELOCATION OF DRIVEWAY GATES FOR TWO INDUSTRIAL BUILDINGS LOCATED AT 1233 & 1235 SOUTH GENE AUTRY TRAIL. CASE NO. 3.0452 MAA APPEAL

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider an appeal by Desert Scapes Welding, Inc. seeking to overturn the Planning Commission's denial of a Minor Architectural Application (Case 3.0452 MAA) to allow relocated driveway gates for two tenants within an industrial park complex located at 1233 & 1235 South Gene Autry Trail. The gates were relocated without permits; the appellant is seeking approval of their current location.

RECOMMENDATION

1. Open the public hearing and receive public testimony;
2. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY DESERT SCAPES WELDING, INC. AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY CASE NO. 3.0452 MAA; A REQUEST TO RELOCATE DRIVEWAY GATES AT 1233 & 1235 SOUTH GENE AUTRY TRAIL."

PRIOR ACTIONS

On July 19, 2012, the applicant submitted a Minor Architectural Application to install a recycling bin enclosure at the northerly side of the property located at 1235 South Gene Autry Trail.

ITEM NO. 1A

On August 1, 2012, the applicant submitted another Minor Architectural Application to allow the relocated driveway gates at the properties located at 1235 and 1233 South Gene Autry Trail.

On August 2, 2012, the Planning Director approved the request to install a recycling enclosure at 1235 S. Gene Autry Trail, and denied the request to relocate the driveway gates at 1235 & 1233 S. Gene Autry Trail.

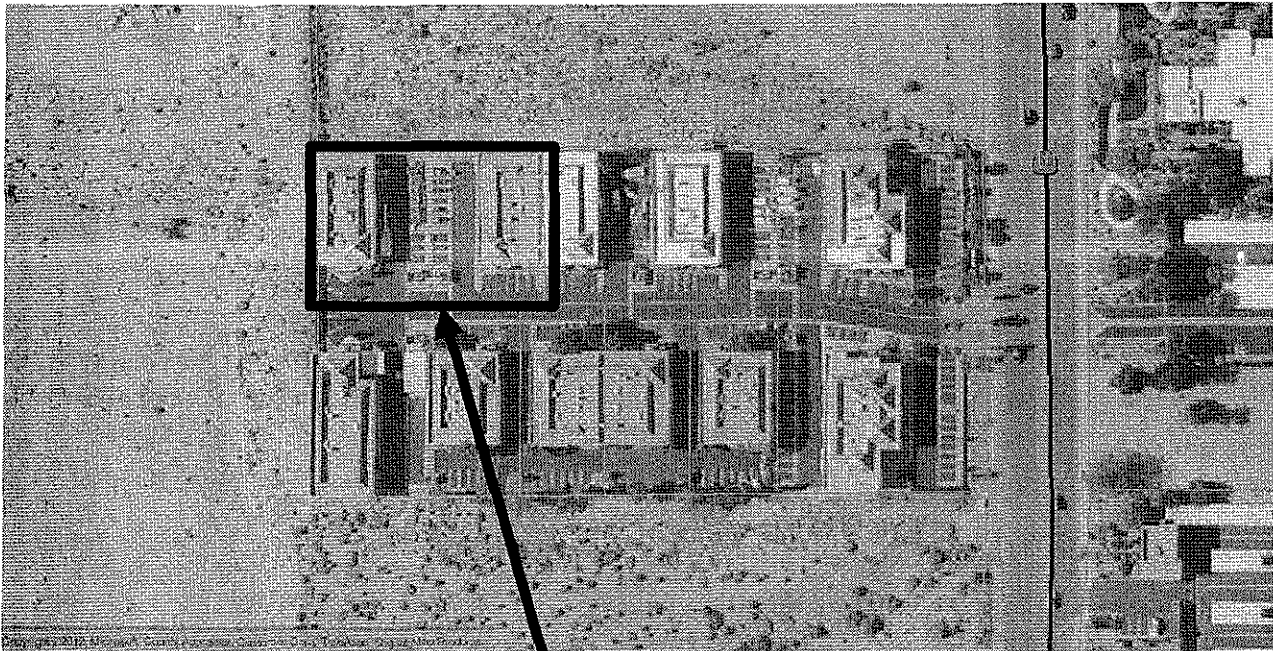
On August 13, 2012, the applicant / appellant filed an appeal of the Planning Director's denial decision to the Planning Commission.

On September 12, 2012, the Planning Commission voted 5-0 to deny the appeal and uphold the Planning Director's denial decision.

On September 24, 2012, the applicant / appellant filed an appeal of the Planning Commission's denial decision.

BACKGROUND AND SETTING:

The subject properties (1235 & 1233 S. Gene Autry Trail) are part of a planned industrial park consisting of eleven attached and detached buildings on eleven parcels. The complex has shared access driveways and parking throughout the site. Raw, vacant land surrounds the 4.7 acre industrial park.



SUBJECT PROPETIES

Table 1: Surrounding General Plan Designations, Zones and Land Uses

	General Plan	Zone	Land Use
North	Industrial	M-1 (Service / Manufacturing)	Vacant
South	Industrial	M-1 (Service / Manufacturing)	Vacant
East	Industrial	M-1 (Service / Manufacturing)	Desert Water Agency
West	Open Space – Parks/Rec.	O (Open Land)	Vacant

STAFF ANALYSIS:

When the Planning Commission approved the planned industrial park in 1989, only a portion of the off-street parking areas were approved for restricted access. At 1235 S. Gene Autry Trail, restricted access to parking was approved for six of the thirteen parking spaces on site; the relocated gate now restricts all but three spaces. At 1233 S. Gene Autry Trail, restricted access was approved for six of the fifteen parking spaces; the relocated gate now restricts all but five spaces.

The most recent appeal letter submitted by the applicant provides no reasons for overturning the Planning Commission's decision. The initial appeal letter to the Planning Commission included two reasons for overturning the Planning Director's decision. Staff listed both reasons and responded below:

- 1. These parking areas are used for employee parking only and the gates are located to allow company vehicles to be secured against theft at night. Theft and break-ins on company vehicles is a continuing problem.*
- 2. Neither Desert Scapes Welding, nor the majority of the other business owners are retail businesses. So they don't bring in the general public. There is plenty of parking in the front of the building for visitors and that has not been a problem.*


The site plan approved by the Planning Commission in 1989 allowed a limited number of parking spaces with restricted access for each property. Unrestricted parking included a certain number of spaces for joint use on each property.

The Planning Commission agreed that further restriction of parking would impede the joint use of available parking within the industrial complex beyond that which was granted in 1989. The Planning Commission also acknowledged the concern that further restriction of parking areas can be a continual enforcement issue as the restricted parking areas become storage yards.

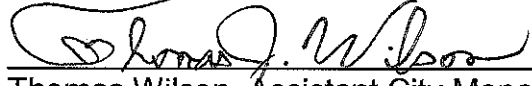
In conclusion, staff and the Planning Commission recommend that the City Council reject the appeal and uphold the decision to deny the relocation of the driveway gates at the subject properties.

FISCAL IMPACT:

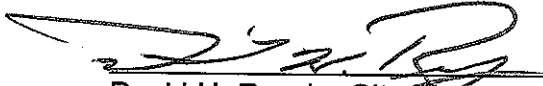
No Fiscal Impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson, Assistant City Manager



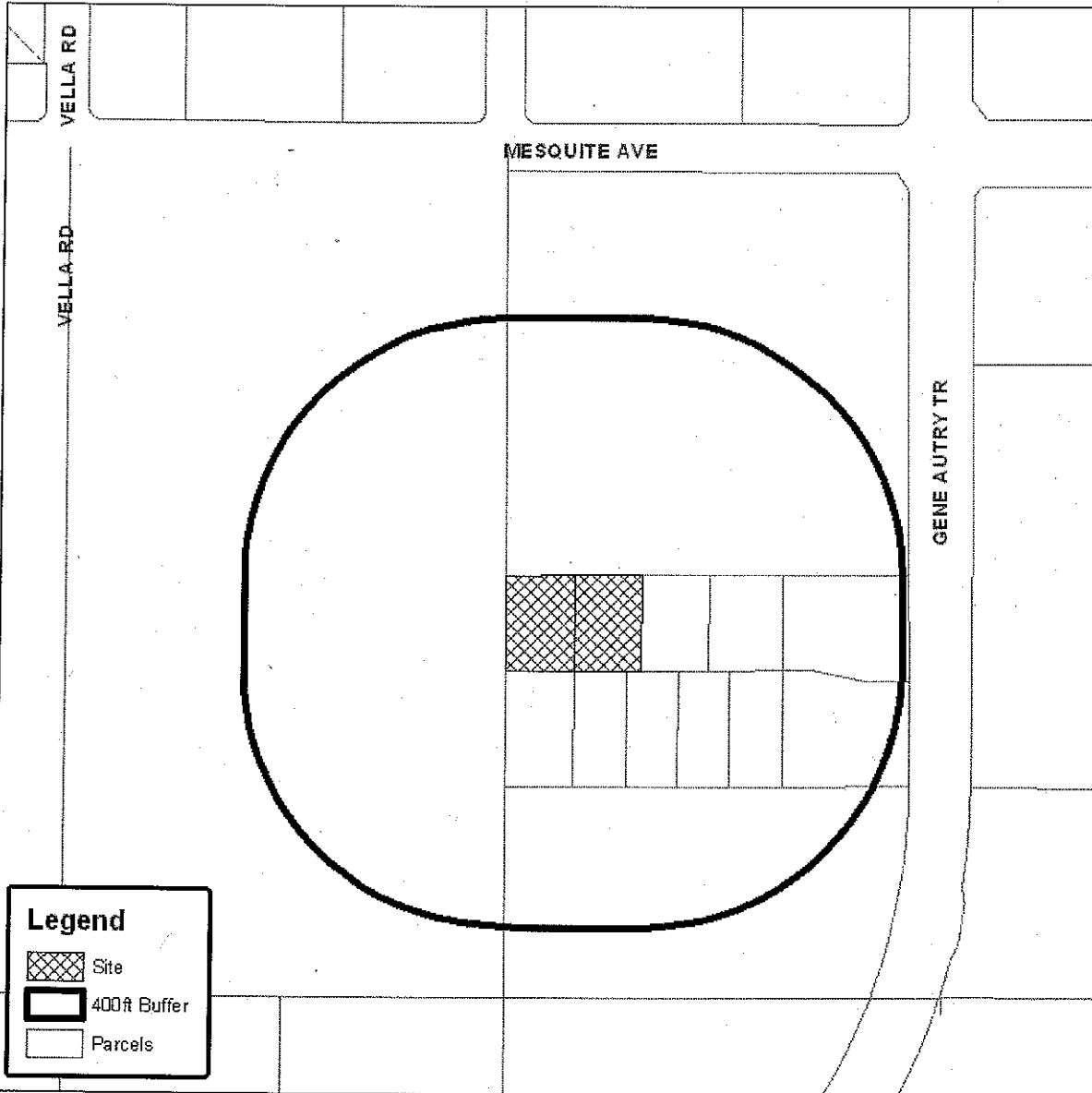
David H. Ready, City Manager

Attachments:




1. Vicinity map
2. Draft resolution
3. Letter of appeal to City Council
4. Letter of appeal to Planning Commission
5. Letters from other tenants in industrial park
6. Planning Commission minutes (excerpt), September 12, 2012
7. Planning Commission staff report, September 12, 2012
8. Site plan and fence elevation
9. Existing site photographs



Department of Planning Services Vicinity Map



Legend

-  Site
-  400ft Buffer
-  Parcels

CITY OF PALM SPRINGS

CASE NO: 3.0452 MAA Appeal

APPLICANT: Desert Scapes Welding, Inc.

DESCRIPTION: An appeal of the Planning Commission's decision to deny the relocation of driveway entry gates at 1235 & 1233 S. Gene Autry Trail, Zone M1, Section 19.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY DESERT SCAPES WELDING, INC. AND UPHOLDING THE DECISION OF PLANNING COMMISSION TO DENY CASE 3.0452 MAA; A REQUEST TO RELOCATE DRIVEWAY ENTRY GATES AT 1233 & 1235 SOUTH GENE AUTRY TRAIL.

WHEREAS, Desert Scapes Welding, Inc. ("Applicant") filed a Minor Architectural Application, Case 3.0452 MAA, to allow relocated driveway gates at 1233 & 1235 South Gene Autry Trail, Zone M-1, Section 19; and

WHEREAS, on August 2, 2012, the Planning Director denied Case 3.0452 MAA to relocate driveway entry gates at two properties located at 1235 & 1233 S. Gene Autry Trail; and

WHEREAS, on August 13, 2012, the applicant filed an appeal of the Planning Director's denial decision; and

WHEREAS, Sections 94.04.00(E)(2)(b) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on September 12, 2012, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, and all written and oral testimony presented and voted 5-0 to deny the appeal; and

WHEREAS, Desert Scapes Welding, Inc. ("Applicant" and "Appellant") has filed an appeal, pursuant to Chapter 2.05 of the Municipal Code, of the Planning Commission's decision to deny Case 3.0452 MAA; and

WHEREAS, on January 2, 2013, a public meeting on the appeal was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the appeal hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Municipal Code Section 2.05.030, and the appellant's stated grounds for the appeal includes the following:

1. *"These parking areas are used for employee parking only and the gates are located to allow company vehicles to be secured against theft at night. Theft and break-ins on company vehicles is a continuing problem."*
2. *"Neither Desert Scapes Welding, nor the majority of the other business owners are retail businesses. So they don't bring in the general public. There is plenty of parking in the front of the building for visitors and that has not been a problem."*

SECTION 2. In response to the above, the City Council finds as follows: The original site plan approved by the Planning Commission allowed a limited number of parking spaces with restricted access for each property. Unrestricted parking included a certain number of spaces for joint use on each property. The further restriction of parking would impede the joint use of available parking within the industrial complex beyond that which was granted by the Planning Commission in 1989.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby denies the appeal and upholds the Planning Commission's decision to deny Case 3.0452 MAA.

ADOPTED this 2nd day of January, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RECEIVED
CITY OF PALM SPRINGS

2012 SEP 24 PM 2:01 Desert Scapes Welding Inc.

JAMES THOMPSON
CITY CLERK

1235 So. Gene Autry Trail
Palm Springs, Ca. 92264
760-778-7728 / 578-0809
Cal Lic. # 786905

City of Palm Springs
City Clerk

September 24, 2012

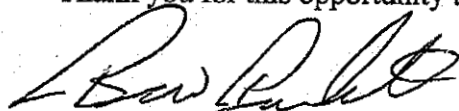
Re: Case No. 3.0452MAA; 1235 / 1233 S. Gene Autry Trail

In regard to letter from The City of Palm Springs, Desert Scapes Welding Inc. respectfully wishes to appeal the decision from the Planning Commission and proceed to the City Council.

Accept the fees of \$564.00 for this procedure to happen.

Desert Scapes Welding, Inc. is a full service Structural Steel, Sheet Metal and Ornamental Iron fabrication shop located in Palm Springs since 1997.

Thank you for this opportunity to provide you with our services.



Rick Puckett
Desert Scapes Welding, Inc.
AWS/CWI 89100931

REQUEST FOR TREASURER'S RECEIPT

TO: FINANCE DEPARTMENT, CASHIER

DATE: 9.21.2017

FROM: _____

PLEASE ACCEPT \$ 546⁰⁰

FROM: Desert Scapes Welding Inc

FOR: Appeal Planning Comm Decision

Case 3.0452 MAA

1235 - 33 S. Gene Autry Tr

CREDIT ACCOUNT NO. Maps 001-34106 BY ORDER OF Wm

Other (OTSV) 001-34110

Desert Scapes Welding Inc.
1235 So. Gene Autry Trail
Palm Springs, Ca. 92264
760-778-7728 / 578-0809 *
Cal Lic. # 786905

Attn: Mr. Craig Ewing
City of Palm Springs
Department of Planning Service
Re: Case No. 3.0452MAA; 1235 / 1233 S. Gene Autry Trail

August 13, 2012

Request to legalize relocate driveway gate and install recycling bin enclosure.

In your letter dated 6/02/12 Desert Scapes Welding Inc. (DSWI) is responding with the following request for an approval for outdoor storage and driveway gates relocation.

The property has nine property owners and an HOA format. The initial approval of the project provided for gates in a similar location to those constructed on site. So the need for such a separation was known from the start of the project. However, the amount of area required inside the gated area was not adequate for the needs of the property owners.

The driveway gates at 1233 and 1235 were constructed approximately 8 years ago and a permit was not obtained at that time. The gates were built from the idea of Joe Dennis 1237 for the reason of the theft and unauthorized persons walking into the shop working area, and to block the view of the work area and work trucks.

These parking areas are used for employee parking only and the gates are located to allow company vehicles to be secured against theft at night. Theft and break-ins on company vehicles is a continuing problem.

Neither Desert Scapes Welding, nor the majority of the other business owners are retail businesses. So they don't bring in the general public. There is plenty of parking in the front of the building for visitors and that has not been a problem.

The 1233 location that shares the gate system is a wholesale service and has their gate open during business hours then closed and locked with their service vehicles within.

Desert Scapes asks for the gates to remain in position and the City to approve them to remain in the current location.

Further, it is the desire of the other property owners that they have approval to be able to install similar gates adjacent to their businesses.

See attached letters from tenants and owners in the park.

Sincerely



Rick Puckett
Desert Scapes Welding, Inc.

General Investments Company

Head Office:
5159 Brooks Street, Suite B
Montclair, CA 91763
Phone: (909) 626-3634
Facsimile: (909) 626-6562

Palm Springs Office:
441 S. Calle Encina, Ste. 4
Palm Springs, CA 92263
Phone: (760) 318-6434

CERTIFICATION

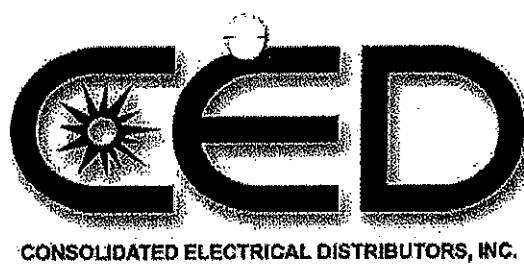
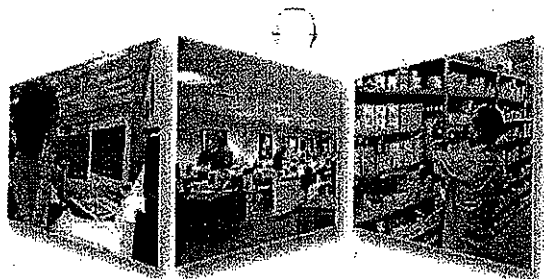
TO WHOM IT MAY CONCERN:

As owners of an industrial building located at 1235 So. Gene Autry Trail in Palm Springs, California, currently leased by Desert Scapes Welding, Inc., please be advised that we have no objection whatsoever in the security gate they installed to hide from public view the recyclable material stored at their yard from time to time which are used in the conduct of their business.

GENERAL INVESTMENTS CO.

Mary C. Hartigan
MARY C. HARTIGAN
Property Manager

August 10, 2012



CED-PALMS SPRINGS
1233 S. GENE AUTRY TR
PALM SPRINGS, CA 92264

TO WHOM IT MAY CONCERN:

As the resident business leasing the building at 1233 S. Gene Autry we have no objection to the security gates installed at 1235, and 1233 and their current location. It does not restrict parking for our business in any capacity as ours are always open during business hours. We also believe that they are necessary for our neighbors to conduct his business properly.

Sincerely,

Russell Walke

Manager

CED-Palm Springs
1233 S. Gene Autry Trail
Palm Springs, Ca 92264
PH (760) 864-7292 FX (760) 864-7383



August 13, 2012

To Whom It May Concern:

As the owner of 1229 and 1231 South Gene Autry Trail and located in the same industrial park and two doors down from Desert Scapes Welding, Inc. at 1235 South Gene Autry Trail, I have no objection to the location of the current security gate on this property. The gate does not negatively impact my employees or infrequent guests from finding parking, and it provides a screen from work that may from time to time be conducted outside.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Sonderman".

Brian M. Sonderman

President



Aborn Powers Inc. Real Estate

15619 Graham Street
Huntington Beach, CA 92649
(714) 895-7188
(714) 379-4849 Fax
marlene@abornpowers.com

Desert Scapes Welding
1235 S. Gene Autry Trail
Palms Springs CA 92264

Dear Rick,

As the owner of the property located at 1243 S. Gene Autry Trail, Palm Springs CA, I have no objection to the current gates you have on your property.

I am in favor of us up dating the CC&R's that were drafted twenty years ago. I believe at the last owners meeting on the 6th of September that we have agreed to start the process to update them.

Thank you

Submitted to
Planning Commission

SEP 12 2012

Corporate Office

Case #

3181 Cameron Park Drive, Suite 105
Cameron Park, CA 95682-7980
Brokers Lic. # 01031213

Steven Lederman
1247 S. Gene Autry Trail
Palm Springs, CA 92264

September 12, 2012

Palm Springs Planning Board

RE: 1235 Gene Autry Trail

Dear Board,

As a building owner in Gene Autry Business Park I have been witness to the events leading up to the decisions about the fencing at 1235/1233 Gene Autry Trail.

The codes are the codes. I have to disagreement here.

I want to bring to your attention that when I moved in toward the end of 2003. I experienced several break-ins. Researching this I found out that to a degree, the park was under siege.

Historically all the buildings were broken into and this was constant.

The police were notified and reports have been made. There was even a police officer that used to sit across the street on his own time to try and catch the thief(s) at night. At one point the police had undercover officers stationed on a roof to with radios and cars waiting for break-ins. At times it was pretty bad.

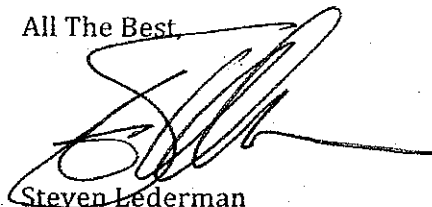
I myself on several occasions saw suspicious persons and called the police. I am at the front of the park. I stood in the drive lane watching to see if anyone left and waited for the police. When they came, no one was found. This happened on several occasions. The police believed that they left the park through the outer wall at 1233/1235.

Many actions by all the owners have been done to improve security. I know for myself that the gate/fence between 1233/1235 has greatly assisted in the security of this park. Since 2004/2005 break-ins have been greatly reduced. This is date coincident with the gates going in

If you go to the other side of the fence (The police showed me this), you can see areas where the thief's used to "hang out"? They would dash across to Mesquite. There were tracks.

I hope this helps ALL gain more understanding regarding this gate issue.

All The Best



Steven Lederman

BARBER DEVELOPMENTS, LLC

2115 Chezem Road
Blue Lake, CA 95525

Richard Barber
Ginger Barber
e-mail: barberconst@att.net

Phone (707) 338-2211
FAX (707) 338-2201

September 11, 2012

To the City of Palm Springs,

This letter is in support of Desert Scapes Welding Inc. who has a business in the Gene Autry Business Park on South Gene Autry Trail in Palm Springs, CA where I am also an owner in this complex.

With regards to the gates that have been placed at 1235 S. Gene Autry Trail these gates are consistent with the property and the complex. The gates provide added security for the property and the location and asthetic appeal of the gates are a positive addition to this complex.

I would encourage the City of Palm Springs to provide a variance for these gates so that they remain in place. I might also add that the CC & R's for this complex are more that 20 years old and outdated.

Respectfully Submitted,
Barber Developments, LLC

Richard Barber

Richard Barber, Owner
1227 S. Gene Autry Trail
Palm Springs, CA

The Auto Inn

68-351 Perez Rd.
Cathedral City, CA 92234
760-328-9899 or (888) 288-6466
Fax: 760-321-8812

Desert Scapes Welding, Inc.
Mr. Rick Puckett
1235 S. Gene Autry Trail
Palm Springs, CA 92264
760-778-7726

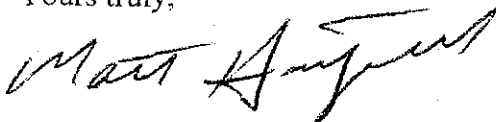
September 7, 2012

Dear Rick,

Bill and I drove by your office at 1235 S. Gene Autry Trail and looked at your gate in question.

We thought it was done in a professional manor and compliments your building and other properties in the Gene Autry Trail Business Park.

Yours truly,



Mathew Hartzell
General Manager,
The Auto Inn, Inc.

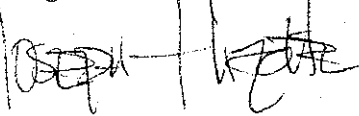
ARTISAN
EVENT • FLORAL • DECOR

12 September 2012

To whom it may concern,

I am the owner of 1241 South Gene Autry Trail in Palm Springs. I am writing this letter to let everyone know I have no problem with the gate that Desert Scapes Welding has enclosing there property it looks great and does not disturb the aesthetic of the property.

Regards,



Joey Lizotte

Approved as part of the Consent Calendar, as presented.

2. OTHER BUSINESS:

- 2A. Case 3.0452 MAA - An appeal by Rick Puckett of Desert Scapes Welding, Inc. of the Planning Director's decision to deny the relocation of driveway gates for 1233 and 1235 South Gene Autry Trail, Zone M-1, Section 19. (Project Planner: David A. Newell, Associate Planner)**

Commissioner Munger left the Council Chamber 1:50 p.m.

David Newell, Associate Planner, provided an overview of the project as presented in the staff report dated September 12, 2012.

The Commission commented and/or requested further clarification on:

- The shared parking concept on this site.
- The joint access driveway for all the properties and general use parking for the entire complex.
- The allowed uses for the parking and landscape area.
- The outdoor storage area.

ACTION: To deny the appeal without prejudice.

Motion Kathy Weremiuk, seconded by J.R. Roberts and unanimously carried 6-0 on a roll call vote.

AYES: Leslie Munger, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson, Lyn Calderine, Kathy Weremiuk

ABSENT: Philip Klatchko

Commissioner Munger re-entered the Council Chamber at 1:59 p.m.

- 2B. Case SP 12-002 Sign Program Amendment - An application by Wells Fargo Bank to amend a previously approved sign program for the Sunrise Square Shopping Center located at 1735 North Sunrise Way, Zone CDN. (Project Planner: Glenn Mlaker, AICP, Assistant Planner)**

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated September 12, 2012.