

CITY OF PALM SPRINGS  
PLANNING COMMISSION MINUTES

January 08, 2014  
Council Chamber, City Hall  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**CALL TO ORDER:**

Chair Donenfeld called the meeting to order at 1:32 pm.

**ROLL CALL:**

**PRESENT:** Commissioner Calderine, Commissioner Klatchko, Commissioner Roberts and Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk and Vice-Chair Hudson

**ALSO PRESENT:** Planning Director Wheeler, Principal Planner Robertson and Admin. Coordinator Hintz

**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 pm on Thursday, January 2, 2014.

**ACCEPTANCE OF THE AGENDA:**

The agenda was accepted, as presented.

**PUBLIC COMMENTS:**

Chair Donenfeld opened the public comments portion of the meeting:

*The following persons spoke in reference to Item 3B, Hacienda Cantina Appeal, Case LUP 13-067:*

TOM O'DONNEL, said this project is a minor modification of an existing use and the old restaurant site is in need of revitalization.

GERARD NOONA, executive vice-president, Chamber of Commerce, spoke about the benefits to the community from the revitalization of the vacant restaurant site.

JOY MEREDITH, spoke about this area being vacant for a long time and it will attract a younger crowd to the city and provide jobs for the community.

MANUAL MONTOYA, spoke on behalf of People for Proper Planning, said they are opposed to the project because there was no neighborhood notification given and inadequate analysis on the impact to the surrounding neighborhood.

AFTAB DADA, general manager, Hilton Hotel, spoke about the city creating incentive programs for large new and existing hotels in the community; noting that this is a very unique project.

JAIME KOWAL, commented on the exciting things happening in the city and noting that this project will bring positive changes.

JORDAN FIFE, works at Viceroy Hotel, said that a new younger demographic group is coming to the city; and the city needs attractions that will appeal to tourists and residents.

MICHAEL KASSINGER, resident since 1978, commercial realtor, the city's pro-development has enabled the growth to the community; restaurants will need to provide other amenities, as this project, in order to survive.

MAUREEN FLANNERY, resident and attorney, spoke in support of the new and exciting concept of poolside entertainment in a stand-alone restaurant.

MICHAEL BENTAL, South Palm Springs resident, commented that the restaurant will provide new energy for an established neighborhood and create year-round jobs.

KATHY BATES, has worked in hospitality business for over 25 years, spoke in support of project; noting that the younger demographic group needs attractions that will appeal to them.

ADAM GILBERT, said this is the exact project the city needs to attract people and the site is in dire need of renovation.

REGGIE CAMERON, resident and marketing consultant, commented about the noise ordinance that is in effect and spoke in support of the project.

KIMBERLY FUNKEY, restaurant owner, feels this area can use a project like this and does not see problems with parking issues.

AMANDA CHERREY, the city has the opportunity to restore an empty building into a vibrant energetic dining experience.

MARK BALDWIN, resident, commented that this building has been vacant for two years and this project will add the revitalization the city needs.

BRANDON CANNING, spoke in reference to Item 3C, Case 3.3697, provided details on the proposed project and is available for questions from the Commission.

KATHERINE JENSON, legal consul for the applicant, Rutan & Tucker, LLP, commented that this is clearly an accessory use and will not serve as a commercial swimming pool and it fits well within the city's code.

MARK MARSHALL, spoke in support of the project; noting there is a void in the south part of town and this is a vital project for the city.

KEVIN REACH, said that it is a necessity for the city to have a Hacienda Cantina to appeal to celebrities and attract more people.

GEORGE MARANTZ, spoke in support of the Hacienda Cantina; however, he expressed concern with the distance of this project to the adjacent Happy Trailer Park which is less than 80 feet from the site.

DAN CLEARY, retired police officer, expressed concern with the noise that would affect the trailer park residents and does not think the police department can control the noise and is concerned with the traffic.

JOHN WESSMAN, commented that he owns the shopping center and adjacent apartments in the rear and is planning to build homes across the street. This property is surrounded by commercial and the noise ordinance has strict restrictions. He spoke in favor of the project.

JUDY DEERTRACK, appellant (Item 3B - Hacienda Cantina) said that the proposed project is a large assembly with full-scale entertainment that is within 30 yards from where she resides. She said the city has created the land use designation as neighborhood commercial and expressed concern that the surrounding neighbors were not notified and given the chance to participate in the city meetings.

There being no further appearances public comments was closed.

## **1. CONSENT CALENDAR:**

### **1A. APPROVAL OF MINUTES: DECEMBER 11, 2013**

**ACTION:** Approve the Planning Commission Minutes of December 11, 2013, (a correction on page 8) as amended.

Motion Commissioner Roberts, seconded by Commissioner Klatchko and unanimously carried 4-0-3 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts and Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk, Vice Chair Hudson

## 2. PUBLIC HEARING:

**2A. AT&T MOBILITY ON BEHALF OF SHARON DEAN FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A FORTY-EIGHT FOOT TALL MONOPOLE DISGUISED AS A PALM TREE AND A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED FROM 15' TO 48' LOCATED AT 4185 EAST PALM CANYON, ZONE C-2, SECTION 30 (CASE 5.1295 CUP / 6.528 VAR). (DN)**

Principal Planner Robertson presented the proposed project as outlined in the staff report.

Chair Donenfeld opened the public hearing.

ROB SEARCY, Prescott Communications, spoke about the height that is needed to provide for radio frequency. He described the location and the design of the monopalm. He noted that the AAC recommended five palms trees and requested a reduction be considered and require only two trees because of the high costs. Mr. Searcy provided details about the concerns associated with co-locations at the existing cell tower.

KELLY DUNN, owner, Safari Mobile Home Park, spoke in opposition to the wireless antennas; and reiterated the antenna height limit is 15 feet. He indicated he would litigate if approved.

There being no further appearances the public hearing was closed.

Principal Planner Robertson reported that staff is confident they can work with the applicant on finding a creative solution to arrange the trees so they will not encroach on the critical habitat area.

Commissioner Calerdine commented about the relatively new established endangered species that was found in this area and that established protocol for a new species could take a long time.

Commissioner Klatchko asked about clarification of the 15 foot requirement for the antenna height. Staff responded that this section of the Zoning Code may need to be updated; and clarified that the 15 feet is above an existing structure also.

Commissioner Klatchko asked if there are alternative towers in the neighborhoods to fill this gap.

ROB SEARCY responded that they looked at the area where they have the gap and searched for options within vicinity. He commented that they need a defined area; and if the antenna is too close to another cell site it would over-saturate the signals and create interference within the network.

Commissioner Calerdine commented on the necessity of the antennas and will support staff's recommendation.

**ACTION:** To approve, subject to Conditions of Approval, as amended with an additional condition:

- The applicant shall submit a bi-annual maintenance report with photographs to the City.

**Motion:** Commissioner Calerdine, seconded by Chair Donenfeld and unanimously carried 4-0-3 on a roll call vote

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts and Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk and Vice Chair Hudson

A recess was taken at 3:00 p.m.

The meeting resumed at 3:09 pm.

### **3. NEW BUSINESS:**

**3A. GARY AND JULIE CHANEY FOR ARCHITECTURAL APPROVAL TO REMODEL AND EXPAND AN EXISTING SINGLE-FAMILY RESIDENCE, INCLUDING THE ADDITION OF APPROXIMATELY 1,402-SQUARE FEET OF LIVING AREA AND A NEW TWO-CAR GARAGE ON A HILLSIDE LOT LOCATED AT 2343 BISNAGA AVENUE, ZONE R-1-B (CASE 3.2420 MAJ). (DN)**

Principal Planner Robertson presented the proposed project as outlined in the staff report. He reported a correction on page 3, the expansion is proposed near both the front and rear yards and page 4 the maximum proposed building height is 13 feet.

Commissioner Calerdine questioned if the concerns from the public correspondence will be addressed. Staff responded that the applicant, staff and the neighbor will meet to mitigate the measures.

**ACTION:** To approve, subject to Conditions.

**Motion:** Commissioner Roberts, seconded by Commissioner Calerdine and unanimously carried 4-0-3 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts and Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk, Vice Chair Hudson

**3B. JUDY DEERTRACK FOR AN APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE A LAND USE PERMIT FOR OUTDOOR ENTERTAINMENT / MUSICIANS AS AN ACCESSORY USE TO A RESTAURANT LOCATED AT 1555 SOUTH PALM CANYON DRIVE, ZONE PD-131 / LL (CASE LUP 13-067). (DN)**

Commissioner Klatchko asked if staff is comfortable all the notice requirements by law have been met.

Director Wheeler responded that Minor Architectural Application (MAA) and Land Use Permits (LUP) require administrative review and neither requires a public hearing. She noted that the City's Noise Ordinance is not being waived. This location is within a commercial shopping center on a major arterial highway and the ambient noise level at this location is quite high.

Commissioner Calerdine commented that he thinks this is a good use of the site since this restaurant has had many problems and something new may be necessary to work. He noted that Ms. Deertrack raises two general procedural questions and addressed these issues. He stated that this city is a charter city and the General Plan and Zoning Code need not be consistent.

Commissioner Roberts concurred with many of the speakers today and the city is becoming a new demographic. This use is innovative and exciting. He thinks the real issue is the impact to the neighborhood from this use and feels the noise ordinance may not be sufficient with this type of use.

Chair Donenfeld suggested monitoring this type of use closely with a report coming back to the Commission.

The Commission and staff discussed crafting a condition to monitor the noise level.

Commissioner Klatchko reminded the members of the public that a noise ordinance is in effect and neighbors should be vigilant and if there is non-compliance citations may be issued.

**ACTION:** To uphold the decision of the Planning Director and deny said appeal, as amended:

- Track noise complaints from the police department and code enforcement and provide annual reports beginning a date certain one year after opening.

**Motion:** Commissioner Calerdine, seconded by Chair Donenfeld and unanimously carried 4-0-3 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts and Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk, Vice Chair Hudson

**3C. JEAN GOLD FOR A NEW 4,675-SQUARE FOOT HOUSE ON A HILLSIDE LOT TO INCLUDE AN ADMINISTRATIVE MINOR MODIFICATION REQUESTING AN INCREASE IN BUILDING HEIGHT LOCATED AT 131 RIDGE MOUNTAIN DRIVE, ZONE R-2 (CASE 3.3697 MAJ / 7.1409 AMM). (GM)**

Principal Planner Robertson presented the proposed project as outlined in the staff report.

**BRENDAN CANNING**, project architect, described the proposed house, terrain and type of materials that will be used.

Commissioner Roberts said he does not have a concern with the height because it works very well with the terrain and it will not create a problem to the surrounding neighbors.

**ACTION:** To approve, subject to Conditions.

**Motion** Commissioner Roberts, seconded by Commissioner Klatchko and unanimously carried 4-0-3 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts, Chair Donenfeld

**ABSENT:** Commissioner Lowe, Commissioner Weremiuk, Vice Chair Hudson

**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:**

Commissioner Calderine asked staff for a reminder for upcoming projects that require comments.

**PLANNING DIRECTOR'S REPORT:**

Director Wheeler suggested scheduling the upcoming study session to February 12th at 11:30 am.

She reported that the Section 14 Master Plan update was distributed to the Commission and will be reviewed in March.

**ADJOURNMENT:**

There being no further comments the Planning Commission adjourned at 4:00 pm to Wednesday, January 22, 2014, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

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M. Margo Wheeler, AICP  
Director of Planning Services