



## CITY COUNCIL STAFF REPORT

DATE: May 7, 2014

PUBLIC HEARING

SUBJECT: CITY OF PALM SPRINGS AMENDING SUBSECTION D.16 OF SECTION 92.04.01 OF THE PALM SPRINGS MUNICIPAL CODE ALLOWING RESTAURANTS THAT ARE AN INTEGRAL PART OF HOTELS WITH AT LEAST 20 GUEST ROOMS IN THE R-3 ZONE SUBJECT TO A CONDITIONAL USE PERMIT.

FROM: David H. Ready  
City Manager

By: Department of Planning Services

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### SUMMARY

The City Council to review a Zone Text Amendment to allow restaurants in hotels with 20 or more rooms.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Waive the reading of the ordinance text in its entirety and read by title only; and
3. Introduce on first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION D.16 OF SECTION 92.04.01 OF THE PALM SPRINGS MUNICIPAL CODE ALLOWING RESTAURANTS THAT ARE AN INTEGRAL PART OF HOTELS WITH AT LEAST 20 GUEST ROOMS IN THE R-3 ZONE SUBJECT TO A CONDITIONAL USE PERMIT".

### ANALYSIS:

The city is desirous of retaining its stock of smaller hotels. Land Use Element Policy LU7.6 states "Retain small hotel uses as part of the unique character of Palm Springs". Policy LU7.9 states "Strongly discourage the conversion of small hotels to permanent housing units".

There are several smaller hotels located in R-3 zones along E. Palm Canyon and west of

ITEM NO. 13

downtown. Many do not have restaurant facilities which would greatly enhance their services. The current code only allows restaurants in hotels having 30 to 99 rooms.

Planning staff has conferred with the Economic Development department and legal staff and found no specific basis for these numbers. Staff feels that changing the lower threshold to 20 rooms would enable new or existing owners to operate their facilities and make their small hotels more viable.

The Planning Commission unanimously recommended approval of the subject amendment at their meeting of April 9, 2014.

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project". Staff has determined that the proposed zone text amendment (Case 5.1334 ZTA) may be deemed categorically exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because of the proposed zone text amendment proposes only insignificant changes to the title and provides for hotels with 20 rooms to be able to have restaurants.

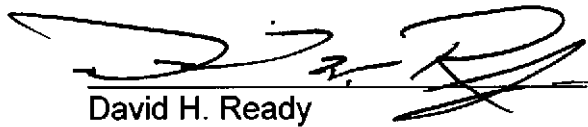
**NOTIFICATION:**

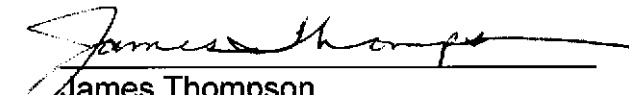
A public hearing notice was advertised in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comments.

**FISCAL IMPACT:**

None.

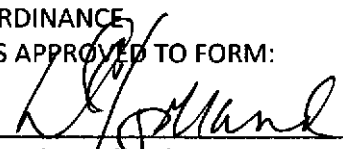
  
M. Margo Wheeler, AICP  
Director of Planning Services

  
David H. Ready  
City Manager

  
James Thompson  
City Clerk

**Attachments:**

- 1. Draft Ordinance
- 2. Draft Planning Commission Minutes - 4/9/14

ORDINANCE  
AS APPROVED TO FORM:  
  
Douglas Holland  
City Attorney

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION D.16 OF SECTION 92.04.01 OF THE PALM SPRINGS MUNICIPAL CODE ALLOWING RESTAURANTS THAT ARE AN INTEGRAL PART OF HOTELS WITH AT LEAST 20 GUEST ROOMS IN THE R-3 ZONE SUBJECT TO A CONDITIONAL USE PERMIT. (CASE 5.1334 ZTA).**

***City Attorney Summary***

*The City's Zoning Code allows restaurants that are an integral part of hotels which contain 30 to 99 guest rooms, subject to a conditional use permit. This Ordinance will amend the Code to allow such restaurants in hotels which contain at least 20 guest rooms, subject to a conditional use permit.*

**The City Council of the City of Palm Springs finds:**

A. The proposed zone text amendment (Case 5.1334 ZTA) is Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes to the title and provides additional restaurant options with a Conditional Use Permit in hotels having more than 20 rooms in the R-3 zone.

B. The proposed zoning code amendment is consistent with the intent of the zoning code, because, according to Section 91.00.00, the Zoning Code is adopted "for the purpose of promoting and protecting the public health, safety and welfare of the people of the City of Palm Springs and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.

C. The proposed zoning code amendment is consistent with the intent of the general plan, including without limitation the General Plan priorities:

*LU7.6 Retain small hotel uses as part of the unique character of Palm Springs.*

*LU7.9 Strongly discourage the conversion of small hotels to permanent housing units.*

**The City Council of the City of Palm Springs ordains:**

**SECTION 1. Palm Springs Zoning Code Subsection D.16 of Section 92.04.01 of the Palm Springs Municipal Code is amended to read:**

**16. Restaurants; provided that they are an integral part of a hotel which contains at least 20 guest rooms.**

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASS, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
STEPHEN P. POUGET  
MAYOR

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, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

**2A. AMERICAN COASTAL PROPERTIES, LLC, FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 370-SQUARE FOOT ACCESSORY APARTMENT WITH KITCHEN FACILITIES LOCATED AT 941 EAST CHIA ROAD (CASE NO. 5.1329 CUP). (GM)**

Director Wheeler presented the proposed project as outlined in the staff report.

Commissioner Weremiuk commented that she would like to see a 30 day rental limitation on the entire property.

Vice-Chair Hudson opened the public hearing:

BARRY NICHOLAS, representing the owner, clarified the owner's intent is to build for himself and not commercial use.

There being no further appearances the public hearing was closed.

Commissioner Weremiuk commented that the architecture looks very boxy. She would like to send back to allow the applicant to make changes to the architecture to be more in keeping with the neighborhood. She wants staff to provide feedback from the City Attorney to see if a 30 day limit is allowed on the entire property

Commissioner Klatchko expressed concern with the lack of enforcement available for violation of renting out the casita on short term rentals.

Commissioner Klatchko concurred with the request to approach the City Attorney to inquire about limiting the rental period for entire property and consider the issues of enforcement. He encouraged staff to speak to the applicant during the interim to see if they are in favor of a limitation on the entire property or the alternative could be subject to the normal restrictions without a kitchen.

ACTION: Table

Motion: Commissioner Weremiuk, seconded by Commissioner Klatchko and unanimously carried 5-0-2 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Klatchko, Commissioner Lowe, Commissioner Weremiuk and Vice-Chair Hudson

ABSENT: Commissioner Roberts and Chair Donenfeld

**2B. THE CITY OF PALM SPRINGS TO AMEND THE PALM SPRING ZONING CODE (PSZC) 92.04.01 (D)(16) TO ALLOW RESTAURANTS IN HOTELS HAVING 20**

**ROOMS OR MORE IN THE R-3 ZONE WITH A CONDITIONAL USE PERMIT (CASE 5.1334 ZTA). (MW)**

Director Wheeler presented the proposed zone text amendment as outlined in the staff report.

Vice-Chair Hudson opened public comments and with no appearances coming forward public comments was closed.

**ACTION:** To recommend approval to the City Council.

**Motion:** Commissioner Lowe, seconded by Commissioner Weremiuk and unanimously carried 5-0-2 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Weremiuk and Vice-Chair Hudson

**ABSENT:** Commissioner Roberts and Chair Donenfeld

**3. NEW BUSINESS:**

**3A. MARTEC INVESTMENTS, L.P., REQUESTING A ONE YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED 184 UNIT CONDOMINIUM PROJECT LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, (CASE 5.1135 / PD 334) (GM)**

Director Wheeler presented the proposed project as outlined in the staff report.

The applicant confirmed that they are the new owners of the property and would like to have the opportunity to continue to develop the property.

Commissioner Weremiuk noted that this project has been delayed for a long time and would like to see it move forward.

**ACTION:** Approve with conditions.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Calerdine and unanimously carried 5-0-2 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Weremiuk and Vice-Chair Hudson

**ABSENT:** Commissioner Roberts and Chair Donenfeld

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1334 ZTA  
APPLICATION BY THE CITY OF PALM SPRINGS  
FOR A ZONING TEXT AMENDMENT TO AMEND THE  
PALM SPRINGS ZONING CODE (PSZC) 92.04.01 (D)(16)

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 7, 2014. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider Case 5.1334 ZTA, an application by the City of Palm Springs, to amend the Palm Springs Zoning Code (PSZC) 92.04.01 (D)(16) to allow restaurants with a Conditional Use Permit in hotels with a minimum of 20 rooms instead of 30 rooms.

**ENVIRONMENTAL DETERMINATION:** The City of Palm Springs, in its capacity as the Lead Agency, under the California Environmental Quality Act (CEQA) has determined that the proposed zoning code text amendment is Categorical Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act since the proposed zone text amendment proposes only insignificant changes to the land use designations provisions.

**REVIEW OF INFORMATION:** The staff report and other supporting documents regarding this matter are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.


**COMMENTS:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to M. Margo Wheeler, Director of Planning Services, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.

  
James Thompson, City Clerk

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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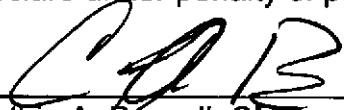
Date: May 7, 2014  
Subject: Case 5.1334 ZTA

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**AFFIDAVIT OF PUBLICATION**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 26, 2014.

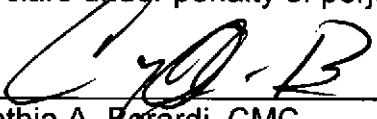
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Cynthia A. Berardi, CMC  
Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on April 24, 2014.

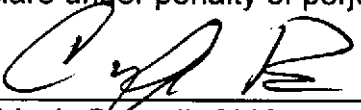
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Cynthia A. Berardi, CMC  
Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 24, 2014, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (6 notices)

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Cynthia A. Berardi, CMC  
Deputy City Clerk



## Cindy Berardi

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**From:** Joanne Bruggemans  
**Sent:** Thursday, April 24, 2014 7:37 AM  
**To:** Cindy Berardi; Ken Lyon  
**Subject:** FW: Case 5.1334 ZTA - To Amend Palm Springs Zoning Code 92.04.01 (D)(16)  
**Attachments:** CC PHN case 5.1334 ZTA.pdf

My apologies...

*Joanne*

Joanne Bruggemans  
City of Palm Springs  
Planning Services Department  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262  
Phone: (760) 323-8245 Fax: (760) 322-8360  
Email: [joanne.bruggemans@palmspringsca.gov](mailto:joanne.bruggemans@palmspringsca.gov)

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**From:** Joanne Bruggemans  
**Sent:** Thursday, April 24, 2014 7:32 AM  
**To:** Andreas Hills; Araby Commons; Araby Cove; Baristo; Canyon Corridor; Chino Canyon; Deepwell Estates; Demuth Park; Desert Park Estates; El Mirador; El Rancho Vista Estates; Four Seasons; Historic Tennis Club; Indian Canyons; Los Compadres; Mountain Gate; Movie Colony East; Old Las Palmas; Parkview Mobile Estates; Racquet Club Estates; Racquet Club South; Racquet Club West; Sonora Sunrise; Sunmor; Sunrise Vista Chino; Tahquitz River Estates; The Mesa; The Movie Colony; Twin Palms; Vista Las Palmas; Vista Norte; Warm Sands  
**Subject:** Case 5.1334 ZTA - To Amend Palm Springs Zoning Code 92.04.01 (D)(16)

Morning –

Please find the attached Public Hearing Notice of the City Council for May 7, 2014 of the proposed Citywide Zone Text Amendment.

Thank you,

*Joanne*

Joanne Bruggemans  
City of Palm Springs  
Planning Services Department  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262  
Phone: (760) 323-8245 Fax: (760) 322-8360  
Email: [joanne.bruggemans@palmspringsca.gov](mailto:joanne.bruggemans@palmspringsca.gov)