# CITY OF PALM SPRINGS PLANNING COMMISSION MINUTES July 08, 2015 Council Chamber, City Hall 3200 East Tahquitz Canyon Way Palm Springs, CA 92262

# **CALL TO ORDER:**

Vice-Chair Klatchko called the meeting to order at 1:38 pm.

#### **ROLL CALL:**

Present This Meeting: Commissioner Calerdine, Commissioner Donenfeld,

Commissioner Middleton, Commissioner Roberts,

Commissioner Weremiuk and Vice-Chair Klatchko

Absent This Meeting: Commissioner Lowe

Staff Present: Flinn Fagg, Michael Daudt, Terri Hintz, Savat Khamphou,

David Newell and Edward Robertson

**REPORT OF POSTING OF AGENDA:** The agenda was posted at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 4:00 pm on Thursday, July 2, 2015.

Vice-Chair Klatchko congratulated Commissioners Calerdine and Weremiuk on their reappointment to the Commission. He also welcomed back Commissioner Donenfeld as a member of the Commission.

**ACCEPTANCE OF THE AGENDA:** Chair Klatchko noted that Item A - the minutes of June 24, 2015 would be continued to the next meeting due to a lack of voting members.

The agenda was approved, as amended.

# **PUBLIC COMMENTS:**

Vice-Chair Klatchko opened the public comments portion of the meeting:

LARRY FECHTER, spoke in reference to Item 3C (Hacienda Cantina) urged the Commission not to permit exceeding the noise standards.

JANEL HUNT, provided history on Lawrence Crossley's accomplishment's in the city and requested approval of the street name change of Crossley Road from Ramon Road to Highway 111.

ERNIE SMITH, Park View resident, spoke in reference to Item 3C (Hacienda Cantina) does not have a problem with the music going until 6 pm; however he does not want the decibel levels and hours increased.

JUDY DEERTRACK, resides at Tahquitz Mesa Villas, spoke in reference to Item 3C (Hacienda Cantina) expressed concern with noise vibrations and repeated violations that affect the quality of life.

ERIC CHIEL, Twin Palms Neighborhood Association, chair, spoke in reference to Item 3A, stated that the board and neighborhood association is in unanimous support of the street name change.

PETER BOCHNENICH, legal representation for Item 3C (Hacienda Cantina). addressed previous public testimony pertaining to the decibel levels and compliant calls made to the police department; he emphasized their compliance in this matter.

GEORGE MARANTZ, spoke in reference to Item 3C, said his property is located less than 200 feet from his facility; and they have no objection to the current operation, but no change in hours.

FRANK TYSEN, spoke in reference to Item 3C, spoke about future plans to build hundreds of homes near the Cantina; noting this area is residentially zoned.

ROXANN PLOSS, spoke in reference to Item 3C, commented that increasing the hours and sound levels would not be neighborhood friendly. She commented on Item 2A regarding tattoo zoning; noting that there are many other uses would be better in the downtown area.

There being no further speakers public comments was closed.

# 1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: JUNE 24, 2015

Table to next meeting.

#### 2. PUBLIC HEARINGS:

2A. CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) 92.09.01 AND 92.09.02 TO ALLOW TATTOO PARLORS AND BODY PIERCING STUDIOS IN THE C-2, HC, C-M, M-1-P, M-1 AND M-2 ZONING DISTRICTS (CASE 5.1373 ZTA). (FF)

Planning Director Fagg presented the proposed request to allow tattoo parlors and body piercing as outlined in the staff report.

The Commission questioned and/or commented on:

- Clarification on zones recommended by the subcommittee;
- Downtown areas are not being recommended;

Vice-Chair Klatchko opened the public hearing:

FRANK TYSEN, said he supports the subcommittee's recommendations not to allow tattoo parlors in downtown.

There being no further speakers the public hearing was closed.

Commissioner Weremiuk suggested eliminating the M-1-P zone until there is a rezoning.

ACTION: Approve, with condition to eliminate the M-1-P zone.

Motion: Commissioner Weremiuk, seconded by Commissioner Roberts

# **DISCUSSION:**

Director Fagg described the main areas that would be impacted by removing the M-1-P zones.

Commissioner Middleton said she is struggling with eliminating so many other parts of the city because of one neighborhood.

Commissioner Donenfeld asked for clarification on the Escena PDD governing the uses in the development. He expressed concern eliminating substantial areas in the city where there are appropriate areas for these facilities. He concluded that it is very clear that there will not be a problem for Escena.

Chair Klatchko concurred and has difficulty eliminating the M-1-P zone; noting that establishing conditions with a CUP will allow the Commission to address issues on a case-by-case basis.

Commissioner Weremiuk expressed concerns with areas outside of Escena abutting residential and small commercial areas. She commented on areas that would be appropriate and inappropriate for this use.

After deliberation, Commissioner Roberts dropped his second motion because the Conditional Use Permit will come for review before the Commission.

Commissioner Weremiuk withdrew her motion.

ACTION: Recommend approval to the City Council.

Motion: Commissioner Calerdine, seconded by Commissioner Roberts and carried 5-1-1 on a roll call vote.

AYES: Commissioner Calerdine. Commissioner Donenfeld. Commissioner

Middleton, Commissioner Roberts, Vice-Chair Klatchko

NOES: Commissioner Weremiuk

ABSENT: Commissioner Lowe

# 2B. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A STREET NAME CHANGE FOR 34TH AVENUE TO SHORE BRIDGE LANE BETWEEN CROSSLEY ROAD AND MARGUERITE STREET (CASE 5.1375 SNC). (FF)

Planning Director Fagg presented the proposed street name change to rename 34th Avenue to Shore Bridge Lane as outlined in the staff memorandum.

The Commission asked for clarification on:

- Background information on the request for the street name change;
- For navigational purposes are dual names allowed to eliminate confusion;
- Time limits for dual name signs.

Vice-Chair Klatchko opened the public hearing:

TRAE DANIELS, commented on the definition of lane and avenue. He said Shore Bridge Lane is functional.

MARILYN PENIBCH, represents Tahquitz Creek Villas HOA, said they will be impacted with additional traffic, noise and garbage due to the new development coming in and the upgrade to the navigation system could take years.

TERRY SUMNER, Tahquitz Creek Villas, HOA president, said their primary concern is with Dinah Shore Lane that runs parallel will cause confusion.

There being no further speakers the public hearing was closed.

Commissioner Roberts does not see the street name change effective and noted the uniqueness of 34th Avenue. He noted concern with emergency vehicles struggling with the name change and does not support the dual name change.

Commissioner Donenfeld noted reluctance in changing a street name change unless it is significant and important; to satisfy a developer or make a community feel better about itself is not a special exception. He does not have a concern with 34th Avenue but will not block the motion.

Chair Klatchko spoke in opposition of creating a subcommittee from both communities since the parties have clearly stated their position.

ACTION: Continue to a date certain of August 12, 2015 and direct staff to set up a meeting with a representative of the Tahquitz Creek Villas, a representative of the Lawrence Crossley Neighborhood Association and the developer of Vibrante to come up with a mutual agreement.

Motion: Commissioner Calerdine, seconded by Commissioner Middleton and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner

Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair

Klatchko

Commissioner Lowe ABSENT:

A brief recess was taken at 2:50 pm. The meeting resumed at 3:02 pm.

# 3. NEW BUSINESS:

PROPOSED RESOLUTION OF INTENTION TO CHANGE THE NAME OF 3A. ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE TO WILLIAM KRISEL WAY AND TO ESTABLISH THE DATE OF THE PUBLIC HEARING FOR THE PLANNING COMMISSION MEETING OF AUGUST 12, 2015 (CASE 5.1380 SNC).

Planning Director Fagg presented the proposed intention to change the name of Arquilla Road as outlined in the staff report.

Commissioner Middleton spoke in favor of this street name change.

Commissioner Weremiuk cautioned that this is only a resolution of intention and the Commission needs to be open to public testimony when it comes back after notification.

**ACTION:** Approve the resolution.

Motion: Commissioner Middleton, seconded by Commissioner Donenfeld and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calerdine. Commissioner Donenfeld. Commissioner

Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair

Klatchko

ABSENT: Commissioner Lowe

3B. WESSMAN HOLDINGS, LLC, REQUESTING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 343; A 54,122-SQUARE FOOT OFFICE AND RETAIL CENTER LOCATED AT THE NORTHWEST CORNER OF EAST SUNNY DUNES AND CROSSLEY ROAD (CASE 5.1164-PD 343). (ER)

Principal Planner Robertson presented the one-year time extension request as outlined in the staff report.

The Commission requested clarification on:

- Have construction plans been submitted for site improvements?
- Will the plans change for the new development?

MICHAEL BRAUN, applicant, indicated that the negotiations they were working on with a potential tenant fell apart. He noted that the vacancies are filling up in the adjacent properties they are hopeful on securing 50% tenant occupancies but cannot guarantee it.

Commissioner Weremiuk recalled that this site does not have the road traffic from Ramon Road and Gene Autry and there are still major vacancies in both major shopping centers. She stated that this has gone on too long without any significant activity and is not certain this area will be built as a commercial big-box retail site in the near future.

Mr. Braun indicated that the foot traffic will be brought by Wal-Mart and indicated by not extending their entitlements this would set them back significantly.

Commissioner Middleton said she is inclined to allow one more year on this project because it is in a commercial district and this is the best use for this particular property.

Commissioner Donenfeld supports the motion and agrees that the Commission needs to be more rigorous when reviewing the time extensions; however, Commissioner

Middleton made a good point that this is a commercial area and the Springs shopping center is now just beginning to fill the vacancies.

Commissioner Calerdine said he will support the motion but does not share the same concern and does not see much risk to the city. He is more concerned that there is no development in the entire surrounding area and suggested the zoning and general plan may not be appropriate for this area.

Commissioner Weremiuk agreed this site could be zoned inappropriately and will not support the motion. She does not believe there is a demand for retail in this area.

**ACTION:** Approve one-year time extension with the provision that without any substantial movement (plans submitted to the City) it will not be approved next year.

Motion: Commissioner Roberts, seconded by Commissioner Donenfeld and carried 5-1-1 on a roll call vote.

AYES: Commissioner Calerdine. Commissioner Donenfeld. Commissioner

Middleton, Commissioner Roberts, Vice-Chair Klatchko

NOES: Commissioner Weremiuk

Commissioner Lowe ABSENT:

# REVIEW OF AN APPROVED LAND USE PERMIT ISSUED TO MIGGY'S 3C. CANTINA. LLC FOR OUTDOOR ENTERTAINMENT / MUSICIANS AS AN ACCESSORY USE TO A RESTAURANT LOCATED AT 1555 SOUTH PALM CANYON DRIVE, ZONE PD-131 / I.L. (CASE LUP 13-067). (DN)

City Attorney Michael Daudt addressed the Commission's purview on this matter.

Planning Director Fagg clarified that a letter was received from the Department of Alcoholic Beverage Control (ABC) to modify their conditions of approval; however, the applicant has not applied with the City to modify their conditions.

Associate Planner Newell presented the proposed request to allow outdoor entertainment as outlined in the staff memorandum.

BRYAN REYES, Operations Captain, Police Dept., introduced Lieutenant Araiza to provide facts regarding calls.

GUS ARAIZA, Lieutenant, Police Dept., responded to guestions from the Commission pertaining to the response time, noise volume reductions and complaints from vibration levels (bass) reverberating from the mountain. He stated that the majority of complaints

are coming from the Tahquitz Mesa Villa and Parkview with a small percentage from Treno and Deepwell.

Commissioner Weremiuk questioned if there's a possibility to research measuring the bass volume. Director Fagg indicated that staff would provide research on this matter.

The Commission questioned or commented on:

- Meet with the applicant on a voluntary basis on compliance issues;
- To return for review in six months;
- Nature of complaints made to the Alcohol Beverage Control;
- Encourage decibel readings to be taken in front of apartment complex;
- The Happy Traveler Trailer Park residents do not have a problem with the sound levels but oppose any expansion of the hours of this facility.

Commissioner Roberts left for the remainder of the meeting at 3:57 pm.

Director Fagg recapped the Commission's comments:

- 1. Planning Commission review in 6 months.
- 2. Research the complaints received by the ABC and provide to the Commission.
- Research ways of measuring and/or limiting bass levels.
- 4. The hours are appropriate and not extend additional hours for the facility.
- 5. Take decibel readings in front of the properties towards the west.
- 6. Meet with the applicant on a voluntary basis on compliance issues.

**ACTION:** Receive and file.

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

AYES: Commissioner Calerdine, Commissioner Commissioner Donenfeld,

Middleton, Commissioner Weremiuk, Vice-Chair Klatchko

ABSENT: Commissioner Lowe, Commissioner Roberts

# 4. OTHER BUSINESS:

# **4A. ELECTION OF OFFICERS:**

#### 1. Election of Chair

Commissioner Calerdine nominated Vice-Chair Klatchko as Chair, seconded by Commissioner Weremiuk.

No other nominations were made. By acclamation the nomination was accepted.

#### 2. Election of Vice-Chair

Commissioner Middleton nominated Commissioner Roberts as Vice-Chair, seconded by Commissioner Calerdine.

No other nominations were made. By acclamation the nomination was accepted.

# PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission made comments on:

- Workshop on GPA for bike lanes traffic study.
- Reappointments for the AAC vacancies.

# PLANNING DIRECTOR'S REPORT:

Director Fagg reported the joint meeting with the AAC would be scheduled for August 10th at 1 pm.

# ADJOURNMENT:

The Planning Commission adjourned 4:06 pm to Wednesday, July 22, 2015, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

> Flinn Fagg, AICP Director of Planning Services

# CITY OF PALM SPRINGS PLANNING COMMISSION MINUTES July 22, 2015

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

# **CALL TO ORDER:**

Chair Klatchko called the meeting to order 1:36 pm.

# **ROLL CALL:**

Present This Meeting: Calerdine, Donenfeld, Lowe, Middleton, Weremiuk, Vice-Chair

Roberts and Chair Klatchko

Absent This Meeting: None

Staff Present: Flinn Fagg, Michael Daudt, Terri Hintz, Savat Khamphou,

Ken Lyon, Glen Mlaker and Edward Robertson

# **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 6:00 pm on Thursday, July 16, 2015.

#### **ACCEPTANCE OF THE AGENDA:**

Commissioner Roberts noted changes to the draft minutes.

The agenda was accepted.

#### PUBLIC COMMENTS:

Chair Klatchko opened the pubic comments portion of the meeting:

FRANK TYSEN, expressed concern with the development of Building "A" and the Event Center plans for the Downtown project.

The following persons spoke in favor of Item 2B (Crossley Road Street Name Change):

RUTH DEBRA, spoke in favor of the street name change to include Golf Club Drive.

PAUL ZAK, requested approval of the street name change to honor Lawrence Crossley and the black community.

RAY MORGOVAN, spoke in favor of honoring Mr. Crossley.

KEVIN HARMON, Crossley Community resident, said the businesses on Crossley Road between Ramon Road and Dinah Shore would be adversely affected; spoke in favor of the street name change on Golf Club Drive.

DANIEL AGAZI, DA Computers, owner, said this change would adversely affect his business; and requested the street name change from Dinah Shore to Hwy. 111.

ALFONSO MURRAY, Palm Springs Black History Committee, spoke in favor of honoring the Palm Springs historic pioneer who deserves a public space.

CINDY CHAISSON, Crossley Tract, spoke in favor of renaming the street to Lawrence Crossley Road for everyone to honor Lawrence Crossley.

BERNARD HOYES, Black History Committee, said as an organization they are all in support of the street name change and requested a thorough and efficient turnaround.

SUZANNE SEVERIN, Human Rights Commission, member, provided history of the contributions Mr. Crossley made to the city and said they are in full support of the street name change.

The following persons spoke in opposition of the street name change:

PATRICK BROWN, Espree Condominium resident, said this will be a timely and costly process that will affect changes to their driver's license, social security, utilities etc. and is not opposed to change on the current Crossley Road.

MATTHEW LEVY, DA Computers, managing partner, is not opposed to Lawrence Crossley but their business will suffer financially.

ROSIE HARMON, mother resides on Crossley Tract, spoke in favor of the street name change to honor Lawrence Crossley.

MIKE SCHAEFER, agrees that Mr. Crossley should have recognition; however, his first name is sufficient for his accomplishments in the city and suggested other forms of recognition such as a fountain or a monument.

There being no further speakers the public comments was closed.

# 1A. APPROVAL OF MINUTES: JUNE 24, 2015

ACTION: Approve the minutes of June 24, 2015, as amended.

Motion: Vice-Chair Roberts, seconded by Commissioner Weremiuk and carried 4-0-0 on a roll call vote.

AYES: Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts

ABSTAIN: Commissioner Calerdine, Commissioner Donenfeld, and Chair Klatchko.

#### 2. PUBLIC HEARINGS:

2A. CONT'D - 750 LOFTS, LLC FOR A MIXED-USE HOTEL DEVELOPMENT ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1/R-3/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.) (KL)

Director Fagg reported that staff is requesting a continuance to the meeting Aug. 12, 2015, to respond to the comments received relative to the recirculated initial study.

ACTION: Continue to date certain of August 12, 2015.

Motion: Commissioner Lowe, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts, Chair Klatchko

2B. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A STREET NAME CHANGE THE NAME FOR CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC). (FF)

Planning Director Fagg provided background information the proposed street name change.

Assistant Planner Mlaker presented an overview on the proposed street name change as outlined in the staff report.

The Commission asked technical questions relating to:

- Is Crossley Tract a neighborhood organization?
- Number of years allowed for dual street names and implications associated with this matter.
- Length of time for update on GPS and navigation systems.
- Costs associated with the street name changes.
- Fee required for upgrade on vehicle navigation systems.

Chair Klatchko opened the public hearing:

JEFFREY FOWLER, resides on Golf Club Drive, noted this change would be costly for businesses on Golf Club Drive; however, encouraged adding the name Lawrence Crossley to a new street in the city.

JAMES KING, provided details regarding street name changes made in Riverside and requested approval.

CLEMENT LUMLEY, said the change is important and requested the street name change include the entire street from Hwy. 111 to Ramon Road.

DANIEL ALGAZI, DA Computers, explained that older GPS systems will never be updated.

TRAE DANIEL, spoke about Lawrence Crossley's achievements in the city and indicated that people will be inconvenienced for a short period of time.

There being no further speakers the public hearing was closed.

Commissioner Roberts commented that although this would be a major inconvenience he is in support of changing the entire street name.

Commissioner Middleton noticed that this will be a big inconvenience to homeowners and suggested keeping dual names for 2 - 3 years from East Palm Canyon to Ramon Road.

Commissioner Calerdine noted that this would be a major inconvenience and suggested the dual street names for at least 5 years so that all mapping systems will include the name change.

Commissioner Lowe supports that Lawrence Crossley needs to be recognized but more than just having a street named after him. He noted the significant impacts on businesses and suggested a stronger recognition could be done such as a naming new street possibly Main Street (downtown) for more coverage and no impact on businesses.

Commissioner Weremiuk concurred with Commissioner Lowe and suggested a plaque would be greater recognition or naming the proposed Main Street downtown.

ACTION: Recommend approval to the City Council subject to:

- Dual sign names for a period of five years.
- Consideration of renaming the proposed Main Street in the downtown.

Motion: Commissioner Calerdine, seconded by Chair Klatchko and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts, Chair Klatchko

#### 3. NEW BUSINESS:

3A. VA CONSULTING FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 317, (PDD 317) TO CONSTRUCT 75 SINGLE-FAMILY RESIDENCES, 155 TOWN-HOMES AND AN ACTIVITY CENTER ON APPROXIMATELY 80 ACRES OUT OF A 117-ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH PALM CANYON DRIVE AT BOGART TRAIL, ZONE PD 317, **SECTION 34 (CASE 5.1070-PDD 317). (ER)** 

Principal Planner Robertson presented the time extension request as outlined in the staff report. He reported that the project was recently acquired by new ownership.

Commissioner Donenfeld questioned if it is appropriate to extend the entitlements for a project that has changed (new tentative tract map and PDD).

MAX VAHID, VA Consulting, representing the property owner, clarified that this project is a modification of the existing approved map with a reduction of the townhomes. He indicated that the flood system is still a part of the project and would like to keep the current entitlements in case the new one is not approved.

MIKE COLE, owner & managing partner, explained that a significant amount of money has been spent on submittal of the new map that includes a reduction in density. He stated that the commitments that came with the project - the storm drain and debris basin are a critical part of the project and it has taken them a while to look at the economics and market place to determine that they could remove the townhomes. He said realistically they are looking two years out until construction begins.

Chair Klatchko commented that unlike many projects this applicant has moved forward earnestly with the new tract map. He noted that there are many aspects of this project such as the dedication and flood control that are not changing and is inclined to approve this extension for a full year.

Commissioner Calerdine noted that another major reason for not losing the entitlements is the environmental approval.

Commissioner Weremiuk commented that the fact there is a major redesign on this project with a reduction in density she appreciates the significant work the applicant has done.

Commissioner Middleton noted it may be helpful to the applicant if they would bring the new project to a study session.

ACTION: Approve one year time extension.

Motion: Commissioner Calerdine, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, AYES: Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts, Chair Klatchko

# PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commissioner requested and/or commented on:

- Create a subcommittee to discuss guidelines for review of time extensions. The subcommittee to consist of: Commissioners Calerdine and Lowe.
- Status update on the downtown Event Center.

#### PLANNING DIRECTOR'S REPORT:

Planning Director Fagg provided an update on the street name application for 34th Avenue and the small lot ordinance. He reminded the Commission of the upcoming study session with the AAC on August 10th @ 1pm.

# ADJOURNMENT:

The Planning Commission adjourned at 3:52 pm to Wednesday, August 12, 2015, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP Director of Planning Services

