

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
August 12, 2015
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

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

ROLL CALL:

Present This Meeting: Commissioner Calerdine, Commissioner Donenfeld,
Commissioner Lowe, Commissioner Middleton, Vice-Chair
Roberts and Chair Klatchko

Absent This Meeting: Commissioner Weremiuk

Staff Present: Flinn Fagg, Michael Daudt, Terri Hintz, Savat Khamphou,
Ken Lyon, David Newell 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, August 6, 2015.

ACCEPTANCE OF THE AGENDA:

Chair Klatchko reported that Item 1B would be pulled from the agenda.

Commissioner Calerdine made one correction to the minutes of July 8, 2015.

The agenda was accepted, as amended.

PUBLIC COMMENTS:

Chair Klatchko opened the public hearing:

TIM O'BAYLEY, Little Tuscan Neighborhood Organization Co-Chair, requested that long-term plans for Racquet Club Road be reviewed pertaining to traffic safety due to the increase in developments in this area.

DENNIS WOODS, Little Tuscan Neighborhood Organization Co-Chair, requested that the notification process for projects be reviewed to improve neighborhood participation.

FRANK TYSEN, expressed concern with the dimensions of (height and setbacks) of Building "A" in the downtown project.

There being no further appearances public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: JULY 8 AND JULY 22, 2015

ACTION: Approve minutes of July 8 (amended) and July 22, 2015.

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

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

ABSENT: Commissioner Weremiuk

1B. DAVID ENDRES / DEBBIE REICHLING FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 4,170-SQUARE FOOT HOUSE ON A HILLSIDE LOT AND AN ADMINISTRATIVE MINOR MODIFICATION REQUESTING AN INCREASE IN BUILDING HEIGHT LOCATED AT 2355 NORTH MILO DRIVE, ZONE R-1-C (CASE 3.2938 MAJ & 7.1456 AMM). (GM)

Associate Planner Lyon reported a noticing problem and is recommending that this item be continued to September 9, 2015.

ACTION: Continue to a date certain of September 9, 2015.

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

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

ABSENT: Commissioner Weremiuk

2. PUBLIC HEARINGS:

2A. CONT'D - 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 noted that representatives of Tahquitz Creek Villas have been unavailable to meet at this this time and requested a continuance to the meeting of September 23, 2015.

ACTION: Continue to date certain of September 23, 2015.

Motion Commissioner Calerdine, seconded by Vice-Chair Roberts and unanimously carried 6-0-1 on a roll call vote.

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

ABSENT: Commissioner Weremiuk

**2B. 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.)
(FF)**

Planning Director Fagg noted a correction on the agenda's recommendation for this item. He clarified that It should read, "recommend approval of a draft mitigated negative declaration".

Planning Director Fagg pointed-out the changes made to the proposed development as outlined in the staff report. He addressed the parking spaces, valet plan, reduction in restaurant/bar seat count, driveway and pedestrian walkway, setback requirements and trash enclosure.

Technical Questions:

- Clarification on parking spaces.
- Enforcement of valet plan.
- Height of the buildings on the street front.
- Historic Site Preservation Board's (HSPB) conditions placed on the project.
- The relation of the General Plan, Las Palmas Historic District and Zoning Code.
- Noise analysis - difference between ambient and existing noise.
- Compliance with noise ordinance.
- Validated valet parking plan.
- The Historic Site Preservation Board is an advisory body to the City Council.

Chair Klatchko opened the public hearing:

-JAMES CIOFFI, project architect, provided an overview on the HSPB's review of the project. Mr. Cioffi commented that the style in this area is "eclectic" with very modern buildings (Spanish revival, restaurants and office space) which led to the design of this project and provided details on the loading zone.

ANDY CARPIAC, representing the applicant, clarified that development will provide full valet parking and addressed the project's compliance with the noise ordinance.

EMILY HEMPHIL, legal counsel for the applicant, addressed the differences between the original and current staff report, compliance with the noise and height ordinance and the "eclectic" architectural design of the project.

JOSHUA RYAN, Uptown Design District Business Association, business development/program manager, said they have about 215 licensed businesses in this area and are in full support of this project; noting that it fits well into the neighborhood and will benefit the surrounding businesses.

ADAM GILBERT, local attorney and real estate broker, spoke in support of the project; noting that the design is beautiful and fits into the neighborhood.

DOUG JONES, Movie Colony resident, said he grew up in the neighborhood and the existing building is dilapidated and spoke in support of the project. He noted that this development is quality construction and does not have a problem with the height.

FRANK TYSEN, represents the A Better Community Development (ABCD), said this project does not go by the rules and feels they should abide by them.

TEE JONES, Movie Colony resident, commented that the project is beautiful and spoke in support.

EMILY HEMPHILL, legal counsel for the applicant, commented on the revitalization that will be made to the "eclectic" district and emphasized that the environmental report and PDD process is appropriate.

There being no further appearances the public hearing was closed.

Commissioner Roberts expressed concern with spot zoning, height, and designating a loading zone for the project. He suggested limiting the loading times to early morning hours.

Commissioner Middleton said she would be voting in favor of the project because it is needed in this area and will replace a dilapidated building. She expressed concern with the parking but sees progress with the valet plan.

Commissioner Donenfeld expressed concern with using PD's as an exception to the General Plan and suggested looking at the underlying documents more carefully to see if they need to be changed. He said this is a beautiful project that is well needed but thinks it will change the character of the uptown area by bringing more density; nonetheless he will support the project.

The Commission commented and/or requested clarification on:

- Will solar considered for the project?
- Is proposed median island and crosswalk to the east of the project a part of the Public Benefits?
- The variety and consolidation of zones.
- Consider limiting loading zones to morning hours.
- Noise level limits and setting an accurate baseline.

ACTION: To recommend approval to the City Council, subject to conditions; and

- The applicant to work with Public Works & Engineering Dept. to designate an on-street parking space adjacent to the site for limited-term loading and unloading.

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

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

ABSENT: Commissioner Weremiuk

A recess was taken at 3:08 pm. The meeting resumed at 3:16 pm.

2C. TWIN PALMS NEIGHBORHOOD ORGANIZATION REQUESTING A STREET NAME CHANGE OF ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE AND NORTH OF EAST TWIN PALMS DRIVE TO WILLIAM KRISSEL WAY (CASE 5.1380 SNC). (FF)

Planning Director Fagg provided an overview of the proposed street name change as outlined in the staff report.

Chair Klatchko opened the public hearing:

ERIC CHIEL, Twin Palm Neighborhood Organization, chair, summarized the endorsements they received in support of the proposed street name change and indicated no opposition was received.

There being no further appearances the public hearing was closed.

ACTION: To recommend approval to the City Council.

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

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

ABSENT: Commissioner Weremiuk

3. NEW BUSINESS:

3A. PALM SPRINGS MOTORSPORTS LLC. FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A DRIVE-THROUGH RESTAURANT ON A 2.64-ACRE SITE THAT IS PARTIALLY DEVELOPED WITH AN EXISTING MOTORCYCLE DEALERSHIP AT 6550 NORTH INDIAN CANYON DRIVE (CASE 3.3870 MAJ). (DN)

Associate Planner Newell presented the proposed project to construct a drive-through restaurant.

The Commission commented and/or requested clarification on:

- The right-of-way dedication required along Garnet Avenue;
- No sewer systems in this area;
- Will a signage application come forward?

LAILITH CHANDRASENA, applicant, responded to questions pertaining to signage. He indicated that the Yamaha building would remain the same but the Subway building will return for a sign permit.

ACTION: Approve, subject to Conditions of Approval.

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

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

ABSENT: Commissioner Weremiuk

3B. RECOVERY INNOVATIONS INC. FOR A DETERMINATION THAT AN OUTPATIENT BEHAVIORAL HEALTH OFFICE IS A SIMILAR PERMITTED USE IN THE C-1 (RETAIL BUSINESS) ZONE (CASE 10.478 DET). (FF)

Planning Director Fagg provided an overview on the proposed use as outlined in the staff report.

LEON BOYKO, Chief of Crisis in Recovery Services, indicated that this center is a crisis stabilization unit to help divert people from emergency departments for mental health issues that could be treated in an out-patient setting. Mr. Boyko responded to questions from the Commission pertaining to the type of clientele, staff training, voluntary unit and form of therapy.

Commissioner Lowe commented that this is a phenomenal service the city needs because there is a huge shortage of mental health services.

City Attorney Daudt suggested one option that could be used for an additional level of approval is to make this use permitted pursuant to a Land Use Permit - through which certain conditions could be imposed.

ACTION: That this use is similar to other uses permitted by-right in the C-1 zoning district. The use shall be subject to the approval of a Land Use Permit pursuant to a six (6) month review by the Planning Commission.

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

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

3C. WESSMAN DEVELOPMENT FOR A ONE-YEAR TIME EXTENSION FOR PLANNED DEVELOPMENT DISTRICT 294; A PREVIOUSLY APPROVED PROJECT CONSISTING OF A 79 LOT SUBDIVISION ON APPROXIMATELY 42.2 ACRE-SITE KNOWN AS THE CRESCENDO LOCATED ALONG WEST RACQUET CLUB ROAD AND VISTA GRANDE AVENUE (CASE 5.0996 / PDD 294). (ER)

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

The Commission requested clarification and/or commented on:

- The validity of the environmental impact report that was prepared ten years ago.
- The override of greenhouse emissions.

Commissioner Calerdine disclosed that he worked on the environmental report seven or eight years ago and confirmed with the City Attorney that there is no conflict.

EMILY HEMPHILL, legal representative for the applicant, provided details on the outcome of the litigation and settlement agreement and the restrictive conditions placed on the project.

DENNIS WOODS, Little Tuscan Neighborhood Co-Chair, expressed concern that the applicant has not provided verifiable evidence to show good cause for the extension.

EMILY HEMPHILL, read into the record the changes made by the settlement agreement pertaining to the architectural style of the Crescendo project.

MICHAEL BRAUN, applicant, addressed the Commission's questions pertaining to impact of construction for this development due to the on-going downtown project.

Commissioner Donenfeld noted that this project has been controversial for a long time with a great deal of consideration given by the Planning Commission and City Council. Mr. Donenfeld noted that the Commission is not deliberating the merits of the architecture and supports the extension for one more year.

Commissioner Middleton verified that this time extension did not require public notice to the adjacent neighbors. Ms. Middleton noted that this case is different because of the lawsuit and should be looked at differently. She is in support of the time extension and will review the PDD in one year.

Commissioner Roberts said he does not support this time extension because the stale and questionable analysis of the environment report.

ACTION: Approve one-year time extension.

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

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

NOES: Vice-Chair Roberts

ABSENT: Commissioner Weremiuk

3D. ALTA VERDE, LLC. FOR THE APPROVAL OF FINAL DEVELOPMENT PLANS FOR A PREVIOUSLY APPROVED PRELIMINARY PLANNED DEVELOPMENT DISTRICT 371 TO CONSTRUCT FOURTEEN HIGH-END DETACHED SINGLE-FAMILY RESIDENCES WITHIN THE CANYON PARK SPECIFIC PLAN AREA LOCATED AT 1000 BOGART TRAIL, ZONE PDD 371 (ER).

Principal Planner Robertson presented the final development plans as outlined the staff report.

The Commission commented and/or requested clarification on:

- Is pedestrian access required for this project?
- The difference between the preliminary and final development plans.
- A similar development in this area was conditioned without gates.
- A beautiful and well-executed project.
- Concern with gates for the development.
- The Commission's purview is to determine if the final plans conform to the approved plans.

EMILY HEMPHILL, legal representation for the applicant, responded that a walking path will be provided to Bogert trail to encourage pedestrian access. Ms. Hemphill indicated that the adjacent properties are gated.

Commissioner Lowe disagreed noting the cul-de-sacs in the neighborhood are open and encourage walking.

Commissioner Middleton recalled the gate issue was debated when this project was first heard and does not think this is the time to impose new restrictions.

ACTION: Approve as submitted with all previously attached conditions of approval.

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

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

ABSENT: Commissioner Weremiuk

3E. RIOFINE NEON SIGN COMPANY ON BEHALF OF C.H.I.C LLC. FOR AN APPEAL OF THE PLANNING DIRECTOR'S DENIAL OF A SIGN PERMIT APPLICATION FOR THE VILLAGE PUB AT 266 SOUTH PALM CANYON DRIVE (CASE 15-071 APP). (FF)

Director of Planning Fagg provided an overview of the appeal of a sign permit as outlined in the staff report.

The Commission requested clarification on the following technical issues:

- Would it matter if the building were a one-story structure?
- Is the size of the sign appropriate?

Commissioner Roberts commented that in this case this sign actually works and the location of the sign is fine. However, he thinks the sign is out of scale and should be reduced in size.

The Commission discussed the size, scale and location of the sign.

Commissioner Middleton noted that the Chop House sign is visible while driving down the street whereas the Village Pub is not. She prefers a smaller size (9 sq. foot) similar to what's in the neighborhood.

ACTION: To approve the appeal; and sign must comply with the maximum square footage permitted by the Zoning Code.

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

AYES: Commissioner Calderine, Commissioner Donenfeld, Commissioner Lowe, Vice-Chair Roberts, Chair Klatchko

NOES: Commissioner Middleton

ABSENT: Commissioner Weremiuk

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission commented on:

- The importance of traffic safety on Racquet Club Drive.
- Follow-up on the status of a future crosswalk across the street from the former Dinks nightclub.

PLANNING DIRECTOR'S REPORT:

No comments.

ADJOURNMENT:

The Planning Commission adjourned at 4:10 pm to Wednesday, September 9, 2015, at 1:30 pm, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Flinn Fagg, AICP
Director of Planning Services