

**CITY OF PALM SPRINGS  
PLANNING COMMISSION MINUTES  
February 24, 2016  
Council Chamber, City Hall  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262**

**CALL TO ORDER:**

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

**ROLL CALL:**

Present This Meeting: Commissioner Calerdine, Commissioner Donenfeld,  
Commissioner Hirschbein, Commissioner Lowe,  
Commissioner Middleton, Chair Klatchko

Absent This Meeting: Commissioner Weremiuk

Staff Present: Flinn Fagg, Michael Daudt, Terri Hintz, Savat Khamphou,  
Glenn Mlaker, Ken Lyon

**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 6:00 pm on Thursday, February 18, 2016.

**ACCEPTANCE OF THE AGENDA:**

Commissioner Donenfeld disclosed that he is on the Advisory Board for the Neighborhood Association regarding Item 2A and in the abundance of caution he will be abstaining from participation and voting on this project.

The agenda was accepted, as presented.

**PUBLIC COMMENTS:**

Chair Klatchko opened public comments and with no appearances coming forward public comments was closed.

## **1. CONSENT CALENDAR:**

### **1A. APPROVAL OF MINUTES: FEBRUARY 10, 2016 STUDY SESSION AND REGULAR MEETING MINUTES**

**ACTION:** Approve, as presented.

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

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

**ABSENT:** Commissioner Weremiuk

## **2. PUBLIC HEARINGS:**

Commissioner Donenfeld left the Council Chamber at 1:35 pm

### **2A. SUSAN THABIT, REQUESTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT OF FIVE (5) TENNIS COURT LIGHT POLES AT A MAXIMUM HEIGHT OF TWELVE (12) FEET LOCATED AT 790 NORTH MISSION ROAD, ZONE R-1-A (CASE 5.1385 CUP). (GM)**

Associate Planner Mlaker provided background information on the proposed tennis court lights as outlined in the staff report.

The Commission commented and/or asked technical questions pertaining to:

- Verification that the adjacent house has tennis court lights and height of poles.
- The process to address code enforcement complaints.
- Rear and side-yard setbacks.
- Light spillover.

Chair Klatchko opened the public hearing:

ROB PARKER, RGA Landscape Architects, applicant, requested four (4) light fixtures at 12 feet high and said that they are in agreement with all of the other AAC recommendations.

PRESCOTT GRIFFITH, nearby property owner, does not see the direct impact of the lights but the adjacent property is affected and anything over 10 feet will impact them; and was concerned about setting a precedence in this neighborhood.

JOHN WILLIAMS, Old Las Palmas Neighborhood Association, chair, spoke on behalf of the Board, they are requesting a continuance to allow all the neighbors to attend and to let the applicant address some of their issues.

ROB PARKER, applicant rebuttal, stated that the adjacent house has existing tennis court lights.

There being no further speakers the public hearing was closed.

Commissioner Middleton asked technical questions pertaining to:

- What is the height of the landscape hedging?
- Verify the light glare does not spillover onto other properties?
- Confirm with the applicant that hedges will be allowed to reach a mature size of 12 feet before turning on lights.

The Commission asked for clarification on:

- Is the tennis court lighting for the adjacent property owner in violation? Have there been any complaints?
- Were the neighbors given notice?

**ACTION:** Approve with Conditions subject to:

- The applicant shall return for review in 6 months.
- Validate if the light oversprays onto the adjoining properties.
- The lights not be allowed to be turned on until the hedge reaches 12 feet and is filled in on the south and east side.
- The automatic timer to include a motion detector.
- Automatic timer is locked.
- Four 12 foot light poles.
- Include the AAC recommendations.

**Motion:** Commissioner Middleton, seconded by Commissioner Lowe.

**DISCUSSION OCCURRED:**

Commissioner Calerdine noted the reflective light from the tennis court would make it difficult for light not to reach the neighbor's property and suggested adding the wording "direct" light.

Commissioner Lowe noted his preference to continue this project to allow more feedback from the neighbors and this has existed for a significant amount of time.

Commissioner Hirschbein and Chair Klatchko spoke in favor of continuing this project.

***Commissioner Middleton withdrew her motion.***

**ACTION:** Continue to a date certain of March 9, 2016.

Motion: Commissioner Lowe, seconded by Commissioner Calderine and carried 5-0-1 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

ABSENT: Commissioner Weremiuk

ABSTAIN: Commissioner Donenfeld.

Commissioner Donenfeld re-entered the Council Chamber at 2:16 pm.

**2B. JACQUELINE BECKER, OWNER REQUESTING A VARIANCE FOR THE CONVERSION OF A GARAGE TO LIVING SPACE; THE CONSTRUCTION OF A CARPORT WITHIN THE SIDE YARD SETBACK AND THE ADDITION OF A SECOND STORY TO AN ACCESSORY STRUCTURE LOCATED AT 295 EAST PALO VERDE AVENUE (CASE NO. 6.546). (GM)**

Associate Planner Mlaker presented the proposed variance as outlined in the staff report.

Commissioner Middleton disclosed that she lives in this neighborhood approximately 1 1/2 blocks away from this property, but does not live within the notification radius. She noted that the neighborhood association did not discuss this matter or take any position and noted that after consultation with Mr. Daudt it was concluded that there is no conflict.

The Commission requested clarification and/or commented on:

- The administrative process for review of this Variance.
- How this project came forward for review.
- Timeline history on the initial house construction and reconstruction after the fire.
- Permits were received in 1982 to reconstruct the house.

Chair Klatchko opened the public hearing:

JACQUELINE BECKER, applicant, said she inherited the property and was not aware there was no permit on the storage/loft until last year. She provided details on the original house and the new construction.

FRANCES SWICK, adjacent property owner, spoke in opposition of project; noting that the structure is tall and is three feet from the property line.

JACQUELINE BECKER, commented that the carport is existing and the height of the structure is only 16 feet.

There being no further speakers the public hearing was closed.

Commissioner Middleton said she believes this conversion is inappropriate with the second story. She appreciates the good work of the homeowner but believes that it should be returned to a garage space.

Commissioner Lowe concurred and believes the apartment needs to be returned to its original purpose of a garage - without a carport and second floor.

Commissioner Hirschbein noted his main concern is to not allow it to continue as a habitable space.

Commissioner Calerdine thinks there are special circumstances with the narrow width of the lot and the fact that the carport needs to be in front of the existing garage and there are no other options for this site.

**ACTION:** Denial.

**Motion:** Commissioner Middleton, seconded by Commissioner Lowe and carried 5-1-1 on a roll call vote.

**AYES:** Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

**ABSENT:** Commissioner Weremiuk

**NO:** Commissioner Calerdine

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

**3A. PINNACLE VIEW, LLC, OWNER, FOR CONSTRUCTION OF A GATEHOUSE COMPLEX AT THE MAIN ENTRANCE TO THE DESERT PALISADES RESIDENTIAL DEVELOPMENT LOCATED AT 1110 WEST RACQUET CLUB ROAD, ZONE ESA-SP, PLANNING AREA 4, DESERT PALISADES SPECIFIC PLAN (DPSP) (CASE 3.3924 MAJ). (KL)**

Associate Planner Lyon presented the proposed gatehouse at the Desert Palisades development.

Commissioner Donenfeld thinks it's a great project with the AAC conditions.

Chair Klatchko questioned if the applicant is willing to comply with the AAC's recommendation pertaining to the concrete blending in with the pavers.

ED FREEMAN, owner, explained that throughout the project the curbs are flush with the pavers except for three locations for water drainage. Mr. Freeman said he prefers the flush designs but is willing to go by the Engineering Department's recommendation.

SEAN LOCKYER, project architect, provided details pertaining to the size of the entry and exit points, a water fountain for the structure at the trailhead and the "eternal flame" fire feature. He indicated that they do not want to extend the overhang further on the boulder in order to give trucks clearance.

Discussion occurred on the construction gate for this project.

**ACTION:** Approve with conditions; and subject to the AAC's recommendations as follows:

1. Consider rolled curb or colored concrete to blend better with the precast pavers subject to approval by the Engineering Dept.
2. Consider further protection of the proposed fire feature from wind.
3. Provide more detail on the bike storage structure and add a drinking fountain.
4. AAC subcommittee to (Song, Secoy-Jensen, Fauber) to review the fire feature detail.

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

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

**ABSENT:** Commissioner Weremiuk

**3B. DANIEL DORADO, APPLICANT, FOR A LAND USE PERMIT TO ALLOW TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT AT 5601 EAST RAMON ROAD, ZONE M-1 (CASE NO. 16-016 LUP). (FF)**

Planning Director Fagg presented the proposed request to allow temporary automobile sales as outlined in the staff report.

The Commission requested clarification and/or commented on:

- Could the context of this prohibition be referring to individual owners selling used cars as opposed to a car dealer on the lot?
- McCormick Classic cars sales are allowed - what is the zoning?
- (Middleton) Licensed dealers sell used cars on their lots and would be open for an allowance for a small percentage of used car sales in conjunction with a much larger percentage of new car sales.
- Prohibiting used cars as opposed to new cars.

DAN DORADO, applicant, provided details on the type of automobiles - "certified pre-owned" vehicles and taxation. He indicated approval has been received from Wal-Mart and all the permits have been taken out.

Commissioner Donenfeld noted the site has a CUP that states prohibition of used cars and spoke in opposition of the proposed request.

Commissioner Calerdine noted that used car sales are excluded and new car sales are not mentioned.

Planning Director Fagg explained the Commission's role is to make a determination if this use is permissible for this site.

Commissioner Middleton questioned what the process is to modify the conditions of approval that were granted for this property in 2004.

Commissioner Donenfeld noted that the underlying ordinance is the M-1 zone and the CUP expands the use beyond the code and should be read narrowly.

ALENE TABER, certified land use planner and attorney specializing in land development, stated that the CUP alters the underlying zoning and the Commission has the opportunity to do an interpretation.

Commissioner Hirschbein asked the applicant if they would be willing to restrict this to new car sales.

Commissioner Middleton noted that this event is tentatively scheduled for June 16th - 19th which provides time for the applicant to come back to ask for an amendment on the CUP.

**ACTION:** Denial.

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

**AYES:** Commissioner Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Lowe, Commissioner Middleton, Chair Klatchko  
**ABSENT:** Commissioner Weremiuk

#### **4. OTHER BUSINESS:**

##### **4A. ELECTION OF VICE-CHAIR**

Chair Klatchko opened the nominations for Vice-Chair. Commissioner Lowe nominated Commissioner Calerdine. Commissioner Middleton seconded the nomination. No other nominations were made. By acclamation Commissioner Calerdine was nominated as Vice-Chair.

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

The Commission commented on:

- Commissioner Middleton volunteered as a representative of the Planning Commission for "The Green Program" through the Sustainability Commission.
- The upcoming study session on the Serena Park development.
- Status of the Cameron project.

#### **PLANNING DIRECTOR'S REPORT:**

Planning Director Fagg reviewed the changes for the Museum Market Plaza Specific Plan as discussed by the City Council. Mr. Fagg provided an update on the number of applications processed by the Planning Department.

#### **ADJOURNMENT:**

There being no further comment the Planning Commission meeting adjourned at 4:07 pm to 1:30 pm, Wednesday, March 9, 2016, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

---

Flinn Fagg, AICP  
Director of Planning Services