

CITY OF PALM SPRINGS  
PLANNING COMMISSION MINUTES  
April 26, 2017  
Council Chamber, City Hall  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**CALL TO ORDER:**

Chair Calderine called the meeting to order at 1:33 pm.

**ROLL CALL:**

Present This Meeting: Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton, Vice-Chair Weremiuk, Chair Calderine

Absent This Meeting: None.

Staff Present: Planning Director Fagg, Deputy City Attorney Daudt, Planning Administrative Coordinator Hintz, Engineering Associate Minjares, Associate Planner Mlaker, Associate Planner Newell, Principal Planner 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, April 20, 2017).

**ACCEPTANCE OF THE AGENDA:**

Planning Director Fagg reported that the applicant has requested to withdraw Item 3A. Staff requested Item 3D be moved to the beginning of the Unfinished Business section of the agenda. The agenda as accepted, as amended.

**PUBLIC COMMENTS:**

Chair Calderine opened public comments:

ROBERT STONE, (in reference to Items 2B, 2C and 3B) spoke in favor of the proposed solar ordinance and requested approval of the Serena Villas project.

ROBIN ABRAHAMS, architect & resident, (in reference to Item 3D) commented that the downtown museum plan should not replace an indoor downtown mall with an outdoor one but rather weave all the public spaces (streets, sidewalks and the park) together.

ELLEN LOCKERT, Climate Action Palm Springs, spoke about climate change and the importance of cutting greenhouse gas emissions and requested approval of the proposed solar ordinance.

DAVID FREEDMAN, Sustainability Commissioner, provided details on the proposed solar ordinance & study and noted that the Energy Commission is encouraging local governments to adopt local ordinances now to move toward the State's energy goals.

JOY BROWN MEREDITH, Mainstreet Palm Springs, spoke in favor of the Sign Ordinance (Item 2A) and feels there have been lots of compromises on both sides and requested approval. She also spoke in support of Serena Villas (Item 2B).

FRANK TYSEN, Historic Tennis Club Neighborhood, chairman, spoke in support of La Serena Villas (Items 2B); he feels the applicant has done lots of improvements and it will benefit the neighborhood.

JUDY DEERTRACK, expressed concern with the lack of time given to her during public comment at the study session when she has worked for years on the study. She requested more time should be given to the study.

AFTAB DADA, Palm Springs Hospitality Association (representing the president) and PS Resorts, chairman, spoke in favor of Item 2B (La Serena Villas); he commented that the owners have poured lots of money into this hotel and that without the restaurant use this project will not be successful.

GRETCHEN GUTIERREZ, Desert Valley Builders Assoc., CEO, (spoke in reference to Item 3B) spoke about the State mandate that will go into effect in 3 years; and said that further communication needs to continue on this matter.

There being no further speakers the public hearing was closed.

## **1. CONSENT CALENDAR:**

Vice-Chair Weremiuk requested Item 1B pulled from the Consent Calendar for discussion.

## **1A. APPROVAL OF MINUTES: MARCH 22, 2017, APRIL 13, 2017 SPECIAL MEETING MINUTES**

**ACTION:** Approve with a correction to the minutes of March 22, 2017. (Noting Chair Calderine's abstention on the minutes of March 22, 2017.)

**Motion:** Chair Calerdine, seconded by Vice-Chair Weremiuk and unanimously carried on a roll call vote.

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

**1B. 1875 NORTH PALM CANYON PARTNERS II, LLC (D/B/A TOVA HOTEL AND BEACH CLUB) REQUESTING A MAJOR ARCHITECTURAL APPLICATION FOR THE RENOVATION OF AN EXISTING HOTEL (FORMERLY THE GARDEN VISTA HOTEL) LOCATED AT 1875 NORTH PALM CANYON DRIVE (CASE 3.0157 MAJ). (GM)**

Associate Planner Mlaker provided an overview on the renovation of the proposed hotel and reported that the restaurant has been removed.

The Commission requested clarification on:

- Day use of the pool-including hours for music. (noise ordinance)

Commissioner Hudson supports the design of the project. He requested a condition be imposed to clean up the site and improve the fencing.

CHARLY ASSALY, Prestige Hospitality Management, CEO, (responded to questions from the Commission) described the reduction in pool size; verified that day use for the pool will be for hotel patrons only and will monitor sound levels.

Commissioner Middleton encouraged the applicant to reach out to the Little Tuscany neighborhood.

Vice-Chair Weremiuk verified urged the applicant to be considerate of the bass sound that reverberates from the mountain.

**ACTION:** Approval subject to:

1. Site will be well maintained.
2. Time limit on music in the pool area from 10 am - 10 pm. (Staff will review approvals for the Belardo Hotel and if necessary will make changes administratively to the Conditions of Approval.)

**Motion:** Vice-Chair Weremiuk, seconded by Commissioner Donenfeld and unanimously carried on a roll call vote.

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

## **2. PUBLIC HEARINGS:**

### **2C. LARS VIKLUND, OWNER, (D/B/A LA SERENA VILLAS) REQUESTING A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT AS AN ACCESSORY USE TO A HOTEL LOCATED AT 339 SOUTH BELARDO ROAD, ZONE R-3 (Case 5.1413 CUP). (GM)**

Associate Planner Mlaker provided an overview of the proposed Variance to allow a restaurant as an accessory use to a hotel with eighteen (18) guest rooms.

Commissioner Middleton commented that looking at the number of bedrooms as opposed to the number of rooms would be one way to address the issues with this hotel.

Chair Calderine opened the public hearing:

MAY SUNG, project architect, provided background details on the hotel and parking, density, frontage; and their goal to preserve the neighborhood.

KELLY VIKLUND, owner, also own the Del Marcos (next door) and the Calla Lilly (across the street); said that one of the major functions is to have the restaurant serve the guests of the three hotels.

OLIVIA PRESCOTT, La Serena Villas, general manager, reiterated that had the property been grandfathered in the owners would not have been required to reduce the number of units to accommodate parking.

KARL KRUGER, (has managed hotels from 10 - 1200 rooms) thinks bringing the food and beverage along with the rooms is necessary and encouraged the Commission to support this project.

DICK BURKETT, (preservationist & hotel management background) said the success of this property is greatly enhanced when they can deliver the high expectation of services to the guests. He and (on behalf of) Gary Johns, HSPB Chair, are both in support of allowing the restaurant.

MICHAEL BRAUN, said that hotel guests want to engage with the community to have an authentic experience; and spoke in support of allowing the restaurant.

TOM DOCZI, TKD & Associates, (landscape for La Serena Villas), provided details on the landscaping and was available for questions from the Commission.

There being no further speakers the public hearing was closed.

Planning Director Fagg verified from the applicant if they are able to separately key Villa 6 and 6A. The applicant responded yes.

Planning Director Fagg pointed-out that if this is the case they would have a 20-room hotel in which the Variance is not necessary. He would like to meet on-site with the applicant to verify this requirement can be met.

Vice-Chair Weremiuk requested staff start the process for a zone text amendment to address this issue.

**ACTION:** Continue to a date certain of May 10, 2017.

**Motion:** Vice-Chair Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Chair Calderine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

A recess was taken at 3:03 pm. The meeting resumed at 3:16 pm.

**2D. STACY'S @ PALM SPRINGS FOR A CONDITIONAL USE PERMIT (CUP) AND A LAND USE PERMIT (LUP) TO ESTABLISH AND OPERATE A BAR / COCKTAIL LOUNGE AT AN EXISTING MULTI-TENANT BUILDING LOCATED AT 220 EAST ARENAS ROAD, ZONE CBD (CASE NOS. 5.1415 CUP & LUP 17-015). (ER)**

Principal Planner Robertson provided an overview on the proposal to operate a bar/cocktail lounge as outlined in the staff report.

Chair Calderine opened the public hearing:

STACY LOUIS, applicant, stated that he is going to open this business as a quiet piano bar and music will be turned off at 10 pm.

MELVIN FRANK, owns three bars in the area and has no objections to this request.

There being no further speakers the public hearing was closed.

**ACTION:** Approve with conditions.

**Motion:** Commissioner Donenfeld, seconded by Vice-Chair Weremiuk and unanimously carried on a roll call vote.

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

**2E. CIOFFI ARCHITECT, ON BEHALF OF DESERT TIRES AND WHEEL FOR A CONDITIONAL USE PERMIT (CUP) TO OPERATE A TIRE AND WHEEL STORE AT AN EXISTING MULTI-TENANT BUILDING LOCATED AT 3800 EAST VISTA CHINO, #1, ZONE M-1-P, (CASE 5.1414-CUP). (ER)**

Principal Planner Robertson presented the proposal to operate a tire and wheel store as outlined in the staff report.

Vice-Chair Weremiuk noted concern with cars (heading east) making a U-turn at the signal light and running the red light at the intersection. She questioned if there is mitigation for a higher volume tire store that can be imposed on this project.

Planning Director Fagg clarified that the proposed use is not going to generate additional traffic above and beyond what was originally anticipated when the structure was built.

Vice-Chair Weremiuk disclosed that she attended the One PS Escena Neighborhood meeting and this issue was discussed by other people.

Chair Calerdine opened the public hearing:

JIM CIOFFI, original architect, explained this use will not increase traffic and thinks it is inappropriate to impose a requirement for cars running a red light at this intersection.

GREGG MANDINACH, property owner, confirmed there is an arrow at the signal light and does not see this as problem.

There being no further speakers the public hearing was closed.

**ACTION:** Approve with conditions.

**Motion:** Commissioner Donenfeld, seconded by Commissioner Hirschbein and unanimously carried on a roll call vote.

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

**3. UNFINISHED BUSINESS:**

**3A. PARKER PALM SPRINGS II, LLC FOR AN APPEAL OF THE PLANNING DIRECTOR'S DECISION TO DENY A MINOR ARCHITECTURAL APPLICATION FOR A MOBILE KITCHEN FACILITY AT THE PARKER PALM SPRINGS HOTEL, LOCATED AT 4200 EAST PALM CANYON DRIVE, ZONE R-3/PD-58 (CASE 3.2451 MAA - APPEAL).**

This Item was withdrawn.

*(This Item was heard out of order.)*

**3D. PALM SPRINGS PROMENADE, LLC FOR AN AMENDMENT TO THE APPROVED LANDSCAPE AND HARDSCAPE PLANS FOR DEVELOPMENT PROJECTS WITHIN THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN LOCATED GENERALLY AT THE NORTHWEST CORNER OF PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, ZONE CBD (CASE NOS. 5.1290 PD-361, 3.3605 MAJ, 3.3606 MAJ, 3.3607 MAJ, 3.3908 MAJ AND 3.3948 MAJ). (DN)**

Associate Planner Newell provided an overview on the modifications made to the proposed landscape and hardscape plans as outlined in the staff report.

MICHAEL BRAUN, applicant, said they would come back at a later time for review of the shade structure design and fountains. Mr. Braun addressed questions from the Commission.

TOM DOCZI, TKD & Associates, landscape architect, said all the hardscape and landscape plans have been updated with what was originally approved two years ago. He said planting was re-naturalized along Palm Canyon Drive and described the plantings on Museum Way.

IVAN ORTIZ, TKD & Associates, addressed Commission's questions on the landscape and hardscape plans pertaining to: shade study (roof overhangs), benches, misting system, paving material, public seating and dining areas.

JEANETTE FRANCO, TKD & Associates, described the outdoor furnishings, placement of the hardscape elements and landscape palette.

**ACTION:** Recommend conditional approval to City Council subject to:

1. Misterters shall be installed under the shade structures, applicant to maintain areas and non-private areas (restaurants), unless provided by the adjacent business.
2. Block A - hanging plants over planting boxes.
3. All trash containers to have recycling bins.

4. Cleaning schedule to be reviewed by subcommittee.
5. Furniture presented today to be incorporated in approved exhibits.
6. Both water feature designs (to incorporate public art) by subcommittee.
7. Bollards on Main Street by subcommittee.
8. All shade structures along NPCD (to incorporate public art) by subcommittee.
9. Signage - directional, wayfinding by subcommittee.
10. Shade trees along Museum Way to be reviewed Park Designer/Architect.
11. Recommend seating area down north side of building on Block A.

**Motion:** Vice-Chair Weremiuk, seconded by Commissioner Donenfeld and unanimously carried on a roll call vote.

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

*(This Item was heard out of order.)*

**3C. MG2 FOR AN ARCHITECTURAL REVIEW APPLICATION AND A LAND USE PERMIT TO REVIEW THE STOREFRONT DESIGN AND OUTDOOR SEATING SPACE FOR A PROPOSED TOMMY BAHAMA RESTAURANT LOCATED WITHIN BLOCK C OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT 111 NORTH PALM CANYON DRIVE, SUITE 150, ZONE CBD (CASE 3.4014 MAA & LUP 17-017). (DN)**

Associate Planner Newell provided an overview of the storefront design and outdoor seating space for the proposed Tommy Bahama Restaurant.

Commissioner Lowe commented that this outdoor seating is not public seating area because the restaurant takes up 1/2 of the planter space.

Vice-Chair Weremiuk said she supports the staff's recommendation and thinks it should go back for redesign. She commented that the outdoor seating is triple from the indoor seating; and the outdoor seating needs to be pushed back.

Commissioner Middleton said she supports the outdoor dining; however, she thinks it is pushed out too far out to where the tree area was originally located.

Commissioner Hirschbein said he likes the umbrellas (misting & heating), exterior furniture and bar; however, the ratio needs to be adjusted for the exterior seating.

Commissioner Hudson said he likes the design; however, expressed concern with the tree location. It needs to be moved back to its original location because this area was designated as a public plaza.



Commissioner Donenfeld is not certain where the tree should go and agrees adjustments should be made. He noted that Tommy Bahama's model is more exterior seating and questioned City Council's direction on this matter.

FRANK KENNARD, Tommy Bahama, director of store design, spoke about this model being tailored to the outdoor pedestrian experience.

Commissioner Hudson concurred the location of the tree has moved and feels strongly that it affects the ADA ramp.

**ACTION:** Continue to a date certain of May 10, 2017 with direction to the applicant to revise the plans to include:

1. The location of the raised planter near the corner is consistent with the approved hardscape/landscape plans for the overall downtown project.

**Motion:** Vice-Chair Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

**AYES:** Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton

### **3B. RECEIVE A REPORT FROM THE SUSTAINABILITY COMMISSION RELATING TO A PROPOSED MANDATORY REQUIREMENT FOR THE INSTALLATION OF SOLAR SYSTEMS FOR RESIDENTIAL CONSTRUCTION. (FF)**

Vice-Chair Weremiuk said she supports the solar ordinance and did some research with the largest solar builder in town said that 100% of the purchasers bought the solar package. She left the Council Chamber at 5:43 pm for the remainder of the meeting.

Planning Director Fagg provided background information on the proposed solar ordinance.

Commissioner Middleton said one of the biggest hurdles they faced was trying to carve out some measure that would allow an exemption for affordable homes. Ultimately, they came up with a process that allows a developer file an appeal to the Building Codes Appeal Board for an exemption on their project.

Chair Calerdine said he supports the proposed ordinance; however, he still has reservations over the affordability issues and does not see this addressed. He requested a note to the City Council that they remain concerned about the impact of affordability.

Commissioner Donenfeld said we are in the forefront of a major change statewide and Palm Springs should be a leader in this area. He is concerned about affordability but supports the framework as proposed.

**ACTION:** Receive the report and forward a recommendation to the City Council.

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

**AYES:** Chair Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton  
**ABSENT:** Vice-Chair Weremiuk

**2A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND SECTION 91.00.10 AND SECTIONS 93.20.00 THROUGH 93.20.11, AND TO ADD SECTION 93.20.12 TO THE PALM SPRINGS ZONING CODE (PSZC) RELATIVE TO THE CITY'S SIGN ORDINANCE (CASE 5.1416 ZTA). (FF)**

**ACTION:** Continue to a date certain of May 10, 2017.

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

**AYES:** Chair Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton  
**ABSENT:** Vice-Chair Weremiuk

**3E. DAKOTA PS, LLC REQUESTING AN AMENDMENT TO AN APPROVED PLANNED DEVELOPMENT DISTRICT TO ELIMINATE ONE UNIT AND INSTALL A TRAILHEAD AT THE SOUTH END OF THE 6.37-ACRE DEVELOPMENT KNOWN AS "DAKOTA" LOCATED AT 1501 SOUTH BELARDO ROAD, ZONE PD-365, SECTION 22 (CASE 5.1310 PD-365 AMEND). (DN)**

**ACTION:** Continue to a date certain of May 10, 2017.

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

**AYES:** Chair Calerdine, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton  
**ABSENT:** Vice-Chair Weremiuk

**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:** None.

**PLANNING DIRECTOR'S REPORT:**

Staff reported the next couple of months (May - July) the Planning Commission meetings will be held at an off-site location (Convention Center and one meeting in June at the Airport).

**ADJOURNMENT:**

The Planning Commission adjourned at 5:54 pm to 1:30 pm, Wednesday, May 10, 2017, Convention Center, Primrose C, 277 N. Avenida Caballeros, Palm Springs.

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Flinn Fagg, AICP  
Director of Planning Services

DRAFT

CITY OF PALM SPRINGS  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
MAY 17, 2017  
Convention Center - North Parking Lot/Center Court Condominium  
Palm Springs, CA 92262

**CALL TO ORDER:**

Vice Chair Weremiuk called the meeting to order at 1:33 p.m.

**ROLL CALL:**

Present: Doug Donenfeld, Randy Lowe, Lisa Middleton, Kathy Weremiuk

Excused: Michael Hirschbein, Doug Hudson

Abstained: Lyn Calerdine

**STAFF PRESENT:** Flinn Fagg, 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 1:00 pm on Monday, May 15, 2017.

**1. PUBLIC COMMENTS:**

Vice Chair Weremiuk opened public comments:

DAVID POWELL requested that a new environmental review be conducted, and stated that the original Mitigated Negative Declaration is not available online and hasn't been provided. He stated that the new plan has gotten better, but is concerned with the driveway located adjacent to the Center Court Condominium property line and the 24-hour traffic in the driveway. He also expressed concern that the view study still shows a significant impact and that one of the view simulations is missing. Mr. Powell stated that the hotel will have a view of their pool area, and expressed concerns with the noise and traffic that would be generated by the development.

LOUIS BRINELLO stated that he was in support of Mr. Powell's comments, and that he was appreciative of the accommodations that the development had made thus far. He

was concerned that construction would be occurring immediately adjacent to their condominiums, and that the construction would be a major disturbance and inconvenience to residents.

AAMER MUMTAZ noted that the developer had committed to install double-pane windows in some of the units to help with the noise issues, and also reiterated the issues addressed by Mr. Powell and Mr. Brinello.

LAURI KIBBY, applicant, stated that she has agreed to install double-pane windows on the outfacing units, and that she and her team have done everything they can to move the hotel building further away from the condominium complex. She also stated that they would be installing sound mitigation walls to assist in curtailing the noise.

Seeing no other speakers, Vice Chair Weremiuk closed the public comment portion of the agenda.

## **2. TOUR OF THE PROPOSED DREAM HOTEL SITE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD.**

Planning Director Fagg provided a brief introduction at the beginning of the tour, and noted that no formal action would be taken during the tour, and that testimony should be reserved for the public hearing.

Vice Chair Weremiuk requested information on the proposed sound wall and landscape buffer that will separate the condominiums from the hotel development, and also verified the height of the hotel and the condominiums. She asked if access would be limited from Avenida Caballeros. (The applicant responded that a gate will be installed on the Avenida Caballeros driveway.) Ms. Weremiuk verified how far the hotel driveway would be located from the perimeter wall at the common property line, and questioned if the existing trees along the north property line will remain in place (the trees will be removed). She asked when the green wall along the property line will be built (not until the 12<sup>th</sup> or 13<sup>th</sup> month of construction).

Commissioner Donenfeld asked if the perimeter wall will be built on the Dream Hotel side of the property line (hedge only), and which windows would be replaced with dual-pane windows (outfacing units only). Mr. Donenfeld further questioned the details of the wall and hedge at the common property line. He also requested information on how the trash would be collected and where utilities would be located.

Commissioner Middleton requested information on the views from the fifth floor of the hotel/condo building, and asked how the structure would impact the views of the Center Court Condominiums. She also requested information on the construction and location of the hedge and perimeter wall, and requested more information about how patron traffic would circulate on the site. She verified the location and details of the porte-cochere, and how far the valet area would be located from the common property line.

Ms. Middleton also requested information on the stand-alone casita buildings, and verified the position of the driveway along the north property line.

Commissioner Lowe asked about the configuration of the farmhouse and garden area, and if the public would be able to access the gardens. He also requested information on where the footprint of the hotel building relative to the property lines and existing views.

**ADJOURNMENT:**

There being no further questions Vice Chair Weremiuk adjourned the meeting at 2:25 pm to the next regular meeting at 1:30 pm, Wednesday, May 24, 2017, Convention Center, Primrose C, 277 North Avenida Caballeros.

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Flinn Fagg, AICP  
Director of Planning