

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
May 10, 2017
Convention Center, Primrose C
277 N. Avenida Caballeros, Palm Springs, CA 92262

CALL TO ORDER:

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

ROLL CALL:

Present This Meeting: Commissioners Hudson, Middleton, Vice-Chair
Weremiuk, Chair Calerdine

Absent This Meeting: Commissioners Donenfeld, Hirschbein, Lowe

Staff Present: Planning Director Fagg, Deputy City Attorney
Daudt, Engineering Director Garcia, Planning Administrative
Coordinator Hintz, 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, May 4, 2017.

ACCEPTANCE OF THE AGENDA:

Chair Calerdine reported that Item 2D will be continued due to a lack of voting quorum on this Item. He disclosed that he has a property related conflict of interest and will be recusing himself from the discussion and vote.

(This Item was moved to the beginning of the Agenda.)

2D. SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED FINAL PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE TRACT MAP 35236 FOR THE DEVELOPMENT OF A 175-ROOM HOTEL, 30 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, (CASE NOS. 5.1132-PD 333 AMND & TTM 35236). (ER)

ACTION: Continue to a date certain of May 24, 2017.

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

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

PUBLIC COMMENTS:

Chair Calerdine opened public comments:

JOY BROWN, MainStreet, president, spoke in favor of the proposed Sign Ordinance as presented.

JUDY DEERTRACK, spoke about the 750 Lofts project, she questioned how the reprocessing of the project will move forward in spite of the court order to rescind all approvals.

MIKE STEWARD, resides near the Dream Hotel, spoke in full support of the proposed project; the developer has accommodated all of the neighbors concerns.

CONSENT CALENDAR:

ACTION: Approve Items 1A and 1B as part of the Consent Calendar.

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

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

1A. APPROVAL OF MINUTES: APRIL 12, 2017 REGULAR MEETING MINUTES AND APRIL 26, 2017 STUDY SESSION MINUTES

Approved, as presented.

1B. PALM SPRINGS MODERN CONSTRUCTION, REQUESTING A PARCEL MAP WAIVER (TPM 37327) FOR A TWO (2) LOT SUBDIVISION ASSOCIATED WITH THE 64@RIV PROJECT LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, ZONE R-3. (GM)

Approved, as presented.

2. PUBLIC HEARINGS:

2A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND SECTION 91.00.10 AND SECTIONS 93.20.01 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)

Planning Director Fagg provided background information on the proposed amendment to the Sign Ordinance as outlined in the staff report.

Chair Calerdine opened the public hearing:

JUDY DEERTRACK, spoke about constitutional rights relating to the Sign Ordinance amendment.

Commissioner Hudson noted concern about the square footage of signs in residential neighborhoods.

Commissioner Middleton said she would like to create two exemptions for security and no solicitation signs. She is opposed to a single 16 square foot sign or two 8 square foot signs in residential areas.

Commissioner Hudson commented on codifying real estate signs that are located remotely off-site for open house events.

ACTION: Approve, subject to:

- Limit size of signs in residential areas to 4 square ft.
- Allow two permanent signs (security or no solicitation signs) not to exceed 1/2 sq. ft. in dimension.
- No time limitations on temporary signs and limited in residential zoning districts (remove after event if applicable).
- Allow a provision for remote real estate signs (such as open house signs and directional signs for special events).

Motion: Chair Calerdine, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

**Chair Calerdine expressed concern about separation of political speech and commercial speech.

2B. REVIEW OF THE RECOMMENDATIONS OF THE HOC PDD (PLANNED DEVELOPMENT DISTRICT) COMMITTEE REGARDING MODIFICATIONS TO THE PLANNED DEVELOPMENT DISTRICT PROCESS. (FF)

Planning Director Fagg provided background details and overview on the recommendations provided to the Commission by the PDD Ad Hoc Committee.

Chair Calerdine opened the public hearing:

MARVIN ROOS, MSA Consulting & member of the PDD Ad Hoc Committee, referenced item #54 relating to small-lot development and item #62 relating to (modifications of development standards).

JUDY DEERTRACK, thanked staff and the committee for their hard work; she feels this will create tremendous change. She reminded the Commission's right to not approve a PDD when it comes forward to them for review.

There being no further speakers the public hearing was closed.

Commissioner Middleton noted that with all the disagreements on PDD's it was a remarkable achievement to have a group of people come up with 68 recommendations that were almost unanimous. Ms. Middleton said the test is not whether there are no PDD's that come before them but rather fewer PDD's and more projects by right-of-zone.

Chair Calerdine concurred with Commissioner Middleton noting that this will be a big change in process for the city.

ACTION: Recommend approval to City Council of the list of recommendations by the PDD Ad Hoc Committee dated May 10, 2017, with modifications made by the Commission (and highlighted in red):

- Correct the notation for Items #33 and #34;
- Item #37: Amend the Planning Commission recommendation to note that time extensions for Planned Developments should be the same as the recent one Text Amendment for other EOT applications (Case 5.1405 ZTA).
- Item #39: Amend the Planning Commission recommendation to note that the additional public comment period is limited to comments on the motion and cannot include additional comments on CEQA issues.
- Item #54: Amend the Planning Commission comment to include a recommendation to pass a small-lot ordinance with a provision for common open space.
- Item #61: Add a comment that the zoning code should be amended to include new development types, instead of relying on the PD process.

- Item #62: Identify the citations in the zoning ordinance which grant the City Council authority to waive development standards.
- Item #66: Add language to recommend that grading standards be adopted for hillside development.

Motion: Vice Chair Weremiuk, seconded by Calerdine, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

A recess was taken at 3:00 pm. The meeting returned at 3:12 pm.

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)

Planning Director Fagg provided an update on the Conditional Use Permit for La Serena Villas to allow a restaurant as an accessory use to a hotel.

Chair Calerdine opened public comments and with no appearances coming forward the public hearing was closed.

ACTION: Approve with conditions subject to:

- Revise PLN 3. The restaurant shall be for the primary use of hotel guests. For the purposes of this condition, guests of the adjoining Del Marcos Hotel (225 W. Baristo Road, APN #513-202-002) and the Calla Lily Hotel (350 S. Belardo Road, APN #513-203-016) shall be considered hotel guests and may use the restaurant facility without restriction.
- Revise PLN 5. Hours of Operation. The operating hours for the restaurant and bar shall be primarily limited to 7:00 am to 6:00 pm daily. Dinner service may be provided until 10:00 pm up to six (6) evenings per week, ***excluding Thursday evenings (VillageFest).***

Motion: Vice Chair Weremiuk, seconded by Chair Calerdine, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

3. UNFINISHED BUSINESS:

3A. 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 described the two layout options in the revised plans as outlined in the staff report.

FRANK KENNARD, Tommy Bahama, design director, said the ideal target count for seating (interior seat count is limited) is 200 seats. He said their goal is for people to be able to come in from off the street and interact with the bar, restaurant or retail. Mr. Kennard explained with the tree closer to the corner it would allow a 180 seat count and with the tree moved toward their patio the table count will drop drastically to a seat count of 154.

MICHAEL BRAUN, applicant, addressed the tree location on the site plan.

Chair Calderine said he's comfortable with the first option as recommended by the AAC.

Vice Chair Weremiuk prefers the placement of the original location of the tree.

ACTION: Approve plan shown in Option 1, subject to three items returning for AAC review:

1. Seating layout and barrier detailing at raised planter.
2. Construction detailing of railing sleeve.
3. Alternate proposal for permanent bar top seating near entryway.

Motion: Chair Calderine, no second. ***MOTION DIES DUE TO LACK OF SECOND.***

Commissioner Hudson said their goal was to move the tree closer to its original location with a minimum of 10 feet separation between the tree and the fence -and with that he made a motion.

ACTION: Approve with final review by Planning Director subject to:

1. Keep the tree to its original location as close as possible.
2. Maintain a 10 ft. distance from the seating to the railing. (While trying to maintain the seating count as proposed by the applicant.)

Motion: Hudson, seconded by Vice Chair Weremiuk, and unanimously carried 4-0-3 on a roll call vote.

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

3B. 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)

Associate Planner Newell presented the proposed amendment to eliminate one unit and install a trailhead as outlined in the staff report.

Vice-Chair Weremiuk questioned why the water fountain was not provided and the unit was not moved five feet away from the street as previously discussed.

Michael Braun, applicant, said they preferred not to move the house back five feet because the side yard setbacks would be inadequate for the future homeowner. Mr. Braun explained the park was proposed in the past because it was related to waiving of certain fees; however they withdrew this request and the park is no longer necessary as a condition. He said in regard to the public benefit of the project they dedicated hillside land to the city that was approved. Mr. Braun said the drinking fountain was not proposed because it is a maintenance hazard and the HOA would be required to maintain it which would create an unnecessary burden for the homeowners.

Commissioner Middleton said that although she appreciates the maintenance issues with the drinking fountain this is something the Commission requested.

Commissioner Hudson says he feels comfortable requiring the water fountain and feels there is enough separation with the landscaping; he is comfortable not pushing the house back five feet.

Vice Chair Weremiuk thinks it's appropriate to require the drinking fountain as a part of the public benefit.

ACTION: Approve with conditions subject to:

1. Require a water fountain at trailhead.

Motion: Vice Chair Weremiuk, seconded by Commissioner Middleton, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

4. NEW BUSINESS:

4A. REQUEST BY THE CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 92.04.01(D) TO REVISE THE STANDARDS FOR HOTEL RESTAURANTS IN THE R-3 ZONE. (FF)

Planning Director Fagg provided an overview on the two options proposed to revise the standards for hotel restaurants as outlined in the staff report.

Chair Calerdine and Vice Chair Weremiuk spoke in preference of the second option that requires a Conditional Use Permit on a case-by-case basis.

ACTION: Direct staff to prepare the zone text amendment and schedule a public hearing.

Motion: Chair Calerdine, seconded by Vice Chair Weremiuk, and unanimously carried 4-0-3 on a roll call vote.

AYES: Hudson, Middleton, Vice Chair Weremiuk, Chair Calerdine

ABSENT: Donenfeld, Hirschbein, Lowe

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Fence design on Block B-1 (Virgin Hotel) site.
- Site tour of the Dream Hotel property.
- Chair Calerdine will not be present the first meeting in June.
- Update on the 750 Lofts project.

PLANNING DIRECTOR'S REPORT:

Planning Director Fagg encouraged the Commission to consider all the projects on the agenda and not to continue them.

ADJOURNMENT:

The Planning Commission adjourned at 4:36 pm to 1:30 pm, Wednesday, May 24, 2017, Convention Center, Primrose C, 277 Avenida Caballeros, Palm Springs, California.

Flinn Fagg, AICP
Director of Planning Services

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