

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
March 11, 2009
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

The meeting was called to order 1:37 p.m.

ROLL CALL:

	Present This Meeting:	Present to Date:	Year: FY 2008/2009 Excused
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Absences:

Larry Hochanadel, Chair	X	25	0
Leo Cohen, Vice Chair	X	24	1
Toni Ringlein	X	21	4
Jon Caffery	X	23	2
Bill Scott	X	21	4
Tracy Conrad	X	19	6
Doug Donenfeld	X	25	0

REPORT OF POSTING OF AGENDA:

The agenda was posted and available for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 4:30 p.m. on Friday, March 6, 2009.

ACCEPTANCE OF THE AGENDA:

The agenda was accepted, as presented.

PUBLIC COMMENTS:

Chair Hochanadel opened public comments:

(The following persons spoke in reference to Item 2B, Case LUP 06-023C.)

Matthew Shupe, Palm Springs, spoke of his business opportunity with Ignition; and the diversity of clientele and numerous venues offered at this location.

(public comments cont'd)

- Roxanne Mishler, Yucca Valley, emphasized that Ignition does not serve alcohol or promote violence but provides a positive site for the youth and adults in the community.
- Diane Schroeder, Yucca Valley, spoke of Ignition providing a great alternative to a bar and its great atmosphere; in favor of extending the hours of operation.
- Kevin McCulloch, Palm Springs, stated that numerous bands come from out-of-state to perform at Ignition; spoke in favor of extending the hours of operation.
- Charles Street, Palm Springs, commented on the assistance he has received from Ignition and the services they provide to the community.
- Martha Higgins, Wessman Development, (property manager for Item 2B and Item 3A) spoke in support of the items and suggested additional security for the extended hours.
- Richard Rillo, Palm Springs, spoke of the establishment's unique environment and encouraged the city to show struggling merchants flexibility and wisdom in administering its ordinances.
- Mary Lou Rillo, Palm Springs, stated that she would like to see the city show its support to locally owned businesses and extend the hours of operation for Friday and Saturday.
- Symara Stone, Palm Springs, spoke of the establishment as providing a place to display hidden talents, as well as, on-line computers, world-wide coffee, local bands and food.
- Ashley Irvine, Palm Springs, stated that Ignition fits the needs of the community by offering a safe alternative to alcohol and bars.
- Brian Hoff, Palm Springs, explained that he was the original owner and had to sell the business and urged approval of the extended hours of operation.
- Dan Maxwell, Palm Springs, commented that he did not see the relevance of traffic stops and public intoxication with this establishment; spoke in favor of the extended hours of operation.
- John Delaire, Palm Springs, commented on the lack of places in the community for locals other than bars; spoke in favor of the extended hours.
- Crystal Shaw, Palm Springs, stated that Ignition provides a safe environment and is a great alternative to the bar scene.
- Bonnie DeGeorge, Palm Springs, stated that the night life usually begins at 11 p.m. and Ignition provides a place for bar patrons to sober up; encouraged the extended hours of operation.
- Bob Thomas, Palm Springs, stated that he is a regular patron and has observed all of the disturbances coming from the neighboring bars; spoke in support of the extended hours.
- Don Schlader, Palm Springs, stated that he has enjoyed his friendship with Moussa (the appellant) and questioned closing the establishment, two nights per week, when it contributes to city taxes.
- Curly Williams, Palm Springs, recalled the spring breaks in the past and pointed out that other establishments in the area are remaining open until 2 am.
- Don Klaus, Palm Springs, spoke of the difficulty of developing a business in this city and the struggle to remain open.
- Chris Shelley, Palm Springs, noted that this is a great atmosphere for kids to hang out and listen to music; spoke in favor of extending the hours of operation.

(public comments cont'd)

-Jesene Ortell, Palm Springs, commented that there has never been any violence at this establishment and noted her appreciation for the numerous venues offered.

-Moussa Raei, Palm Springs, appellant, spoke of the numerous services that Ignition provides and noted the contributions he has made to the city; requested approval of the extended hours of operation.

-Phyllis Burgess, Palm Springs, expressed concern with illegal activities in the Warm Sands neighborhood and similar areas and questioned why this type of behavior is allowed.

There being no further appearances, public comments was closed.

1. CONSENT CALENDAR:

1A. Minutes of February 25, 2009

M/S/C (Ringlein/Scott, 7-0) To approve, minutes of February 25, 2009.

2. OTHER BUSINESS:

2A. Case 5.0899 PD 271 AMND (Alta) - A request by Basel Investors, Inc., to amend the development standards for an existing Planned Development District (PDD 271) located at the northeast corner of Acanto Way and South Palm Canyon Drive, Zone PD 271, Section 35, APN: 512-290-032. (Project Planner: Scott Taschner, Assistant Planner)

Scott Taschner, Assistant Planner, provided background information as outlined in the staff report dated March 11, 2009.

Staff clarified that Lot 57 and Lot 62 have already been merged and the lot lines do not exist for these two parcels.

Commissioner Scott expressed concern that the adjacent property owners have not been notified specifically relating to the setbacks or the small guest house (within the setbacks).

M/S/C (Scott/Vice Chair Cohen, 7-0) To continue and direct staff to provide notice to adjacent property owners within a 400 square foot radius of the property.

2B. Case LUP 06-023C (Ignition Coffee Shop) - An appeal of the Planning Director's decision denying an amendment of a previously approved Land Use Permit for the extension of business hours located at 123 North Palm Canyon Drive, #311, Zone CBD, Section 15, APN 513-560-008. (Project Planner: Glenn Mlaker, Assistant Planner)

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated March 11, 2009.

Director Ewing provided additional background information on the existing land use permit and subsequent events.

-Dennis Graham, lieutenant for the Police Department, stated that the police department has concerns about public safety; and provided details on the incidents at this establishment. Lt. Graham recommended a safety plan and enforcement of the existing land use permit.

The Commission discussed the minor incidents, the late hours of operation and patrons from nearby bars.

Commissioner Ringlein encouraged her fellow Commissioners to support a business that does not serve alcohol.

Commissioner Caffery expressed concern with youths under 18 years old mingling with bar patrons.

-Simone Easum, legal counsel representing the appellants, requested an address history detail for the neighboring bars for a logical analysis. Ms. Easum noted that law enforcement is essential but should be conducted in a manner that does not violate individual rights.

-Amy Raei, appellant, requested a 1:30 a.m. closing time, on a daily basis, and spoke about Ignition providing a safe place for youths.

M/S/C (Conrad/Scott, 6-1/Ringlein) To continue to the meeting March 25, 2009, to allow the appellant, staff and the police department to work on a security plan; and direct staff to bring back a resolution of approval with conditions to allow Ignition to stay open seven (7) days per week with a closing time of 1 a.m. and an option of a 1:30 a.m. closing time.

Commissioner Ringlein clarified that she voted against the motion because she felt this could have been decided on today instead of continuing the item.

3. PUBLIC HEARINGS:

3A. Case 5.0749 CUP AMND (Alternate Route formerly Mixie's Boy Bar) - A review of an amendment to a previously approved Conditional Use Permit for a cocktail lounge located at 120 South Palm Canyon Drive, Zone CBD, Section 15, APN: 513-144-002. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated March 11, 2009.

Chair Hochanadel opened the public hearing:

-Hugh Carson, applicant, stated that he was previous owner of The Blue Guitar and was not aware of the restrictions imposed by the conditional use permit.

There being no further appearances, the public hearing was closed.

M/S/C (Conrad/Donenfeld, 7-0) The Conditional Use Permit to remain in effect and allow continued operation, subject to the following conditions:

- A one (1) year review with consideration of modification or revocation of the Conditional Use Permit.
- The Conditional Use Permit to be subject to modification or revocation by the Planning Commission if three (3) or more noise complaints are received or at Commission request.

A recess was taken at 3:58 p.m.

Commissioner Ringlein left at 3:59 p.m. for the remainder of the meeting.

The meeting resumed at 4:09 p.m.

3B. Case TPM 34764 - An application by SWS Investments, LLC, to subdivide approximately 10.4 acres into eleven parcels for commercial purposes and a public street located on the north side of 20th Avenue approximately 700 feet west of North Indian Canyon Drive, Zone M-2, Section 23, APN: 666-330-035, -036, -083 and -085. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated March 11, 2009.

Chair Hochanadel opened the public hearing:

-John Sanborn, Sanborn A/E, was available for questions from the Commission.

There being no further appearances, the public hearing was closed.

M/S/C (Scott/Caffery, 6-0, 1 absent/Ringlein) To recommend that the City Council adopt a Mitigated Negative Declaration and approve Tentative Parcel Map 34764, as amended:

-Revisions to Engineering Conditions #17 - #28, to reflect that grading applies to the street construction.

4. STUDY SESSION:

4A. Discussion: Initiation of Zone Text Amendment - Definition of Building Height

Director Ewing provided background information as outlined in the memorandum dated March 11, 2009.

The Commission discussed and/or commented on the inclusion of retaining walls as a part of the height calculation. Staff suggested this may best added to the hillside exemption than in the definition of basic building height.

Commissioner Conrad requested architectural appurtenances be addressed in the height definition and maintained to the minimum height.

Staff noted that a separate section called "exceptions to heights" addresses architectural appurtenances and will be brought to the Commission for further review.

M/S/C (Conrad/Scott, 6-0, 1 absent/Ringlein) To initiate the Zone Text Amendment regarding the definition of building height.

5. PLANNING COMMISSION COMMENTS:

Commissioner Donenfeld noted that he would not be in attendance for the meeting of March 25, 2009.

Chair Hochanadel expressed his condolences to Diane Bullock's family.

5A. Memorandum from Chair regarding Selection of Candidate for the Architectural Advisory Committee.

Chair Hochanadel summarized his memo on the recruitment of a new member to the Architectural Advisory Committee and urged the Commission to encourage people to submit an application. There were no objections to allowing an additional month to the recruitment period.

PLANNING DIRECTOR'S REPORT:

Director Ewing noted that tonight's City Council meeting has been cancelled and provided an update on the planning items scheduled for March 25, 2009.

ADJOURNMENT:

The Planning Commission adjourned at 4:40 p.m. to a regular meeting on Wednesday, March 25, 2009, at 1:30 p.m., City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Craig A. Ewing, AICP
Director of Planning Services

DRAFT