

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
Wednesday, April 25, 2018
City Hall, Council Chamber
3200 East Tahquitz Canyon Way, Palm Springs, California

CALL TO ORDER:

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

ROLL CALL:

Present: Donenfeld, Moruzzi, Vice Chair Calerdine, Chair Weremiuk

Absent: Hirschbein; Hudson, Woods

Staff Planning Director Fagg, Attorney Priest, Engineering Director Garcia,
Planning Administrative Coordinator Hintz, Associate Planner Newell

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 19, 2018.

ACCEPTANCE OF THE AGENDA:

Donenfeld, seconded by Calerdine to accept the agenda as presented.

AYES: Donenfeld, Moruzzi, Calerdine, Weremiuk

ABSENT: Hirschbein, Hudson, Woods

PUBLIC COMMENT:

Chair Weremiuk opened public comments and with no speakers coming forward public comments was closed.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: MARCH 14, 2018 AND MARCH 28, 2018

Calerdine and seconded by Moruzzi to approve the minutes as presented.

AYES: Donenfeld, Moruzzi, Calerdine, Weremiuk
ABSENT: Hirschbein, Hudson, Woods

2. PUBLIC HEARINGS:

2A. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A MINOR ZONE TEXT AMENDMENT TO SECTION 94.04.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO ARCHITECTURAL REVIEW FOR AGRICULTURAL STRUCTURES IN INDUSTRIAL OR CONSERVATION ZONING DISTRICTS (CASE 5.1442 ZTA). (FF)

Planning Director provided an overview on the proposed zone text amendment relating to the review process of agricultural structures in the E-1 and M-2 zoning districts.

Chair Weremiuk opened the public hearing and with no speakers coming forward the public hearing was closed.

Commissioner Donenfeld said he would like to enhance the definition of agricultural to include but not limited to the growing of cannabis.

Calerdine and seconded by Donenfeld to recommend approval to the City Council with the added language:

1. Enhance the definition of agricultural to include but not limited to growing of cannabis.

AYES: Donenfeld, Moruzzi, Calerdine, Weremiuk
ABSENT: Hirschbein, Hudson, Woods

(Amendment forwarded to the City Council.)

2B. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A ZONE TEXT AMENDMENT TO AMEND PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 92.09.01, AND 92.09.02 TO ALLOW GROCERY STORES WITHIN THE CBD (CENTRAL BUSINESS DISTRICT) ZONE TO PROVIDE FOR OTHER MINOR MODIFICATIONS AND CORRECTIONS (CASE 5.1443 ZTA). (FF)

Planning Director Fagg provided an overview on the zone text amendment for the CBD (Central Business District) zone to allow grocery stores in the downtown area. Mr. Fagg described the uses currently allowed in the CBD zone and indicated that staff is also proposing other minor corrections to the list of uses as referenced in the staff report.

Chair Weremiuk said she prefers seeing the changes in red-line and requested it come back to them in this type of format.

Chair Weremiuk opened the public hearing:

WILLIAM HAMILTON & BRIAN STRAND, co-owners of Grand Paw Pet Resort, (doggie day-camp), said they have a facility on Palm Canyon Drive that only allows day camp activities. Mr. Hamilton said that although they were aware of the zoning restriction for boarding services; he emphasized that the day care is not financially feasible. He said they don't consider themselves a kennel but rather an upscale pet resort. He thinks the term "kennel" is outdated and would like to have the ability to provide limited boarding services.

Planning Director Fagg stated that he could draft language to address adequate restrictions so there are no impacts to the adjacent uses (relating to noise, waste, etc.). He will bring this back for the Commission's review in a red-line version.

Commissioner Donenfeld requested staff provide research on ensuring there is ample area to allow dogs to run and exercise. He'd like to know what the standards are to operate a kennel.

Weremiuk, seconded by Donenfeld continue to a date certain of May 9, 2018.

AYES: Donenfeld, Moruzzi, Calerdine, Weremiuk
ABSENT: Hirschbein, Hudson, Woods

3. UNFINISHED BUSINESS: None.

4. NEW BUSINESS:

4A. DAN L. GORE OF OSCAR'S CAFE & BAR FOR AN AMENDMENT TO A LAND USE PERMIT TO EXPAND INDOOR AND OUTDOOR ENTERTAINMENT OPTIONS FOR THE EXISTING RESTAURANT/BAR LOCATED AT 125 EAST TAHQUITZ CANYON WAY, SUITE 108, ZONE CBD (CASE NO. LUP 18-007). (DN)

Associate Planner Newell provided an overview on the proposed request to expand the indoor and outdoor entertainment as outlined in the staff report. Mr. Newell noted that the closest residential property is over 900 feet away to the southwest and considering all the factors staff is recommending approval subject to a six month review.

Planning Director Fagg explained that this project is much different in terms of proximity to residential uses and has intervening buildings that help limit or block the sound to certain degree. He indicated that this specific property has a history of outdoor entertainment with minimal complaints have been filed in relation to noise.

DAN GORE, applicant, explained that the existing speakers would not be enhanced.

Chair Weremiuk said that in the past they have required a sound limiter system to limit the levels at the property edge so that sound will not spill out. She also spoke about placing a limitation on the bass. She expressed concern with noise spilling out to the future living spaces in Building B and C of the Downtown Development.

Vice Chair Calerdine said he is not in favor of placing additional noise restrictions because this project is part of downtown. He noted that if he were to move in to a future downtown apartment in Building B or C he would expect noise would be part of his environment. He clarified this is not a project adjacent to a residential neighborhood.

Commissioner Donenfeld concurred with Vice Chair Calerdine that it is a very different location in downtown and people expect noise. He commented that if you're going to buy or rent an apartment in the Downtown Development you are going to expect that kind of activity. He also thinks the way the walls are placed the sound equipment will not impact the Historic Tennis Club. He said if they have a problem then in six months more restrictive measures could be imposed.

Commissioner Moruzzi concurred with Commissioners Calerdine and Donenfeld. He said the way he looks at this part of downtown it is the center of the tourist district and they want to support activities that provide fun. He said this business has been there for a while with virtually no complaints especially from businesses across the street.

Chair Weremiuk said her main concern is the increase to 5 days a week and seeing if they have any complaints and issues.

Weremiuk and seconded by Moruzzi to approve with conditions subject to:

1. Revise Condition #10 to include: "during the week between 4:00 pm and 10:00 pm" and "three additional nights shall be determined by mutual agreement of the permittees and the Planning Department".
2. The speakers for the sound system are oriented downward facing the two-story building.
3. No enhancement of the current speaker system to increase the volume.
4. Planning Commission review in six months.

AYES: Donenfeld, Moruzzi, Calerdine, Weremiuk

ABSENT: Hirschbein, Hudson, Woods

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Status of demolition permit language for HSPB subcommittee
- Update on Subcommittee meetings

CITY COUNCIL LIAISON REPORT:

- City Council Member Middleton spoke on several issues relating to the proposed new budget, Measure C, two of the Planning Commission terms, the PDD process relative to public benefit and plans on updating the General Plan and Zoning Code.

PLANNING DIRECTOR'S REPORT:

- PDD Subcommittee will be scheduled in May
- Update on National Planning Conference- golf course redevelopment

ADJOURNMENT: The Planning Commission adjourned at 2:44 pm to 1:30 pm, Wednesday, May 9, 2018, City Hall, Council Chamber, 3200 E. Tahquitz Canyon Way, Palm Springs, California.


Flinn Fagg, AICP
Director of Planning Services