

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
April 08, 2009
Council Chamber, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CALL TO ORDER:

The meeting was called to order at 1:33 p.m.

ROLL CALL:	Present This Meeting:	Present to Date:	Year: FY 2008/2009 Excused Absences:
Larry Hochanadel, Chair	X	27	0
Leo Cohen, Vice Chair	X	26	1
Jon Caffery	X	25	2
Bill Scott	X	23	4
Tracy Conrad*	X	21	6
Doug Donenfeld	X	26	1

*Commissioner Conrad arrived at 1:35 p.m.

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 4:30 p.m. on Friday, April 3, 2009.

ACCEPTANCE OF THE AGENDA:

The agenda was accepted, as presented.

PUBLIC COMMENTS:

Chair Hochanadel opened Public Comments:

-Marvin Geistlinger, president, Twin Palms HOA, explained that three major windstorms have occurred over the last 13 months resulting in the reduction of 21 trees (primarily pine trees) and requested approval of the tree replacement plan.

- Nadine Navarro, Palm Springs, Twin Palms HOA board member, spoke in favor of upholding the Planning Director's decision and requested moving forward with the re-planting program.
- George Mansfield, Palm Springs, secretary, Twin Palms HOA, noted that the original landscaping consisted of many pine trees that have been damaged and they are very pleased with the replacement trees.
- Tom Hawk, Palm Springs, Twin Palms HOA board member spoke of the difficulty they've experienced the past year due to the violent windstorms and high irrigation costs; and requested 18 to 24 months to complete the work.
- Jim Meyers, Palm Springs, stated that he is disappointed with the trees selected and requested a continuance to allow an independent arborist report.
- Francine McQuinny, Palm Springs, commented that the new landscape company has not properly maintained the trees and requested a continuance.
- Gary Johns, Palm Springs, spoke of the poor quality of work performed on the exterior of the former Baker's Square building and suggested these types of projects go before the Architectural Advisory Committee for review.

There being no further appearances, Public Comments was closed.

1. CONSENT CALENDAR:

Minutes of March 25, 2009.

1A.

M/S/C (Scott/Caffery, 5-0, 1 abstained/ Donenfeld) To approve, minutes of March 25, 2009. (Noting Commissioner Donenfeld's abstention.)

2. OTHER BUSINESS:

- 2A. Case 3.1142 MAA - Amendment to Landscape Plan for Twin Palm Condominiums, located on the South side of Twin Palm Drive, approximately 1400 feet west of Sunrise Way. The project is comprised of two parts:**
- Appeal of the Planning Director's decision allowing an amendment to the Landscape Plan: Appeal by Lorraine Lawrence.
 - A subsequent application by the Home Owners Association to propose additional amendments to the approved landscape plan.

Scott Taschner, Assistant Planner, provided background information as outlined in the staff report dated April 8, 2009.

Commissioner Conrad commented that conifer trees require a lot of maintenance and are not suitable for the desert. Ms. Conrad noted her preference for the silk floss trees and larger trees than the proposed 15 gallon.

-Lorraine Lawrence, appellant, requested a continuance to allow time for completion of an independent arborist report.

M/S/C (Conrad/Donenfeld, 6-0) To continue to April 22, 2009 and direct staff to meet with the HOA board members and other homeowners to develop a plan for replacement of trees and suggested that the trees be replaced with desert friendly trees (no conifers) with a minimum 24 inch box size, and that a deep root watering system be included.

3. PUBLIC HEARINGS:

3A. Case 5.1049 CUP AMND (Spanish Inn) - An application by Nejat Kohan for an amendment to a Conditional Use Permit requesting approval to modify existing structures and for a restaurant as an accessory located at 640 North Indian Canyon Drive, Zone R-3, Section 11, APN 507-183-003 and 006. (Planner: Ken Lyon, Associate Planner)

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated April 8, 2009.

Chair Hochanadel opened the Public Hearing:

-Joe Luisi, historic consultant for the developer, stated their that intent is to bring back the 1930's and provided details on the hand-painted tiles, garden benches and hand-crafted lamps that will be used.

-Michael Van Parys, development team, thanked staff for all their work.

There being no further appearances, the Public Hearing was closed.

M/S/C (Donenfeld/Vice Chair Cohen, 6-0) To approve, the amendment to the Conditional Use Permit, subject to the Conditions of Approval; and

-To return to the Planning Commission for a full review of the parking plan if the applicant opens the restaurant for public use.

3B. Case 5.0909 CUP (Viceroy formerly the Estrella Inn) - To consider revocation or modification of a Conditional Use Permit to operate incidental accessory uses at the hotel located at 415 South Belardo Road, Zone R-3, Section 15, APN: 513-202-005. (Project Planner: Craig A. Ewing, AICP, Director of Planning Services)

Director Ewing provided background information as outlined in the staff report dated April 8, 2009.

Chair Hochanadel opened the Public Hearing:

- Michael Gonzales, legal representation for the property owner, provided an overview on the proposed phasing schedule and explained that their request for additional time is tied to the economic performance of the hotel.
- Diego Heredia, general manager, Viceroy, reassured the Commission that the improvements would be completed according to the phasing schedule.
- Jessi Mueller, Bermuda Dunes, (hotel employee) stated that the hotel staff is pleased with the changes the new general manager has made and the hotel is run in a more efficient manner.
- Frank Tysen, Palm Springs, (new chair of the Historic Tennis Club Neighborhood Association), on behalf of the board; noting that the hotel has been in disrepair for too many years and would like a continuation to allow them more time to meet with the decision makers of the hotel.
- Pat Stumph, representing Palm Springs Woman's Club, commented on the expense they have incurred in keeping the 1930's historically significant clubhouse well-maintained and expressed concern with their loss of revenue due to the view of this property.
- Marshall Roath, Palm Springs, commented that this project has been on-going for a very long time and suggested the landscaping on Cahuilla Road be completed first.
- Michael Gonzales, applicant rebuttal, addressed the continuance requested by several neighbors and requested approval of the phasing plan.

There being no further appearances, the Public Hearing was closed.

Commissioner Conrad stated her opposition to allow more time for the improvements and noted her preference to revoke the CUP for noncompliance of the conditions.

M/S/C (Conrad/-1, -) To recommend revocation of the Conditional Use Permit to the City Council, for failure to comply with the Conditions of Approval. (*MOTION FAILED, DUE TO A LACK OF A SECOND.*)

Commissioner Caffery noted his preference to have the improvements completed within a one year.

M/S/C (Donenfeld/Scott, 4-2/Caffery/ Conrad) To direct staff to bring back a resolution to establish a completion date for the improvements, as follows:

- To require all improvements be completed by December 31, 2010; with specific time requirements for the multi-phase program.
- Failure to meet any of the specific timelines would result in expiration of the Conditional Use Permit.

A recess was taken at 3:57 p.m.

The meeting resumed at 4:07 p.m.

4. STUDY SESSION:

4A. Discussion: Case 5.1224 ZTA -Initiation of a Zone Text Amendment - Conditions for Specific Uses in the NCC and CSC Zones (Project Planner: Ken Lyon, Associate Planner)

Ken Lyon, Associate Planner, provided background information as outlined in the memorandum dated April 8, 2009.

M/S/C (Scott/Caffery, 6-0) To direct staff to prepare a Zone Text Amendment to revise subsection 94.02.00(H).

5. PLANNING COMMISSION COMMENTS: .

The Commission and staff discussed the administrative process for over-the-counter approvals for repaints, new signs and restoration of the previous sign areas.

Commissioner Donenfeld provided an overview on the workshops he attended at the 2009 Planners Institute and Mini Expo (sponsored by the League of California Cities) and highly recommended it to his fellow Commissioners.

Commissioner Donenfeld requested staff follow-up on safety conditions at a property that has 160 or more art sculptures located near Ruth Hardy Park.

Staff provided an update on the application received for the Architectural Advisory Committee vacancy.

5A. Selection of Two Commissioners to attend the April 21, 2009 Steering Committee Review of Alternative Designs for Jackie Lee Houston Plaza.

Chair Hochanadel and Commissioner Conrad offered to attend April 21, 2009 meeting.

PLANNING DIRECTOR'S REPORT:

Director Ewing provided an update on the upcoming City Council meetings. Mr. Ewing noted that he would be out of office the week of April 20th - 25th.

ADJOURNMENT:

The Planning Commission adjourned at 4:26 p.m. to a regular meeting on Wednesday, April 22, 2009, at 1:30 p.m., City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

Craig A. Ewing, AICP
Director of Planning Services