

CITY OF PALM SPRINGS
PLANNING COMMISSION MINUTES
September 26, 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, Hirschbein, Moruzzi, Woods, Vice Chair Calerdine, Chair Weremiuk

Excused: Hudson

Staff Present: Planning Director Fagg, Attorney Priest, Assistant City Manager Fuller, Planning Administrative Coordinator Hintz, Assistant Planner Kikuchi, Engineering Associate Minjares, 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, September 20, 2018.

ACCEPTANCE OF THE AGENDA:

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

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

PUBLIC COMMENTS:

Chair Weremiuk opened public comments:

TIM ERKINS, (in reference to Items 2C, 2D and 2E) spoke in opposition of the time extensions for Items 2D and 2E; and in favor of the revocation for the vacation rental.

GABRIEL LUBEL, in reference to Item 2E, said with this amount of houses it will stretch the fire department thin; and requested the Commission allow space for a new firehouse.

MARY PETRELLI, in reference to Item 2E, stated that the gate is broken on the site and people are loitering and cutting across (burglarizing) the residential area of Palm Springs Country Club.

There being no further speakers the public comments portion was closed.

1. CONSENT CALENDAR:

Calerdine, seconded by Donenfeld to approve the July 25, 2018 regular meeting minutes as presented; and continue the study session minutes of July 25, 2018 to October 3, 2018.

1A. APPROVAL OF MINUTES:

- **JULY 25, 2018 STUDY SESSION AND JULY 25, 2018 REGULAR MEETING MINUTES**

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

2. PUBLIC HEARINGS:

- 2A. VPS, LLC FOR TIMBERLAKE HOLDINGS, LTD. AND ANNE KRIZMAN SEEKING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO ALLOW A BAR/LOUNGE WITHIN KAPTUR PLAZA AT 600 EAST TAHQUITZ CANYON WAY, A CLASS 1 HISTORIC SITE, ZONE REO, SECTION 14 (CASE 5.1451 CUP). (DN)**

Associate Planner Newell presented the proposed request to allow a bar/lounge as outlined in the staff report.

Chair Weremiuk opened the public hearing:

SCOTT TIMERBLAKE, property owner, clarified that there is an outside enclosed patio approved by the ABC.

MIKEY CONSBRUCK, applicant, provided details on the type of wine services and events that will be provided.

JAMES MORTENSEN, co-applicant, explained that part of the lounge will open up to an event space.

MIKEY CONSBRUCK, responded to questions from the Commission pertaining to catering- (no cooking on premises), conversational background music, and outdoor seating area.

There being no further speakers the public hearing was closed.

Vice Chair Calerdine questioned about adding a condition that would address review of exterior changes in the future.

Commissioner Hirschbein does not see it as problem to allow outdoor music given the closest residential is over 500 feet away and is near downtown.

Commissioner Donenfeld preferred to include a condition that addresses no amplified music.

Commissioner Woods spoke in favor of the project; he likes activating the outdoor area in this climate and supports amplified music since the noise ordinance regulations would apply.

Commission Moruzzi is excited about the sophisticated use in this building. He said based on their discussion he does not want to apply restrictions on amplified music.

Chair Weremiuk said she is not comfortable adding a condition to allow amplification especially since the applicant did not ask for it.

Weremiuk, seconded by Calerdine to approve with changes:

1. Any exterior improvements shall be reviewed by the Historic Site Preservation Board. Outdoor furniture/seating fixtures shall be reviewed and approved by the Planning Director.
2. Hours of operation may occur between 12:00 pm until 2:00 am, seven days a week.

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

ABSENT: Hudson

2B. TIMBERLAKE HOLDINGS, LTD. AND ANNE KRIZMAN SEEKING APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO ALLOW MEDICAL OFFICES AND PERSONAL SERVICES USES WITHIN THE EXISTING BUILDINGS AT KAPTUR PLAZA, LOCATED AT 600, 650, 700 AND 750 EAST TAHQUITZ CANYON WAY, A CLASS 1 HISTORIC SITE, ZONE REO, SECTION 14 (CASE 5.1436 CUP). (DN)

Associate Planner Newell provided an overview on the proposed request to allow a "blanket" permit for medical office and personal service uses as outlined in the staff report.

SCOTT TIMBERLAKE, property owner, spoke about the existing uses and requested approval of a "blanket" approval for similar uses.

Commissioner Donenfeld said as long as staff thinks a blanket CUP permit is lawful; he thinks this an innovative way for the applicant to fill the space.

Commissioner Moruzzi said in general he supports removing any impediments to using or leasing historic buildings. He thinks this is a good example of how it can be done.

Commissioner Woods commended the property owner in activating the mix of uses with a good pedestrian traffic to the center.

Donenfeld, seconded by Moruzzi to approve with changes.

1. The operating hours of these uses may occur between 6:00 am until 10:00 pm, seven (7) days a week.

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

2C. REQUEST BY THE CITY OF PALM SPRINGS FOR MODIFICATION OR REVOCATION OF A LAND USE PERMIT FOR AN ESTATE HOME VACATION RENTAL PROPERTY AT 953 NORTH AVENIDA PALMAS, ZONE R-1-B (CASE LUP 17-001). (FF)

Planning Director Fagg provided details on the vacation rental regulations and the three citations issued for the subject property.

BORIS STARK, Vacation Rental Compliance Official, provided further details and responded to questions from the Commission.

Chair Weremiuk opened the public hearing:

ANDREA MCGILL, Beau Monde Villas by Natural Retreats, regional manager, (appellant), representing the homeowner, said the property owner has been very respectful of the noise ordinance and has not held any events in 2018. She requested the Commission consider not revoking the LUP to allow the operation of the home in some way.

WILLIAM SAYEGH, Beau Monde Villas by Natural Retreats, general manager, explained that that the loud music complaint occurred at 2:00 pm when the guest was unloading the groceries; 2nd violation was for not being on a marketing partner website; and the 3rd occurred before sunset. He noted that none of the violations occurred during an event.

DAVE SCHULZ, nearby resident, said he's never experience any trouble with any of their events or short time guests in the last 8 or 9 years. It's a very prestigious house and the owner has a very reputable company managing the house.

FRANK CHANDEEN, nearby resident, agreed with the previous speakers that the technical error for not showing name on website should not be counted as a third violation.

ANDREA MCGILL AND WILLIAM SAYEGH, responded to questions from the Commission pertaining to the noise recording device its location in the property.

Commissioner Woods said it's no doubt it's a beautiful estate; however, he supports staff's recommendation pointing out the rigorous process that was done to regulate vacation rentals. He spoke in favor of the revocation.

Commissioner Moruzzi thinks it's unfortunate that the Planning Commission needs to evaluate this matter when it's been before the Appeals Board. Nonetheless, he thinks that the three violations are appropriate and agrees with revocation of the permit.

Commissioner Hirschbein agreed that this is not the Commission's area of expertise; but given the amount of effort that's went into this over a long time he supports the revocation.

Commissioner Donenfeld said this is a very controversial issue and many people are very concerned about their peace and quite. He supports the revocation

Woods, seconded by Weremiuk to approve revocation.

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

A recess was taken at 3:05 pm. The meeting resumed at 3:22 pm.

(This Item was heard out of order.)

4. NEW BUSINESS:

- 4A. REQUEST BY DAN SPENCER, ON BEHALF OF JAMES BURBA AND ROBERT HAYES, FOR MAJOR ARCHITECTURAL REVIEW APPROVAL FOR THE CONSTRUCTION OF 1,236 SQUARE-FOOT ADDITIONS TO AN EXISTING HILLSIDE SINGLE-FAMILY RESIDENCE AT 282 WEST CAMINO CARMELITA, ZONE R-1-B (CASE 3.529 MAJ). (NK)**

Assistant Planner Kikuchi presented the proposed additions to an existing hillside single-family residence as outlined in the staff report.

Vice Chair Calerdine congratulated the design team for keeping the character of the house with significant improvements to the property.

Calerdine, seconded by Donenfeld to approve as submitted.

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

- 2D. TOLL BROTHERS, INC. ON BEHALF OF PALM CANYON 65, LLC FOR A TIME EXTENSION OF THE ENTITLEMENTS TO CONSTRUCT AND SUBDIVIDE A RESIDENTIAL DEVELOPMENT CONSISTING OF (57) DETACHED SINGLE-FAMILY RESIDENCES, (25) MULTIPLE-FAMILY RESIDENTIAL CONDOMINIUMS, OPEN SPACE AND PRIVATE STREETS ON 12.38-ACRES OF LAND LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE PD-379 (CASE 5.1378 PD-379, 3.3876 MAJ & TTM 36914). (DN)**

Associate Planner Newell presented the proposed extension of time as outlined in the staff report.

Chair Weremiuk opened the public hearing:

ALLEN JANISCH, Toll Brothers, representing the applicant, provided details on the engineering plans to raise the site, eliminate the paseos and re-route the storm drain. He said the pads will be raised and the high retaining walls will be eliminated which will give the houses facing west a much better view. He provided details about their objective to re-route the storm drains; and thinks it's a much better overall layout and believe they are in substantial conformance.

SKY SMITH, MSA Consulting, senior designer, said they alleviated the tall walls on Belardo by transitioning the retaining portion along south edge and putting in the common area for the storm drain that runs through. He said this will help balance the site better and make it more practical.

There being no further speakers the public hearing was closed.

Vice Chair Calderine would like to get a better description of the following items when they return for the Commission's review:

1. Location of new storm drains;
2. Changes to bike trail buffer along the Tahquitz Creek;
3. How much backyard will be gained with the elimination of the paseos?

Time Extension Comments:

Commissioner Hirschbein noted that time extensions should be limited and not approved without substantial reasons. He said that given the amount of time that has elapsed they could have moved forward and does not support another one-year time extension.

Commissioner Donenfeld said there was an intervening event (lawsuit) beyond the control of either the original or new applicant. He thinks that proposed changes are not significant with the overall approved plan; and spoke in favor of the extension of time.

Vice Chair Calderine commented that the Commission reviewed this project extensively; and the City Council made changes to the project, as well. He thinks in this case, the one year time extension is merited especially with the change in ownership and spoke in support of the extension.

Chair Weremiuk thinks the change in builder and the lawsuit are substantial circumstances and have seen continual work. She said this is the same plan that Council approved and thinks this area needs to be developed and spoke in favor of the time extension.

Commissioner Moruzzi said that generally he doesn't agree with extensions; however, given the experience of the Commissioners he supports it.

Donenfeld, seconded by Woods to approve one year time extension and recommend approval of Tentative Tract Map to City Council.

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

The Commission offered the following suggestions for the project:

Commissioner Woods:

- No walls in overall wall height of 10 feet.
- Robust trail system and landscape along Belardo as originally approved.

Commissioner Moruzzi:

- Additional details along Belardo; and raised pads; 3D views of raised pads.

Commissioner Hirschbein:

- Agrees with Commission suggestions.
- Does not support the paseos.
- Would like to take a closer look at the public benefit; with the elimination of paseos he thinks there should be a compensating benefit to make up for that loss of public benefit.

Commissioner Donenfeld:

- Concerns about raising pads too high and more creative ways to rethink the retaining walls.
- More details on drainage.
- Rear yards are very desirable.
- Sidewalks are a benefit to the community.

Chair Weremiuk:

- Revised grading plan must be submitted.
- Like elimination of the paseos.
- No changes to the architecture along Palm Canyon.
- Likes the two separate locations for the dog park and pool.
- Agrees with the comments about the north side and trail buffer- go back to original plan along the trail.

Vice Chair Calerdine:

- More details on the grading plan.
- Where is dirt coming from for substantial fill?
- Critical point is drainage should not impact the undercrossing and trailhead on South Palm Canyon Drive from the outfall.
- Belardo grading
- Lot-to-lot differential.

2E. PALM SPRINGS COUNTRY CLUB, LLC FOR A TIME EXTENSION OF THE ENTITLEMENTS AND A REVIEW OF THE DEVELOPMENT AGREEMENT FOR SERENA PARK; A RESIDENTIAL DEVELOPMENT CONSISTING OF (386) ATTACHED AND DETACHED RESIDENTIAL UNITS, OPEN SPACE, STREETS AND PARK SPACE ON 126-ACRES OF LAND PREVIOUSLY OPERATED AS A GOLF COURSE GENERALLY LOCATED EAST OF SUNRISE WAY, NORTH OF VERONA ROAD AND SOUTHWEST OF THE WHITEWATER RIVER WITHIN SECTIONS 1 AND 36 (CASE 5.1327 PD-366/MAJ/DA & TTM 36691).

Associate Planner Newell presented the proposed time extension and review of the Development Agreement for Serena Park as outlined in the staff report.

MARCUS FULLER, Assistant City Manager/Director of Engineering, provided further details pertaining to the status of the Development Agreement.

Chair Weremiuk opened the public hearing:

MARK ALLEN, legal representation for the applicant, and NICOLE VANN, MSA Consulting, planner, provided details on the processes that have taken place and responded to questions from the Commission.

JIM RUSH, Four Seasons, general manager, verified that all the required, recordable documents to dedicate Golden Sands to the city have been submitted to City Engineering. Mr. Rush said they report dumping to Palm Springs Country Club and they take care of it.

There being no further speakers the public hearing was closed.

Donenfeld, seconded by Calerdine to approve Extension of Time and recommend approval of the Tentative Tract Map extension of time and Development Agreement to the City Council.

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

ABSENT: Hudson

Chair Weremiuk left the Council Chamber at 5:11 pm for the remainder of the meeting.

3. UNFINISHED BUSINESS: None.

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS: None.

CITY COUNCIL LIAISON REPORT: None.

PLANNING DIRECTOR'S REPORT:

- Special Planning Commission Meeting on October 3rd

ADJOURNMENT: The Planning Commission adjourned at 5:12 pm to a *Special Meeting at 12:00 pm on Wednesday, October 3, 2018*, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.



Flinn Fagg, AICP
Director of Planning Services