

PLANNING COMMISSION MINUTES
June 14, 2017
Airport Conference Room (upstairs center terminal)
3400 E. Tahquitz Canyon Way
Palm Springs, California 92262

CALL TO ORDER: Vice-Chair Weremiuk called the meeting to order at 1:32 pm.

ROLL CALL:

Present: Donenfeld, Hirschbein, Hudson, Lowe, *Middleton, Vice-Chair Weremiuk

Excused: Chair Calderine

Staff Present: Flinn Fagg, AICP, Director of Planning Services, Michael Daudt, Deputy City Attorney Terri Hintz, Planning Administrative Coordinator Thomas Garcia, Director of Engineering Services, Noriko Kikuchi, Assistant Planner, Edward Robertson, Principal Planner

*Arrived at 2:02 pm.

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, June 8, 2017.

ACCEPTANCE OF THE AGENDA:

Commissioner Donenfeld requested Items 1B and 1C pulled from the Consent Calendar for separate discussion.

Vice-Chair Weremiuk requested the minutes of April 26, 2017 pulled from the Consent Calendar for separate discussion.

PUBLIC COMMENTS: None.

1. CONSENT CALENDAR:

1A. APPROVAL OF MINUTES: APRIL 26, 2017 and MAY 17, 2017.

Minutes of May 17, 2017

ACTION: Approve as presented.

MOTION: Vice Chair Weremiuk, seconded by Lowe, and unanimously carried 3-2-2 on a roll call vote.

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

Minutes of April 26, 2017

ACTION: Approve as amended.

MOTION: Vice Chair Weremiuk, seconded by Lowe, and unanimously carried 5-0-2 on a roll call vote.

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

- 1B. A RESOLUTION OF DENIAL FOR A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT, MAJOR ARCHITECTURAL APPLICATION AND VESTING TENTATIVE TRACT MAP FOR THE FOR THE DEVELOPMENT OF AN EIGHTY (80) LOT SINGLE-FAMILY SUBDIVISION, COMMUNITY OPEN SPACE AND PRIVATE STREETS ON A 13-25 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE NOS. 5.1384 PD-381/GPA, VTTM 36969, 3.3902 MAJ). (FF)**

Commissioner Donenfeld requested a change to Items J and L of the Resolution.

ACTION: Approve as amended.

MOTION: Donenfeld, seconded by Lowe, and unanimously carried 4-2-1 on a roll call vote.

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

- 1C. FARUK & PAULA TAYSI REQUEST FOR A MAJOR ARCHITECTURAL APPROVAL FOR THE CONSTRUCTION OF A 3,495-SQUARE FOOT SINGLE-FAMILY RESIDENCE ON A 13,030-SQUARE FOOT HILLSIDE PARCEL LOCATED AT 678 LA MIRADA ROAD, ZONE R-1-A (CASE 3.4017 MAJ). (ER)**

Principal Planner Robertson presented the project and described the changes to the landscape plan.

Commissioner Middleton arrived at 2:02 pm.

The Commission verified:

- Privacy for neighboring properties.
- Existing boulders on site.
- Grading plan on the site.

ACTION: Approve subject to:

- Boulders not to be removed.
- The applicant shall be required to submit a new grading plan to the Planning Department for approval by the Planning Commission should there be any changes to the current elevation pad as shown on the grading plan.

MOTION: Hirschbein, seconded by Lowe, and unanimously carried 6-0-1 on a roll call vote.

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

2. PUBLIC HEARINGS:

2A. ARLENE ROSENTHAL FOR WELL IN THE DESERT TO CONSIDER OPERATION OF A COOLING CENTER FOR HOMELESS INDIVIDUALS IN THE BUILDING FROM 7:30 AM TO 6:00 PM DURING THE SUMMER MONTHS, AND OFFER GENERAL SOCIAL AND EMPLOYMENT SERVICES LOCATED AT 441 SOUTH CALLE ENCILIA (CASE 5.1419 CUP). (FF)

Planning Director Fagg provided an overview on the proposed homeless facility as outlined the staff report.

Vice Chair Weremiuk opened public comments:

ARLENE ROSENTHAL, Well in the Desert, president, said she understands the public concern; however, they will provide 24 hour security service, drop off service and 24/7 emergency phone line. Ms. Rosenthal clarified that people will be shuttled to an off-site location for meals.

MONICA AMBOSS, legal representation for Wang's in the Desert, thinks the notice is flawed because it does not indicate the hours of operation; and questioned the purpose stated by the organization.

GREGG VARRS, thinks many people are in denial about the seriousness and problems of homelessness in the valley. He said the mentality of "not in my back yard" needs to stop and support the less fortunate.

LONNIE LANDERS, Wang's in the Desert, owner, said they have placed over 450 police calls for disturbance from homeless individuals in the area. He said the proposed cooling center is not in harmony with the existing neighborhood.

JOY SILVER, spoke in favor of the cooling center, said this type of facility is needed now; and urged project moved forward to City Council.

GARY PAULSEN, spoke about looking at separating the downtown business corridor; and consider securing an industrial location to assist the homeless community.

GINNY UYENO-BRIDY, landlord of former Burger King property, abuts the proposed project, said she tried to protect the building from being vandalized by the homeless people but was not allowed by the city. She spoke about the huge amount of money spent on fixing up the building and feels this is the wrong location.

DICK BRIDY, spoke about the dangerous drug addicts who have alcohol, drug and mental issues who would do anything for their next fix including assault and homicide.

JIM GROSS, commented that the Well in the Desert was previously located in an industrial center directly in front of his front door and over the past 18 months has not received any complaints.

CHRISTINA DEJARDIN, Peters & Freedman, L.L.P, legal representation for Biarritz Homeowners Association, said they appreciate Well in the Desert for their help to the most vulnerable especially during the summer months; however, they believe this facility is not in the right location and disagreed with findings in the staff report. She requested denial or deferral until a better study can be made on the CUP.

LYNN O'NEAL, said if this project is postponed or denied it will not solve the problem of the homeless. She suggested by allowing professionals who deal with these issues perhaps are more effective than calling 911.

PAUL MEDIANO, business owner and vice-president of MainStreet, said he has seen an increase in the homeless population and many people are drug addicts or have mental issues with no interest in getting off the streets. He strongly feels this is not the best location for this cooling center.

CINDY PIPER, real estate owner, has had numerous calls to the police; problems with broken windows and door; she does not believe this is the right location for this facility.

CHRISTY HOLSTEGE, local attorney and board member for Well in the Desert, said she sat down with the police chief and the problem is the homeless do not have a place to go. She believes providing services for people to go to will solve the problem.

PATTY LASKY, requested approval to allow people a place to go to.

STEVE HUFFMAN, resides 3 blocks from the proposed location, said he is in support of homeless programs but is not in favor of this location. They are concerned with large magnets of people this will attract to the downtown core.

(did not sign in - name not clear), social worker for Well in the Desert years ago, said with Well in the Desert coming in you will be getting professionals who can help. She spoke about the intense heat wave predicted for next week @ 117 degrees and it; they are not bad people.

SHERYL ALEXANDER, spoke in support of Well in the Desert, she has not seen a homeless person or a problem when she's gone to Wang's in the Desert. She suggested giving the Well in the Desert a chance.

ANN LIEBO, previously owned Budget Pharmacy in the Sun Center for 37 years, said they did not have a problems with homeless people in her store; and would have loved to have Well in the Desert to have a facility to send them to.

ROBERT STONE, understands all the concerns but thinks the facility will bring standards. He suggested approving this facility for a certain amount of time and come back for review.

NANCY COBB, said if the homeless had a place to go during the day in the intense heat they may be in a better mood. She said Roy's was in the wrong location and the Well in the Desert will be able to provide more for homeless people than in the past.

WESLEY ROSS, 47 year resident, is in full support of Well in the Desert relocating to operate the cooling center and will hopefully be able to operate 7 days a week.

TIM ERKINS, spoke in favor of the cooling center and evaluate it after a certain time.

STU BURGER, mental health clinician and Well in the Desert volunteer, spoke in support; he thinks there are larger issues that need to be dealt with such as housing. He said that 98% of the homeless people are not criminals and neglecting the problem will not make it go away.

LAURA, volunteer, Well in the Desert, said she has tutored homeless children for many years; noting that many of the homeless are children.

JERRY CARLTON, reminded everyone that downtown is a main tourism jewel of the economy and thinks creating another magnet for homeless is not of any benefit.

ARLEN ROSENTHAL, applicant, thanked everyone for speaking in favor or opposition. She said they are ready to meet with everyone to address the issues. Ms. Rosenthal said they are ready to clean up the property and requested a chance to make it work and come back for review.

DAVID JACOBS, attorney, he saw the problems that were occurring there with vagrants in the building and is needed in this location. The homelessness problem will be better with Well in the Desert to provide assistance.

There being no further speakers the public hearing was closed.

Comments:

Commissioner Lowe thinks this should be presented as the headquarters for Well in the Desert that provides services for the homeless and not be presented as a cooling center that applies through the summer months only. This is a facility that provides services 12 months a year with administrative offices and this should be the basis of approval.

Commissioner Middleton made a motion to approve the staff report with changes. Ms. Middleton said homeless individuals come in every age group and every background. She said one of the things that is clear is that the individuals seeking services have the greatest possibility and probability of being reintegrated into society.

Vice Chair Weremiuk made a second on the motion and would like to remove "cooling center" from the list of description of services; and allow "drop-in" center to identify the facility for what it is.

Commissioner Donenfeld said he's in support motion but not without a heavy heart because he knows there are arduous issues on both sides. He thinks it's admirable that Palm Springs is stepping up given how local governments are increasingly called upon to provide social and human services. He spoke in favor of the proposed facility.

Commissioner Hirschbein concurred with Commissioners Middleton and Donenfeld. He supports a test period and prefers a 6 month review instead of one year.

Commissioner Hudson said initially he had concerns with the location but as he heard public testimony he thinks this is a great location to serve the clients of Well in the Desert. Mr. Hudson thinks a partnership with the Well in the Desert and local business owners is a terrific thing and wholeheartedly supports it.

Commissioner Lowe spoke in support; but does not think the entire responsibility should be placed on Well of the Desert. They are part of the solution and will be a positive impact on the homeless community but it requires business owners, the community and local government to solve issues and limit problems.

Vice Chair Weremiuk spoke about her experience with a homeless shelter in Santa Monica near 3rd Street Promenade that has been successful and has not caused any problems.

ACTION: Approve with conditions subject to:

1. Revise - PLN 5. Food Service. The applicant is prohibited from providing meal service to patrons at the facility. Meal service may be provided at approved off-site locations. While meal service is prohibited, water, soft drinks, and pre-packaged food may be provided to patrons while using the facility.
2. Revise - PLN . On-site Security. The applicant shall be required to provide on-site security personnel a minimum of two (2) hours prior to opening hours and three (3) hours after closing hours.
3. Approval for this Conditional Use Permit shall be for a period of 24 months. After (6) six months of operation, the Planning Commission shall review conformance to the conditions of approval and other issues associated with the operation of the use.
4. The applicant shall be required to maintain a daily register documenting the transportation of patrons to bus stops or other locations at the close of business day. The register shall be made available to City staff for review upon request.
5. Remove "cooling center" and add "drop-in" center to the description of services.

MOTION: Middleton, seconded by Vice Chair Weremiuk and unanimously carried on a roll call vote.

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

A recess was taken at 3:46 pm. The meeting reconvened at 3:58 pm.

Item 3A was moved out of order and heard next on the Agenda.

3. NEW BUSINESS:

- 3A. RACQUETCLUB CENTER REQUEST FOR AN AMENDMENT TO AN EXISTING SIGN PROGRAM FOR A MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 2500 NORTH PALM CANYON DRIVE (CASE SP 17-001). (NK)**

Assistant Planner Kikuchi presented the proposed sign program amendment.

MD MC LEAN and KELLY MC LEAN, applicants, provided details on the request for a variance on the 10 ft. separation, sign sizes, height and lighting. They requested a larger monument sign to allow for visibility.

Comments:

Commissioner Hirschbein said he is not opposed to the amendment but would like to see better detail on the drawings. He does not like the idea of the plaque because it will cheapen the building. He prefers individual channel letters affixed to fascia are better.

Commissioner Hudson said he okay with either the channel letters or plaque. He agrees about the height of the monument sign and more detail needs to be seen. Mr. Hudson recommended another study of the monument sign to bring the address up higher under Racquetclub Center.

Commissioner Donenfeld suggested a subcommittee review the changes. He is all for enhancing the visibility of the center and by popping out the sign it will enhance the building.

Commissioner Middleton encouraged making the address bigger so it will be visible.

ACTION: Approve sign program subject to review by Subcommittee (Hirschbein, Hudson)

- Review by subcommittee shall consist of:
 1. Details and construction of the proposed monument sign.
 2. Monument sign with address more prominent.
 3. Separation between plaques signs on building A.

MOTION: Donenfeld, seconded by Lowe, and unanimously carried on a roll call vote.

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

ABSENT: Chair Calerdine

2B. CITY OF PALM SPRINGS FOR ZONE TEXT AMENDMENT TO THE PALM SPRINGS ZONING CODE SECTION 92.04.01(D) RELATIVE TO THE MINIMUM ZONING STANDARDS NECESSARY FOR HOTEL RESTAURANTS IN THE R-3 ZONING DISTRICT (CASE 5.1420 ZTA). (FF)

Planning Director Fagg provided background information on the proposed zone text amendment relative to minimum zoning standards for hotel restaurants in the R-3 zoning district.

Vice-Chair Weremiuk opened the public hearing:

ROBERT STONE, spoke in favor of the proposed text amendment.

ACTION: Recommend approval to City Council with the addition of R-2 and R-4.

MOTION: Donenfeld, seconded by Lowe, and unanimously carried on a roll call vote.

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

ABSENT: Chair Calerdine

2C. CITY OF PALM SPRINGS TO CONSIDER AN AMENDMENT TO THE PALM SPRINGS ZONING CODE TO ALIGN THE CITY'S PERIMETER WALL HEIGHT REGULATIONS WITH STATE REQUIREMENTS FOR POOL FENCING (CASE 5.1421 ZTA). (FF)

Planning Director Fagg provided background information and the State's new regulation pertaining to front yard wall height for residential swimming pool security fencing.

Commissioner Middleton questioned if this will apply to rehabilitation of existing walls for security fencing. (yes)

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

ACTION: Recommend approval to City Council.

MOTION: Hirschbein, seconded by Middleton, and unanimously carried on a roll call vote.

AYES: Donenfeld, Hirschbein, Hudson, Middleton, Vice Chair Weremiuk

ABSENT: Chair Calerdine

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

- Request of update of map for low-income housing development.
- Code enforcement request for Blade Pizza grand opening sign.
- Subcommittee review of Dream Hotel.
- Upcoming Joint City Council/Planning Commission meeting.
- City Council updates on Trio Mural, Dream Hotel, 750 Lofts, The Rael project, Cameron and Rock Garden.

PLANNING DIRECTOR'S REPORT:

- Verified attendance for upcoming meetings.
- Study Session to review Serena Park development park plan on June 28th.
- Status of AAC vacancies and applications received.
- Standards for A-Frame signs – (Hirschbein)
- Election of Chair and Vice-Chair will be scheduled for the June 28th meeting.

ADJOURNMENT: The Planning Commission adjourned at 5:00 pm to 1:30 pm, Wednesday, June 28, 2017, *Palm Springs Convention Center, preceded by a Study Session at 11:00 am Primrose C, 277 N. Avenida Caballeros, Palm Springs, California.*


Flinn Fagg, AICP
Director of Planning Services