



**PLANNING COMMISSION  
MINUTES  
TUESDAY, DECEMBER 10, 2019**

**CALL TO ORDER**

A regular meeting of the La Quinta Planning Commission was called to order at 6:00 p.m. by Chairperson Caldwell.

PRESENT: Commissioners Bettencourt, Currie, Libolt Varner, McCune, Nieto, Proctor and Chairperson Caldwell

ABSENT: None

STAFF PRESENT: City Attorney William Ihrke, Design and Development Director Danny Castro, Planning Manager Cheri L. Flores, Public Works Director/City Engineer Bryan McKinney, Consulting Planner Nicole Sauviat Criste, Commission Secretary Wanda Wise-Latta and Administrative Assistant Mirta Lerma

**PLEDGE OF ALLEGIANCE**

Commissioner Libolt Varner led the Planning Commission in the Pledge of Allegiance.

**PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA** – None

**CONFIRMATION OF AGENDA**

With regards to Public Hearing No. 1, Commission Secretary Wanda Wise-Latta stated that the public hearing was noticed in accordance with state law and the La Quinta Municipal Code. She stated that Public Hearing No. 2 was advertised, heard by the Planning Commission (Commission) on October 8, 2019 and was continued to December 10, 2019, to allow the applicant to revise the site plan, which is now before the Commission for consideration and noted that since the hearing was continued to a date specific and in accordance with state law and the La Quinta Municipal Code additional notifications were not required.

Chairperson Caldwell requested to add an item under Commissioners' Items regarding the start time of Planning Commission regular meetings.

Commissioner Libolt Varner said she would recuse herself from discussion and vote on Public Hearing Items No. 1 and No. 2 due to a potential conflict of interest stemming from a business relationship between her employer, MSA Consulting, and both applicants.

Commission concurred and the agenda was confirmed.

## **ANNOUNCEMENTS, PRESENTATIONS AND WRITTEN COMMUNICATION**

### 1. Short Term Vacation Rental Ad Hoc Committee

Design and Development Director Danny Castro provided an update on the establishment of a Short-Term Vacation Rental Ad Hoc Committee.

## **CONSENT CALENDAR**

### 1. APPROVAL OF MINUTES DATED NOVEMBER 12, 2019

**MOTION** – A motion was made and seconded by Commissioners Bettencourt/Proctor to approve the Consent Calendar as submitted. AYES: Commissioners Bettencourt, Currie, Libolt Varner, McCune, Nieto, Proctor and Chairperson Caldwell. NOES: None. ABSENT: None. ABSTAIN: None. Motion passed unanimously.

**BUSINESS SESSION** - None

## **STUDY SESSION**

### 1. RECREATIONAL AND LARGE VEHICLE PARKING IN RESIDENTIAL AREAS

Planning Manager Cheri L. Flores presented the staff report, which is on file in the Design and Development Department and noted that a staff member from Code Enforcement was available to respond to inquiries regarding enforcement.

Commissioners commented on potential construction vehicles parking in residential areas; inquired about the number of oversized vehicles being parked in neighborhoods; suggested the item come back to the Commission for further discussion; and noted that should the matter return to the Commission for discussion or consideration suggested that policies or regulations be presented for the Commission's consideration.

Animal/Code Compliance Supervisor Kevin Meredith provided information about the number of complaints received in 2018 and 2019 regarding recreational vehicles parked on private property and public streets.

## **PUBLIC HEARINGS**

### DECLARATIONS REGARDING COMMISSION PUBLIC CONTACTS

*AS NOTED AT CONFIRMATION OF AGENDA, COMMISSIONER LIBOLT VARNER  
RECUSED HERSELF FROM DISCUSSION AND VOTE ON PUBLIC HEARING*

*ITEMS NO. 1 DUE TO A POTENTIAL CONFLICT OF INTEREST STEMMING FROM A BUSINESS RELATIONSHIP BETWEEN HER EMPLOYER, MSA CONSULTING, AND THE PROJECT DEVELOPER SILVERROCK DEVELOPMENT COMPANY AND PUBLIC HEARING ITEM NO. 2 DUE TO A POTENTIAL CONFLICT OF INTEREST STEMMING FROM A BUSINESS RELATIONSHIP BETWEEN HER EMPLOYER, MSA CONSULTING, AND THE PROJECT DEVELOPER, LUNDIN DEVELOPMENT COMPANY AND LEFT THE DAIS AT 6:20 P.M.*

Commissioner Bettencourt disclosed that with regards to Public Hearing No. 1, he participated in a tour of SilverRock Resort with the applicant's representative and City staff member.

Commissioner McCune disclosed that with regards to Public Hearing No. 1, he participated in a tour of SilverRock Resort with the applicant's representative.

Chairperson Caldwell disclosed that with respect to Public Hearing Item No. 1, that she participated in a tour of SilverRock Resort with the applicant's representative and stated that there were never more than two Commissioners together during each of the three scheduled tours. With respect to Public Hearing Item No. 2, that in April 2018 she met with Mr. Greg Bever who is one of the applicants for the Pavilion Palms commercial center to hear a presentation regarding the proposed project and has visited the project site several times.

Commissioner Proctor disclosed that with regards to Public Hearing No.1, he has visited the SilverRock Resort site. With respect to Public Hearing Item No. 2, noted that he met with the applicant for the Pavilion Palms commercial center in April 2018 to hear a presentation regarding the proposed project.

Commissioner Currie disclosed that with respect to Public Hearing No. 1, she participated in a tour of SilverRock Resort with the applicant's representative. With regards to Public Hearing Item No. 2, that on April 2018 she and former Planning Commissioner Paul Quill met with Mr. Greg Bever to hear a presentation regarding the proposed project.

Commissioner Nieto disclosed with respect to Public Hearing Item No. 1, that he participated in a tour of SilverRock with the applicant's representative and with respect to Public Hearing No. 2, that he visited the project site alone.

No other public contact to report.

Chairperson Caldwell explained the public hearing process.

1. ADOPT RESOLUTION TO APPROVE TENTATIVE TRACT MAP 2019-0002 (TTM 37730) SUBMITTED BY SILVERROCK DEVELOPMENT COMPANY PROPOSING TO ALLOW SUBDIVISION OF 13.9 ACRES FOR DEVELOPMENT OF 29 SINGLE-FAMILY HOMES. PROJECT: MONTAGE RESIDENCES. CEQA: FINDINGS OF

ENVIRONMENTAL ASSESSMENT 2014-1003 APPLY AND NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED. LOCATION: WITHIN THE NORTHWEST PORTION OF THE SILVERROCK RESORT.

Consulting Planner Nicole Sauviat Criste presented the staff report, which is on file in the Design and Development Department.

Staff responded to the Commission's inquiries regarding a turnaround or throughway for emergency vehicles within the project which would be included in the recorded final map; noted that the applicant has indicated occupancy of the homes would not occur prior to completion of the Montage hotel; parking; tentative tract map recordation; landscaping plan; and clarified that in the site development permit the homes were characterized as being associated with the Montage hotel and hotel services would be available to the residents.

Chairperson Caldwell declared the PUBLIC HEARING OPEN at 6:37 p.m.

PUBLIC SPEAKER: Mr. John Gamlin, SilverRock Development Company – introduced himself; thanked Staff for the presentation of the staff report; introduced Project Coordinator Ms. Gloria Issa, as well as Project Engineer Mr. Rich Vaughn and Mr. Sam Menache of Michael Baker International; presented additional information regarding the project; and responded to inquiries from the Planning Commission.

Chairperson Caldwell declared the PUBLIC HEARING CLOSED at 7:03 p.m.

MOTION – A motion was made and seconded by Commissioners Bettencourt/Proctor to approve Planning Commission Resolution 2019-012 approving Tentative Tract Map 2019-0002 subject to the findings and conditions of approval. AYES: Commissioners Bettencourt, Currie, McCune, Nieto, Proctor and Chairperson Caldwell. NOES: None. ABSENT: Commissioner Libolt Varner. ABSTAIN: None. Motion passed.

2. CONTINUED FROM OCTOBER 8, 2019 – ADOPT RESOLUTIONS RECOMMENDING THE CITY COUNCIL CERTIFY ENVIRONMENTAL ASSESSMENT 2017-0006 AND APPROVE SPECIFIC PLAN 2017-0002, TENTATIVE PARCEL MAP 2017-0003, SITE DEVELOPMENT PERMIT 2017-0009 SUBMITTED BY LUNDIN DEVELOPMENT COMPANY PROPOSING AN APPROXIMATE 119,000 SQUARE-FOOT SHOPPING CENTER WITH THREE DRIVE-THROUGH BUILDINGS AND A 63,000 SQUARE-FOOT SUPERMARKET WITH ASSOCIATED VEHICLE FUEL CENTER. PROJECT: PAVILION PALMS SHOPPING CENTER. CEQA: THE DESIGN AND DEVELOPMENT DEPARTMENT HAS PREPARED A MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. LOCATION: NORTHWEST CORNER OF AVENUE 50 AND JEFFERSON STREET.

Planning Manager Cheri L. Flores presented the staff report, which is on file in the Design and Development Department.

Staff responded to the Commission's inquiries regarding condition of approval that requires the applicant to fully landscape any building pads that remain vacant for more than two years; central shade structure; material samples shown on the architectural plans; review of fueling center under the environmental assessment; hourly limitations on fuel center; left turn lane on Avenue 50 to Jefferson Street; confirmed applicant would not have access to Derek Alan Drive from the Pavilion Palms commercial center (Project); and traffic exiting onto Avenue 50.

PUBLIC SPEAKER: Mr. Greg Bever, applicant, Lundin Development Company, Rancho Mirage – introduced himself and presented additional information regarding the Project. Mr. Bever introduced the Project's landscape architect, Jim Harrison of La Hacienda Nursery and Landscape, Inc. and the Project architect Jeff Herbst of MCG Architecture.

PUBLIC SPEAKER: Mr. Jim Harrison, La Hacienda Nursery and Landscape, Inc. – presented additional information regarding the Project's landscape plan.

PUBLIC SPEAKER: Mr. Jeff Herbst, MCG Architecture – introduced himself and provided additional information about the Project.

PUBLIC SPEAKER: Mr. Greg Bever, applicant, Lundin Development Company, Rancho Mirage – shared corrections and additions that were made to the Project since October 8, 2019.

Public Works Director/City Engineer Bryan McKinney noted that the City was satisfied that the Project would not negatively impact the intersections and the surrounding area. He also noted that the applicant's traffic study analyzed surrounding intersections based upon trips generated by the intersection of Avenue 50 and Jefferson Street and none of those intersections level of service dropped to an unacceptable range based upon trips going to or from the Project and confirmed that the traffic study included consideration of potential expansion of the commercial center located directly east of the Project.

The following PUBLIC SPEAKERS spoke in opposition of the Project, and provided comments on the impacts to quality of life; fueling station; location of fueling station within the Project; size of the fueling station convenience store; layout of parking lot; not enough parking for the Project; traffic flow within Project; vagueness in presentation by the applicant; Project compatibility with City's General Plan; the traffic study; lighting on the back of the proposed grocery store; traffic; drive through eating establishments; traffic; noise from delivery trucks; drive through establishment hours; closure of other grocery stores; traffic speed; and the quality of the Project.

- Mr. Dick Mills, La Quinta

- Mrs. Yolanda Mills, La Quinta
- Mr. Ken Hulbert, La Quinta
- Mr. Steve Cenicola, La Quinta
- Mr. Bill Fitzgerald, La Quinta - submitted Public Speaker Form opposed to the Project and requested to donate his allotted speaker time to Steve Cenicola.
- Mr. Rich Garibaldi, La Quinta - submitted Public Speaker Form opposed to the Project and did not speak.
- Ms. Leila Namvar, La Quinta
- Ms. Pat Matasso, La Quinta – submitted Public Speaker Form opposed to the Project and requested to donate her allotted speaker time to Ms. Leila Namvar.
- Ms. JoAnn Olson, La Quinta – submitted Public Speaker Form opposed to the Project and did not speak.
- Mr. Dick Colliver, La Quinta
- Ms. Robin Diefendorf, La Quinta – submitted Public Speaker Form opposed to the Project and requested to donate her allotted speaker time to Mr. Dick Colliver.
- Mr. Jim O'Brien, La Quinta
- Mr. Sanford Lox, La Quinta
- Mr. John Healy, La Quinta
- Ms. Kathy Cole, La Quinta

The following PUBLIC SPEAKERS spoke in support of the Project and provided comments on increased tax dollars generated by future businesses; gathering places; intended retail space; access to a high-end grocery store; diversity in goods and services.

- Mr. Curtis Barlow, La Quinta
- Mr. Sam Spinello, La Quinta
- Ms. Ariel Ganezer, La Quinta

PUBLIC SPEAKER: Robert Lichter, La Quinta – introduced himself as the owner of Citrus Plaza shopping center located at the northeast corner of Avenue 50 and Jefferson Street and spoke about the expansion of Citrus Plaza shopping center.

Chairperson Caldwell noted for the record that emails were received from Dr. Michael Pitt, Mr. Greg Lindsay, and Mr. Andrew Grant in opposition to the Project and distributed to the Commission.

Chairperson Caldwell declared the PUBLIC HEARING CLOSED at 8:43 p.m.

Staff addressed the Commission's inquiries clarifying that the square footage of the fueling center kiosk is 825 square feet; the La Quinta Municipal Code regulates stacking requirements for drive through establishments; and restrictions on delivery hours. Mr. Bever addressed the Commission's inquiry about grocery store delivery hours; and the fuel station as an allowable use within the Project.

Staff noted that the project would be subject to the City's noise ordinance and addressed Commission inquiries regarding parking requirements noting that the Project meets the City's parking lot requirements; noted that Staff has not received information that would require further analysis of the environmental document; noted that the delivery hours would be limited to the hours of 7 a.m. to 10 p.m.; site coverage floor area ratio coverage meets requirements; noted that a fuel station has been an allowable use at the site since the adoption of the original specific plan; that since the City's incorporation it has been commercially zoned; clarified that two drive-through sites are included in the current site development permit and other drive-through sites would come back before the Commission for consideration which is addressed by a condition of approval; and clarified that noise mitigation measures are in place for the Project; limited hours for operation of the fueling station; and sign program.

Commission and Staff discussed conditions of approval to place sidewalk patterns or paving to indicate delineation between automobile and pedestrian areas within the Project; add more architectural depth and relief on the southside of the grocery store building; security lighting along the back of the grocery store and addition of a pergola along Derek Allen Drive similar to the design of the pergola to be located near the fueling station along Avenue 50 but to scale.

Mr. Bever stated he agreed to the new conditions.

MOTION – A motion was made and seconded by Commissioners Bettencourt/Nieto to approve Planning Commission Resolution 2019-013 recommending to the City Council certification of a Mitigated Negative Declaration and Environmental Assessment 2017-0006. AYES: Commissioners Bettencourt, McCune, Nieto, and Chairperson Caldwell. NOES: Commissioners Currie and Proctor. ABSENT: Commissioner Libolt Varner. ABSTAIN: None. Motion passed.

MOTION – A motion was made and seconded by Commissioners Bettencourt/Nieto to approve Planning Commission Resolution 2019-014 recommending to the City Council approval of Specific Plan 2017-0002 Amendment No. 2 to Specific Plan 1998-034, Tentative Parcel Map 2017-0003 and Site Development Permit 2017-0009 subject to the findings and conditions as presented and with the addition of the following Conditions of Approval:

- *Add paving patterns to delineated between pedestrian and automobile areas;*
- *Add architectural relief and depth on the southside of the Pavilions grocery store wrapping to the west side of the building and being consistent with Retail Building No. 1; and*
- *Landscape pergola to be placed along the northside of the building located south of Derek Allen Drive similar to the pergola located along Avenue 50*

- *Add to Condition 75: Applicant is to ensure that any security lighting at the back of grocery store is below 20 feet and not intrusive to the neighborhood to the west of the project*

AYES: Commissioners Bettencourt, McCune, Nieto, and Chairperson Caldwell.  
NOES: Commissioners Currie and Proctor. ABSENT: Commissioner Libolt Varner.  
ABSTAIN: None. Motion passed.

**REPORTS AND INFORMATIONAL ITEMS** - None

**COMMISSIONERS' ITEMS**

1. Chairperson Caldwell requested that the Planning Commission consider amending the start time of the Planning Commission meetings to an earlier time and the Commission concurred to agendaize the item for a future Commission meeting.

**STAFF ITEMS** -None

**ADJOURNMENT**

There being no further business, it was moved and seconded by Commissioners Proctor/Bettencourt to adjourn this meeting at 9:36 p.m. Motion passed unanimously.

Respectfully submitted,

WANDA WISE-LATTA, Commission Secretary  
City of La Quinta, California