



Planning Commission Staff Report

Date: January 27, 2010

Case No.: 5.1042 – PD 311 & TTM 33514

Application Type: Time Extension Request for Planned Development District 311

Location: 450-490 South Palm Canyon Drive, north of Ramon Road and between South Palm Canyon Drive and Indian Canyon Drive.

Applicant: South Palm Canyon, LLC

Zone: PDD 311

General Plan: C-B-D (Central Business District)

APNs: 513-214-004, 005 & 513-214-010, 011

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

The above-referenced case was presented to the Planning Commission at the public hearing that was held on November 12, 2009. At that meeting, the Commission took comments from the public and voted to continue the consideration of the time extension request to the meeting of December 9, 2009, in part to allow the applicant attend the next meeting and to allow staff adequate time to review the issues raised by tenants of the property including members of the public.

RECOMMENDATION

That the Planning Commission approve a one-year time extension for Case No. 5.1042 – PDD 311 from October 25, 2009, to October 24, 2010, subject to the provisions agreed to by the applicant.

PRIOR ACTIONS

On November 12, 2009, the Planning Commission considered a one-year time extension request for the previously approved mixed-use project and by a vote of 5-1, (Caffery opposed, Munger absent) continued the hearing and directed staff to look into the property maintenance issues raised at the meeting and also to make sure that the applicant is present at the next meeting.

Staff Analysis

On December 1, 2009, staff met with one of the project partners to discuss all the code violations and other issues and concerns that were raised at the Planning Commission hearing of November 12, 2009. Staff made it clear to the applicant that in order for the time extension request to proceed, a written document addressing the following must be provided.

- Written status report of the project and the property
- A local contact for the property management and maintenance
- Decision on the property's participation in the City's Vacant Window Program
- Response to code violations of the property

On January 20, 2010, the applicant provided a document stating their willingness to follow up with all the requirements above. (Attachment #4). With this document, staff will have no objection to the applicant's request for a one-year time extension at this time.

BACKGROUND AND SETTING

The previously approved mixed-use development will be located within a fully developed area of the downtown district of the City. The proposed site is an approximately 2.67-acre land bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Ramon Road to the south. There is an existing restaurant, a retail outlet, and two vacant buildings on the site. One of the vacant buildings was formerly occupied by Tony Romas Restaurant and the other was a specialty retail store. These buildings total approximately 47,000 square feet in size and will be demolished to make way for the new mixed-use development. The surrounding area is fully improved with streets, curbs, gutter, sidewalks and landscaping. There are mostly commercial and retail uses within the immediate vicinity of the location.

ANALYSIS

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for the PD. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation.

PLANNED DEVELOPMENT DISTRICT

The applicant has requested a one-year time extension to commence construction for Planned Development District 311. The applicant, in the letter of time extension request dated October 7, 2009, claimed that a principal reason for the time extension request is the severe downturn in the local residential real estate market along with the general economic slowdown. Furthermore, according to the applicant, the availability of financing for mixed-use projects of this magnitude has been in sharp decline.

Based on this information, the applicant has demonstrated good cause for seeking an extension and for asserting that construction will commence within the requested period of time extension.

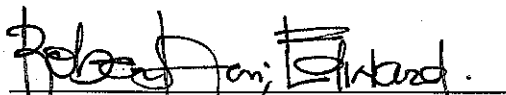
Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City's development policies.

ENVIRONMENTAL ASSESSMENT

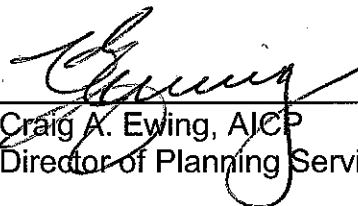
A Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

NOTIFICATION

A hearing notice is not required for a time extension request.



Edward O. Robertson
Principal Planner



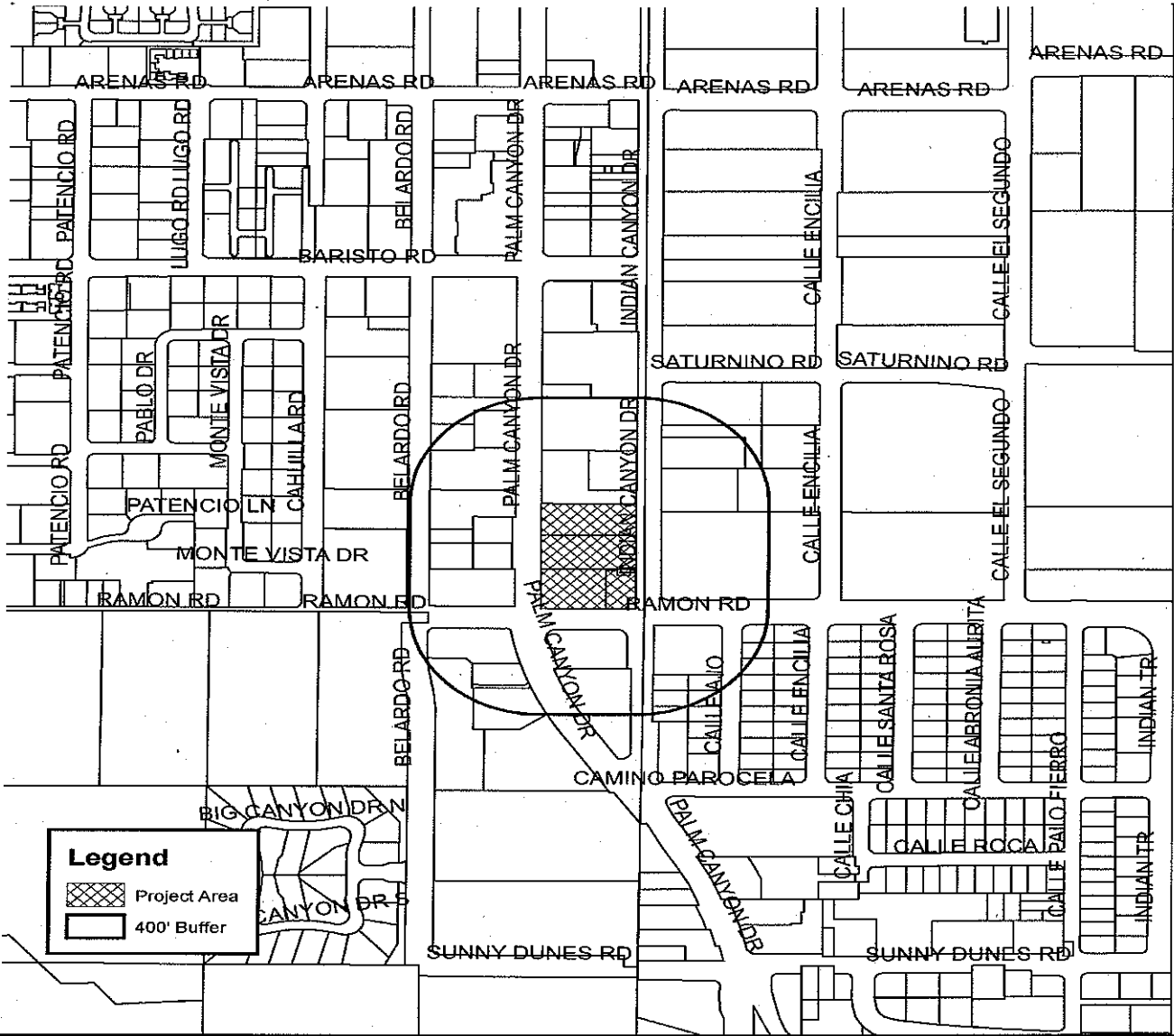
Craig A. Ewing, AJCP
Director of Planning Services

ATTACHMENTS:



1. Vicinity Map
2. Draft Resolution
3. Planning Commission Minutes from the Public Hearing of November 12, 2009
4. Letter of request from the applicant dated October 7, 2009
5. Maintenance Plans for the property dated January 19, 2010



Department of Planning Services Vicinity Map



Legend

-  Project Area
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1042 / PD 311

APPLICANT: South Palm Canyon, LLC

DESCRIPTION: To consider a Time Extension for PD 311. The Planned Development District would allow the development of up to 124 condominium units and approximately 39,000 square feet of commercial space on an approximate 2.67-acre site at 450 – 490 South Palm Canyon Drive, Zone CBD, Section 15. APN: 513-214-004, 513-214-005, 513-214-010, 513-214-011.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR PLANNED DEVELOPMENT DISTRICT 311 FROM OCTOBER 25, 2009 TO OCTOBER 2, 2010; A PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT CONSISTING OF A 125-UNIT CONDOMINIUM COMPLEX AND APPROXIMATELY 39,000 SQUARE FEET OF RETAIL /COMMERCIAL SPACE ON AN APPROXIMATELY 2.67-ACRE SITE LOCATED AT 450-490 SOUTH PALM CANYON DRIVE, ZONE C-B-D, SECTION 15.

WHEREAS, South Palm Canyon, LLC ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 311 located at 450-490 South Palm Canyon Drive and Indian Canyon Drive; and

WHEREAS, on January 27, 2009, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for PD 311 from October 25, 2009 to October 24, 2010.

ADOPTED this 27th day of January, 2010.

Planning Commission Resolution
Case No. 5.1042-PD 311

January 27, 2010
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AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

PUBLIC COMMENTS:

Chair Cohen opened public comments:

- Joy Meredith, Palm Springs, spoke in reference to Item 1B, suggested that all time extensions require the applicant/developer to maintain and upkeep the property.
- Glen Lockhart, Palm Springs, spoke in reference to Item 3C, expressed concern with the abandoned lots that attract vandalism and substantial crime to the area.
- James Fogarty, Palm Springs, spoke in reference to Item 3C, concerned with the unkept vacant lots and the devaluation of their property.
- Paul Mediano, Palm Springs, spoke in reference to Item 1B, expressed concern with the developer's neglect in the maintenance and upkeep of the buildings on this site.
- Allen Cohen, Palm Springs, spoke in support of Item 3C, requested that the homes be allowed to be built on this property.

There being no further appearances public comments was closed.

1. CONSENT CALENDAR:

1A. Minutes of October 28, 2009.

M/S/C (Bill Scott/Doug Hudson, 5-0, 1 absent/Leslie Munger, 1 abstained/ Vice Chair Caffery) To approve, minutes of October 28, 2009.

1B. Case 5.1042 / PD 311 - A request by South Palm Canyon, LLC., for a one-year time extension for a previously approved mixed-use development located at 450-490 South Palm Canyon Dr., Zone CBD, Section 13, APN 513-214-004. (Project Planner: Glenn Mlaker, Assistant Planner)

The Commission discussed a continuance on this item to allow the applicant/developer the opportunity to address the concerns given during public comments.

Vice Chair Caffery clarified that he is not in favor of the continuance because the issues of building upkeep were previously discussed with the applicant.

M/S/C (Doug Donenfeld/Doug Hudson, 5-1/Vice Chair Caffery), 1 absent/Leslie Munger) To continue, to a date certain of December 9, 2009; and direct staff to notify the applicant/developer and the Code Enforcement personnel most knowledgeable on this site.

**SOUTH PALM CANYON, LLC
4641 LEAHY STREET
CULVER CITY, CA 90232
(310) 280-2830**

October 7, 2009

Mr. Craig A. Ewing, AICP
Director Of Planning Services
City Of Palm Springs Department Of Planning Services
3200 E. Tahquitz Way
Palm Springs, California 92262

Re: Case No. 5.1042 – PD 311 / TTM 33514
(The South Palm Canyon Mixed-Use Project)
Location: 450-490 South Palm Canyon Drive, Palm Springs, California
APN: 513-214-004, 005; And 513-214-010, 011

Dear Mr. Ewing:

On October 25, 2006 the City Council of the City of Palm Springs reviewed and approved the above-described project, subject to the applicable Final Conditions of Approval. In October 2008 the project PD and TTM were extended to October 25, 2009.

Pursuant to our discussion yesterday, we understand that the TTM has been extended for one (1) year (i.e., until October 25, 2010) by virtue of action taken by the State of California under the Subdivision Map Act.

The purpose of this letter is to formally request that the project PD approval also be extended for a period of one (1) year. Enclosed is a check payable to the Department of Planning Services in the sum of \$881.00, representing payment of the extension fee.

A principal reason for our extension request is the continued downturn in the local residential real estate market along with the general economic slowdown. Due to these economic issues there has been a sharp reduction in demand for new residential units (and commercial space) and in the availability of financing for mixed-use projects of this type. We anticipate that the requested extension should assist us in proceeding with the project within a time frame that will allow the economy to firm and the project to proceed.

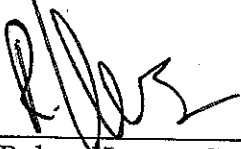
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OCT 26 2009

PLANNING SERVICES
DEPARTMENT

Very truly yours,

South Palm Canyon, LLC

By: 
Robert Herscu, Co-Manager

cc: Brian Linnekens
George Herscu
Robert Ozell



4641 Leahy Street
Culver City, CA 90232
Ph. – (310) 280-2830
Fax – (310) 280-2796

January 19, 2010

Mr. Craig Ewing
Planning Department
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Submission of Maintenance Plans for Properties located at: (i) 450-490 S. Palm Canyon Drive and (ii) 415 S. Palm Canyon Drive, Palm Springs, CA

Dear Craig,

On behalf of South Palm Canyon, LLC and South Palm Canyon Two, LLC, I hereby submit the following maintenance plans for consideration by Staff.

In connection with the property located at 450-490 S. Palm Canyon Drive (Case: 5.1042-TPM 33514, CUP & PD 3-11) we will immediately perform the following work:

1. trim all palm trees
2. remove all dead shrubs and bushes
3. trim back all wall vines on the building
4. repair all broken water sprinklers
5. reseed all grass in the median areas in the car park
6. remove any trash and debris left by homeless people
7. paint over all graffiti
8. remove and cap off all broken electrical fixtures

In addition, in connection with that certain property located at 415 S. Palm Canyon Drive we will immediately perform the following work:

1. trim all palm trees
2. remove dead shrubs and bushes
3. trim back all wall vines on the building
4. repair all broken water sprinklers

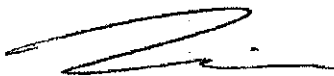
5. reseed all grass in the median areas in the car park
6. remove any trash and debris left by homeless people
7. remove and cap off all broken electrical fixtures

After the initial clean-up and repairs on each of these properties, we will ensure weekly maintenance of both sites. In this effort, we have hired Gramajos Landscaping Company, Jesse Polanco Electrical Company and California Sweeping Company to provide these services. Our local site maintenance contact phone number (760) 219-8009, which may be used by City representatives to report periodic maintenance issues.

In addition to all of the forgoing, we have already enrolled both properties in the City's Storefront Improvement Program. This is further evidence of our commitment to maintaining an attractive Palm Canyon frontage.

We welcome your comments and we look forward to our Planning Commission hearing scheduled on January 27, 2010.

Very Truly Yours,



Brian R. Linnekens