



Planning Commission Staff Report

Date: March 10, 2010

Case No.: 5.1135 – PD 334

Application Type: Time Extension Request for Planned Development District 334

Location: Southwest corner of East Palm Canyon Drive and Matthew Drive

Applicant: Senior Housing Partners III Riverside, LLC

Zone: PDD 334

General Plan: Mixed-Use / Multi-Use

APNs: 681-170-038 & -039

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION

The applicant, Senior Housing Partners III Riverside, LLC is requesting a one-year time-extension for a previously approved residential retirement community consisting of 184 condominium units with associated amenities. A Planned Development District application (PD 334) establishing design and development standards for the project was approved by the Planning Commission on January 9, 2008 and by the City Council on March 19, 2008.

RECOMMENDATION

That the Planning Commission approve a one-year time extension for Case No. 5.1135 – PDD 334 from March 19, 2010, to March 18, 2011.

PRIOR ACTIONS

On January 9, 2008, the Planning Commission adopted the Mitigated Negative Declaration (MND); approved the Major Architectural application and PD 334; and recommended approval to the City Council by a vote of 6-0.

On March 19, 2008, the City Council adopted the Mitigated Negative Declaration (MND), and approved Case 5.1135 - PD 334.

BACKGROUND AND SETTING

The project is located at the southwest corner of East Palm Canyon Drive and Matthew Drive. The property is vacant and is approximately 13.28 acres in size and is generally flat. The previously approved project is for 184 condominiums in six buildings, two pools, a small tennis stadium, and a Grand Central building that will contain a fitness/wellness center, a restaurant, lounge/café, office-space and retail uses; all of which will be opened to the general public. The main access to the project is from Matthew Road on the south side of the property with secondary access from Linden Way.

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.

The applicant has requested a one-year time extension to commence construction for Planned Development District 334. The applicant, in the letter of time extension request dated January 25, 2010, claimed that a principal reason for the time extension request is a recent transfer of property ownership from RainbowVision LLC, to Senior Housing Partners III Riverside LLC., which has delayed the development of the site.

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.

Staff received amended conditions from the Engineering Department. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Streets #45a; Grading #81, 81A, 81B, 81C, 81D, 83A, 83, 83A, 85A; Drainage #87, 92; General # 94; Traffic #107, 108, 111.

ENVIRONMENTAL ASSESSMENT

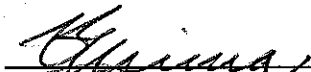
A Mitigated Negative Declaration was previously adopted by the City Council on March 19, 2008 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, further environmental documentation is not necessary because the changed circumstances of the project 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.



Glenn Mlaker, AICP
Assistant Planner



Craig A. Ewing, AICP
Director of Planning Services

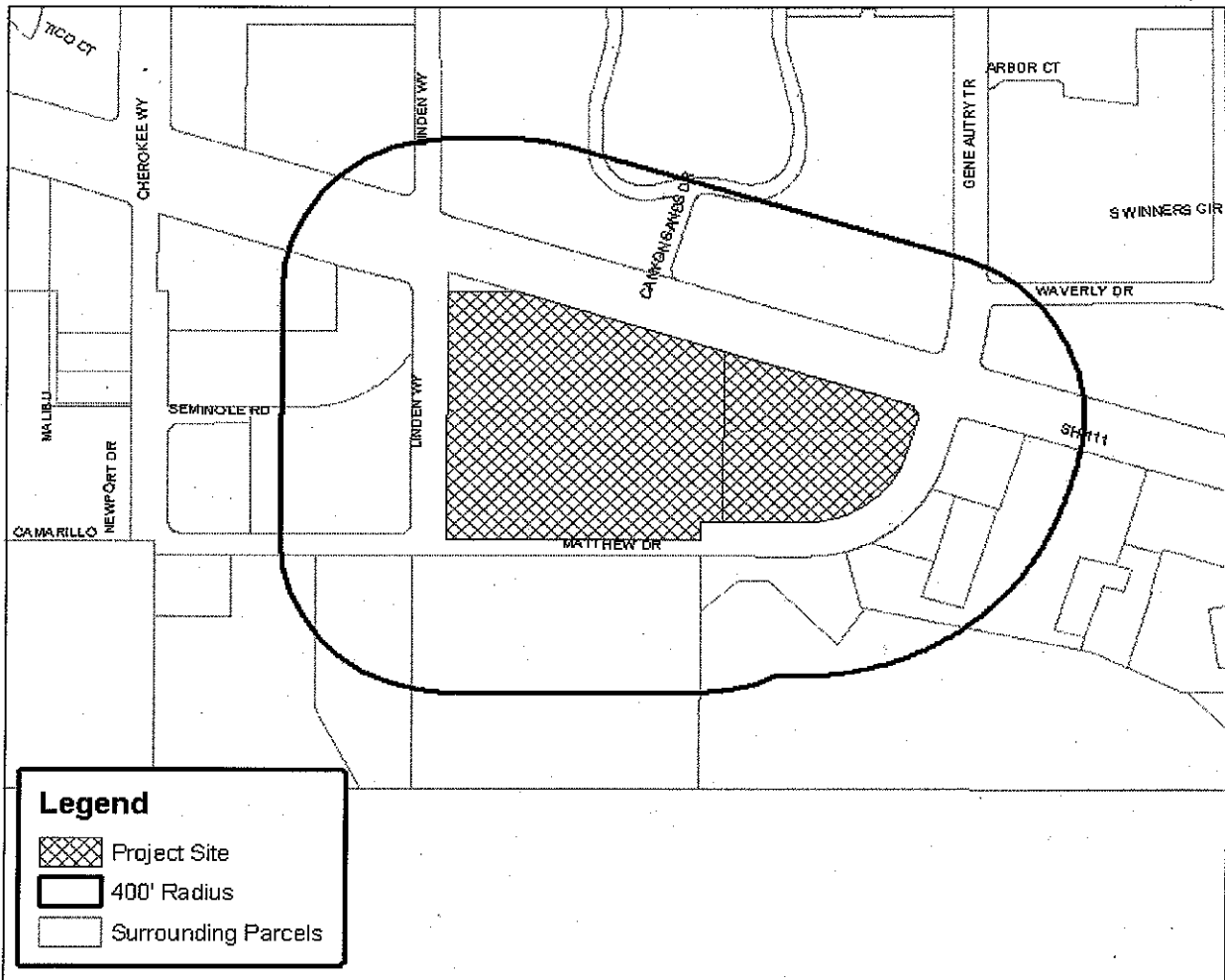
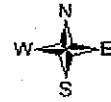
ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter of request from the applicant dated January 25, 2010
5. Site Plan

PLANNED DEVELOPMENT DISTRICT



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1135 PD 334,

APPLICANT:

Senior Housing Partners
III Riverside, LLC

DESCRIPTION: To consider an application for a one-year time extension for PDD 334 for the construction of a retirement community consisting of 184 condominium units and associated amenities at the southwest corner of East Palm Canyon Drive and Matthew Drive. APN: 681-170-038, 681-170-039.

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 334 FROM MARCH 19, 2010 TO MARCH 18, 2011; A PREVIOUSLY APPROVED 184-UNIT CONDOMINIUM RETIREMENT COMMUNITY ON AN APPROXIMATELY 13.28-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE PDD334, SECTION 30, APN 681-170-038 & -039

WHEREAS, Senior Housing Partners III Riverside, 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 334 located at southwest corner of East Palm Canyon Drive and Matthew Drive.

WHEREAS, on March 10, 2010, 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 Mitigated Negative Declaration was previously adopted by the City Council on March 19, 2008 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, 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 334 from March 19, 2010 to March 18, 2011.

ADOPTED this 10th day of March, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case 5.1135 PD334
Case TTM 35623

Rainbow Vision Palm Springs

Southwest Corner of East Palm Canyon Drive and Matthew Drive

REVISED CONDITIONS OF APPROVAL

March 10, 2010

ENGINEERING REVISED CONDITIONS

STREETS

Add the following condition as follows:

ENG 45a. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of the street improvement plans required by these conditions.

GRADING

Modify the following condition as follows:

ENG 81. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, ~~Richard Begay (760-699-6907)~~, or the Tribal Archaeologist, ~~Patty Tuek (760-699-6907)~~ at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

Add the following conditions as follows:

ENG 81a. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

- ENG 81b. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 81c. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 81d. Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 82a. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.

Modify the following condition as follows:

- ENG 83. A Notice of Intent to Comply with Statewide California General Construction Stormwater Permit (~~Water Quality Order 99-08-DWQ as modified December 2, 2002~~) (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

Add the following conditions as follows:

- ENG 83a. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 85a. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

DRAINAGE

Modify the following conditions as follows:

ENG 87. This property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter ~~93.17.00~~ 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs ~~Zoning~~ Municipal Code, and applicable state and federal laws and regulations. Specifically, this property is located within a designated SFHA identified by Zone A0 (Depth = 2 feet) as shown on the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number ~~060257 0009D, dated July 7, 1999.~~ 06065C1586G, dated August 28, 2008. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA. Accordingly, development of this site shall be subject to conditions established under two alternative scenarios, identified herein:

Alternative 1: Development of the site under this scenario shall occur subject to a determination by the City Engineer that construction of the Line 41 storm drain system, as designed by Riverside County Flood Control District (RCFC), is fully funded. Construction of the Line 41 storm drain system by RCFC will satisfy the provisions of Chapter ~~93.17.00~~ 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs ~~Zoning~~ Municipal Code, and applicable state and federal laws and regulations, as they relate to development of this project. Under this scenario, the following shall apply:

- a. The applicant shall enter into Line 41 Developer Agreement with the City and RCFC, in an amount representing a fair share percentage of the construction cost of the Line 41 storm drain system, as approved by the City Engineer. Appropriate financial security, as required by the City Engineer, shall be provided concurrently with approval of the Line 41 Developer Agreement.
- b. Approval by the City Engineer of a grading plan for the project site shall be withheld until final approval of the Line 41 Developer Agreement by the City.
- c. Commencement of grading, issuance of building permits, and issuance of certificates of occupancy, facilitating development within the 100-year special flood hazard area, shall occur in accordance with the provisions of the Line 41 Developer Agreement.

Alternative 2: Development of the site under this scenario shall occur subject to a determination by the City Engineer that construction of the Line 41 storm drain system, as designed by Riverside County Flood Control District (RCFC), is not fully funded. Under this scenario, the following shall apply:

- a. In accordance with Chapter ~~93.17.18(C)~~ 8.68.190(A)1 of the Palm Springs Zoning Municipal Code, the Tentative Tract Map shall be revised to identify the Special Flood Hazard Area(s) (SFHA's) and the elevations of the base flood (BFE's). The final conformed copy of the approved Tentative Tract Map shall include the required information, including delineation of SFHA's and identification of associated BFE's.

- b. In accordance with Chapter ~~93.17.10~~ 8.68.150 of the Palm Springs Zoning Municipal Code, ~~a Flood Hazard Report at a minimum, the following items shall be submitted to the City by the applicant before construction or other development begins within any Special Flood Hazard Area (SFHA). The Flood Hazard Report may include, but not be limited to:~~ the following items shall be submitted to the City by the applicant before construction or other development begins within any Special Flood Hazard Area (SFHA). The Flood Hazard Report may include, but not be limited to: plans in duplicate triplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, storage of materials and equipment and their location, proposed locations of water supply, sanitary sewer, and other utilities; grading information showing existing and proposed contours, any proposed fill, and drainage facilities; and the location of the foregoing. The Flood Hazard Report submittals shall be subject to review and approval by the City Engineer. Specifically, the following information is also required:
 - i. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all proposed residential structures as required by Chapter 8.68.170(c)(1) of the Palm Springs Municipal Code. or
 - ii. Proposed elevation in relation to mean sea level to which any nonresidential structures will be floodproofed, if as required in Chapter 93.17.18(A)(3)(b) 8.68.170(c)(2) of the Palm Springs Zoning Municipal Code; and and detailed in FEMA Technical Bulletin TB 3-93.
 - iii. All appropriate certifications listed in Chapter ~~93.17.12(A)~~ 8.68.140(e) of the Palm Springs Zoning Municipal Code; and .
 - iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - v. Base Flood Elevation (BFE) information as specified in Chapter 8.68.070 or Section 8.68.140(c)(2) of the Palm Springs Municipal Code;
 - vi. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Chapter 8.68.170(c)(2) of the Palm Springs Municipal Code.
 - vii. For a crawl-space foundation, location, and total net area of foundation openings as required in Chapter 8.68.170(c)(3) of the Palm Springs Municipal Code and detailed in FEMA Technical Bulletins 1-93 and 7-93.

- c. The applicant shall provide the Building Department with the elevation of the lowest floor (including basement). The elevation certification shall be done, on a form acceptable to FEMA, by a registered professional civil engineer or surveyor.
- d. In accordance with Chapter ~~93.17.18(C)(6)~~ 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Conditional Letter of Map Revision (CLOMR). A complete application for the CLOMR, including all appropriate technical studies and hydraulic analyses, and payment of required FEMA application fees, shall be submitted to and approved by FEMA for review and approval, prior to approval of a grading plan and storm drain plan and issuance of grading permit. **Final City approvals associated with this project, including approval of a Grading Plan for any portion of this property, the approval of the storm drain plan, or approval of a Final Map, will not be given by the City, until approval of the applicant's CLOMR application to FEMA is provided to the City by evidence of a CLOMR issued by FEMA.**
- e. Within six months of information becoming available, the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR) in accordance with Chapter ~~93.17.18(C)(6)~~ 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR). A complete application for the LOMR, including all appropriate technical studies and hydraulic analyses, record drawings ("as-built's"), topographic surveying, and payment of required FEMA application fees, shall be submitted to and approved by FEMA, prior to issuance of a certificate of occupancy building permit. ***A Certificate of Occupancy Building Permit for construction of any building on this property currently located within a special flood hazard area will not be issued until the City receives final approval of the applicant's LOMR application to FEMA by evidence of a LOMR issued by FEMA.***
- f. The proposed drainage improvements (15, 20, and 30 feet wide concrete culverts) shown on the Preliminary Rough Grading Plan prepared by Rastra Engineering Inc., are not approved. Off-site drainage improvements shall be designed and constructed in accordance with the Master Drainage Plan for the Palm Springs Area, as required by the City Engineer. Submit storm drain improvement plans prepared by a California registered civil engineer to Riverside County Flood Control & Water Conservation District (RCFC) for construction of those portions of the Line 41 storm drain system upstream

and downstream of the project site, as required by the City Engineer. The Line 41 storm drain improvement plans shall be approved by RCFC prior to approval of a grading plan and issuance of a grading permit.

- ENG 92. This project ~~may~~ will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, ~~may~~ will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. ~~If required, such~~ Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

GENERAL

Modify the following condition as follows:

- ENG 94. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, ~~Richard Begay (760-669-6907), or the Tribal Archaeologist, Pattie Tuck (760-669-6907), at (760) 699-6800,~~ for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

TRAFFIC

Modify the following conditions as follows:

Director of Planning Services
Case No. 5.1135; PD-334; TTM35623
March 10, 2010

- ENG 107. Relocate and modify the existing traffic signal poles, conduit, pull boxes and all appurtenances located on the southwest corner of East Palm Canyon Drive (State Highway 111) and Gene Autry Trail/Matthew Drive, in accordance with the requirements of the City of Palm Springs and Caltrans. The applicant shall submit traffic signal modification plans prepared by a California registered civil engineer or traffic engineer for review and approval by ~~the City Engineer~~ Caltrans. The traffic signal shall be relocated in conjunction with the widening of East Palm Canyon Drive, and prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
- ENG 108. Install traffic striping, signage and markings on East Palm Canyon Drive and Matthew Drive as required in conjunction with the widening of the streets. Submit traffic striping and signage plans, prepared by a California registered civil engineer, for review and approval by the City Engineer. Required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
- ENG 111. Construction signing, lighting and barricading shall be provided ~~for on all projects~~ during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996~~ Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent additions editions in force at the time of construction.

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January 25, 2010

VIA FACSIMILE AND U.S. MAIL

Edward O. Robertson
Principal Planner
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

*Re: Request for Extension of Planned Development District 334
(City of Palm Springs Case No. 5.1135)*

Dear Mr. Robertson:

As you and I discussed last Thursday, this office represents SHP III Riverside, LLC ("Applicant"), the current owner of real property located at the southwest corner of East Palm Canyon Drive and Matthew Drive in the City of Palm Springs ("City"), APNs: 681-170-038 and 681-170-039 (the "Property"). On March 19, 2008, the City's City Council approved preliminary development plans for Planned Development District 334 ("PDD 334") and Tentative Tract Map 35623 (collectively, the "Approvals") for the development of a mixed-use retirement community (the "Project") on the Property. The purpose of this letter is to request a time extension for one year for PDD 334. A check in the amount of \$881.00 (representing the City's applicable processing fee for this request) is enclosed.

The Applicant makes this request as the current owner of fee title to the Property and the holder of the Approvals. As you are aware, the original recipient of the Approvals was RainbowVision Palm Springs LLC ("RainbowVision"). However, in conjunction with a deed of trust, RainbowVision assigned to Senior Housing Partners III, L.P. ("Senior Housing Partners") all of its interests in all approvals relating to development of the Property. (See the Assignment of Permits and Developer's Rights, attached as Attachment A hereto.) Thereafter, on August 12, 2008, Senior Housing Partners assigned to the Applicant all of its interests in the Property and development rights associated with the Property. (See the Assignment of Deed of Trust and Security Agreement and Fixture Filing, attached as Attachment B hereto.) In addition, on

Edward O. Robertson
January 25, 2010
Page 2

December 15, 2008, in connection with a trustee's sale, trustee First American Title Insurance Company (which had substituted as trustee under the previous Deed of Trust), also conveyed all title and interest in the Property to the Applicant. (See the Trustee's Deed Upon Sale, attached as Attachment C hereto.) Accordingly, the Applicant is now the current fee owner of the Property and the assignee of all development rights related to the Project, including the Approvals previously obtained by RainbowVision.

The City's Municipal Code provides that extensions of a preliminary development plan may be allowed for good cause:

If, within two (2) years after the date of approval by the city council of the preliminary development plan, the final development plan, as indicated in Section 94.03.00(I), has not been approved by the planning commission, the procedures and actions which have taken place up to that time shall be null and void and the planned development district shall expire. Extensions of time may be allowed for good cause.

(Palm Springs Municipal Code § 94.03.00.H.)

Similarly, the Conditions of Approval approved by the City Council in conjunction with the Approvals state:

"Preliminary development plans and architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause."

(March 19, 2008 Conditions of Approval, Condition #17.)

Pursuant to Municipal Code section 94.03.00.H and Condition of Approval #17, the Applicant respectfully requests a one-year time extension on PDD 334. This request for time extension is justified by good cause in that the history of the transactions affecting the ownership of the Property and the development rights associated with the Project, as discussed above and as evidenced in Attachments A, B and C, has unavoidably delayed development of the Project. In order to ensure that the Project as previously approved remains a viable development project for the Property, an extension of PD 334 is warranted.

Edward O. Robertson
January 25, 2010
Page 3

Thank you for your consideration of this request. We look forward to hearing from you shortly regarding setting this matter for hearing before the Planning Commission.

Sincerely,



Robert D. Pontelle

RDP:rdp
Attachments and Enclosure

cc: John Dark

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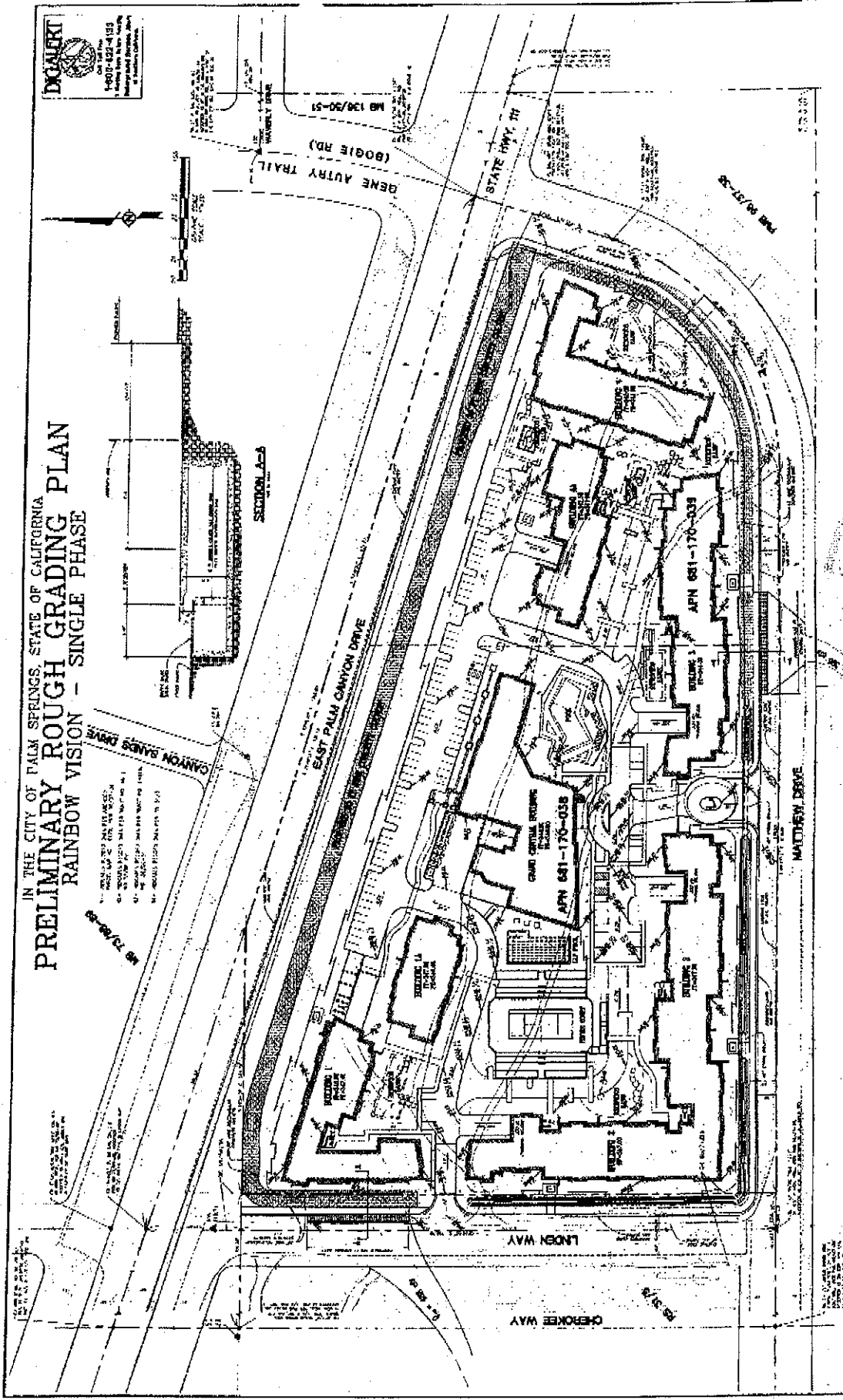
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JAN 28 2010

PLANNING SERVICES
DEPARTMENT

5.1135

IN THE CITY OF PALM SPRINGS, STATE OF CALIFORNIA
PRELIMINARY ROUGH GRADING PLAN
RAINBOW VISION - SINGLE PHASE



DESIGNED BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

NO. REVISED	DATE	BY	REVISION	PLANS PREPARED BY: RAMSA ENGINEERING, INC. 15111 W. CALIFORNIA BLVD. SUITE 100, PALM SPRINGS, CA 92262 (760) 325-1135	ORDER NO. DRAWN BY	DATE CHECKED BY	QUANTITY CITY ENGINEER NO. IN. DATE	CITY OF PALM SPRINGS, CALIFORNIA RAINBOW VISION PRELIMINARY GRADING PLAN	FILE NO. PLAN NO.	SHEET 1 OF 1 SHEETS
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CONDOMINIUM PROJECT

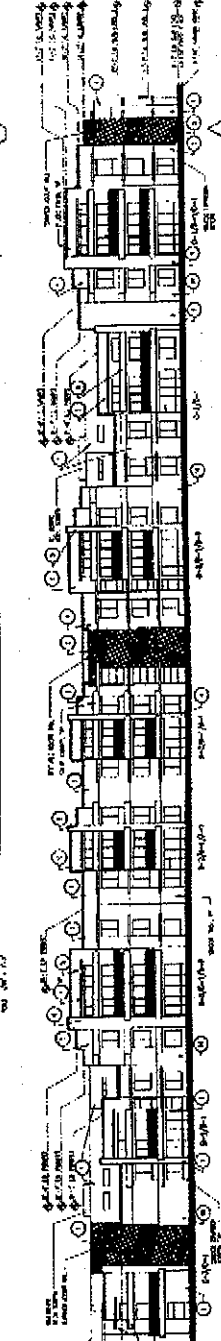
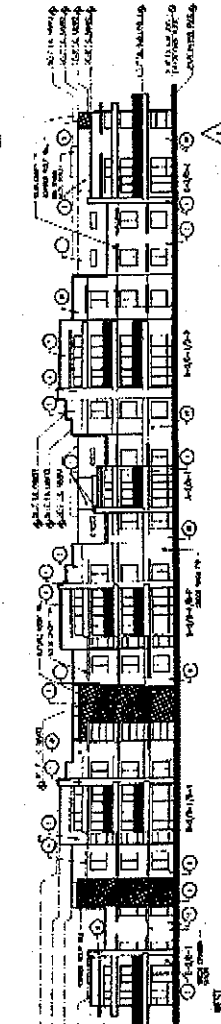
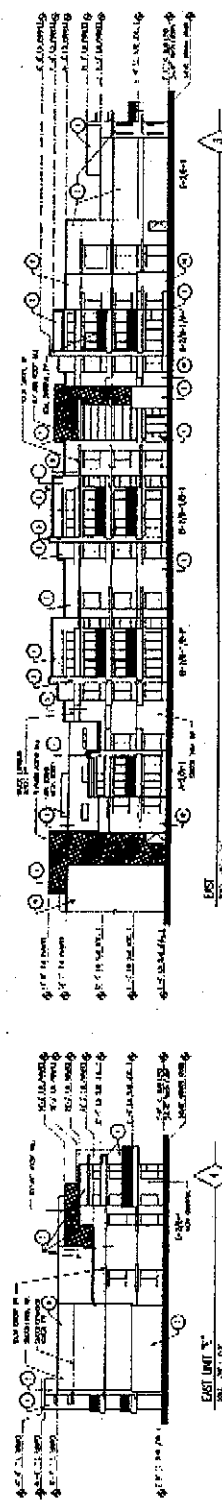
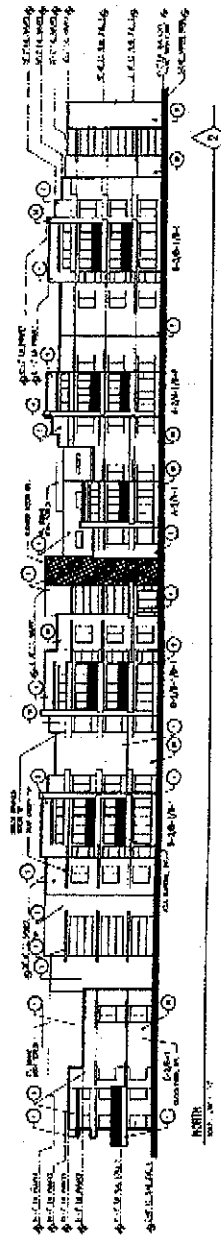
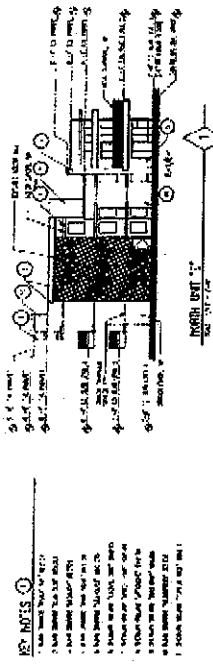
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CONDOMINIUM
BUILDING 2
EXT. ELEVATIONS
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