

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA DENYING CASE 5.1237 GPA, PDD 357; A GENERAL PLAN AMENDMENT AND A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, TO DEVELOP A 108-BED ASSISTED LIVING FACILITY WITH LANDSCAPING AND SUBTERRANEAN OFF-STREET PARKING ON AN APPROXIMATELY 1.43 ACRE SITE AT 1000 NORTH PALM CANYON DRIVE, SECTION 10, ZONE C-1/R-3.

WHEREAS, Tappan Enterprises, ("Applicant") has filed an application with the City on pursuant to Section 94.03.00 (Planned Development District) of the Zoning Code and State of California Governmental Code Sections 65350 – 65362 (General Plan amendment), for a 108-bed assisted living facility at 1000 North Palm Canyon Drive, Zone C-1/R-3, Section 10; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1237 GPA, PDD 357 was given in accordance with applicable law; and

WHEREAS, on June 9 2010, a public hearing to consider Case 5.1237 GPA, PDD 357 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); and

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.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to State of California Governmental Code Sections 65350 – 65362, ("*General Plan Amendments*") the Planning Commission finds as follows:

The proposed project is surrounded by existing commercial uses within the Neighborhood Community Commercial (NCC) land use designation. The proposed assisted living facility/residential and General Plan Amendment to High Density Residential use is not harmonious with the existing commercial uses in the vicinity.

Section 3: Pursuant to the requirements of the Section 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Ordinance, the Planning Commission finds:

The provisions of Section 94.03.00(B) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development. Specific findings are made below:

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

The project site has an existing zone designation of C-1/R-3. Assisted living facilities are a permitted use with a CUP in the R-3 zone. Residential uses are permitted in the C-1 zone subject to the R-3 standards. Therefore the project conforms to this finding.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The project proposes a 108 bed assisted living facility. This use is not necessary or desirable for this area which is primarily a commercial retail area. The proposed use is not harmonious with existing and future uses in the vicinity.

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The project proposes deviations in the underlying development standards for the zone and in the high-rise ordinance that render the proposed project too dense for the site.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project does not relate to the surrounding streets in an adequate manner because of the potential impacts from insufficient provision of off-street parking and conflict between vehicular movement and pedestrian movement. The proposed vehicular access to parking, the porte cochere drop-off/waiting area for cars and ambulances, the double driveway curb cuts and entry/exit to the underground parking garage on the North Palm Canyon Drive side of the project is detrimental to the existing pedestrian-oriented commercial/retail uses along this segment of North Palm Canyon Drive.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

The project proposes significant deviations in the development standards of the Zoning Code and does not provide a proportionately equivalent set of public benefits in exchange for these deviations as set forth in the City Council's policy on Public Benefit, as adopted September 17, 2008. The project cannot be conditioned to adequately address the proposed deviations and the proposed public benefit of the project itself is not a proportionately equivalent public benefit.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby denies Case 5.1237 GPA, PDD 357

ADOPTED this ____ day of June, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

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