



## Planning Commission Staff Report

Date: September 22, 2010

Case No.: 5.1091 – PD 324

Application Type: Time Extension Request for Planned Development District 324

Location: 400 North Palm Canyon Drive

Applicant: Rael Development Corporation

Zone: PDD 324

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

APNs: 513-081-002 through 006 & 023

From: Edward O. Robertson, Principal Planner

Project Planner: Glenn Mlaker, AICP, Assistant Planner

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The project is a one-year time extension request by Rael Development Corporation for the previously approved mixed use development consisting of 118 condominium units, and 25,000 square feet of retail commercial space on a 4.1 acre site with a subterranean garage with a total of 315 parking spaces located at 400 North Palm Canyon Drive.

### RECOMMENDATION

That the Planning Commission approve a one-year time extension for Case No. 5.1091 - PD 324 from October 4, 2010 to October 3, 2011.

### **PRIOR ACTIONS**

- On September 13, 2006, the Planning Commission adopted the Mitigated Negative Declaration (MND); approved the Major Architectural application and PD 324; and recommended approval to the City Council for the Vesting Tentative Tract Map 34190.
- On October 4, 2006, the City Council adopted the Mitigated Negative Declaration (MND), and approved Case 5.1091 - PD 324, and vesting tentative tract map 34190.
- On October 28, 2009, the Planning Commission approved a one-year time extension for case 5.1091 – PD 325 from September 13, 2009 to September 12, 2010.

### **BACKGROUND AND SETTING**

The previously approved mixed-use development consisting of up to 118 condominium units and approximately 25,000 square feet of retail commercial space will be located within a fully developed area of the downtown district of the City. The proposed site is an approximately 4.1-acre land bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Alejo Road to the north. Existing buildings on the site have been 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.

Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Additionally, the applicant must demonstrate good cause for the time extension. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood would warrant denial of the time extension. The applicant submitted a letter of time extension request on August 23, 2010. The applicant has stated that construction has not commenced due to current market and economic conditions. The vesting tract map remains in effect.

## ENVIRONMENTAL ASSESSMENT

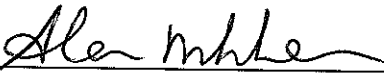
A Mitigated Negative Declaration (MND) was previously adopted by the City Council on October 4, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent MND, Addendum to the MND or further environmental documentation 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 previously adopted Mitigated Negative Declaration.

## CONCLUSION

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. Based on this determination, the applicant has demonstrated good cause for seeking an extension and recommends that the Planning Commission approve a one-year time extension from October 4, 2010 to October 3, 2011 for Case No. 5.1091-PD 324.

## NOTIFICATION

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

  
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Glenn Mlaker, AICP  
Assistant Planner

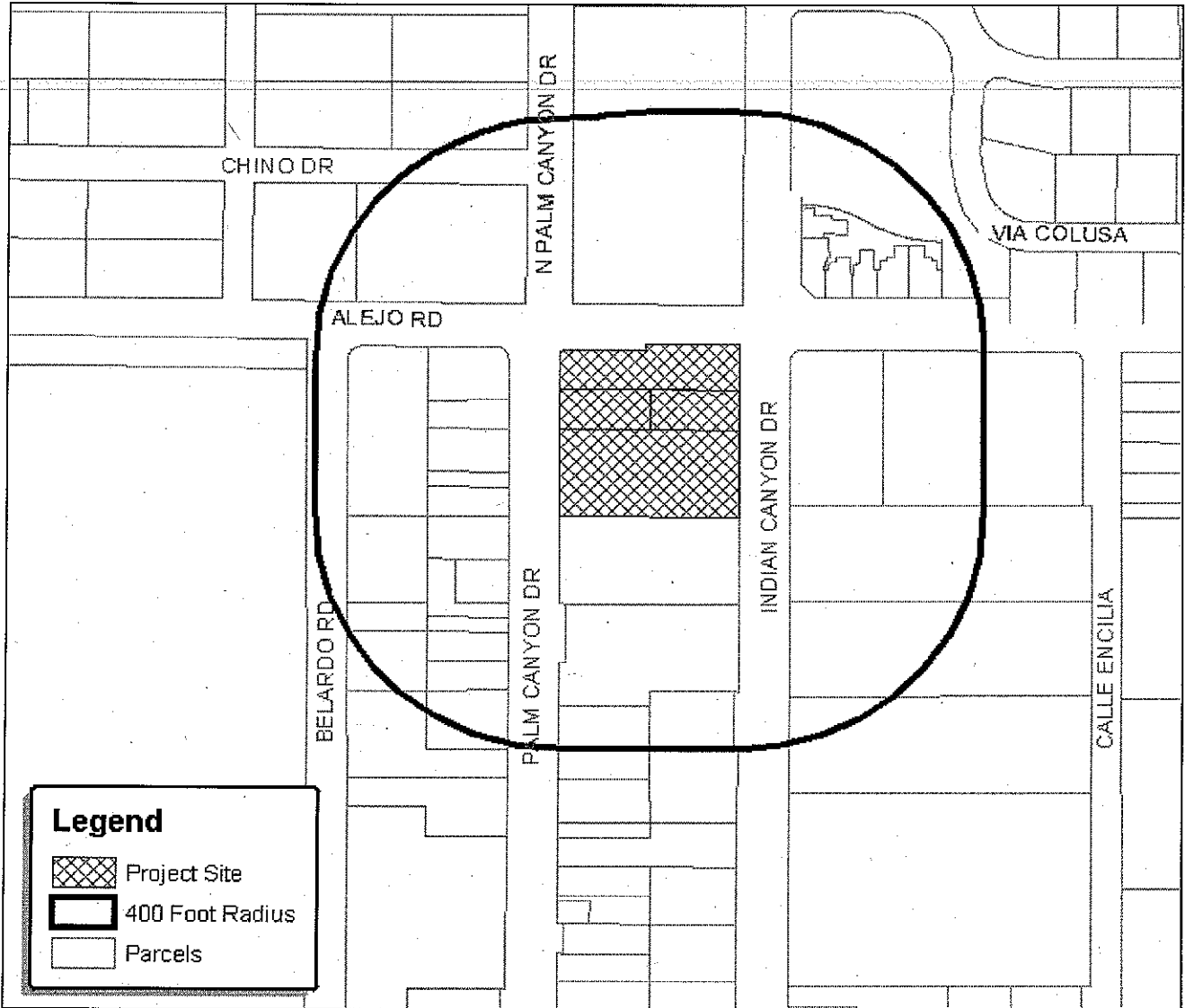
  
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Edward O. Robertson  
Principal Planner

## ATTACHMENTS:




1. Vicinity Map
2. Draft Resolution
3. Letter of request from the applicant dated August 23, 2010



# Department of Planning Services Vicinity Map



**Legend**

-  Project Site
-  400 Foot Radius
-  Parcels

## CITY OF PALM SPRINGS

**CASE NO.:** 5.1091 MAJ / PD 324

**APPLICANT:** Rael Development Corporation

**DESCRIPTION:** Application for a time extension request to construct 118 condominium units, 11 live/work units, 25,000 sq. ft. of retail, and 315 below grade parking spaces, at 400 N. Palm Canyon Drive, Zone CBD, Section 15. APN: 513-081-002 through -006, -023.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A MAJOR ARCHITECTURAL APPLICATION CASE 5.1091, PLANNED DEVELOPMENT DISTRICT 324 FOR RAEI DEVELOPMENT CORPORATION, FROM OCTOBER 4, 2010 TO OCTOBER 3, 2011; A PROPOSED 118 UNIT CONDOMINIUM PROJECT WITH 25,000 SQUARE FEET OF RETAIL COMMERCIAL DEVELOPMENT ON A 4.1 ACRE SITE AT 400 NORTH PALM CANYON DRIVE, ZONE CBD, SECTION 15, APN 513-081-002 THROUGH -006, -023.

WHEREAS, Rael Development Corporation ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) of the Palm Springs Zoning Code for a one-year time extension for case 5.1091 - PD 324, and

WHEREAS, on October 28, 2009, a public meeting held by the Planning Commission to review the request for a one-year time extension was granted from September 13, 2009 to September 12, 2010; and

WHEREAS, on September 22, 2010, a public meeting on the application 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 the Mitigated Negative Declaration for this Case 5.1091 - PD 324 was previously approved by the City Council on October 4, 2006. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects.

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 the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration is the controlling environmental documentation for this request.
2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.

3. A demonstration of good cause has been made and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension of case 5.1091 - PD 324 from October 4, 2010 to October 3, 2011.

ADOPTED this 22nd day of September, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services



RAEL DEVELOPMENT  
CORPORATION

August 23, 2010

Craig Ewing  
Planning Director  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

RE: Request for Extension for case # 5.1091-PD 324 and Vested Tentative Map.

Dear Mr. Ewing:

We refer to our recent discussion with regard to our request for an extension of our current entitlements on the project referenced above.

As you know the current economic conditions and absolute lack of capital at present make it impossible for us to move forward with our project at this time. Obviously this is all at great financial cost to us as we have no alternative but to patiently wait until the timing is right for us to once again move forward.

We continue to have strong and open dialogue with the City with regard to our commitment to the City of Palm Springs and the purpose of this letter is to request the City's indulgence in working with us as we request that we be granted an extension of the current Vesting Tentative Map. Enclosed with this extension application is a check in the amount of \$881 to pay the processing fee.

It is unclear whether this delay will clear up within a year and practically it would best serve us if the extension was for a two year period. Unlike many other project we can substantiate spending many millions of dollars to move our project forward and the last thing we anticipated was such a collapse including a banking crisis the likes of which none of us have seen in our life time.

2415 CAMPUS DRIVE

SUITE 140

IRVINE, CALIFORNIA

92612

T: 949.250.4245

F: 949.474.9828

**RECEIVED**

AUG 25 2010

PLANNING SERVICES  
DEPARTMENT

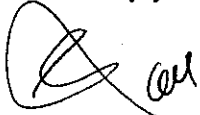
To not have the extension would create horrendous economic hardship on us including placing us in breach of our existing loan conditions.

We are fully committed to moving forward with this iconic project as soon as economic conditions permit.

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Thank you for your assistance and support.

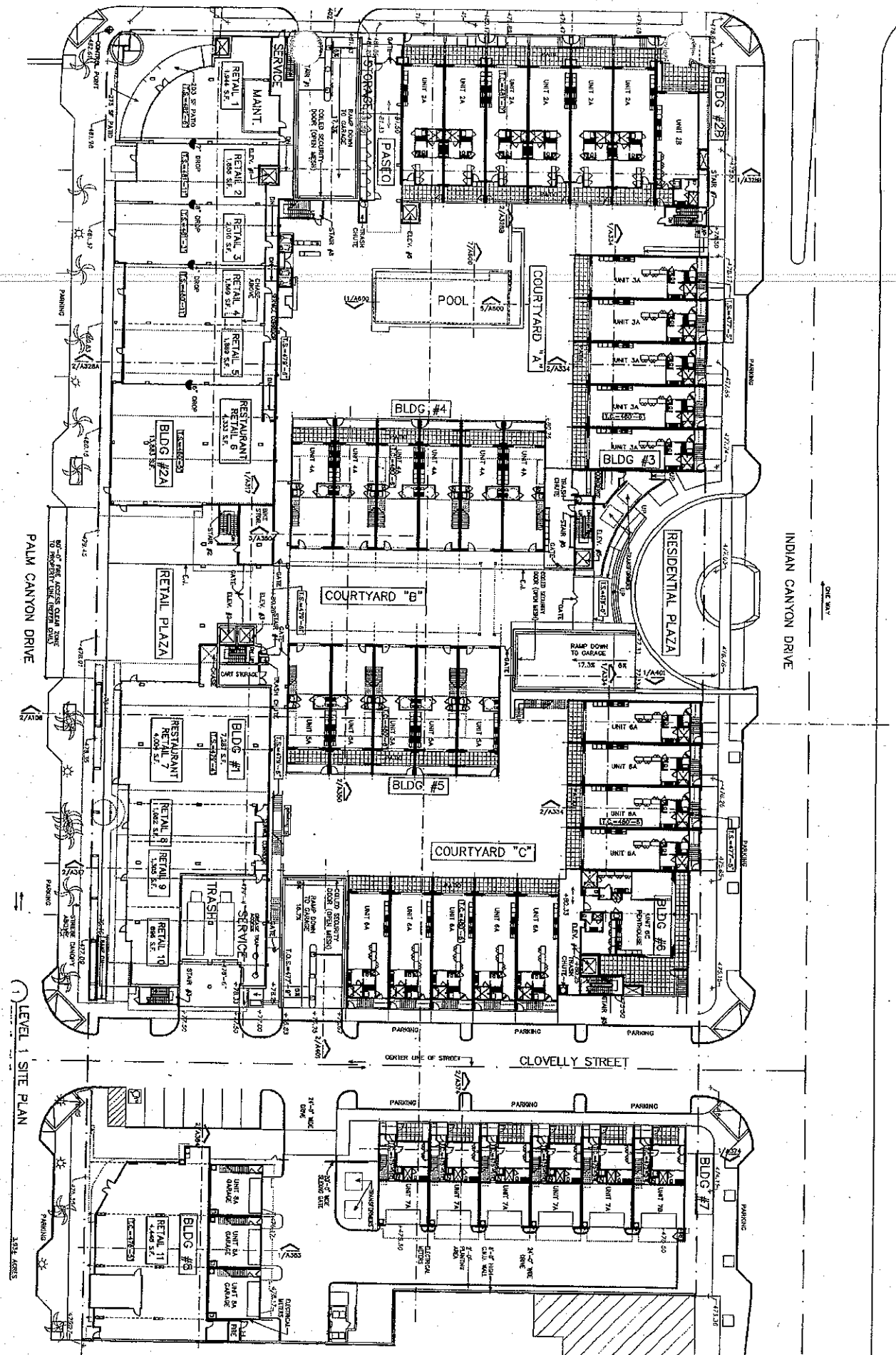
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Lawrence Rael', with a stylized flourish at the end.

Lawrence Rael  
Principal  
Palm Springs LCC

CC: Tom Wilson, Assistant City Manager  
David Ready City Manager





LEVEL 1 SITE PLAN  
3.524 ACRES

DESIGNED BY  
DATE: 01/20/2011  
SCALE: AS SHOWN  
PROJECT: PORT LAWRENCE



LEVEL 1  
SITE PLAN

**PORT LAWRENCE**  
PALM SPRINGS, CA