




CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES
MEMORANDUM

Date: June 8, 2011
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: Case No. 5.1263 – Development Agreement for Desert Fashion Plaza

On May 25, 2011, the Planning Commission voted three to one (Donenfeld opposed; Conrad and Klatchko recused) to direct staff to prepare a draft resolution based on the Commission's comments and recommending to the City Council that the proposed Development Agreement is not in conformance with the 2007 Palm Springs General Plan.

Staff has reviewed the recording of the Commission's deliberations and prepared the attached draft resolution. The Commission may modify the language as it deems appropriate prior to taking final action.

Attachment: Draft Resolution

RESOLUTION No.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS RECOMMENDING TO THE CITY COUNCIL THAT A PROPOSED DEVELOPMENT AGREEMENT FOR THE DESERT FASHION PLAZA AND RELATED PROPERTIES IS NOT IN CONFORMANCE WITH THE 2007 PALM SPRINGS GENERAL PLAN

WHEREAS, the Wessman Development Company has proposed a Development Agreement (Case No. 5.1263) with the City of Palm Springs to assist in the redevelopment and revitalization of the Desert Fashion Plaza and certain related properties; and

WHEREAS, the proposed Development Agreement includes reference to the Museum Market Plaza Specific Plan as the controlling land use document for said Agreement; and

WHEREAS, the approval of a Development Agreement must conform to the requirements of California Government Code Section 65867 et seq, and also to the provisions of Palm Springs Zoning Code Section 94.08; and

WHEREAS, a notice of public hearing for Case 5.1263 was given in accordance with applicable law; and

WHEREAS, on May 25, 2011, a public hearing on the conformity of the proposed Development Agreement Case 5.1263 with State and City laws was held by the Planning Commission in accordance with applicable law; 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.

NOW THEREFORE, the Planning Commission of the City of Palm Springs does recommend to the City Council that the proposed Development Agreement is not in conformance with the 2007 Palm Springs General Plan, and not in conformity with public convenience, general welfare and good land use practice, will be detrimental to the health, safety and general welfare, and will adversely affect the orderly development of property or the preservation of property values:

1. No retail marketing study provided to justify project.
2. The entire Planning Commission should be involved in a Study Session of the proposed Development Agreement
3. The developer has a long history with the project without taking action on revitalizing the property

4. The City should study larger traffic circulation pattern / design before approving the project.
5. The Town & Country Center should be preserved, or Blocks K1 and K2 should be deleted from Development Agreement project description
6. There is insufficient public plaza space in proposed plan
7. The proposed plan to share Transient Occupancy Tax (TOT) with the developer is not appropriate.
8. Private benefits to developer significantly outweigh public benefits to City
9. Indian Canyon and Palm Canyon should be returned to two-way traffic
10. The commitment to housing in proposed plan is inadequate, compared to Specific Plan.
11. The Frank Property is not clearly identified as included or excluded from the proposed project
12. The adaptive re-use of historic building should be considered
13. The proposed Agreement is inconsistent with the General Plan regarding preserving the City's historical resources and sustainability, specifically the adaptive reuse of the Town & Country Center (Blocks K1 and K2)
14. The proposed Agreement's term of 25 years is too long.
15. The sale of any portion of the development to any person including relatives should require city approval.
16. The proposed Agreement appears to eliminate the liability of the seller for the responsibilities of the DA with any sold property.
17. The proposed Agreement appears to override the phasing and other regulations contained in the Museum Market Plaza Specific Plan.
18. The proposed Agreement appears to provide too general a commitment by the City to support the owner.
19. The proposed Agreement does not contain a definitive schedule for phasing development.
20. The requirement for a "super majority" of the City Council to modify or terminate the proposed Agreement should be a simple majority.

21. The proposed Agreement's provision for no monetary damages is insufficient.
22. The proposed Agreement provides no remedy should the developer quit or die during construction of the project.
23. The mortgagee protection should exclude developer and his successors, surrogates, assignees, corporations and relatives.
24. Museum Way should be Pedestrian only.
25. Developer should donate those properties to the City that are to be developed as public right-of-way.
26. Immediate demolition of the Town & Country Center only allows for an unnecessary mid-block street that further divides the development and adds unwanted auto traffic instead of open space.
27. No waiver of in-lieu fees should be allowed for deficient parking at hotels in Blocks K1 and K2.
28. There should be an acceptable approved site plan before implementing the proposed Development Agreement.

ADOPTED this ___th day of May, 2011

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning