



Planning Commission Staff Report

Date: November 22, 2011

Case No.: 5.1237 GPA, PDD 357 - REDESIGN

Application Type: General Plan Amendment and Planned Development District in lieu of a Change of Zone.

Location: 1000 North Palm Canyon Drive

Applicant: Tappan Enterprises, LLC

Zone: R-3 & C-1 Section 10 T4/R4, Resort Combining Zone, Redevelopment Area 1

General Plan: NCC (Neighborhood Community Commercial)

APN: 505-265-004, -005, -006, -013, -014, -015, -016

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

The proposed project is an assisted living facility, with landscaping and off-street subterranean parking on an approximately 1.43 acre parcel at 1000 North Palm Canyon Drive. The project is comprised of:

1. A General Plan Amendment (GPA), to change the land use designation from Neighborhood Community Commercial (NCC) to High Density Residential (HDR), and text revisions in the methodology for calculating density impacts for assisted living facilities.
2. A Planned Development District (PDD) application in lieu of a change of zone. The preliminary PDD proposes a set of specific uses and seeks relief from the underlying development standards of the C-1 and R-3 zones and the standards of the high-rise ordinance (PSZC 94.03.00).

RECOMMENDATION:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration as an adequate environmental analysis under the California Environmental Quality Act (CEQA).
2. Recommend approval of the General Plan Amendment to the City Council.
3. Approve the preliminary PDD in lieu of a change of zone, subject to the attached Conditions of Approval (COA's) shown as Exhibit "A". and recommend approval of a draft ordinance (Exhibit "B") establishing preliminary PDD 357 as the zone designation for the 1.43 acre parcel by the City Council

PRIOR ACTIONS:

On June 9, 2010, the Planning Commission reviewed the previous version of the project and voted 6-0-1 (Munger abstained) to deny the project and directed staff to return with a resolution of denial at the next meeting. The Commission expressed concerns that the building did not fit well within the context of the re-emerging retail district in Uptown.

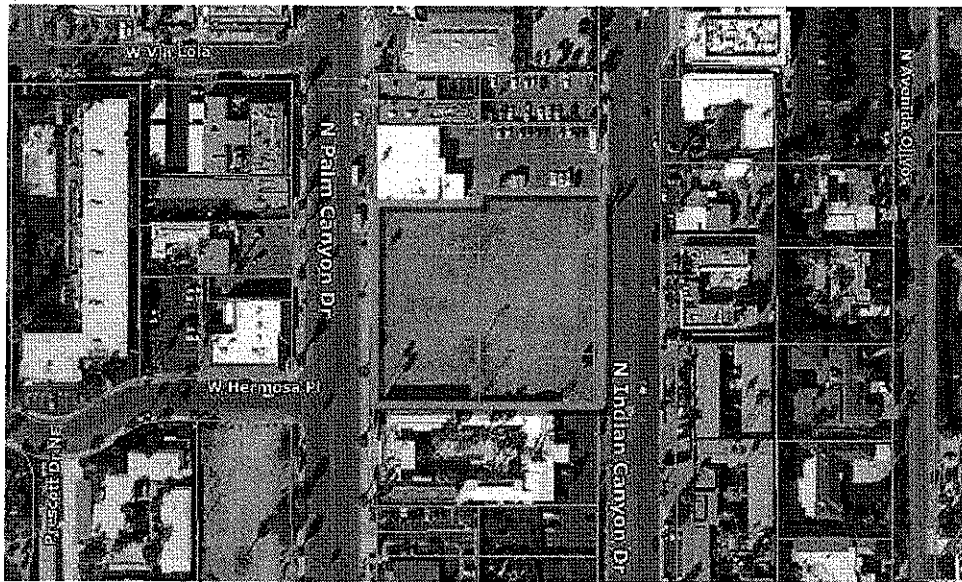
On June 23, 2010, at the request of the applicant, the Planning Commission voted 6-0-1 (Munger abstained) to table the resolution of denial and allow the project to remain open for resubmittal and redesign, noting that density, height, retail frontage (on Palm Canyon) and inadequate amount of parking were issues that would need to be addressed in any sort of redesign.

On October 10, 2011, the Architectural Advisory Committee (AAC) reviewed the redesign of the proposed project and voted 6-0 to recommend the Planning Commission approve the project, with the condition that the lateral structure on the privacy screen be on the project side of the screen and consider a softer color for the stucco portions of the exterior walls in lieu of the color called "Banana Pudding".

BACKGROUND AND SETTING:

The project is located on an approximately 1.43 acre (roughly 62,411 net square feet) site comprised of seven vacant parcels located on the east side of North Palm Canyon Drive, south of Tachevah Road, in the Uptown neighborhood. The aerial photo below shows the site and surrounding existing development.

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AERIAL PHOTO SHOWING SITE AND VICINITY

The site is essentially flat and was cleared of previous development approximately four years ago¹. The site is a through-lot between two Major Thoroughfares, North Palm Canyon Drive and North Indian Canyon Drive; the project fronts North Palm Canyon Drive.

The surrounding land uses, General Plan and Zone designations are summarized in Table 1 below.

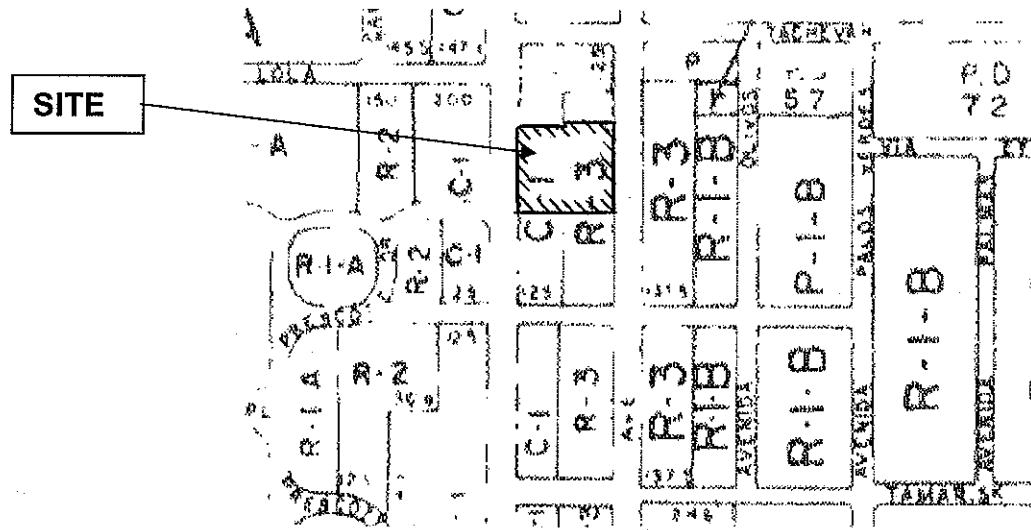
Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Commercial	Neighborhood Community Commercial	C-1/R-3
East	Commercial/residential uses (hotel/apartments)	Office, Tourist Resort Commercial, High Density Residential.	R-3
South	Small hotel/resort	Neighborhood Community Commercial	C-1/R-3
West	Commercial	Neighborhood Community Commercial	C-1

Following is a portion of the City's Zoning Map showing the current split zone for the project site of C-1 / R-3.

¹ 1000 North Palm Canyon Drive was the site of the E. Stewart Williams-designed Potter Clinic, which was designated a Class 2 historic site by the Palm Springs City Council on September 5, 2007, and subsequently demolished later that year.

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PORTION OF THE PALM SPRINGS ZONING MAP

PROJECT DESCRIPTION:

The project is a revised proposal to construct an approximately 91,800 square foot, three-story assisted living facility comprised of 91 units (114-beds), ancillary support services and activities (some available to the general public), and a subterranean parking garage with 93 off-street parking spaces. Vehicular access to the site would be from both North Palm Canyon Drive and Indian Canyon Drive.

Site Plan

The proposed building is a contemporary design arranged around a center courtyard. The main building entry is off a one-way private drive along the north side of the site. The driver enters from North Palm Canyon Drive and exits onto North Indian Canyon Drive. A porte cochere at the entry door (near North Palm Canyon) provides all weather covering for vehicle loading, and ten angle parking spaces are located further along the drive aisle. A second building entry fronting North Indian Canyon Drive is accessed by a circular drive with a porte cochere; three parking spaces are provided there.

The main floor is primarily for administrative and support uses, including a lounge, kitchen, dining room and laundry, as well as a small bistro and fitness / nutrition center which are planned to be open to the public. Fourteen residential units are also located on the first floor, all of which open either to a perimeter garden / patio or to the interior courtyard / pool area. A below-grade parking structure provides spaces for 93 vehicles, including 42 compact spaces.

The second and third floors contain forty-two and thirty-five residential units, respectively. Various activity rooms and common spaces are found on these floors, including access to exterior view balconies. About twenty-six third floor units have private balconies.

Rooftop mechanical equipment is clustered behind consolidated screens to conceal the equipment. This equipment is also located in the center of the roof areas to further minimize the visual appearance of the enclosures and the overall building height from the street level.

Ingress to the 93-space subterranean parking is taken off Palm Canyon Drive and egress discharges vehicles onto Indian Canyon Drive. These parking garage access ramps are one-way and minimized in width to reduce the intersection of vehicles with pedestrians at the sidewalks. Loading of goods and supplies is provided on the main drive aisle, and trash bins are located near the east end of this aisle in an enclosed trash room.

Architecture

The building has been situated close to the front property line of Palm Canyon Drive, while its mass steps back at the upper floors to reduce the visual height along the street. The modern architecture of the building has been simplified and strengthened in its overall massing from the previously submitted scheme.

The strongly horizontal building is articulated with vertical panels of ledgerstone between sections of balconies and stucco wall surfaces. Roof overhangs vary in depth and are articulated with openings in key locations. These features strengthen the horizontal presence to the building, break down the overall volume of the building and effectively reduce the visual height of the proposed structure.

Exterior building materials include stucco and flagstone walls, metal railing and fascia trim, ribbed metal mechanical equipment screen, and a metal privacy screen comprised of horizontal louvers along the south site boundary. Colors are yellow and brown stucco, dark bronze flagstone and white metal railing and fascia. The privacy screen will be painted in earth tones.

Landscaping is found primarily around the site perimeter and is proposed mostly of drought tolerant, desert-appropriate species. Washingtonia Filliferas are proposed along Palm Canyon, consistent with the City's General Plan planting scheme for this major thoroughfare.

Notable features of the Redesign:

The redesign of the project incorporates comments from Staff, the AAC and the Planning Commission as follows;

1. The wide circular drive was removed from the Palm Canyon frontage.
2. The vehicle-oriented porte cochere was relocated to the north side of the building to reduce the dominance of car-oriented access on the Palm Canyon frontage.
3. The proposed building was then moved closer to the Palm Canyon frontage to engage and continue the walkable, urban/pedestrian street edge present in other parts of the Uptown district.

4. The amount of off-street parking was significantly increased from 68 to 106 spaces, which includes thirteen guest parking spaces at grade level.
5. The trash/recycling enclosure and delivery area was removed from the Indian Canyon side of the building and placed in enclosed trash rooms accessed from a proposed vehicular drive along the north side of the lot. This reduced the "back of house" feeling along the Indian Canyon Drive frontage.
6. A unique trellis/privacy screen structure was added along the southern property line to protect the privacy of the hotel to the south and provide solar control.
7. The amount of first floor retail square footage was increased along the Palm Canyon Drive frontage, including:
 - a. A café, open to the public, with covered outdoor seating to enliven and engage the pedestrian activity at street level.
 - b. A patio to create a more inviting, "permeable" feel to the street level.
 - c. A fitness/nutrition center (open to the public and residents).
8. The upper floors of the building have been stepped back from Palm Canyon to reduce the building's presence and perceived height on the street.
9. The street level appearance along Indian Canyon Drive has been enhanced with improved integration of a main pedestrian entry feature, more glazing and more landscaping.
10. The overall modern architectural presence of the building has been strengthened and simplified.

ANALYSIS FOR THE GENERAL PLAN AMENDMENT:

General Plan Amendment

The proposed project site has a General Plan designation of Neighborhood Community Commercial (NCC). Residential uses are not listed in the NCC land use category. It is intended for commercial uses that serve and support adjacent residential neighborhoods. Thus, the project is not consistent with the General Plan land use element and requires a General Plan amendment.

The applicant has submitted a General Plan Amendment (GPA) requesting a change in the land use designation from NCC to HDR (high density residential). The HDR land use designation encourages residential uses, including apartments, townhomes and duplexes at a density of 15.1 to 30 dwelling units per acre. The General Plan Amendment also includes text amendments describing alternative methodology for calculating density for assisted living facilities based on equivalent traffic impacts.

The General Plan description for residential uses states,

"Each of the residential land use designations includes a range of allowable densities. The maximum density signifies the maximum number of dwelling units per gross acre that are allowed in each residential area. For example, the Very Low Density Residential designation allows a range of 2.1-4.0 dwelling units per gross acre."

The lower threshold figure for each of these categories represents a minimum amount of development anticipated, provided that all other required conditions can be met, and the higher figure represents a potential maximum that could be located in each area if the proposed development demonstrates qualities above the minimum development standards to achieve a higher density. The purpose of this concept is to ensure that the City continues to achieve the high-quality development for which it is known. Criteria used to determine the applicability of the higher densities can be found in the New Housing Opportunities section of this element”.

The GPA proposes to amend this by adding the following statement to the paragraph above:

“Assisted Living Facility uses may be permitted in residential land use areas. Maximum permitted number of beds for assisted living facilities (density) shall be based upon calculation of equivalent traffic impacts for assisted living facilities as compared to that of the maximum number of standard dwelling units per acre for each land use area, provided they do not create significant design, parking, traffic or other impacts to the surrounding neighborhood. This comparison shall be in accordance with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generator Handbook.”

Discussion of comparative traffic impacts for evaluating density.

Traffic impacts are estimated from the *Trip Generation Manual* of the Institute of Traffic Engineers (ITE). Based on this data, assisted living facilities generate significantly less traffic (or “trips”) than a typical residential dwellings. Comparing the trips generated by an assisted living facility with the trips generated by standard dwelling units is the basis of the proposed General Plan Amendment. Based on this assessment, the maximum density of an assisted living facility (established by the number of beds) could be higher than the maximum number of standard dwelling units, without adversely affecting the project’s traffic impacts.

The HDR land use designation permits up to 30 “standard dwelling units” per acre. Based on HDR, a maximum of 43 standard dwelling units could be built on the subject 1.43 acre parcel (30du/ac x 1.43 acres). The ITE estimates 43 apartments would generate approximately 289 daily trips.

The proposed assisted living facility with 114 beds is estimated in the ITE to generate 245 daily trips – less than that generated by 43 standard apartment dwelling units. Therefore, staff has concluded that the project at the proposed density would produce no greater traffic impact than the maximum permitted number of standard dwelling units. In fact, the proposed 114-bed assisted living facility is equivalent to about 36 standard dwelling units – within the range allowed for HDR by the General Plan.

Staff also notes under the current General Plan land use (NCC – Neighborhood

Commercial Center) a "Specialty Retail Center" of 22,000 square feet could be constructed. Such a project would generate 975 daily trips, or almost four times the number of trips estimated for the proposed project. Staff has concluded that the proposed use and density is less intense than the type of development that might occur on this site under the existing land use designation and General Plan EIR.

FINDINGS FOR THE GENERAL PLAN AMENDMENT

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the requested GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Consistency of the proposed designation with development patterns of the neighborhood.
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

As identified in Table 1 of this report, the project site is surrounded by a variety of existing land uses that are generally harmonious with the proposed high-density residential land use designation and the proposed assisted living facility. The project would create a high-density specialized form of residential units in close proximity to retail, commercial, and medical office uses. This complementary set of uses would enhance one another, potentially invigorate the pedestrian quality of this neighborhood and reduce the dependency on passenger vehicles for residents in the vicinity.

Findings of consistency of the proposed land use designation with development patterns in the neighborhood.

The requested change in land use from NCC to HDR is consistent with development patterns, goals and policies of the General Plan for the City's vision for the Uptown neighborhood as a vibrant, pedestrian-oriented retail, commercial and residential mix of uses. Of particular significance is the site's proximity to the Desert Regional Hospital and the various medical offices that surround that facility. Residents of an assisted living facility will likely have need for on-site medical and health-related care-givers and services; however, a facility of this type in close proximity to the full-service health care facilities of Desert Regional would be particularly beneficial for both residents and health care providers who provide offices and professional medical services in this area.

Potential adverse impacts to existing or future development in the area.

The General Plan Amendment proposes an appropriate methodology for calculating density for assisted living facilities. As noted in the discussion above, assisted living facilities generate significantly less traffic impacts per bed or per dwelling unit, than conventional residential dwelling units. Residential units also generate fewer trips and

lesser traffic impacts than special retail or commercial uses that might occur on the site under its present General Plan designation of NCC. As such, staff believes the proposed methodology for evaluating density based on equivalent traffic impacts is sound and reasonable. By changing the land use designation from NCC to HDR and using a density calculation that assures traffic impacts will remain at or below levels already accepted in the General Plan EIR, staff believes the proposed amendment does not create potential adverse impacts to existing or future development in the area.

In summary, staff has concluded that the requested General Plan Amendment, changing the land use designation from NCC to HDR and amending the methodology for calculating density for assisted living facilities is reasonable and harmonious with the goals and vision of the General Plan, and poses no detrimental impacts to existing or future development in the vicinity.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

ANALYSIS FOR THE PLANNED DEVELOPMENT DISTRICT APPLICATION

Planned Development District:

A preliminary² Planned Development District (PDD) in lieu of change of zone is included in the application to seek relief from the development standards of the zone and the standards of the high-rise ordinance. PDD's are evaluated Section 94.03.00 of the Zoning Ordinance that states that:

"The Planned Development District is designed to provide various types of land use, which can be combined in compatible relationships with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practice while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages, which are intended to result from the application of the planned development district, are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction."

Development Standards for which the PDD seeks relief.

Following are the development standards for which the PDD seeks relief from the standards of the Zoning Code.

- Building Height – The maximum height in the C-1 zone is 30 feet, but may be higher with a PDD subject to the high-rise ordinance development standards.
- The high-rise ordinance requires significant setbacks from which the project seeks relief.

² The applicant will submit the Final PDD at a later date for Planning Commission approval pursuant to Zoning Code Section 93.04.00 (Planned Development Districts).

- Increased Density There are 91 units proposed on 1.43 acres (62,290sf) = roughly 685 sf net lot area per dwelling unit)
- R-3 yard width along Indian Canyon Drive (30 feet required, roughly 14 feet proposed) with the first 15 feet landscaped (circular drive is proposed on Indian Canyon in the setback)
- R-3 side yard at 1 to 1 setback for heights greater than 12 feet (proposed at 0 setback on south side at ramp entrance and exit structures) (The C-1 zone has no side yard setback requirements)

Table 2 below, summarizes the development standards for the C-1 and R-3 zone and the standards proposed by the PDD.

Table 2: Comparison of Development Standards by Zone & Proposed PDD

	C-1 Zone	R-3 Zone	Proposed PD- 357
Lot Area	20,000	20,000 sf Minimum	1.43 acres 62,411 square feet - Conforms
Density	Building Coverage (FAR) = 1	2,000sf of net site area per dwelling unit (21.78 du/ac); Assisted Lvg Fac: 2.05 persons per household x 21.78 du/ac x 1.43 acres = 64 beds.	114 assisted living facility beds; Requires PDD and GPA to conform
Height	30 feet except high-rise; max 60 feet	30 feet except high rise bldgs. Max. 60 feet.	40 feet – Requires high-rise ordinance to conform.
Lot width	100 feet	130 feet	245 Conforms
Lot depth	150 feet	190 feet	255 Conforms
Front yard	Average 5 feet	30 feet. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW (135ft)	Varies from 9 feet to approximately 30 feet – Conforms to high-rise ord. Requires PDD to conform to zone.
Street Side/ Rear yard	Average 5 feet	30 Ft. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW (135 ft)	Varies from 2 feet to 22 feet – Conforms to high-rise ord. Requires PDD to conform to zone.
Int. side yard	None, 10 feet when C-1 abuts res. Zone at an alley.	10ft min, 1:1 for hts over 12 feet. Hi-rise code: 3ft for ev 1 ft of height (135 ft)	Varies from 0 to 30 ft– Does not conform to zone or high-rise ordinance; requires PDD
Open Space	None	45% per R-3 zone; Hi-rise code requires 60% open space	Roughly 48% open space including balconies, 36% at grade – Does not conform to high-rise ordinance; requires PDD to conform
Distance between bldgs.	None	15 feet; 30 feet at a courtyard	60 feet at courtyard – conforms
Parking required	Per 93.06.00	Per 93.06.00, 113 spaces required	106 Provided – Does not conform – Requires PDD

Details of the Zoning Analysis:

The subject project is located in the C-1 and R-3 zones and the Resort Overlay. Section

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92.04.00 provides regulations for the R-3 zone and 92.12.00 provides regulations for the C-1 zone and Section 92.25.00 provides guidance for review of the Resort Overlay. A wide range of commercial uses and high-density residential uses are permitted in these zones. Assisted Living Facilities are permitted with a Conditional Use Permit in the R-3 zone, but are not permitted in the C-1 zone.

The PDD application is in lieu of a Change of Zone and proposes specific uses within the PDD area. Retail-commercial uses are permitted in the C-1 zone and commercial uses incidental to a primary residential use are permitted in the R-3 zone. Thus with the approval of the PDD, both the assisted living facility uses and the incidental commercial-retail uses would be permitted on this project. (A full set of proposed uses specific to this PDD are discussed below.)

Section 94.03.00(B)(1) of the Zoning Code states,

"Planned residential development districts may include a multiplicity of housing types; provided, the density does not exceed the general plan requirements."

In this case, the PDD is proposing a density greater than the underlying zone, but, with the approval of the GPA, basing density for assisted living facilities on comparable traffic impacts, the PDD could be found to be consistent with the General Plan, as amended.

Lot Area, Dimensions and Orientation.

The 7-lot parcel conforms to the minimum requirements for area, width and depth pursuant to the zones in which it is located, subject to a lot merger, as conditioned. The site is considered a "through lot" with its primary frontage on North Palm Canyon Drive.

Building Height

Section 91.00.10 of the PSZO provides the definition and methodology for determining building height as follows:

"The building height for parcels in excess of thirty thousand (30,000) square feet shall be measured from adjacent natural grade unless otherwise established by the planning commission."

The maximum building height for the C-1 zone is thirty (30) feet and for the R-3 zone is twenty-four (24) feet. High-rise buildings are permitted in both zones subject to the provisions of the high-rise ordinance Section 93.04.00. The proposed building is 41 feet from the lowest point of the site to the roof of the main lobby/library portion of the building. It is approximately 44 feet to the top of the rooftop mechanical screen walls. Thus, the building is subject to the regulations of the high-rise ordinance. Buildings that conform to the high-rise standards (Section 93.04.00) are permitted to a maximum of sixty (60) feet. Further discussion of the projects conformity with building height is included in the analysis of the high-rise standards that follows.

High-rise Building Standards

Open Space.

Pursuant to 93.04.00(A) (high-rise ordinance) sixty percent (60%) of a site for a high-rise building shall be usable outdoor open space, landscape and recreation area as follows:

"Sixty (60) percent of a site area for high-rise building shall be developed as usable landscaped open space and outdoor living and recreation area and shall be so designated on the site plan. The remaining forty (40) percent of a site area may be used for buildings and parking. Required landscaping for surface parking areas shall not be included in the sixty (60) percent open space requirement..."

The building footprint is 29,499 square feet, or roughly 47% of the total net site area. There is approximately 22,622 square feet of usable open space at grade including landscape areas and patios (roughly 36% of the site area). Driveways, loading, and parking areas account for roughly 10,290 square feet of the site. In addition, there is approximately 7,452 square feet of open space comprised of balconies, and upper floor outdoor space.³ Thus, the total open space comprises about 30,074 square feet or roughly 48% of the net site area. Thus, the project does not conform to the minimum requirements for usable open space pursuant to the high-rise ordinance. The PDD seeks relief from this development standard.

Setbacks

Setbacks for high-rises are regulated in PSZO Section 93.04.00(C) which states:

A high-rise building shall have a minimum setback of three (3) feet of horizontal setback for each one (1) foot of vertical rise of the building. This setback requirement is to be measured from property lines except when a site in question abuts a street. Then it shall be measured from the right-of-way line on the opposite side of the abutting street. The city's general plan street plan shall be used to determine the right-of-way line, and in no case shall more than one hundred (100) feet of street right-of-way be used in determining a setback distance. The minimum setback for any structure, regardless of height, shall be as prescribed by the underlying zone.

The proposed building is approximately 102 feet from the right-of-way line on the opposite side of Palm Canyon Drive to the front of the porte cochere and third floor covered terrace structure (2 feet from the front property line of the subject parcel). It is approximately 34 feet high at this element from the adjacent grade. The high-rise ordinance requires a 34 foot tall building to be set back 102 feet from the right-of-way line

³ PSZO Section 91.00.10 notes that "...any portion of a structure that is open on at least one side and is an extension of the exterior open space shall not constitute a building..." thus Staff has concluded that balconies, terraces and patios that are open on at least one side may be included in the calculation of open space.

on the opposite side of the street, thus the building conforms to the required front-yard setback requirements.

The proposed building is approximately 122 feet from the right-of-way line on the opposite side of Indian Canyon Drive. (22 feet from the property line of the subject parcel) The structure is approximately 41 feet tall at the tallest point at the southeast corner of the site. The high-rise ordinance requires a 41 foot tall building to be set back 123 feet from the right-of-way line on the opposite side of the street, thus the building also conforms to the code-required 1:3 setback along this frontage.

Along the south property line, the western part of the building is on the property line (zero setback). Behind the western part of the building, the southern wing of the building sets back approximately 30 feet from the south property line. The building is approximately 36 feet in height along this side. Applying the 1:3 setback rule, the structure would need to be approximately 108 feet back from this property line. Along the north property line, the building is approximately at the property line with no setback. The building is approximately 32 feet in height and would require a 96 foot setback to conform. Thus, the project's setbacks on the side property lines do not conform.

Given the overall lot dimensions of 245 feet by 255 feet, strict application of the high-rise ordinance setbacks would virtually eliminate the ability to develop a high-rise building at this location. Thus, setbacks of the high-rise ordinance are one of the development standards for which the PDD is seeking relief, and staff has concluded that the required finding for relief from the provisions of the high-rise ordinance is met (Section 93.04.00.G).

Density and Dwelling Units per Acre (du/ac)

Residential uses in the C-1 zone must conform to the R-3 standard. Residential uses in the R-3 zone require 2,000 square feet of site area per dwelling unit (21.78 du/ac). Density for assisted living facility uses is based on *PSZC Section 94.04.00 (H)(7a) "Assisted Living Facilities"* which regulates density as follows:

The number of beds permitted in a facility shall be determined by multiplying the number of units permitted under the applicable zoning/general plan standards by the average household size for the city of Palm Springs according to the latest census figures.

The 2000 census records the average household size at 2.05 persons per household. Thus the maximum number of beds permitted on this site by the Zoning Code would be 2.05 persons per household x 21.78 du/ac x 1.43 acres = 64 beds. The project proposes 114 beds. The PDD would establish this density as the proposed zoning density for an assisted living facility for this site and would not exceed the allowed density of the General Plan under the proposed General Plan Amendment.

Off-street Parking

Off-street parking requirements are regulated by PSZO Section 93.06.00 "Off-street

Parking". The Code requires one (1) parking space per two (2) beds or for every 1,000 sf of facility, whichever is greater, plus 1 space for every three (3) staff members, plus one (1) space for every 300 square feet of retail space. The required parking is calculated, as follows:

Residential Parking:	88.26 spaces (based on building area)
Staff Parking:	13.33
Retail Parking:	<u>11.67</u>
TOTAL	113.26 spaces – or 113

The project proposes 106 spaces and therefore is non-conforming.

Parking is one of the development standards for which the PDD seeks relief. There are 64 standard size spaces and 42 compact size spaces. There are 6 handicap spaces (2 of which will be demarked as van accessible). Although the parking provided is less than the maximum required, it appears reasonable given that significant building area is devoted to staff activities, which are also accounted for by staff parking. With the additional of bicycle parking in the basement, the overall parking capacity appears adequate to accommodate all uses at the site.

Staff has also evaluated the design details of the proposed parking area and concluded that it is substantially in conformance with the design standards of the Zoning Code.

Off-Street Loading and Trash Enclosures

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Pursuant to 93.07.01(A), every commercial building shall have and maintain loading spaces. The subject project has a loading/delivery bay on the main drive aisle along the north side of the development. Garbage and recycling for the project is collected and stored in trash and recycling enclosures at the easterly end of this main drive aisle in an enclosed trash room.

Signage

Section 93.20.00 of the PSZO regulates signs. Because there are multiple tenants (the assisted living facility and two small retail/commercial tenants) the project will require a sign program to be submitted under a separate application, prior to final occupancy.

Proposed Uses

As a PDD in lieu of change of zone, this PDD proposes a specific list of permitted uses as follows.

A. Uses Permitted.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in PSZO Section 92.04.03 except as modified by the subject PDD.

1. Assisted living facility, including ancillary support activities such as meal

2. service, health and fitness, spa, and medical care.
Retail activities, accessory and appurtenant to the main use.

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and not more obnoxious or detrimental to the public health, safety and welfare or to other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.04.03.

Public Benefit of the Planned Development District:

The City Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD with regard to the public benefit that would be derived from the granting of relief from the development standards requested therein.

One of the primary factors in the public benefits policy is "proportionality", which is stated, as follows:

The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.

As noted above, the project is seeking relief from the following development standards of the Zoning Code.

1. Increased density
2. Reduced number of off-street parking spaces provided.
3. Reductions in setbacks and reductions in usable open space required by the High-rise ordinance.
4. Increased building height (application of the High-Rise Ordinance)
5. Establishment of specific uses (Change of Zone)

In considering the proportionality of the requested relief from the development standards against the public benefit created by those deviations, staff believes that the requested deviations are "moderate to significant" in terms of the magnitude of the relief sought from the underlying development standards. The Commission may consider among the approved set of options: (see attached policy):

- The project as Public Benefit (bringing a residential project to the Uptown area),
- Sustainability features.
- Off-site Improvements (Any other public improvements off the project site.)

The applicant has denoted the following aspects of the project as the proposed public benefit that would be received by the City as a result of granting the PDD approval:

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- The project as a Public Benefit. The proposed project provides substantial community beautification. Currently, it is a unattractive vacant lot in an area the city is trying to increase economic activity. It would also provide more pedestrian traffic to surrounding business, spurring economic development and enhance the street presence along this segment of Palm Canyon.
- Key Features. The project contains several common amenities that would be ideal for use by local businesses, not-for-profit and service organizations. These facilities will be made available as a resource to local community groups that need meeting or event space indoors or exterior patio for occasional special events. (Staff notes that there is no provision for on-site parking for these areas of the proposed building).

Staff will incorporate the Commissions' recommendations to the City Council on Public Benefit into the proposed draft resolution of approval.

Redevelopment Area.

The project is located in Redevelopment Area One. Redevelopment of this parcel will provide the RDA with incremental tax funding in the future based on the increased valuation of the property if the requested development is constructed.

The Resort Combining zone:

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

"all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit. Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."

The Resort overlay is intended to provide for accommodations and services for visitors to the city while guarding against the intrusion of competing land uses. The Resort Overlay finding is analyzed below.

REQUIRED FINDINGS FOR THE PDD:

Zoning Code Findings.

The provisions of Section 94.07.00(A) 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.

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change of zone is in conformity with the General Plan as follows:

General Plan Findings:

The proposed PDD is consistent with the goals and policies of the City of Palm Springs 2007 General Plan as follows:

Goal HS1: Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.

The project proposes an assisted living facility that will provide housing for seniors and people with special needs in an area of the City that presently has limited housing resources of this type. The facility provides numerous in-house amenities and activity programs structured for its residents.

Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.

The project proposes assisted living residential uses in the Uptown neighborhood, a high-density mixed use neighborhood with numerous retail and commercial opportunities within a walkable distance of the proposed project site.

Policy HS3.1: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.

The project proposes high-quality residential units for seniors needing the services of an assisted living facility, and who may not otherwise be able to live alone in their own homes.

Policy HS3.3: Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disability to maintain and improve their homes.

The project proposes a 114-bed assisted living facility with a full complement of in-house activities and programming for its residents. The facility is fully accessible for people with disabilities and a special suite of rooms is devoted to individuals needing assistance with

"memory impairment" challenges.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed property is a roughly 1.43 acre parcel with frontages on North Palm Canyon Drive and North Indian Canyon Drive, both of which are major thoroughfares on the City's General Plan Circulation Map. The site is adjacent to other residentially zoned parcels (R-3) and is compatible with the existing surrounding development in the Uptown District with is a dynamic mix of residential and commercial / retail uses in a walkable environment. The project proposes deviations in the development standards of the underlying zones and Section 93.04.00 (*high-rise buildings*) of the City's Zoning Code that are reasonable and appropriate for the proposed use and within the context of the existing neighborhood. The site proposes 106 off street parking spaces and vehicular access to and from both North Palm Canyon Drive and North Indian Canyon Drive. Setbacks and usable open space are provided that are ample and appropriate for the proposed uses of an assisted living facility and related commercial uses.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed project will contribute to the vibrancy and revitalization of the Uptown District by establishing residential and commercial uses in an area that already has a mix of such uses. The proposed project will develop a currently vacant site with a mixed use facility adding residents and amenities to this area of the City. The residents of the proposed project will benefit from the adjacency to good medical services available at nearby medical offices and the Desert Regional Medical Center. Existing nearby residents and visitors can benefit from the proposed commercial / retail amenities that are proposed within this project.

A set of proposed Conditions of Approval proposed by staff are attached to this report as Exhibit A.

Findings for the Resort Combining Zone

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

"...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."

The project is located in an area of the Uptown neighborhood in which existing hotel and

PLANNED DEVELOPMENT DISTRICT

commercial uses are located. The project proposes residential assisted living facility uses in walkable proximity to stores, restaurants, the Desert Regional Hospital and related medical offices and other commercial amenities that would enhance the vitality of the neighborhood, would be compatible with its surroundings and benefit the residents of the proposed project. The neighborhood is already served by a number of existing commercial-retail uses and several vintage / boutique hotels and resorts. While other "by-right" uses would be possible, there are none that Staff believes is of particularly greater benefit or appropriateness for this parcel.

CONCLUSION:

The General Plan Amendment proposes a change in the land use designation and a methodology for calculating density for assisted living facilities that are harmonious to the existing and future development in the neighborhood, are supportive of related goals and policies of the General Plan and with the findings proposed for analyzing this amendment.

The project is consistent with the findings necessary for the approval of a Planned Development District in lieu of a change of zone. The Planned Development District application proposes deviations in the development standards of the C-1/R-3 zones and the high-rise ordinance that are moderate to significant in terms of the magnitude of the deviations. The Planning Commission's recommendations for Public Benefits will be incorporated into the City Council Staff Report.

The proposed project is consistent with the findings for the Resort Combining Zone.

Based on acceptance of the findings, the Planning Commission may recommend approval of the General Plan Amendment to City Council, and may approve the preliminary Planned Development application and recommend its approval, along with the proposed public benefits to the City Council, subject to conditions of approval as attached.

ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Environmental Initial Study was prepared and a Notice of Intent to adopt a Mitigated Negative Declaration was sent to applicable agencies, interested parties and published in the Desert Sun for a 20-day review period. The Mitigated Negative Declaration was also distributed to the Planning Commissioners. The applicant has agreed to the mitigation measures proposed in the environmental analysis.

The Environmental Initial Study determined that the proposed new development will not have a significant impact on the environment with the incorporation of mitigation measures; a Mitigated Negative Declaration is recommended. The initial study, notice, comments and response to comments, and the Mitigated Negative Declaration are attached to this staff report.

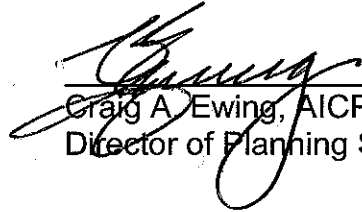
NOTIFICATION:

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.

Tribal consultation and noticing in accordance with SB 18 was also conducted. As of this writing, no notices or requests for consultation have been received.



Ken Lyon
Associate Planner



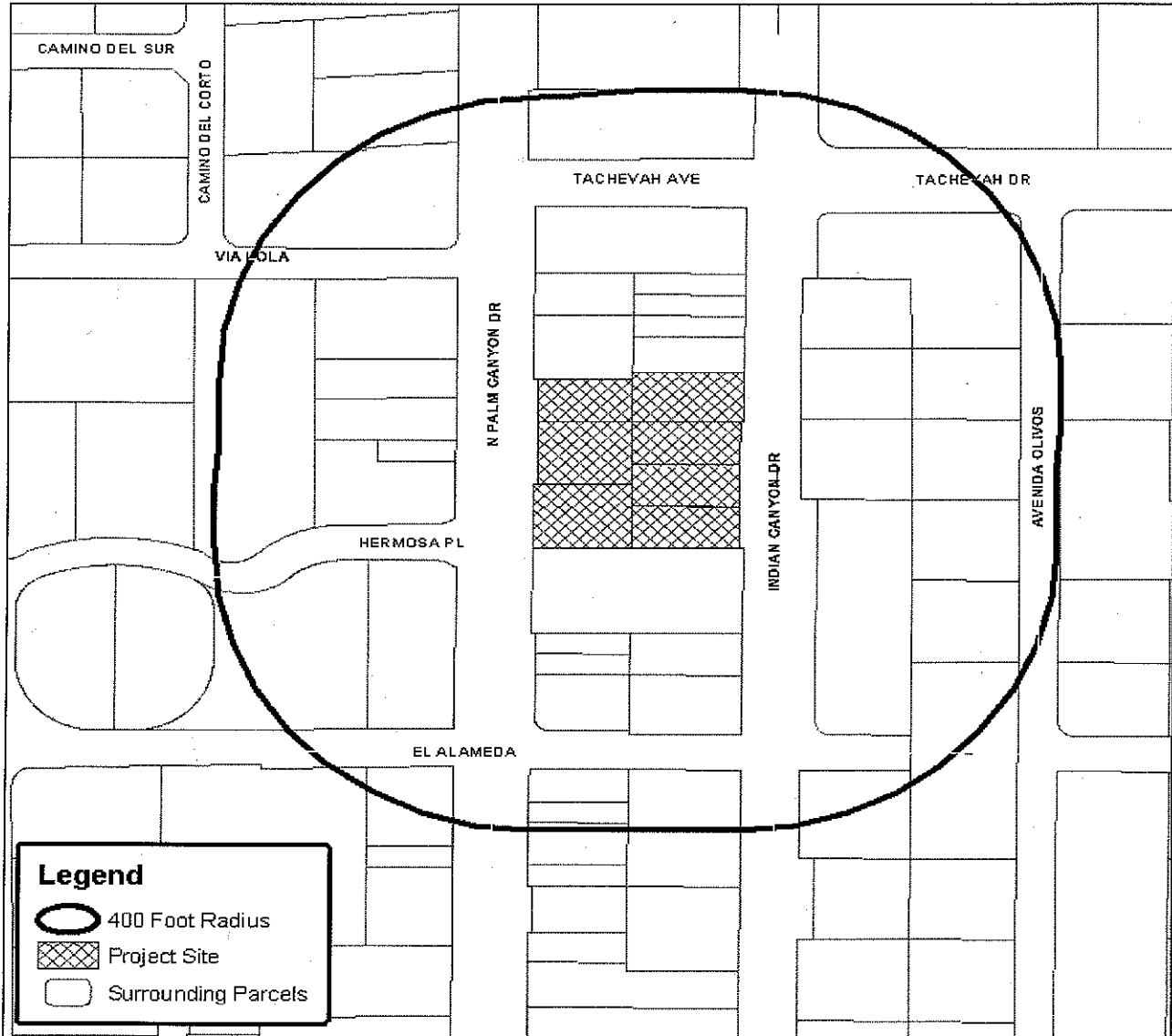
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution for GPA and PDD with Conditions of Approval (Exhibit "A")
3. Draft City Council Ordinance for PDD in lieu of Change of Zone (Exhibit "B")
4. Initial Study and Notice of Intent to adopt a Mitigated Negative Declaration
5. City Council PDD Public Benefit Policy Statement
6. Site Plans & Elevations



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1237 GPA PDD 357

APPLICANT: Tappan Enterprises, LLC

DESCRIPTION: An application for a General Plan Amendment (GPA) and a Planned Development District in lieu of Change of Zone (PDD) for a proposed assisted living facility on approximately 1.4 acres at 1000 North Palm Canyon Drive, Zone C1 and R3, Resort Overlay, Section 10.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL OF CASE 5.1237 GPA; A GENERAL PLAN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN AS ADOPTED BY RESOLUTION 22077, REQUESTING A CHANGE IN THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (NCC) TO HIGH-DENSITY RESIDENTIAL (HDR) INCLUDING A GENERAL PLAN TEXT AMENDMENT MODIFYING THE METHODOLOGY FOR CALCULATING DENSITY FOR ASSISTED LIVING FACILITIES, AND APPROVING CASE 5.1237 PDD 357 A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE ESTABLISHING USES AND DEVELOPMENT STANDARDS TO DEVELOP AN 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 State of California Governmental Code Sections 65350 – 65362 (General Plan amendment) and pursuant to Section 94.03.00 (Planned Development District) and 94.07.00 (Zoning Map Change; Change of Zone) of the Zoning Code, for a General Plan Amendment seeking to change the land use designation from NCC (Neighborhood Community Commercial) to HDR (High Density Residential) and to amend the General Plan text relating to the methodology for calculating density for assisted living facilities and a to establish a Planned Development District (PDD) in lieu of a change of zone, to establish uses and development standards for construction of an assisted living facility at 1000 North Palm Canyon Drive; 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 November 22 2011, 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 the California Environmental Quality Act (CEQA) Guidelines, an Initial Study has been conducted and the City has concluded that potential significant impacts may occur as a result of the proposed project, however with the implementation of mitigation measures as outlined, those impacts will be reduced to less than significant. A Mitigated Negative Declaration has been proposed.

SECTION 2: Pursuant to State of California Governmental Code Sections 65350 – 65362, although there are no specific findings for a General Plan Amendment the Planning Commission has evaluated the requested GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Consistency of the proposed designation with development patterns of the neighborhood.
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The project site is surrounded by a variety of existing land uses that are generally harmonious with the proposed high-density residential land use designation and the proposed assisted living facility. The project would create a high-density specialized form of residential units in close proximity to retail, commercial, and medical office uses. This complementary set of uses would enhance one another, potentially invigorate the pedestrian quality of this neighborhood and reduce the dependency on passenger vehicles for residents in the vicinity.

Findings of consistency of the proposed land use designation with development patterns in the neighborhood.

The requested change in land use from NCC to HDR is consistent with development patterns, goals and policies of the General Plan for the City's vision for the Uptown neighborhood as a vibrant, pedestrian-oriented retail, commercial and residential mix of uses. Of particular significance is the site's proximity to the Desert Regional Hospital and the various medical offices that surround that facility. Residents of an assisted living facility will likely have need for on-site medical and health-related care-givers and services; however, a facility of this type in close proximity to the full-service health care facilities of Desert Regional would be particularly beneficial for both residents and health care providers who provide offices and professional medical services in this area.

Potential adverse impacts to existing or future development in the area.

The General Plan Amendment proposes an appropriate methodology for calculating density for assisted living facilities. The GPA amends the description of residential uses by adding the following statement:

"Assisted Living Facility uses may be permitted in residential land use areas. Maximum permitted number of beds for assisted living facilities (density) shall be based upon calculation of equivalent traffic impacts for assisted living facilities as compared to that of the maximum number of standard dwelling units per acre for each land use area, provided they do not create significant design, parking, traffic or other impacts to the surrounding neighborhood. This comparison shall be in accordance with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generator Handbook."

Assisted living facilities generate significantly less traffic impacts per bed or per dwelling unit, than conventional residential dwelling units. Residential units also generate fewer trips and lesser traffic impacts than special retail or commercial uses that might occur on the site under its present General Plan designation of NCC. As such, the proposed methodology for evaluating density based on equivalent traffic impacts is sound and reasonable. By changing the land use designation from NCC to HDR and using a density calculation that assures traffic impacts will remain at or below levels already accepted in the General Plan EIR, the proposed amendment does not create potential adverse impacts to existing or future development in the area.

SECTION 3: Zoning Code Findings for the Planned Development District.

The provisions of Section 94.07.00(A) (*Zoning Map Amendment – Change of Zone*) of the Palm Springs Zoning Code states that the Planning Commission in recommending and City Council in approving, shall find that the following conditions exist with respect to the proposed zone change:

- 1. The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed change of zone is in conformity with the General Plan goals and policies as follows:

Goal HS1: Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.

The project proposes an assisted living facility that will provide housing for seniors and people with special needs in an area of the City that presently has limited housing resources of this type. The facility provides numerous in-house amenities and activity programs structured for its residents.

Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.

The project proposes assisted living residential uses in the Uptown neighborhood, a high-density mixed use neighborhood with numerous retail and commercial opportunities within a walkable distance of the proposed project site.

Policy HS3.1: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.

The project proposes high-quality residential units for seniors needing the services of an assisted living facility, and who may not otherwise be able to live alone in their own homes.

Policy HS3.3: Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disability to maintain and improve their homes.

The project proposes a 114-bed assisted living facility with a full complement of in-house activities and programming for its residents. The facility is fully accessible for people with disabilities and a special suite of rooms is devoted to individuals needing assistance with "memory impairment" challenges.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

- 2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed property is a roughly 1.43 acre parcel with frontages on North Palm Canyon Drive and North Indian Canyon Drive, both of which are major thoroughfares on the City's General Plan Circulation Map. The site is adjacent to other residentially

zoned parcels (R-3) and is compatible with the existing surrounding development in the Uptown District with is a dynamic mix of residential and commercial / retail uses in a walkable environment. The project proposes deviations in the development standards of the underlying zones and Section 93.04.00 (*high-rise buildings*) of the City's Zoning Code that are reasonable and appropriate for the proposed use and within the context of the existing neighborhood. The site proposes 106 off street parking spaces and vehicular access to and from both North Palm Canyon Drive and North Indian Canyon Drive. Setbacks and usable open space are provided that are ample and appropriate for the proposed uses of an assisted living facility and related commercial uses.

As a PDD in lieu of change of zone, this PDD proposes a specific list of permitted uses as follows.

A. Uses Permitted.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in PSZO Section 92.04.03 except as modified by the subject PDD.

- 1. Assisted living facility, including ancillary support activities such as meal service, health and fitness, spa, and medical care.*
- 2. Retail activities, accessory and appurtenant to the main use.*

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and not more obnoxious or detrimental to the public health, safety and welfare or to other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.04.03.

- 3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed project will contribute to the vibrancy and revitalization of the Uptown District by establishing residential and commercial uses in an area that already has a mix of such uses. The proposed project will develop a currently vacant site with a mixed use facility adding residents and amenities to this area of the City. The residents of the proposed project will benefit from the adjacency to good medical services available at nearby medical offices and the Desert Regional Medical Center. Existing nearby residents and visitors can benefit from the proposed commercial / retail amenities that are proposed within this project.

A set of proposed Conditions of Approval proposed by staff are attached to this report as Exhibit A.

SECTION 4: Findings for the Resort Combining Zone

The Planning Commission hereby makes the following findings with respect to the Section 92.25.00 (Resort Combining Zone) of the City's Zoning Code:

"...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."

The project is located in an area of the Uptown neighborhood in which existing hotel and commercial uses are located. The project proposes residential assisted living facility uses in walkable proximity to stores, restaurants, the Desert Regional Hospital and related medical offices and other commercial amenities that would enhance the vitality of the neighborhood, would be compatible with its surroundings and benefit the residents of the proposed project. The neighborhood is already served by a number of existing commercial-retail uses and several vintage / boutique hotels and resorts. While other "by-right" uses would be possible, there are none that are of particularly greater benefit or appropriateness for this parcel.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby

1. Recommends approval by the City Council of Case 5.1237 GPA, a General Plan Amendment, changing the land use designation from NCC to HDR for a roughly 1.43 acre parcel at 1000 North Palm Canyon Drive and amending General Plan text for residential uses describing an alternative methodology for calculating density for assisted living facilities based on equivalent traffic impacts, in the 2007 Palm Springs General Plan, as adopted by Resolution No. 22077, and
2. Approves Case 5.1237 PDD 357; a Planned Development District in Lieu of a Change of Zone establishing uses and development standards for a roughly 1.43 acre parcel at 1000 North Palm Canyon Drive subject to Conditions of approval listed in Exhibit "A", and
3. Recommends approval of a draft Ordinance, (attached as Exhibit "B"), of the City Council establishing PDD 357, a Planned Development District in Lieu of a Change of Zone, as the proposed zoning designation for a roughly 1.43 acre parcel at 1000 North Palm Canyon Drive, subject to the Conditions of Approval listed in Exhibit "A".

ADOPTED this 22nd day of November, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1237 GPA, PDD 357
Assisted Living Facility at
1000 North Palm Canyon Drive

November 22, 2011

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1237 PDD 357 GPA; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (September 28, 2011), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1237 PDD 357 GPA. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM 13. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) not required. The site is a previously improved and developed site and is therefore exempt from payment of the CVMSHCP LDMF.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and

Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.
- a. A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
 - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the State Water Efficient Landscape Ordinance and the Palm Springs Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans; irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. (for projects on Palm Canyon or Tahquitz Canyon Way).
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

- PLN 6. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 15. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

ENG 1. The Engineering Division recommends deferral of off-site improvement items (identified as "**Deferred**") at this time due to lack of full improvements in the immediate area. The owner(s) shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner(s) prior to approval of the Grading Plan or issuance of grading or building permits. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 2. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

N. PALM CANYON DRIVE

ENG 3. Dedicate additional right-of-way as needed to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.

ENG 4. Remove the existing driveway approaches as necessary and construct new street improvements (curb, gutter and sidewalk) to match existing, in accordance with applicable City standards.

ENG 5. Remove existing street improvements as necessary to construct driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. The driveway approaches shall be appropriately signed to indicate allowable vehicular movements.

- ENG 6. Remove the existing sidewalk and construct an 8 feet wide sidewalk behind the existing curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. The existing *Washingtonia filifera* (California fan palm) palm tree (located approximately 40 feet north of the southerly property line) shall be protected in place. The two existing *Washingtonia robusta* (Mexican fan palm) palm trees shall be removed. New mature *Washingtonia filifera* (California fan palm) palm trees at 50 feet spacing along the frontage shall be installed (exact number to be determined by the City Engineer based upon final site layout). The minimum trunk diameter and tree height shall be consistent with palm trees along Palm Canyon Drive; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The existing irrigation and lighting system shall be modified as necessary to provide irrigation to and lighting of all palm trees, as required by the City Engineer.
- ENG 8. New palm trees shall be subject to a one-year plant establishment period. The applicant shall ensure that adequate irrigation of new palm trees is provided during the plant establishment period, until such time as the existing irrigation system is sufficient to irrigate the palm trees.
- ENG 9. All new concrete construction (driveway approaches and sidewalk) shall be constructed with colored Portland cement concrete. The admixture shall be Palm Springs Tan, Desert Sand, or equal color approved by the City Engineer.
- ENG 10. All broken or off grade street improvements shall be repaired or replaced.

N. INDIAN CANYON DRIVE

- ENG 11. Dedicate additional right-of-way as needed to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.
- ENG 12. Remove existing street improvements and construct ultimate half-street improvements required for a 100 feet wide, 4-lane divided major arterial, in accordance with City standards. **Deferred**
- ENG 13. Remove the existing driveway approaches as necessary and construct new street improvements (curb, gutter and sidewalk) to match existing, in accordance with applicable City standards.
- ENG 14. Remove existing street improvements as necessary to construct driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. The driveway approaches shall be appropriately signed to indicate allowable vehicular movements.

- ENG 15. Remove the existing sidewalk and construct an 8 feet wide sidewalk behind the existing curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 16. Construct a raised, landscaped median island as specified by the City Engineer across the entire frontage in accordance with the Circulation Element of the City of Palm Springs 2007 General Plan. **Deferred**
- ENG 17. The two existing *Washingtonia robusta* (Mexican fan palm) palm trees shall be removed. New mature *Washingtonia filifera* (California fan palm) palm trees at 50 feet spacing along the frontage shall be installed (exact number to be determined by the City Engineer based upon final site layout). The minimum trunk diameter and tree height shall be consistent with palm trees along Palm Canyon Drive; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The applicant shall design and install an irrigation system for palm trees planted along Indian Canyon Drive, and shall be responsible for their maintenance as part of the parkway landscaping along the frontage of the property.
- ENG 18. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

- ENG 19. The minimum pavement section shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 20. The one-way 18 feet wide drive aisle adjacent to the north property line of the development shall be appropriately signed and striped to indicate that this travelway is for the use of one-way eastbound vehicles only.

SANITARY SEWER

- ENG 21. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

GRADING

- ENG 22. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving Plan.
- b. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

- ENG 23. Prior to approval of the Precise Grading and Paving 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 or the Tribal Archaeologist 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.
- ENG 24. 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 25. 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 26. 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 27. Contact Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property if any. Make appropriate arrangements to protect in place or relocate any facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Desert Water Agency shall be submitted to the Engineering Division prior to approval of the Grading Plan.

ENG 28. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 29. A Notice of Intent to comply with the California General Construction Stormwater Permit (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 or building permit.

ENG 30. 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 31. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.

ENG 32. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

- ENG 33. 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.
- ENG 34. 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.
- ENG 35. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 36. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.
- ENG 37. This project 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, 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. 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.

- ENG 38. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 39. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 40. All proposed utility lines shall be installed underground.

- ENG 41. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities extending across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans.

When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

- ENG 42. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 43. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 44. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 45. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 46. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 47. The existing parcels identified as portions of Lots 9, 10, 11, 12, 13, 14, 15, 16, 55, 56, 57, 58, and 59 in Block A of the Palm Springs Estates 2 map, Map Book 16, Page 45, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.
- ENG 48. Easements for the existing overhead utility lines extending across the site shall be quit-claimed by the owners thereof as necessary to facilitate development of the subject property. Issuance of a building permit shall be withheld until all easements extending across the property are quit-claimed, and a copy of the recorded documents are provided to the City Engineer.

TRAFFIC

- ENG 49. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 50. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 51. Construction signing, lighting and barricading shall be provided 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 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.
- ENG 52. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

GENERAL CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated Aug 23, 2011. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3 Plot Plan: Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape

file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

FID 4 PLANS AND PERMITS

When there are significant changes in occupancy, water supply, storage heights, type, and quantity of storage, storage configurations, Tenant Improvements or any other changes which may affect the fire sprinkler system design, the owner, tenant or contractor shall submit plans and secure permits.

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain two sets.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: M – TH, 8:00 AM – 11:00 AM and 2:00 PM – 6:00 PM

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. The minimum fee is \$ 208.00. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan and an

electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.

- FID 5 Public Safety CFD: The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 6 Radio Communications: Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi- directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. Any addition, alteration, or enlargement of twenty percent or more in total floor area of an existing building or structure, then such building or structure shall be retrofitted or otherwise modified to comply with these requirements. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications as stated in the Palm Springs Municipal Code Chapter 11.03.
- FID 7 Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 8 Fencing Requirements (8.04.260 PSMC): Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows.

FID 9 Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.

FID 10 Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

FID 11 Premises Identification (505.1): New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

FID 12 Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of

buildings, hereafter constructed. The required fire hydrant flow for this project is 1,500 gallons per minute (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on your lot street frontage. (CFC Appendix C)

FID 13 NFPA 13 Fire Sprinkler System is Required: An automatic fire sprinkler system is required for intended occupancy use. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2010 Edition and using C_p of 0.74 and l/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (NFPA 13: Figure 24.1)

FID 14 Trash Dumpster (CFC 304.3.3) Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

FID 15 Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

FID 16 Balconies and Decks (903.3.1.2.1). Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist

construction.

- FID 17 Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1): All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals shall be distinctly different and shall be monitored at a UL listed central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2010 Edition. All control valves shall be locked in the open position.
- FID 18 Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3): An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire alarm control unit. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- FID 19 Fire Hydrant & FDC Location (CFC 912.2): A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID 20 Fire Department Connections (CFC 912.2.1 & 912.3): Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 21 Fire Extinguisher Requirements (CFC 906): Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 22 Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

- FID 23 Storage Beneath Overhead Projections From Buildings (CFC 315.3.1): Where buildings are protected by automatic sprinklers, the outdoor storage, display and handling of combustible materials under eaves, canopies or other projections or overhangs is prohibited except where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.
- FID 24 Turning radius (CFC 503.2.4): Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 25 Aerial Fire Access Roads (CFC 503.2.8): Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 26 Aerial Fire Access Road Width (CFC 503.2.8.1): Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 27 Aerial Access Proximity to Building (CFC 503.2.8.2): At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 28 Elevator Recall Required (CFC 607.1): Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- FID 29 HVAC Duct Smoke Detection/Shut Down with a Fire Sprinkler Supervision & Alarm System or Fire Alarm System (CFC 907.4.1, CMC 609.0 & NFPA 72): All HVAC systems supplying greater than 2,000 CFM shall require a duct detector and HVAC shut down when smoke is detected. HVAC shut down shall be on an individual basis, not global. These systems shall supervise the Duct Detectors and activate the notification appliances. An accessory module shall be installed for each unit, including alarm LED, pilot LED and key-operated test/reset switch.

- FID 30 Elevator Stretcher Requirement (CBC 3002.4): Elevator shall be designed to accommodate medical emergency service in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position.
- FID 31 Posting of Occupant Load (CFC 1004.3): Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.
- FID 32 Standpipe Systems Required (CFC 905.3): Class 1 Standpipe system is required in addition to the automatic sprinkler system.
- FID 33 Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.
- Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.
- FID 34 Key Box Contents (CFC 506.1): The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

END OF CONDITIONS

EXHIBIT "B"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1237 GPA PDD 357; A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 1.43-ACRE PARCEL AT 1000 NORTH PALM CANYON DRIVE; SECTION 10.

WHEREAS, On January 25, 2010, Tappan Enterprises, LLC (the Applicant) filed an application pursuant to Zoning Section 93.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) for a Planned Development District in lieu of a Change of Zone for an approximately 1.43 acre parcel at 1000 North Palm Canyon Drive, identified as APNs 505-265-004, -005, -006, -013, -014, -015; and

WHEREAS, the applicant has also filed an application with the City pursuant to Section 66474 of the State of California Governmental Code State of California Governmental Code Sections 65350 – 65362, for a General Plan Amendment requesting to change the land use designation for the same 1.43 acre parcel from NCC (Neighborhood Community Commercial) to HDR (High Density Residential) and to amend General Plan text related to assisted living facilities and residential uses; and

WHEREAS, a notice of public hearing for Case 5.1237 GPA PDD 357 was given in accordance with applicable law; and

WHEREAS, on November 22, 2011, a public meeting on 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") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; and

WHEREAS, at said hearing the Planning Commission 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 and voted _____ to approve the PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council subject to Conditions of Approval.

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

WHEREAS, on _____, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1237 GPA PDD 357, and

WHEREAS, at said public hearing the City Council considered Case 5.1237 GPA PDD 357, including the staff report, the associated MND, and all written and public testimony

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to CEQA, the City Council hereby adopts the Mitigated Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone and Tentative Parcel map. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 (Change of Zone) –*“the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property”*:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on*

the proposed change of zone.

The proposed change of zone is in conformity with the General Plan as follows:

General Plan Findings:

The proposed PDD is consistent with the goals and policies of the City of Palm Springs 2007 General Plan as follows:

Goal HS1: Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.

The project proposes an assisted living facility that will provide housing for seniors and people with special needs in an area of the City that presently has limited housing resources of this type. The facility provides numerous in-house amenities and activity programs structured for its residents.

Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.

The project proposes assisted living residential uses in the Uptown neighborhood, a high-density mixed use neighborhood with numerous retail and commercial opportunities within a walkable distance of the proposed project site.

Policy HS3.1: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.

The project proposes high-quality residential units for seniors needing the services of an assisted living facility, and who may not otherwise be able to live alone in their own homes.

Policy HS3.3: Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disability to maintain and improve their homes.

The project proposes a 114-bed assisted living facility with a full complement of in-house activities and programming for its residents. The facility is fully accessible for people with disabilities and a special suite of rooms is devoted to individuals needing assistance with "memory impairment" challenges.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed property is a roughly 1.43 acre parcel with frontages on North Palm Canyon Drive and North Indian Canyon Drive, both of which are major thoroughfares on the City's General Plan Circulation Map. The site is adjacent to other residentially zoned parcels (R-3) and is compatible with the existing surrounding development in the Uptown District with is a dynamic mix of residential and commercial / retail uses in a walkable environment. The project proposes deviations in the development standards of the underlying zones and Section 93.04.00 (*high-rise buildings*) of the City's Zoning Code that are reasonable and appropriate for the proposed use and within the context of the existing neighborhood. The site proposes 106 off street parking spaces and vehicular access to and from both North Palm Canyon Drive and North Indian Canyon Drive. Setbacks and usable open space are provided that are ample and appropriate for the proposed uses of an assisted living facility and related commercial uses.

As a PDD in lieu of change of zone, this PDD proposes a specific list of permitted uses as follows.

A. *Uses Permitted.*

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in PSZO Section 92.04.03 except as modified by the subject PDD.

1. *Assisted living facility, including ancillary support activities such as meal service, health and fitness, spa, and medical care.*
2. *Retail activities, accessory and appurtenant to the main use.*

B. *Similar Uses Permitted by Commission Determination.*

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and not more obnoxious or detrimental to the public health, safety and welfare or to other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.04.03.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or*

residents.

The proposed project will contribute to the vibrancy and revitalization of the Uptown District by establishing residential and commercial uses in an area that already has a mix of such uses. The proposed project will develop a currently vacant site with a mixed use facility adding residents and amenities to this area of the City. The residents of the proposed project will benefit from the adjacency to good medical services available at nearby medical offices and the Desert Regional Medical Center. Existing nearby residents and visitors can benefit from the proposed commercial / retail amenities that are proposed within this project.

A set of proposed Conditions of Approval are attached as Exhibit A.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1237 GPA PDD 357 and a thirty-day waiting period before it is effective allowing the approval of Case 5.1237 GPA PDD 357.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the zoning designation from C-1 R-3 to PDD 357 for a roughly 1.43 acre parcel at 1000 North Palm Canyon Drive in conjunction with Case 5.1237 GPA PDD 357.

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this ____ day of _____ 20__.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PALM SPRINGS)

ss.

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \



**City Council Policy Statement
Adopted September 17, 2008**

PLANNED DEVELOPMENTS AND THE REQUIREMENT FOR PUBLIC BENEFITS

In order to provide for the long-term improvement of the community, every application for a Planned Development District (PDD) and every amendment thereto – including all those enacted in lieu of a change of zone – shall include a public benefit in accordance with the provisions listed below.

1. The concept of a "public benefit" shall be a condition of granting zoning flexibility via approval of a Planned Development District, and is consistent with the goals, policies and objectives of the Palm Springs General Plan.
2. The public benefit of an approved PDD shall be specifically identified by the Planning Commission and City Council within the record of approval (resolution or ordinance, as applicable).
3. The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.
4. A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.
5. An approved public benefit shall be one of the following types:
 - a. The project as Public Benefit – The project fulfills key General Plan objectives for land use (such as "mixed-use"), economic development, community beautification, additional parking, improved circulation, blight removal or the like.
 - b. Key Features of the Project – The project includes features such as through-streets not indicated on the General Plan, interior parks, community open space, community meeting rooms, entry features, preservation of important buildings, preservation of natural features, daycare facility or other similar amenities.
 - c. Sustainable Features – The project includes features which measurably aid achievement of the City's sustainability goals, including water conservation, energy conservation (e.g., LEED certified), active and passive solar features, California Green Building techniques, and other sustainable features.
 - d. Off-site Improvements – The project includes off-site dedications and / or improvements, such as widened thoroughfares with meandering bikeways, public park lands, hiking trails, recreation facilities, construction of decorative medians, or other public improvements located off the project site.