

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING CASE 5.1160 AMND PD 341; A MAJOR AMENDMENT TO PRELIMINARY PLANNED DEVELOPMENT DISTRICT 341 SEEKING TO ESTABLISH THE PDD AS A PDD IN LIEU OF A CHANGE OF ZONE FROM REO TO RA, AND RECOMMENDING DENIAL BY THE CITY COUNCIL OF CASE 5.1160 AMND PDD 341 AND AMENDED TENTATIVE PARCEL MAP 35989 FOR SUBDIVISION OF A ROUGHLY 10 ACRE PARCEL INTO THREE LOTS AND DEVELOPMENT OF AN ASSISTED LIVING FACILITY ON AN APPROXIMATELY 4.62 NET ACRE LOT WITHIN THAT PARCEL MAP LOCATED AT THE NORTH OF TAHQUITZ CANYON WAY, WEST OF HERMOSA DRIVE, SECTION 14.

WHEREAS, O & M Tahquitz, LLC (the "Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District) and 94.07.00 (Map Change / Change of Zone) of the Palm Springs Zoning Code, for a major amendment to Planned Development District No. 341; and

WHEREAS, the "Applicant" has filed an application with the City pursuant to Section 9.62.010 of the Palm Springs Municipal Code, for an amendment to Tentative Parcel Map No. 35989; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1160 AMND-PD341, TPM AMND 35989, was given in accordance with applicable law; and

WHEREAS, on December 14, 2011, a public hearing on the applications were 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 an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the Planning Commission has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meetings 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: *Planned Development District Findings.*

Findings for a Planned Development District in lieu of a Change of Zone are found in Zoning Code Section 93.07.00 (Change of Zone). The proposed project is evaluated against the findings as follows:

- a. *The proposed planned development is consistent and in conformity with the general plan and report.*

The proposed development of an assisted living facility on one of the three lots in the proposed parcel map is not consistent with the General Plan and Specific Plan. The uses and development standards set forth in these documents permit tourist-oriented retail, entertainment and office uses complementary to and integrated with, the nearby convention center. The development proposed in this PDD neither conforms to the permitted uses nor the development standards of the R-E-O or the R-A land use classifications of the Section 14 Specific Plan for the following reasons:

Section 6.1.1 and 6.1.2 – *Permitted Uses.* Assisted Living Facilities are not a permitted use in either the R-E-O or the R-A land use classifications.

Section 6.2.1 *Density:* The proposed density of 0.72 FAR well exceeds the maximum allowable density of 0.38 FAR of the R-E-O and R-A land use classifications.

Section 6.2.6 *Compatibility with surrounding development:* The development proposed with the PDD proposes a building which is not fully developed on all sides with equivalent design quality, nor does it reflect the “festive architectural character” envisioned by the Specific Plan.

Section 6.2.7 and 9: *Tahquitz shall be the primary frontage and there shall be direct pedestrian access:* The PDD includes a development proposal in which the main entry is oriented away from Tahquitz Canyon Way. It proposes a building whose main pedestrian and vehicular entry is on a gated internal private drive and parking lot with no direct means of pedestrian entry along Tahquitz Canyon Way.

Section 6.2.10 *Building Placement shall be close to Tahquitz.* The PDD proposes a development with front yard setbacks of over thirty (30) feet, instead of the 20 feet denoted in the Specific Plan.

Section 6.2.8 *Ground Floor Pedestrian-Oriented Development.* The PDD seeks approval of an assisted living facility use which has no pedestrian-oriented features along the ground floor.

For these reasons the project is not consistent with the General Plan or the Specific Plan.

*b. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The parcel is not suitable for the proposed use because an assisted living facility use is not consistent with, and has little relationship to similar "by-right" uses such as hotels and tourist-resort retail, entertainment, commercial and office uses. The Specific Plan denotes the area in which the parcel is located should be "a *bold, integrated specialty shopping/entertainment complex that is linked to the Convention Center...*"

*c. The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Planned Development District in lieu of a Change of Zone which proposes an assisted facility use on a parcel in such close proximity to the City's Convention Center would be detrimental and incompatible to future tourist-resort uses such as hotels and commercial / retail uses that are "by right" for the Retail – Entertainment - Office land use classification and the Resort - Attraction land use classification which is proposed.

Section 3: Findings for the Tentative Parcel Map.

The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

*a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The Tentative Parcel Map is not consistent with the Specific Plan because Parcel 3 is less than the minimum 2 gross acre lot size required.

*b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed development of an assisted living facility on one of the three lots in the proposed parcel map is not consistent with the Retail-Entertainment-Office zone / land use classification. This land use zone envisions lively commercial uses that are integrated by means of internal paseos and pedestrian walkways with the City's convention center. Furthermore, the proposed architecture and design of the assisted living facility does not meet the development standards and guidelines of the Specific Plan. These standards require pedestrian - oriented development along Tahquitz Canyon Way, buildings with thoroughly developed facades on all sides, and design that de-emphasizes reliance on motor vehicles. The Specific Plan denotes that the R-E-O zone "allows for integration and

*concentration of large-scale specialty retail, restaurant, entertainment and office development along portions of Tahquitz Canyon Way...* and that *"...large scale resort hotel complexes, hotels and major commercial recreation attractions integrated with retail and entertainment facilities..."* be developed in the Resort – Attraction land use classification. The design and improvements proposed in this project and proposed parcels sizes in the parcel map are not suitable to, or supportive of, this type of development.

d. *The site is physically suited for the proposed density of development.*

The proposed density of 0.72 FAR is almost double the maximum allowable density of 0.38 for the Resort – Entertainment – Office land use classification which is the same maximum density permitted in the Resort – Attraction land use classification which is proposed by the applicant.

#### Section 4: Findings for the Resort Combining Overlay 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 City designated for tourist-related uses such as large scale hotels, retail, commercial and entertainment uses. The site in question is in close proximity to the City's Convention Center. An assisted living facility is not an appropriate use in this location because a residential use in what is envisioned to be a vibrant commercial / entertainment / tourist-oriented zone would be incompatible with the long-term vision for this area. The area in which the parcel is located is envisioned as *"...a key to the successful creation of a new, bold focus for Section 14..."*. The specific plan notes, *"the vision for this site is one of a bold, integrated specialty shopping / restaurant / entertainment complex that is linked to the Convention Center...with desert oasis landscaping and a festive architectural character."* The proposed uses and the architectural style of this development are incompatible with the vision for this part of the City. There are other by-right uses such as hotels and other tourist-related uses that would be more appropriate for this site.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby denies the preliminary development plans for Case 5.1160 AMN D PD341, a major amendment to Planned Development District 341 which seeks to establish the PDD in lieu of a Change of Zone, to change the zone / land use classification from REO to RA, to establish assisted living facilities as a permitted use within the PDD and to request significant deviations in the underlying development standards.

The Planning Commission further recommends that the City Council deny Case 5.1160 AMND PD341, a major amendment to Planned Development District 341, establishing the PDD in lieu of a Change of Zone from REO to RA, establishing assisted living facilities as a permitted use within the PDD and seeking approval of the proposed significant deviations in the development standards of the zone and Specific Plan.

The Planning Commission further recommends that the City Council deny the amendment to Tentative Parcel Map 35989, reducing the number of proposed lots from four to three.

ADOPTED this 11<sup>th</sup> day of January, 2012.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services