



Planning Commission Staff Report

Date: November 14, 2012

Case Nos.: TPM 36446, 5.1290 PD 361
MAJ 3.3605, 3.3606, 3.3607

Application Type: Tentative Parcel Map, Planned Development Permit and Major Architectural Approvals to develop the Downtown Palm Springs project

Location: Northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way; approximately 14 acres.

Applicant: Wessman Development Company and the City of Palm Springs

Zone and General Plan: Museum Market Plaza Specific Plan

APN: 513-560-002 & 513-560-004

From: Craig Ewing, AICP, Director of Planning Services

PROJECT SUMMARY

The proposal is a revision of the applications for a tentative parcel map and zoning entitlements filed by Wessman Development Company to subdivide and develop the approximately 13.6-acre Desert Fashion Plaza property. The Desert Fashion Plaza property is located along the northwest corner of North Palm Canyon Drive and West Tahquitz Canyon Way.

In a revision since the report of November 7, 2012 was prepared, the map would divide the site into thirteen (13) parcels for future development and four (4) lettered lots for public access ways, with new lot sizes and configurations.

The entitlements are for a Planned Development District for a hotel exceeding 60 feet in height and for architectural approval of the remaining buildings. As with the map, the

plans for new construction have been modified since the November 7, 2012 report, including an expansion of the hotel.

This staff report provides a description of the proposed project, an analysis of the map and development entitlements against the Specific Plan. Additional analysis, information regarding design guidelines, and findings and draft resolutions for consideration by the Commission will be forthcoming.

RECOMMENDATION

1. Open the public hearing, accept any testimony continue the matter to the meeting of November 28, 2012.

PRIOR ACTIONS

On December 2, 2009, the City Council certified the Final Environmental Impact Report and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan. The Specific Plan covers the design guidelines and development standards for the area commonly known as the Desert Fashion Plaza.

On October 17, 2012, the City Council adopted an Addendum to the Final EIR of the Museum Market Plaza Specific Plan and certified the FEIR and Addendum as an adequate and complete environmental analysis of the project. The City Council also conducted a conformity review of the Downtown Palm Springs proposal, as allowed by the Museum Market Plaza Specific Plan and concluded that the project conformed to the policies and objectives of the Specific Plan.

On November 7, 2012, the Planning Commission received an orientation on the proposed development.

BACKGROUND

The Museum Market Plaza is located in the heart of the City's Business District, specifically at the northwest corner of North Palm Canyon Drive and West Tahquitz Canyon Way. The irregularly shaped property is bounded by Belardo Road to the north, Tahquitz Canyon Way to the south, Museum Drive to the west and North Palm Canyon Drive to the east.

The original Desert Fashion Plaza was built in the late 1960s; since then there have been several renovations and additions especially around the 1980s. A portion of the property that was once occupied by Bank of America was recently demolished as part of the preparations for the redevelopment of the site.

Table 2: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Hyatt Hotel & Retail & Comm.	CBD & Open Space	C-B-D
South	Retail / Commercial Buildings	CBD & Small Hotels	R-3
East	Retail / Commercial Uses	CBD	C-B-D
West	Palm Springs Art Museum	Public/Quasi-Public	C-B-D

PROJECT DESCRIPTION

Tentative Parcel Map 36446

The proposed tentative parcel map (TPM 36446) would create thirteen (13) parcels for future development and four (4) lots for public street right-of-way. The map is required to reconfigure the site for development and financing purposes. The development parcels will range from 14,807 to 66,940 square feet in size. Lots A, B, C and D represent public street rights-of-way, and are generally sized and designed for two lanes of vehicular traffic (one lane each way) and on-street parking. The street lots and parcels 8, 9, 10 and 11 will be owned by the City, who is co-applicant for the map:

Dev't Lot No.	Proposed Area – sq ft	Block No.	Proposed Uses
1	66,940	A	Mixed Retail
2	41,398	b	Mixed Retail / Office
3	29,280	b-1	Mixed Retail / Office
4	30,667	D	(future use)
5	31,573	F	(future use)
6	56,412	E	Event Venue (Interim)
7	19,284	G	(future use)
8	55,873	---	Public Parking
9	14,807	H-1	Museum
10	18,090	H-2	Museum
11	54,667	---	Public Parking
12	61,476	c-1	Hotel
13	37,423	c	Mixed Retail

Street Lot No.		
A	30,399	New "Main" street
B	12,862	Belardo Road extension
C	19,142	Belardo Road extension
D	12,240	Andreas Road extension

TOTAL 592,533 / 13.6 Ac

There are four zoning entitlements associated with the project: Three Major Architectural Approvals and a Planned Development District.

Major Architectural Approval 3.3605 / Block “A”

This site is located adjacent to the existing Hyatt Suites Hotel, fronts N. Palm Canyon Drive and extends to Andreas and Belardo Roads (both new). The block is presently developed with the former Saks Fifth Avenue building and this structure is to be retained and repurposed for retail use. No new square footage is to be added to the existing one-story, 52,607 sf building. New exterior building facades are proposed and the interior will be demised to allow multiple retail and food service tenants. The building maintains a height of 28 feet and lot coverage of about 78% of the block. The remainder of the site is divided between landscaping (10%) and hardscape (12%).

Major Architectural Approval 3.3606 / Blocks “b / b-1”

Blocks b / b-1 are immediately south of Block A, fronting N. Palm Canyon Drive to the east, Belardo Road (new) to the west, and between Andreas Road (new) and a new street between N. Palm Canyon and the Palm Springs Art Museum. Two buildings are proposed (Block b and Block b-1), with a maximum of two-stories and about 40 feet in height. Total square footage is 75,562 and the uses will be retail, restaurant and office. The buildings are oriented in a north-south direction, each fronting either N. Palm Canyon Drive or Belardo Road (new). Between these buildings, a private street is proposed to provide vehicular and pedestrian access, but which can also be closed to traffic as a festival / event space. The buildings will cover about 67% of the site, with landscaping and hardscape covering 33%.

Major Architectural Approval 3.3607 / Block “c”

At the corner of W. Tahquitz Canyon Way and N. Palm Canyon, Block c is proposed to be divided into two projects. Block C-1 will including buildings ranging from one to three stories, with a maximum height of 52 feet. The buildings are oriented to W. Tahquitz Canyon Way and N Palm Canyon Drive, but also to the public open space in the middle of the Block. Uses will be retail, restaurant and office, totaling 45,937 square feet. Building coverage is 53% of this portion of Block C, with 26% landscaping and 7% paving.

Planned Development District PD 361 / Block “c-1”

A hotel of approximately 185 rooms is proposed on the westerly (back) half of Block c-1, with the entry fronting on W. Tahquitz Canyon Way. The main portion of the hotel runs along the east side of Belardo Road (new) and rises to a height of approximately 89 feet. Total square footage is 177,963, including the following uses:

Hotel –	148,459 sf
Restaurant –	8,512 sf
Rooftop (Non A/C) –	15,397 sf
Retail –	5,595 sf

The building footprint will cover about 60% of the site; landscaping and hardscape will comprise the remaining 40%.

ANALYSIS

The General Plan policies and zoning will be governed by the development standards and guidelines of the Museum Market Plaza Specific Plan. The Central Business District allows a minimum lot size of 9,600 square feet, with a minimum lot width of 75 feet, and minimum lot depth of 128 feet. The proposed mixed-use lot sizes will range from 14,807 to 66,940 square feet; the public access lots (lettered lots A-D) sizes will range from 12,240 square feet to 30,399 square feet in size, additional analysis are provided below. All other development standards in the new subdivision will be consistent with the General Plan and the Specific Plan.

Site Layout / Access

The most notable physical changes in the layout of the proposed parcel map are the lots designated for public roads.

- Lot A, will be developed as public access linking Palm Canyon Drive to Museum Drive
- Lots B and C will extend Belardo Road north of Tahquitz Canyon Way.
- Lot D will be an additional linkage from Palm Canyon Drive to the Belardo Road extension.
- Parcel 17 is a private alley way designed to connect the future street on Lot D to the future street on Lot A.

These new streets, with the exception of the alley way (Parcel 17), will be owned and maintained by the City; the developer will have air rights to these parcels. In addition, the City will also own Parcels 8, 9, 10, and 11; currently, these parcels contain the subterranean and above ground parking structures (see attached).

Vacations and Acquisitions

To accommodate future development along the frontage of proposed Parcels 1, 2, 12, 13 and 15, under a Financing Agreement (Attachment 5) between the City and the developer, the City will vacate portions of the current sidewalk areas; along Tahquitz Canyon Way, the City will also vacate portions of current sidewalk areas along Parcels 3, 4, and 12. These areas will be rededicated to the City as easements for sidewalks and pedestrian rights-of-way upon completion of construction activities on these parcels. In addition to the above-mentioned areas, the City will acquire Parcels 8, 9, 10 and 11.

Property Development Standards

The Museum Market Plaza Specific Plan standards and guidelines govern the development of the site. The standards to be evaluated are:

- Permitted and Conditionally Permitted Uses
- Setbacks, Overall Building Height and Stepbacks
- Maximum Allowed Square Footage and Building Mass
- Projections Above Building Height or into Rights-of-Way
- Open Space
- Building Articulation
- Parking and Trash Enclosures

It should be noted that the blocks proposed on the Tentative Parcel Map vary from those shown on the Specific Plan. On October 17, 2012, the proposal was reviewed by the City Council under Section V.2 "Conformity Review Procedure". Since the public parking and a portion of the Desert Fashion Plaza (Block A) are proposed to be retained, the proposal was accepted by the Council as a renovation project, and further determined to be conforming to the Specific Plan. Consequently, staff has approached the project's review against the Specific Plan's development standards with some flexibility, as further explained below.

Permitted and Conditionally Permitted Uses

Permitted and conditionally permitted uses by the Specific Plan are found on the table attached to this report as Exhibit 3. In addition, there are "ground floor use limitations" (Section III.E.1) which require that street frontages be reserved for retail and tourist-oriented goods and services. Based on staff's understanding of the project, the proposal is expected to conform to the allowed uses, including the hotel. The buildings are generally oriented for retail commercial, restaurant and upstairs office uses. Final review and approval of specific uses will be undertaken at the time any business license application or other zoning clearance is submitted by future tenants.

Setbacks and Overall Building Height

The setbacks required by the Specific Plan for these applications may be summarized as follows: For Palm Canyon, 15 feet; for all other streets, 12 feet; and for interior property lines, zero setback. The following table summarizes actual and required setbacks:

Block and Street	Provided (Ft)	Required Setback (Ft.)
Block "A"		
N. Palm Canyon Drive	17	15
Andreas Road	12	12
Belardo Road	17	12
Interior Line (north side)	0	0
Block "b"		
N. Palm Canyon Drive	18	15
New Main Street	14	12
Interior Line (west side)	0	0
Andreas Road	15	12
Block "b-1"		
New Main Street	1	12
Belardo Road	0	12
Andreas Road	7	12
Interior Line (east side)	35	0

Block and Street	Provided (Ft)	Required Setback (Ft)
Block "c"		
N. Palm Canyon Drive	15	15
Tahquitz Canyon Way	94	12
Interior Line (west side)	0	0
New Main Street	12	12
Block "c-1"		
Tahquitz Canyon Way	15	12
Belardo Road	7	12
New Main Street	10	12
Interior Line (east side)	0	0

As noted in bold / italics, Block "b-1" and "c-1" provide less setbacks than required. The applicant has requested the identified reductions for Block "c-1" through the hotel Planned Development, but no reductions have been sought for Block "b-1".

Stepbacks

Stepbacks are intended to provide additional distance from the street for taller building elements to improve long-distance views and reduce any 'canyon effect' for pedestrians. The Specific Plan defines stepbacks as, "...the horizontal distance a building face must be set back from the property line at each given height." Different stepbacks have been adopted for the various streets in the Specific Plan area, and the following chart shows the actual and required stepbacks for the proposed project:

Block and Street	Provided (Ft) Height / Stepback	Required (Ft.) Height / Stepback
Block "A"		
N. Palm Canyon Drive	Height under 30 ft.	30 / 20
Andreas Road	Height under 30 ft.	30 / 10
Belardo Road	Height under 30 ft.	30 / 15
Block "b"		
N. Palm Canyon Drive	70	30 / 20
New Main Street	15	30 / 10
Andreas Road	14	30 / 10
Block "b-1"		
New Main Street	1	30 / 10
Belardo Road	0	30 / 15
Andreas Road	7	30 / 10

Block and Street	Provided (Ft) Height / Stepback	Required (Ft.) Height / Stepback
Block "c"		
N. Palm Canyon Drive	18	30 / 20
Tahquitz Canyon Way	217	35 / 20
New Main Street	11	30 / 10
Block "c-1"		
Tahquitz Canyon Way	15	35 / 20
Belardo Road	7	30 / 15
New Main Street	10	30 / 10

Again, Blocks "b-1" and "c-1" have non-conforming conditions. The Planned Development Permit for the hotel may be used to allow the Block "c-1" encroachments. Block "b-1" must be redesigned or the application amended.

Building Height

The maximum allowed building height for the Specific Plan is generally 60 feet, but there are exceptions:

Block	Provided (Ft)	Maximum Allowed Building Height (Ft)
A	20.5	60
b	38	16 (former Block B)
b-1	39	16 (former Block B)
c	46.5	60
c-1	81.5	60

The Specific Plan envisioned Block B as a green space with few buildings. On October 17, 2012, the City Council's deemed the present plan (including development of Block "b / b-1") to be conforming, requiring that flexibility be used in applying the Plan's Block B standards. Staff believes that the general height standards (max. 60 feet) can apply to Block "b / b-1", which would make the two proposed buildings conforming. The height in Block "c-1" may be addressed through the hotel Planned Development Permit.

Projections above Height or into Rights-of-Way

The Specific Plan allows limited projections above the maximum building height (vertical projections) or into street rights-of-way (horizontal projections). Vertical projections may not exceed fifteen (15) feet above the building height. Horizontal projections are allowed as:

- Awnings or architectural features (no more than 10 feet into the ROW),
- Porticos (not exceeding 20% of the building's linear frontage), or
- Balconies and terraces (not more than six (6) feet into the ROW)

Since the map proposes a revision to property boundaries, staff has concluded that no ROW encroachments (horizontal projections) are evident in any of the blocks. Vertical projections above the building heights are:

Block	Provided (Ft)	Maximum Above Building Height (Ft)
A	+ 8	+ 15
b	+ 7	+ 15
b-1	+ 9	+ 15
c	+ 7	+ 15
c-1	+ 8	+ 15

The project conforms to this standard.

Maximum Allowed Square Footage and Building Mass

The Specific Plan establishes limits for development intensity using standards for maximum square footage (floor area) and maximum building mass (volume). The applicant has not submitted information on building mass, so only square footage can be analyzed at this time:

Block	Provided (Sq Ft)	Maximum Allowed Floor Area (Sq Ft)
A	52,507	220,000
b / b-1	75,562	3,000
c / c-1	223,900	245,000

As with building height, staff has concluded that the maximum allowed floor area standard must be treated with some flexibility based on the Council's action of October 17, 2012. While transfers of square footage between blocks is permitted by the Specific Plan, such transfers are limited to no more than 15%. Staff believes that a larger transfer may be recognized between Blocks "A" and "b / b-1" so long as the maximum sum allowed on the two blocks is not exceeded. Such is the case with the proposal and staff believes that it can be determined to be conforming.

Open Space

A minimum amount of open space is required by the Specific Plan in each Block:

Block	Provided (%)	Minimum Open Space (%)
A	21.6	10
b / b-1	33.1	90
c	47.1	10
c-1	40.3	10

Here is another case where the Block B standards from the Specific Plan require interpretation and a flexible approach. Block "b / b-1" has been accepted by the City Council as appropriate for more intensive development under the proposed renovation plan. Consequently, a lower percentage more closely aligned with the other blocks is

appropriate. Since all blocks provide open space in a range from 20 to over 45%, the project overall can be considered conforming to the Specific Plan.

Building Articulation

Standards for the articulation of building facades are established in the Specific Plan to avoid excessive uniformity / monotony. An articulation may either protrude or recess at least two (2) feet from adjoining wall surfaces, and at intervals of no less than sixty (60) feet across an exterior elevation. Staff has reviewed the proposed elevations and determined that the upper floor west elevations of both buildings on Blocks "b" and "b-1" lack sufficient articulation to meet the standard. These conditions may be resolved with further design work through the architecture review process. All other building facades provide the minimum articulation specified in the Plan.

Parking, Loading and Trash Enclosures

The parking standards for the project as established in the Specific Plan are relatively straightforward: Hotels must provide one vehicle space for each room and all other uses must provide one space for each 325 square feet of floor area. Staff has calculated the parking requirement for the project:

Block and Floor Area (Sq Ft) / Rooms	Required (No. of Spaces)
A 52,507 ÷ 325	162
b 42,082 ÷ 325	129
b-1 33,480 ÷ 325	103
c 45,937 ÷ 325	141
c-1 14,107 ÷ 325	43
c-1 185 Hotel Rooms	185
Required Parking TOTAL	793

Staff notes that there are approximately eleven hundred (1,100) public parking spaces within the Specific Plan area. Further, the project is deemed by the City Council to be sufficiently supplied with parking via these public parking facilities. Consequently the parking demand is considered to be met.

Loading facilities and trash enclosure are shown throughout the project, and will be further discussed following review by the Architectural Advisory Committee.

Design Review

The Specific Plan includes guidelines for Architecture, Streetscapes, Open Space and Landscaping. Staff will develop additional information for the Architectural Advisory Committee and the Planning Commission for subsequent review.



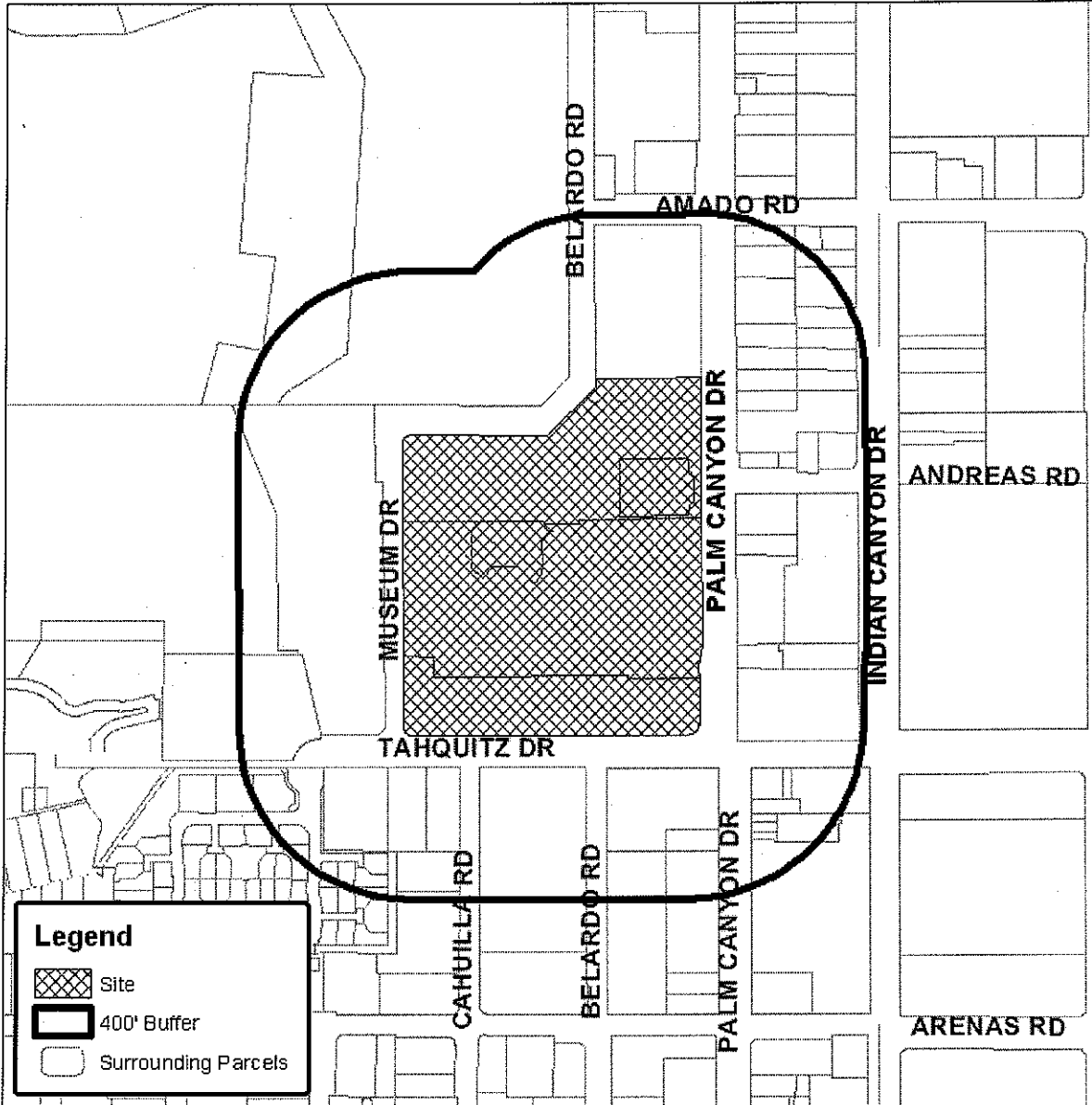
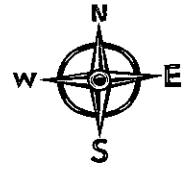
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS




1. Vicinity Map
2. Project Exhibits
3. List of Uses Allowed by the Museum Market Plaza Specific Plan



Department of Planning Services Vicinity Map



Legend

-  Site
-  400' Buffer
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: CASE 5.1290-PDD 361
& TPM 36446

APPLICANT: Wessman Development

DESCRIPTION: Applications to develop a hotel in excess of 60 feet and to subdivide the Museum Market Plaza property into 13 parcels for future development and 4 lots for public infrastructure. The approximate 13.57-acre property is located at 101 & 123 South Palm Canyon Drive.

C. Uses

1. Allowable Uses

Uses permitted within the Specific Plan are listed in Table III-1. If a proposed use is not listed in the Table, the Planning Director shall, upon written request and in conformance with the provisions of Section 94.01.02 of the Palm Springs Zoning Ordinance, review the proposed unlisted use and determine whether it is permitted, requires a Conditional Use Permit or is prohibited.

According to the provisions of the General Plan, supermarket uses are prohibited in the downtown area. However, in view of the potential for residential uses, an appropriately located supermarket may be accepted in the Specific Plan.

All uses listed in the Table will be applied to requests for new development, alteration or expansion of existing uses, tenant improvements resulting in a listed use, or change in occupancy.

In accordance with Section 9404.00 of the Palm Springs Zoning Ordinance, all new structures for permitted uses require Major Architectural Approval to be granted by the Planning Commission.

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required; LUP = Land Use Permit
TUP = Temporary Use Permit required; X = Prohibited

TYPE OF USE	USE STATUS IN SPECIFIC PLAN
Retail Goods	
Antiques	P
Art (galleries)	P
Baked goods	P
Beauty supplies	P
Bicycles, including accessory repair	P
Books and Stationery	P
Candies and Confections	P
Clothing and Apparel	P
Delicatessens	P
Department stores	P
Drafting and art supplies	P
Drugs and Pharmacies	P
Drugs and Pharmacies, Drive through	CUP
Flowers and Plants	P
Furniture	P

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Gifts	P
Groceries	P
Hardware and Appliances	P
Hobbies, Stamps and Coins	P
Jewelry	P
Leather goods and Luggage	P
Music and Musical instruments	P
Newspapers and Magazines	P
Pet shops, including grooming; no kennel facilities	LUP
Photographic equipment, retail	P
Shoes	P
Tobacco products, excluding on-site consumption	LUP
Toys	P
Personal Services	
Artist studios	P
Banks, excluding drive through	P
Barbers and Hairdressers	P
Beauty shops	P
Bicycle rentals	LUP
Dry cleaners & Laundries, including self-service	CUP
Nail salons	CUP
Photographic studios	P
Picture framing (retail & assembly only)	P
Spas	LUP
Tailors	P
Travel agencies	P
Food and Beverage Services	
Bars and Cocktail lounges	LUP
Beer, Wine and Liquor, packaged	LUP
Coffee house	P
Coffee house, drive through	CUP
Ice cream, Yoghurt, Doughnuts, Bagels, etc.	P
Nightclubs and Discotheques	CUP
Restaurants, all types including take-out and delivery	P
Tobacco products, on-site consumption	CUP

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Allowable Uses**

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Services for Groups³	
Art schools	P
Athletic clubs, Fitness centers, Gyms, Health clubs and Slimming salons	P
Auction galleries	P
Commercial recreational facilities	P
Dance studios	P
Lodges, meeting halls and private clubs	P
Movie, radio, TV production & broadcast facilities	CUP
Video/amusement arcades & machines ⁴	LUP
Office and Related¹	
General and professional offices	P
Insurance	P
Real estate	P
Residential	
Multiple family dwellings and condominiums	P
Tourist and Related Services	
Automotive rental, only as accessory to a resort hotel	P
Bed and Breakfast establishments	P
Catering, as accessory to a restaurant or any hotel	LUP
Convention center, only as accessory to a resort hotel	P
Hotels and Resort hotels	P
Time-share and Fractional ownership Resorts	P
Public and Semi-public	
Festivals and Exhibits	LUP
Libraries	P
Museums	P
Post office branches	P
Public Parks and Plazas	P
Theatres, Cinema or Stage	P

³ *Services for Groups*, and *Office and Related* uses are restricted on street frontage (see Section III.E.1).

⁴ Arcades as primary use, machines as secondary use (except as otherwise regulated) located no closer than 300 feet to any other such use, or as a secondary use in conjunction with a resort hotel. In all cases, the use is subject to Palm Springs Zoning Code Section 93.16.00.

**Table III-1
Allowable Uses**

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Accessory uses⁵	P
Outdoor uses accessory to permitted main use and located on same property or in MMP Plazas: <ul style="list-style-type: none"> - art displays - artisans, artists - display cases in malls/courts - farmers market - fashion shows - festivals, exhibits & special events - florists - musicians/entertainment⁶ - dining & beverage service - plant/floral sales & displays - post card displays⁷ - theatre & public assembly - vending carts⁸ 	LUP
Outdoor uses: located on public property/rights of way, in a designated area approved by the City Council & undertaken as part of a festival/event/program to promote commercial, artistic or cultural activity: <ul style="list-style-type: none"> - art displays - artisans, artists - farmers market - fashion shows - festivals, exhibits & special events - florists - musicians entertainment - dining & beverage service - plant/floral sales and displays 	P

⁵ Accessory uses customarily incidental to permitted uses & located on the same lot.

⁶ Subject to provisions of Noise Ordinance, Section 11.74 of the Municipal Code.

⁷ One per store front.

⁸ Dispensing: food, beverage, crafts, floral items, other uses determined by the Planning Commission.

**Table III-1
Allowable Uses**

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<ul style="list-style-type: none"> - theatre & public assembly - vending carts - tourism activities kiosks 	
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2. Similar Uses

Similar uses that are not detrimental to permitted uses or to public health, safety and welfare, may be permitted by the Planning Commission, under Section 94.01 (Commission Determination) of the Palm Springs Zoning Code.

3. Prohibited Uses

In addition to the land uses prohibited in Table III-1, the uses listed below will not be permitted in the Specific Plan area:

- Adult entertainment
- Automobile parking as Primary use
- Automobile service stations
- Dog kennels and Catteries
- Drive-in and Drive-through restaurants, banks and all uses not specifically permitted
- Industrial or Manufacturing
- Massage (except in conjunction with resort hotel or spa)
- Motor scooter, Motorbike or Motorcycle Rentals or Sales
- Pawn shops
- Second hand or Used goods Stores
- Single family residences
- Tattoo, Piercing or Body art Parlors
- Upholstery shops
- Wholesale or Warehousing