



## Planning Commission Staff Report

DATE: AUGUST 14, 2013

SUBJECT: TIME EXTENSION REQUEST BY THE PALM SPRINGS FREEWAY DEVELOPMENT, LLC, ON BEHALF OF THE TAHITI GROUP FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 65-ROOM HOTEL, TWO DRIVE-THRU RESTAURANTS, PARKING AND SIGNAGE AT 610 WEST GARNET AVENUE, ZONE M-1-P, SECTION 15 – CASE NO. 5.0856-CUP

FROM: DEPARTMENT OF PLANNING SERVICES

---

### SUMMARY

The Planning Commission to consider a one-year time extension request for a Conditional Use Permit (CUP) that was previously approved for the development of a 65-room hotel, two drive-thru restaurants, parking and signage. The project is to be located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10. The project was originally approved on August 8, 2001, by the Planning Commission for a 60-room hotel project with two restaurants. On August 13, 2003, the Planning Commission approved an amendment of the CUP to allow a 65-room hotel, a sixty-foot (60') freeway sign and two drive-thru restaurants. Because of the amendment, the CUP remained valid for another two years from August 13, 2003, to August 13, 2005.

The subject property is a 3.02-acre parcel bounded by Garnet Avenue on the south and Interstate 10 on the north, and is located west of the intersection of Garnet Avenue and N. Indian Canyon Drive. There is an existing Pilot Truck Stop with a gas station and fast food restaurants adjacent to the east, and vacant property borders the project site to the west. The site is currently vacant, and is generally level.

### RECOMMENDATION:

Deny the tenth (10<sup>th</sup>) time extension request.

**ISSUES:**

- The Conditional Use Permit for this project was originally approved in 2001 and has been granted nine (9) one-year time extensions beginning from 2003. Staff has determined that one more extension of time for this project will not guarantee a commencement of construction given that the project approval was prior to the economic meltdown. The project site design, the architecture and most importantly, the Mitigated Negative Declaration (MND) are all dated and no longer valid or fit the location and the vicinity.

**BACKGROUND:**

<b><i>Related Relevant City Actions</i></b>	
8.8.01	The Planning Commission adopted a mitigated negative declaration and approved a Conditional Use Permit for the 60-room hotel project with two restaurants.
7.23.03	The Planning Commission granted the first of a series of a one year time extension for the CUP
8.13.03	The Planning Commission approved an amendment to the CUP to allow for a 65-unit hotel project and a freeway sign with two restaurants. The amended CUP remained valid for two years from August 13, 2003, to August 12, 2005.
7.13.05	A one-year time extension which expired on August 13, 2006 was approved by the Planning Commission.
8.9.06	The Planning Commission approved a one-year time extension from August 13, 2006 to August 12, 2007.
7.25.07	The Planning Commission approved a one-year time extension from August 13, 2007 to August 12, 2008.
7.9.08	The Planning Commission approved a one-year time extension from August 13, 2008 to August 12, 2009.
7.22.09	The Planning Commission approved a one-year time extension from August 13, 2009 to August 12, 2010.
11.10.10	The Planning Commission approved a one-year time extension from August 13, 2010 to August 12, 2011.
9.28.11	The Planning Commission approved a one-year time extension from August 13, 2011 to August 12, 2012.

<b><i>Most Recent Ownership</i></b>	
2005	The Tahiti Group

<b><i>Site Area</i></b>	
Project Area	3.2 acres of vacant land

<b>Planning Areas</b>		
Specific Plan		N/A
Design Plan		N/A
Airport Overlay		N/A
Indian Land		N/A

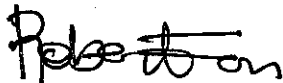
**ANALYSIS**

Pursuant to Section 94.04.01(H) of the Palm Springs Zoning Code, Architectural Approval is valid for two years and may be extended by the Planning Commission upon demonstration of good cause. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Recently, a major reconstruction project realigning the on and off ramps at the I-10 and Indian Canyon Drive interchange was completed. Two new ramps from the east bound lanes of Interstate 10 located directly west of the subject property have been completed and are now open to traffic. This road project may not have adversely affected the original entitlement; however, Staff has determined that the character of the neighborhood has changed in a way that would affect the project.

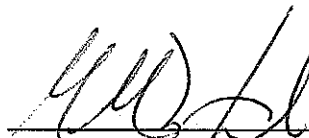
**CONCLUSION:**

At this time, staff is unable to support an extension of time for a project that was originally approved twelve (12) years ago. The applicant has given the same reasons for not commencing development for several years; staff can no longer see these reasons as a "good cause" in light of several changed circumstances in the project area. Several developments have occurred in the region after this CUP was approved; the Del Taco which is less than half a mile east of this location is the most recent restaurant to be built in the vicinity. The project is being held up by the County and they are unable to get a sewer connection. While this is beyond the control of the developer, there is no estimated date when the matter will be resolved,

Finally, the environmental assessment prepared roughly thirteen years ago is no longer reliable as a sufficient environmental document given all the changes that have occurred in the area. Most importantly, the Planning Commission made their concerns of continued extensions very clear to the applicant in 2012.



Edward Robertson  
Principal Planner



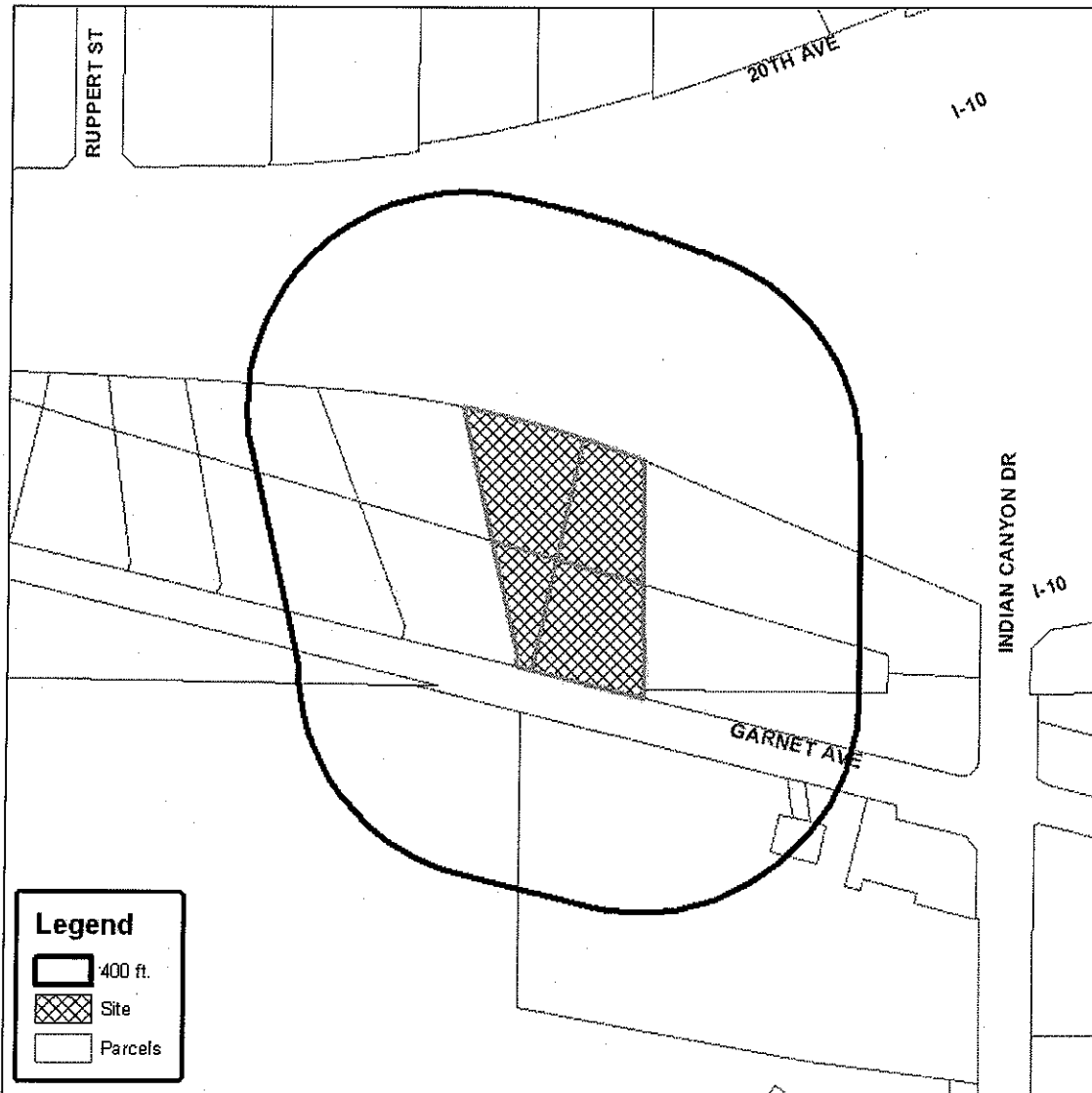
Margo Wheeler, AICP  
Director of Planning Services

**Attachments:**

- Vicinity Map
- Draft Resolution
- Planning Commission Minutes of September 26, 2012
- Original Planning Commission Staff Reports dated August 8, 2001 & August 13, 2003
- Letter Requesting Time Extension dated July 8, 2013



## Department of Planning Services Vicinity Map



### CITY OF PALM SPRINGS

**CASE NO:** 5.0856 CUP – Time Ext.

**APPLICANT:** Freeway Development

**DESCRIPTION:** Request by Freeway Development for a one-year time extension request for a CUP to allow a 65-unit hotel, 2 drive-thru restaurants and a 60 ft. Freeway sign located at 610 w. Garnet Ave, Zone M-1-P, Section 15.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR DENYING A ONE-YEAR TIME EXTENSION REQUEST FOR CASE NO. 5.0856 – CUP FOR THE PALM SPRINGS FREEWAY DEVELOPMENT, LLC, A PROPOSAL TO DEVELOP A 65-UNIT HOTEL, A SIXTY FOOT FREEWAY SIGN AND TWO DRIVE-THRU RESTAURANTS LOCATED AT 610 GARNET AVENUE, ZONED M-1-P SECTION 15, APN 666-330-043

WHEREAS, Palm Springs Freeway Development, LLC (“Applicant”) has filed an application with the City pursuant to Section 94.02.00(F) of the Zoning Ordinance for an extension of time for Case No. 5.0856-CUP.

WHEREAS, on August 14, 2013 the Planning Commission considered a one year time extension request for a Conditional Use Permit that was originally approved on August 8, 2001; and

WHEREAS, on August 14, 2013 a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a “project” pursuant to the terms of the California Environmental Quality Act (“CEQA”), and the Mitigated Negative Declaration for this Case No. 5.0856 was previously adopted by the Planning Commission on August 1, 2001. It has been determined that the development of the new interchange at Interstate 10 and Indian Canyon Drive along with other changed circumstance in the project vicinity has warranted the need to conduct a new environmental analysis/assessment to meet the requirements of CEQA.

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration could no longer be relied upon as the controlling environmental documentation for this request.
2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes for the tenth (10<sup>th</sup>) time

3. A demonstration of good cause has not been made and that the Commission is not persuaded for the tenth time that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby denies a one-year time extension for Case No. 5.0856 – CUP.

ADOPTED this 14<sup>th</sup> day of August 2013.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

M. Margo Wheeler, AICP  
Director of Planning Services

- 1B. Case 5.0856 CUP - A request by Freeway Development, LLC, for a one-year time extension for a previously approved Conditional Use Permit for a 65-unit hotel with two drive-thru restaurants located at 610 West Garnet Avenue, Zone M-1-P, Section 15. (Project Planner, Glenn Mlaker, AICP, Assistant Planner)**

Glenn Mlaker, Assistant Planner, provided background information as outlined in the staff report dated September 26, 2012.

The Commission commented and/or requested clarification on the:

- The large number of time extensions since its original approval in 2001.
- The economic feasibility of the project during the past eleven years.

Planner Mlaker explained that if there is a change to the design of the building the architectural review would come before the Commission.

**ACTION:** To approve a one-year time extension for Conditional Use Permit 5.0856 CUP from August 13, 2012 to August 12, 2013, as amended:

- No further time extensions to be allowed beyond one year.

**Motion Kathy Weremiuk, no second. MOTION FAILED.**

The Commission directed staff to communicate to the applicant their concern with the length of time that has elapsed since the original date of approval and if another extension is requested the project will be subject for review.

Chair Donenfeld suggested the topic of continual time extensions could be further discussed at a study session.

**ACTION:** That the Planning Commission approve a one-year time extension from August 13, 2012 to August 12, 2013.

**Motion Leslie Munger, seconded by Philip Klatchko and unanimously carried on a roll call vote.**

**AYES:** Leslie Munger, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson, Lyn Calderine, Kathy Weremiuk

A recess was taken at 2:44 pm. The meeting reconvened at 2:50 pm.

Date: August 8, 2001  
To: Planning Commission  
From: Director of Planning & Building

**CASE 5.0856** CUP. APPLICATION BY PALM SPRINGS FREEWAY DEVELOPMENT, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A 60-UNIT HOTEL WITH AMENITIES AND TWO DRIVE-THRU RESTAURANTS LOCATED AT 610 W. GARNET AVENUE, M-1-P ZONE, SECTION 15.

**RECOMMENDATION:**

That the Planning Commission approve Conditional Use Permit 5.0856 for a 60-unit hotel with amenities and two drive-thru restaurant facilities located at 610 W. Garnet Avenue, subject to the conditions outlined in the attached Resolution.

**BACKGROUND:**

Palm Springs Freeway Development, LLC has submitted an application for a Conditional Use Permit to develop a 60-unit hotel with amenities and two drive-thru restaurants. The CUP is required for the hotel use, as well as the drive-thru restaurants. The project is located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10.

The 3.02 acre project site is bounded by Garnet Avenue on the south, and Interstate 10 on the north, and is located west of the intersection of Garnet Avenue and N. Indian Canyon Drive. The existing Pilot Truck Stop with a gas station and fast food restaurants is adjacent to the east, and vacant property borders the project site on the west. The site is currently vacant, and is generally level.

The project proposes a two-story, 60-unit hotel and two freestanding drive thru restaurant facilities. The proposed hotel consists of 22,000 square feet, and will include 60 guest rooms and an outdoor pool for guests. The two proposed restaurants are 2,400 square feet with seating for 100, and 1,800 square feet with 80 seats. The applicant originally sought permission for three restaurant pads. However, the configuration with three pads did not comply with the performance standards for the M-1-P zoning district.

Adjacent General Plan, Zoning and Land Use			
	General Plan	Zone	Use
North	IND	M-2	Interstate 10
South	IND	M-1-P	Unimproved
East	HC	M-1-P	Truck Stop
West	IND	H-C	Unimproved

**ANALYSIS:**

The proposed project is consistent with existing uses in the vicinity; these include a truck stop with gas station and fast food uses on the easterly adjacent property at the northwest corner



of Garnet Avenue and N. Indian Canyon Drive, and a freestanding fast food restaurant at the southwest corner of Garnet Avenue and N. Indian Canyon Drive.

The proposed hotel and drive-thru restaurants are conditionally permitted uses in the M-1-P zone and, with Planning Commission approval of a Conditional Use Permit, the project will conform with zoning requirements for the M-1-P zone. As specified by the M-1-P zone, the hotel is subject to the standards of the R-4 (Large Scale Hotel and Multiple Family Residential) zone.

The design review committee has reviewed and approved the architecture of the proposed hotel, which is reminiscent of the International movement of modern design. The long expanse of the hotel's east elevations on either side of the entry feature regular building offsets and the extensive use of windows to create visual interest; these treatments are repeated on the west (rear) elevation. The north and south elevations feature bold, geometric building planes. The proposed color palette includes stucco in natural desert colors such as sandstorm (322-2), maple granola (322-3), and timeless taupe (420-4) for the hotel, and golfers tan (322-4), burning sand (322-5), and dusty yellow (214-3) for the fast food restaurants, with silver metallic facias and royal plum (440-7) accented bollards. The color palette proposed for the drive-thru restaurants will complement the hotel color scheme.

**Zoning Requirements:**

As noted, the hotel is subject to R-4 zoning requirements. R-4 regulations applicable to the subject project are as follows:

	Allowed/Required	Proposed
Density:		
Minimum 1,000 sq.ft.of net lot area for each dwelling unit	132 units	60 units
Building Height:	30 feet	24 feet
Building Setbacks:		
Front Yard	30 feet	70 feet
Side Yards	20 feet , each side	27 feet, east side
Rear Yard	20 feet	30 feet
Coverage:	45% of site	45% of site

Additional code requirements are as follows:

Parking Front Yard Setback:	10 foot, landscaped with wall or berm	approx. 30 foot landscaped wall or berm
Off Street Parking:	117 spaces	109 spaces
Off Street Loading	required, unless otherwise approved by Planning Commission	provided

The applicant is seeking a minor modification to reduce the number of parking spaces by seven (7) percent. Staff finds this request to be reasonable given the quick turnover of parkers, given the location of the site.

In order to shield the drive through restaurant vehicle stacking from view from the public right of way, the applicant shall design the restaurants with a berm or other screening as appropriate.

A landscaping plan has been submitted as part of the application. However, the plan lacks information on the percentage of total parking area to be shaded. Due to the size of the project, a minimum of 50% of the parking area is required to be shaded by landscaping. As a condition of approval, the final landscape plan will be required to meet the a 50% parking lot shading requirement.

A sign program has not been submitted as part of this application.

Staff has concerns regarding traffic conditions in the project vicinity. The intersection of Garnet Avenue and N. Indian Canyon Drive currently experiences significant traffic issues during peak periods as drivers approach Interstate 10. In response to staff concerns, the applicant has provided a traffic analysis prepared by Mark Greenwood, P.E. The traffic analysis found that the estimated project traffic can be accommodated by the existing intersection without physical modification, although operating efficiency may be improved by optimizing the traffic signal timing for post-project conditions. The intersection is projected to operate at LOS C with the addition of project traffic; the intersection currently operates at LOS B. The study recommends that the project incorporate the following mitigation measures to ensure safe and efficient traffic flow in the project area; installation of a street light at the project driveway on Garnet Avenue; extension of existing traffic striping (double yellow centerline) along the project frontage; construction of a sidewalk along the project frontage; red painting of the curb along the project frontage; and re-timing the existing traffic signals at Indian Canyon Drive and Garnet Avenue and at Indian Canyon Drive and Eastbound I-10 ramps if necessary.

#### ENVIRONMENTAL ANALYSIS AND NOTIFICATION:

An environmental assessment dated April 5, 2001 was prepared by staff for the Tentative Tract Map. In completing the Environmental Checklist, staff found that there could be a significant environmental impact in the area of traffic if mitigation measures are not incorporated into the project design. A traffic study for the project was prepared by Mark Greenwood, P.E.; this study recommends certain mitigation measures which are listed in the Mitigated Negative Declaration and have been included in the conditions of approval recommended by staff.

Caltrans has reviewed the project and noted that the project will not impact the proposed redesign of the Interstate 10/Indian Avenue Interchange.

All property owners within four hundred (400) feet of the subject site have been notified. As of the writing of this report, staff has not received any correspondence from adjacent property owners.

#### ATTACHMENTS:

1. Vicinity Map
2. Initial Study
3. Resolution
4. Conditions of Approval

RESOLUTION NO.

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.0856 TO ALLOW FOR A 60-UNIT HOTEL WITH AMENITIES AND TWO DRIVE-THRU RESTAURANTS, LOCATED AT 610 W. GARNET ROAD, M-1-P ZONE, SECTION 15.

WHEREAS, Palm Springs Freeway Development, LLC (the "Applicants") filed an application with the City pursuant to section 9402.00 of the Zoning Ordinance for a Conditional Use Permit to allow a 60-unit hotel and two freestanding drive-thru restaurants for the property located at 610 W. Garnet Avenue, M-1-P Zone, Section 15; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider an application for Conditional Use Permit 5.0856 was issued in accordance with applicable law; and

WHEREAS, on July 25, 2001, and August 8, 2001, public hearings on the application for Conditional Use Permit 5.0856 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to CEQA, the Planning Commission finds that, with the incorporation of proposed mitigation measures, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance and therefore recommends adoption of a Mitigated Negative Declaration for the project.

Section 2: Pursuant to Zoning Ordinance Section 9402.00, the Planning Commission finds that:

- a. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by the City's zoning ordinance.

Pursuant to the Zoning Ordinance, a proposed hotel and drive-thru restaurants are uses which are conditionally permitted in the M-1-P zone.

- b. The said use is necessary or desirable for the development of the community, and is in harmony with the various elements or objectives of the General Plan, and is not detrimental to the existing or future uses specifically permitted in the zone in which the proposed use is to be located.

The proposed project is desirable in that it will improve the site and will enhance the area in which the project is proposed. The project is consistent with the objectives of the

General Plan. The proposed uses and improvements are necessary or desirable for the development of the community and will provide services for travelers to and residents within the City.

- c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of land in the neighborhood.

The site is adequate in size and shape to accommodate the proposed hotel and restaurants. The proposed development and uses will not conflict with existing or future uses either adjacent to the property or in the vicinity.

- d. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

Garnet Avenue is a two-lane frontage road along the south side of Interstate 10, and is adequate to accommodate vehicular trips generated by the project. The intersection of N. Indian Canyon Drive and Garnet Avenue, approximately 600 feet east of the project site, will operate at an acceptable LOS (LOS C) with the addition of trips generated by the project. Mitigation measures related to traffic have been included in the project's conditions of approval.

- e. The conditions to be imposed are deemed necessary to protect the public health, safety and general welfare, of the existing neighborhood in which this project is situated.

The proposed development and uses are located within the M-1-P (Planned Research & Development) zoning district which allows for the use of a hotel and drive-thru restaurants by Conditional Use Permit. The proposal will include all improvements necessary to meet current zoning requirements.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Conditional Use Permit 5.0856 subject to those conditions set forth in the attached Exhibit A, which are to be satisfied prior to the issuance of building permits unless otherwise specified.

ADOPTED this 8<sup>th</sup> day of August, 2001.

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

\_\_\_\_\_  
Chairman of the Planning Commission

\_\_\_\_\_  
Secretary of the Planning Commission

Date: August 13, 2003  
To: Planning Commission  
From: Director of Planning & Zoning

CASE 5.0856-CUP. APPLICATION BY PALM SPRINGS FREEWAY DEVELOPMENT, LLC FOR A REVISED CONDITIONAL USE PERMIT TO ALLOW A 65-UNIT HOTEL WITH AMENITIES AND, TWO DRIVE-THRU RESTAURANTS, LOCATED AT 610 W. GARNET AVENUE, M-1-P/HC ZONE, SECTION 15.

RECOMMENDATION:

That the Planning Commission approve a revised Conditional Use Permit 5.0856 for a 65-unit hotel with amenities, two drive-thru restaurant facilities and a 60 foot tall freeway sign, located at 610 W. Garnet Avenue, subject to the conditions outlined in the attached Resolution.

BACKGROUND:

*APP*

On August 8, 2001, then Planning Commission approved Conditional Use Permit 5.0856-CUP for a 60 room hotel facility and two drive through restaurants on this location. On July 23, 2003, the Planning Commission granted a one year time extension of this conditional use permit, through August 7, 2004.

Palm Springs Freeway Development, LLC has submitted an revised application for a Conditional Use Permit to develop a 65-unit hotel with amenities, two drive-thru restaurants and a 60 foot tall freeway sign. This would provide for an additional five hotel rooms. The CUP is required for the hotel use, as well as the drive-thru restaurants. The project is located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10.

The 3.02 acre project site is bounded by Garnet Avenue on the south, and Interstate 10 on the north, and is located west of the intersection of Garnet Avenue and N. Indian Canyon Drive. The existing Pilot Truck Stop with a gas station and fast food restaurants is adjacent to the east, and vacant property borders the project site on the west. The site is currently vacant, and is generally level. The site has a split zoning classification, the west side of the parcel is HC, and the east side of the parcel is M-1-P.

The project proposes a two-story, 65-unit hotel, two freestanding drive thru restaurant facilities and a sixty-five foot tall freeway sign. The proposed hotel consists of 22,000 square feet, and will include 60 guest rooms and an outdoor pool for guests. The two proposed restaurants are 2,400 square feet with seating for 100, and 1,800 square feet with 80 seats.

Adjacent General Plan, Zoning and Land Use			
	General Plan	Zone	Use
North	IND	M-2	Interstate 10
South	IND	M-1-P	Unimproved
East	HC	H-C	Truck Stop
West	IND	M-1-P	Unimproved

## ANALYSIS:

The proposed project is consistent with existing uses in the vicinity; these include a truck stop with gas station and fast food uses on the easterly adjacent property at the northwest corner of Garnet Avenue and N. Indian Canyon Drive, and a freestanding fast food restaurant at the southwest corner of Garnet Avenue and N. Indian Canyon Drive.

The proposed hotel and drive-thru restaurants are conditionally permitted uses in the M-1-P and H-C zones and, with Planning Commission approval of a Conditional Use Permit, the project will conform with zoning requirements for the M-1-P zone. As specified by the M-1-P zone, the hotel is subject to the standards of the R-4 (Large Scale Hotel and Multiple Family Residential) zone.

The design review committee has reviewed and approved the architecture of the proposed hotel, which is reminiscent of the International movement of modern design. The long expanse of the hotel's east elevations on either side of the entry feature regular building offsets and the extensive use of windows to create visual interest; these treatments are repeated on the west (rear) elevation. The north and south elevations feature bold, geometric building planes. The proposed color palette includes stucco in natural desert colors. The color palette proposed for the drive-thru restaurants will complement the hotel color scheme.

Pursuant to Section 93.20.05 of the Zoning Ordinance (Signs), the applicant has submitted an application for a freeway sign. Such signs are allowed on parcels designated HC. This parcel in question is a split zoned parcel, half of the parcel is zoned M-1-P the remainder is HC. The applicant is requesting to locate the freeway sign on the portion of the parcel that is designated M-1-P. In considering the site, the alignment of I-10, the Indian Avenue overpass, and the adjacent topographic features, the proposed location of the sign is the most logical in that it would maximize visibility of the sign to freeway traffic, and therefore be consistent with the intent and purpose of the sign ordinance. Pursuant to Section 94.02.00.6.e of the Zoning Ordinance, the Planning Commission may approve minor modifications to the property development standards, including the regulation of signs, where the Planning Commission finds that such an approval is justified by the unique site conditions and physical constraints which would reduce and obstruct the visibility of a conventional building mounted sign.

The applicant has submitted a schematic design for this sign. The code allows a maximum height of 50', plus five feet for each additional business advertised. Therefore, a maximum height of 60' would be allowed. The distance between the face of the sign and the ground shall not be less than half the height of the structure, therefore, the bottom of the text portion of the sign may be no more than 30' from the ground. The maximum letter size is 3 feet in height. Lastly, businesses are allowed a maximum of 150 square feet per business. As of the writing of this report, the applicant is preparing a flag test, which will simulate the visibility of the proposed sign. Staff will review photo-simulations to determine if size above 25' is warranted per section 93.20.05.11.D of the Zoning Ordinance (Signs). A preliminary site evaluation indicates the additional height may be justified due to the existing bridge. A 25' sign would not be visible to westbound traffic.

Zoning Requirements:

As noted, the hotel is subject to R-4 zoning requirements. R-4 regulations applicable to the subject project are as follows:

	Allowed/Required	Proposed
Density:		
Minimum 1,000 sq.ft. net lot area for hotel room	85 units (Hotel net area)	65 units
Building Height:	30 feet	21 feet
Building Setbacks:		
Front Yard	30 feet	97 feet
Side Yards	20 feet	20 feet
Rear Yard	20 feet	20 feet
Coverage:	45% of site	45% of site

Additional code requirements are as follows:

Parking Front Yard Setback:	10 foot, landscaped with wall or berm	min. 18 foot landscaped area
Off Street Parking:	120 spaces	114 spaces (5% short)
Off Street Loading	required	provided

The applicant is seeking a minor modification to reduce the number of parking spaces by five percent (5%). Staff finds this request to be reasonable given the quick turnover of customers, given the location of the site, and overlap of peak users.

In order to shield the drive through restaurant vehicle stacking from view from the public right of way, the applicant shall design the restaurants with a berm or other screening as appropriate. Both restaurants are designed with the appropriate minimum seven vehicle stacking area.

A landscaping plan has been submitted as part of the application. However, the plan lacks information on the percentage of total parking area to be shaded. Due to the size of the project, a minimum of 50% of the parking area is required to be shaded by landscaping. As a condition of approval, the final landscape plan will be required to meet the a 50% parking lot shading requirement.

Staff has concerns regarding traffic conditions in the project vicinity. The intersection of Garnet Avenue and N. Indian Canyon Drive currently experiences significant traffic issues during peak periods as drivers approach Interstate 10. In response to staff concerns, the applicant has provided a traffic analysis prepared by Mark Greenwood, P.E. The traffic analysis evaluated a 60 room hotel and three fast food restaurants. The project has since been revised, the 45 seat fast food restaurant has been eliminated and five rooms have been added to the hotel. Utilizing the Institute for Traffic Engineers (ITE) Trip Generation Manual, staff has determined that these

revisions to the project will reduce the overall traffic impacts of the proposed project. Specifically, the 45 seat fast food restaurant would have generated 878 additional trips to the site, whereas the additional five hotels rooms will generate an average of 46 additional daily trips to the site. Thus, the revisions to the project will result in a net reduction of 501 average daily trips to the site.

The traffic analysis found that the estimated project traffic can be accommodated by the existing intersection without physical modification, although operating efficiency may be improved by optimizing the traffic signal timing for post-project conditions. The intersection is projected to operate at LOS C with the addition of project traffic; the intersection currently operates at LOS B. The study recommends that the project incorporate the following mitigation measures to ensure safe and efficient traffic flow in the project area; installation of a street light at the project driveway on Garnet Avenue; extension of existing traffic striping (double yellow centerline) along the project frontage; construction of a sidewalk along the project frontage; red painting of the curb along the project frontage; and re-timing the existing traffic signals at Indian Canyon Drive and Garnet Avenue and at Indian Canyon Drive and Eastbound I-10 ramps if necessary. The public works department will need to work with Caltrans on signal timing.

#### ENVIRONMENTAL ANALYSIS AND NOTIFICATION:

An environmental assessment dated April 5, 2001 was prepared by staff for the project. In completing the Environmental Checklist, staff found that there could be a significant environmental impact in the area of traffic if mitigation measures are not incorporated into the project design. A traffic study for the project was prepared by Mark Greenwood, P.E.; this study recommends certain mitigation measures which are listed in the Mitigated Negative Declaration and have been included in the conditions of approval recommended by staff.

The project site is located within the Fringe Toed Lizard Habitat Conservation Area. The developer shall pay a mitigation fee of \$600 per acre, prior to issuance of building permits.

Caltrans has reviewed the project and noted that the project will not impact the proposed redesign of the Interstate 10/Indian Avenue Interchange.

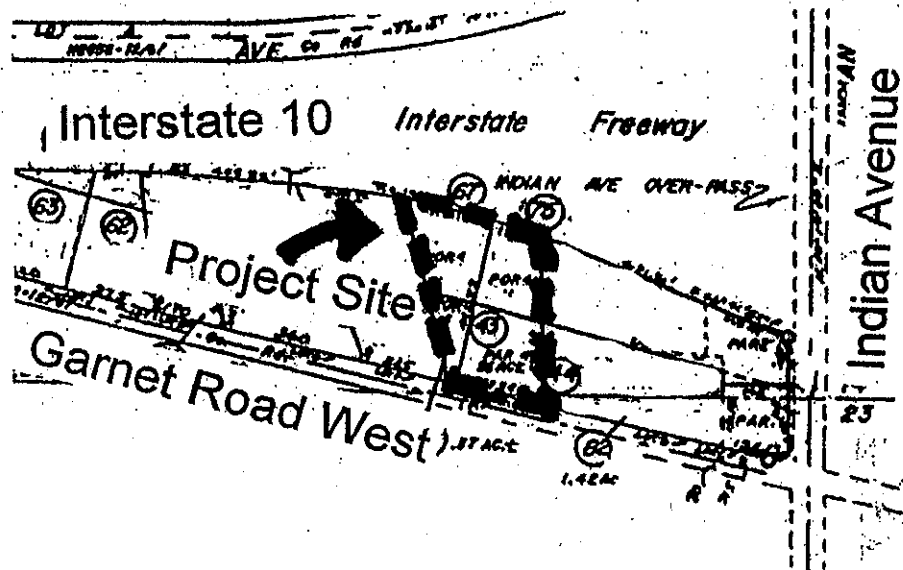
All property owners within four hundred (400) feet of the subject site have been notified. As of the writing of this report, staff has not received any correspondence from adjacent property owners.

#### ATTACHMENTS:

1. Vicinity Map
2. Resolution
3. Conditions of Approval



# VICINITY MAP



## CITY OF PALM SPRINGS

**CASE #:** 5.0856

**APPLICANT:**

Palm Spring Freeway Development, LLC

**DESCRIPTION:**

Conditional use permit to construct a two story 65 unit hotel and two fast food restaurants on a 3.02 acre parcel located to 610 Garnet Road West M-1-P/HC Zone, Section 15

RESOLUTION NO.

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.0856 TO ALLOW FOR A 65-UNIT HOTEL WITH AMENITIES AND TWO DRIVE-THRU RESTAURANTS AND A 60 FOOT TALL FREEWAY SIGN, LOCATED AT 610 W. GARNET ROAD, M-1-P/HC ZONE, SECTION 15.

WHEREAS, Palm Springs Freeway Development, LLC (the "Applicants") filed an application with the City pursuant to section 9402.00 of the Zoning Ordinance for a Conditional Use Permit to allow a 60-unit hotel and two freestanding drive-thru restaurants for the property located at 610 W. Garnet Avenue, M-1-P and HC Zone, Section 15; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider an application for Conditional Use Permit 5.0856 was issued in accordance with applicable law; and

WHEREAS, on August 13, 2003, public hearings on the application for Conditional Use Permit 5.0856 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to CEQA, the Planning Commission finds that a Mitigated Negative Declaration was adopted for the project on August 8, 2001.

Section 2: Pursuant to Zoning Ordinance Section 9402.00, the Planning Commission finds that:

- a. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by the City's zoning ordinance.

Pursuant to the Zoning Ordinance, a proposed hotel and drive-thru restaurants are uses which are conditionally permitted in the M-1-P and HC zone.

- b. The said use is necessary or desirable for the development of the community, and is in harmony with the various elements or objectives of the General Plan, and is not detrimental to the existing or future uses specifically permitted in the zone in which the proposed use is to be located.

Pursuant to Section 94.02.00.6.e of the Zoning Ordinance, the Planning Commission may approve minor modifications to the property development standards, including the regulation of signs, where the Planning Commission finds that such an approval is justified by the unique site conditions and physical constraints which would reduce and obstruct the visibility of a conventional building mounted sign. The proposed project includes a 60' tall freeway sign, located at the northwest corner of the project, adjacent to I-10. In considering the site, the alignment of I-10, the Indian Avenue overpass, and the adjacent topographic features, the proposed location of the sign is the most logical in that it would maximize visibility of the sign to freeway traffic, and therefore be consistent with the intent and purpose of the sign ordinance. The proposed project and freeway sign are desirable in that it will improve the site and will enhance the area in which the project is proposed. The project is consistent with the objectives of the General Plan. The proposed uses and improvements are necessary or desirable for the development of the community and will provide services for travelers to and residents within the City.

- c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of land in the neighborhood.

The site is adequate in size and shape to accommodate the proposed hotel and restaurants. An Administrative minor modification for a five percent reduction in parking is proposed. The proposed development, including the reduction in parking, and uses will not conflict with existing or future uses either adjacent to the property or in the vicinity.

- d. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

Garnet Avenue is a two-lane frontage road along the south side of Interstate 10, and is adequate to accommodate vehicular trips generated by the project. The intersection of N. Indian Canyon Drive and Garnet Avenue, approximately 600 feet east of the project site, will operate at an acceptable LOS (LOS C) with the addition of trips generated by the project. Mitigation measures related to traffic have been included in the project's conditions of approval.

- e. The conditions to be imposed are deemed necessary to protect the public health, safety and general welfare, of the existing neighborhood in which this project is situated.

The proposed development and uses are located within the M-1-P (Planned Research & Development) and HC (Highway Commercial) zoning district which allows for the use of a hotel and drive-thru restaurants by Conditional Use Permit. The proposal will include all improvements necessary to meet current zoning requirements.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.0856-CUP subject to those conditions set forth in the attached Exhibit A, which are to be satisfied prior to the issuance of building permits unless otherwise specified.

ADOPTED this 13th day of August, 2003.

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

\_\_\_\_\_  
Chairman of the Planning Commission

\_\_\_\_\_  
Secretary of the Planning Commission

**PALM SPRINGS  
FREEWAY DEVELOPMENT, LLC**

c/o: The Tahiti Group  
P.O. Box 11291, San Bernardino, CA 92423  
(909) 798-8750 - e-mail: [tahiti.tahiti@verizon.net](mailto:tahiti.tahiti@verizon.net)

---

7/8/2013

Mr. Glen Mlaker, AICP, Planner  
City of Palm Springs  
Post Office Box 2743  
Palm Springs, CA 92263-2743

Re: Case # 5.0865 - Garnet Avenue

---

As discussed, we are attaching our check No. 1006 for \$881.00 with respect to our request for an extension of time for our project.

I understand you will be forwarding us a matrix covering certain issues that we should comment on with respect to this request.

Upon receipt of that outline, we will respond in detail as soon as possible.

Thank you.

PALM SPRINGS FREEWAY DEVELOPMENT LLC

  
\_\_\_\_\_  
Jack D. Vander Woude  
Manager

encl:

RECEIVED

JUL 10 2013

PLANNING SERVICES  
DEPARTMENT

5.0865 7/5/14  
m-l-p

**PALM SPRINGS  
FREEWAY DEVELOPMENT, LLC**

c/o: The Tahiti Group  
P.O. Box 11291, San Bernardino, CA 92423  
(909) 798-8750 - e-mail: [tahiti.tahiti@verizon.net](mailto:tahiti.tahiti@verizon.net)

=====  
July 23, 2013

Re: Project 5.0865 - Palm Springs Freeway Development LLC - Garnet Avenue,  
contiguous to Pilot Truck Stop, Wendy's Restaurant, etc.

=====  
**Additional information re our subject request.**

**HISTORICAL ISSUES:** In 2007 we were fully prepared to start grading our commercial site with our engineered plans for 'dry sewers' and our Preliminary Grading Plan having been checked by the City of Palm Springs. We delivered our Preliminary Grading Plan and engineered sub-surface wastewater disposal plans to County Environmental Health, fully expecting to be able to obtain permits to go forward. We were abruptly informed that effective immediately, no such plans were to be approved by County EHS, at the direction of the State Water Resources Control Board (SWRCB)!

We soon learned that that office had internally made an unannounced, and un-publicized (still the case to this day, as far as we know) decision to establish a de-facto building moratorium in our area of Palm Springs, which is within the service area of Mission Springs Water District, (MSWD) and encompasses the valuable market area of the Interstate 10 corridor east and west of Indian Avenue.

The reason expressed to us; ..."Too high a level of nitrates in the Whitewater Basin!"

Thereafter, we urgently began to explore and conduct expensive engineering studies to determine whether or not we might be able to access sewer lines in the City of Palm Springs. A comprehensive report was prepared by our consultants, IW Engineering, Riverside, CA as of February, 2008. The results; such a project would involve unusually difficult and costly construction issues, having to bring a major sewer interceptor line about 3 1/2 miles down Indian Avenue to Tramway Road. That would require going under existing Amtrak rail lines and shoring up a deep trench in the sandy soils. Not economically feasible.

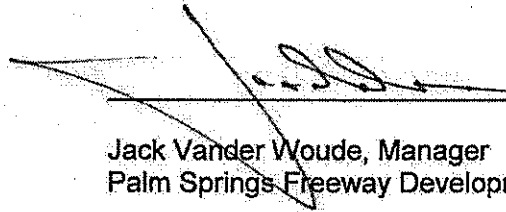
Concurrently, and since January, 2008 .... through and including meetings we have had with that agency within the past few months, we have been working with MSWD in their efforts to construct a new wastewater treatment plant in our area to deal with this area-wide frustrating issue. Please see attached correspondence from Mr. John Soulliere, Economic Director of that agency, which outlines their most recent status in this regard; .....their efforts continue, but no specific target dates for resolution as yet.

**OUR OTHER EFFORTS:** The only other option to allow us to move forward within a short time frame would be our installation of an on-site waste-water treatment plant to serve our one project. This can be a somewhat problematic resolution involving expensive ongoing maintenance issues, operating costs allocations to tenants, disposal pit requirements, etc., etc. The costs are another major consideration. Please see attached quotation from a nationally-recognized firm to provide such a 'package plant' for over \$1,500,000.

We are not seeking any financing at this time. This project can be financed internally without such outside sources needed.

We have more than one nationally-known major restaurant tenants interested in being at this site. In addition, we have been virtually inundated with nationally known 'flags' of hotel operations who would like to be situated at this 'Gateway to Palm Springs freeway site.

Since we have been at the mercy of this frustrating situation, none of which has been as the result of our failures, or lack of our sincere effort, we respectfully request that the City of Palm Springs grant us additional time so that we may continue to address every possible mechanism for us to bring this quality commercial project to fruition.



---

Jack Vander Woude, Manager  
Palm Springs Freeway Development LLC

The Tahiti Group - Redlands, CA  
Mail: P.O. Box 11291 - San Bernardino, CA 92423  
(909) 798-8750  
[tahiti.tahiti@verizon.net](mailto:tahiti.tahiti@verizon.net)

encl:



1925 Palomar Oaks Way, Suite 300  
Carlsbad, CA 92008  
tel: 760.438.7755  
fax: 760.438.7411

July 17, 2013

Jack Vander Woude  
The Tahiti Group - Redlands  
P.O. Box 11291  
San Bernardino, CA 92423

Dear Mr. Vander Woude:

It was a pleasure to discuss with you the exciting Indian Canyon Oases project. CDM Smith stands ready to assist you with your wastewater treatment needs. We have evaluated the requirements for wastewater treatment plant (WWTP) for the project and feel that we can help you with the development of the design as well as the construction. We propose to perform the work in a progressive step manner as described below:

**Step 1- Preliminary Design:** This step includes performing site investigations, and regulatory reviews as well as the development of a 35% design for the WWTP. We will use the preliminary design for development of a Guaranteed Maximum Price (GMP) for the complete design and construction of the facility. We propose to do Step-1 services for a lump sum cost of \$70,000 as itemized on the attached spreadsheet.

**Step 2- Design Build:**

**Step 2A- Final Design:** CDM Smith will prepare final construction document and a refined GMP with some final reductions from the Step1 due to elimination of undefined scope items.

**Step 2B - Construction and startup:** CDM Smith would procure all equipment, labor and material for a complete and operable WWTP system.

The indicative overall approximate price for step 2 (2A and 2B) is \$1,450,000. This is a very rough estimate based on very general assumptions. This cost will be refined after Step1, and refined further after Step 2A as described above.

Attached to this proposal, is our standard progressive design/ build contract for your execution.

Thank you for this opportunity, Should you have any questions please feel free to call me at 949-939-3932.

Sincerely,

  
Sam Abi-Samra, PE

CDM Smith, Inc.

  
Hampik Dekermenjian, PE

CDM Smith, Inc.



## Jack Vander Woude

---

**From:** John Soulliere [jsoulliere@mswd.org]  
**Sent:** Wednesday, July 03, 2013 9:54 AM  
**To:** Jack Vander Woude  
**Subject:** RE: Our project—Update

Jack:

FYI: we are proceeding on an analysis on 250,000 gpd and 500,000 gpd WWTP capacity and a reduced collection system based upon our feedback from property owners.

Webb Associates is performing the analysis. Once the numbers are in hand we will have an idea of the per acre or per EDU spread. This is where the proverbial rubber hits the road. I expect the analysis back in about three weeks.

John Soulliere

—Original Message—

**From:** Jack Vander Woude [mailto:tahiti.tahiti@verizon.net]  
**Sent:** Thursday, June 27, 2013 9:01 AM  
**To:** John Soulliere  
**Subject:** RE: Our project

John: Thank you for your response.....Jack VW

—Original Message—

**From:** John Soulliere [mailto:jsoulliere@mswd.org]  
**Sent:** Wednesday, June 26, 2013 2:50 PM  
**To:** Jack Vander Woude  
**Subject:** RE: Our project

Jack:

thank you for your inquiry. MSWD has been proceeding with the plan to form a financing district in the area of I-10 and Indian. It was only last night that we met with the Desert Hot Springs City Council to provide a progress report and discuss some of the hurdles we are experiencing with moving forward.

At this time over 56% of property owners in the project area have not responded to our survey request that was intended to indicate timeline and type of development that may occur in the region. As you know, the proposal for a treatment plant that would serve the build out of the project area would present a couple of problems. First, it may be 15 or 20 years before build-out is realized creating a significant amount of idle capacity that requires ongoing maintenance. this is unacceptable to MSWD. Second, the cost of that size plant would be significant for those property owners who are not planning development or who have long term investment in renewable energy projects with no return on investment. This, of course, would be unacceptable to the property owners.

Our only recourse was to "poll" the property owners to identify demand for a reasonable period (10 years minimum) and to size the phase one plant accordingly. Once that amount of capacity and accompanying cost is known, we would proceed with a vote.

To date, only about 16% of property owners have indicated interest in development in the next ten years. about 28% have said no outright to the project proposal. 56% did not respond, partly due to the unreliable county property database. We must hear from a significant portion of the 56% to determine whether we have the two-thirds vote support for formation of the district.

A number of alternative actions and strategies are being considered at this point. First, we are going through alternative data channels to identify owners and make contact. Second, we are looking at the project size and determining where exclusions of properties could be reasonably applied to ensure that only properties which desire sewer would participate (though we realize it will never be 100% it

needs to be at least two-thirds). Third, we are analyzing exemptions of certain properties. these would be parcels within the financing district but exempt for a specified period (or some other trigger). They would pay nothing on their tax bill for this specified period but be required to pay a "catch up" amount once they are activated.

We have indicated to the City of DHS that we will have exhausted our resources for contacting property owners in about three weeks. At that point MSWD will determine the next step in the formation process.

We will provide information to property owners shortly thereafter.

Let me know if you have questions.

John Soulliere

---

From: Jack Vander Woude [tahiti.tahiti@verizon.net]  
Sent: Wednesday, June 26, 2013 2:14 PM  
To: John Soulliere  
Subject: Our project

John: I'm about to submit a request to the City of Palm Springs for another extension of time on our approved site plan, for our project on Gamet Avenue, contiguous to the Pilot Truck Stop.\*\*\*

The city has asked that we be specific about why an additional extension is needed. They are aware of the wastewater issue, of course, but would like us to include in our submission confirmation that there is activity now with respect to a proposed assessment district to fund the required new treatment plant.

It would be appreciated if you would be good enough to confirm to me via e-mail that such activity is going forward. I will then include your comments in my submission.

Thank you for your assistance.

Cordially,

Jack Vander Woude, Principal  
The Tahiti Group - Redlands, CA

\*\*\* Project is Case # 5.0856 - Planner: Glenn Mlaker.

Mail: P.O.. Box 11291 - San Bernardino, CA 92423  
(909) 798-8750  
tahiti.tahiti@verizon.net<mailto:tahiti.tahiti@verizon.net>