

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION NO. 200700845 AND THE ADDENDUM THERETO AS SUFFICIENT AND APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 333 AND TENTATIVE PARCEL MAP 35236, AND HEREBY APPROVES AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 333, RECOMMENDS COUNCIL APPROVAL OF TENTATIVE PARCEL MAP 35236, AS PROPOSED BY PRAETOR INVESTMENT, LLC, TO DEVELOP A PROPOSED 200-ROOM HOTEL, 50 HIGH-END RESIDENTIAL UNITS AND A PARKING STRUCTURE ON APPROXIMATELY 10.7 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD

WHEREAS, the Praetor Investments, LLC, (the “Applicant”) has filed an application with the City to amend the previously approved Planned Development District 333 and Tentative Parcel Map 35236 pursuant to the provisions of Section 94.02.00 (B) of the Palm Springs Zoning Code; and

WHEREAS, the City Council of the City of Palm Springs originally approved Planned Development District 333 (PDD 333), on July 18, 2007, for a 200-room hotel and 143-unit condominium units (“Initial Project”); and

WHEREAS, the project applicant timely submitted a request for an extension of the Initial Project and applied for amendments to the PDD 333 and Tentative Parcel Map 35236 (TPM 35236) (collectively the “Amended Project”); and

WHEREAS, on April 22, 2013, the proposed amendment to PDD 333, was reviewed by the Architectural Advisory Committee (AAC), and recommended approval to the Planning Commission with a unanimous vote; and

WHEREAS, on June 12, 2013, a public hearing on the Amended Project was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 2, 2013, the City Council directed staff to re-notice the Amended Project for a public hearing by the Planning Commission, and

WHEREAS, the Amended Project is considered a “project” pursuant to the terms of the California Environmental Quality Act (“CEQA”), and a Mitigated Negative Declaration

has been previously prepared for Initial Project and was distributed for public review and comment in accordance with CEQA; and

WHEREAS, a draft Addendum and a final Addendum have been prepared to the Mitigated Negative Declaration pursuant to CEQA and submitted to the Planning Commission for its review and consideration; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meeting on the Amended Project, including but not limited to the staff report, the Mitigated Negative Declaration and the final Addendum, and all written and oral testimony presented; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the Amended Project, was given in accordance with applicable law; and

WHEREAS, on October 23, 2013, a public hearing on the Amended Project was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on November 13, 2013, a public hearing on the Amended Project was held by the Planning Commission in accordance with applicable law; 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 Amended Project, including but not limited to the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION FINDS AS FOLLOWS:

Section 1: A Mitigated Negative Declaration (MND) has been previously completed for the Initial Project under the provisions of the California Environmental Quality Act (CEQA). A determination was made that the Initial Project had the potential for significant impacts, but that the impacts would not be significant because initial project modifications and mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. An Addendum to the Amended Project has been prepared which finds that the Amended Project will not result in any new environmental impacts or substantially increase the severity of previously identified impacts as compared to the Initial Project. The analysis in the Addendum concludes that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Negative Declaration have occurred and therefore the Addendum to the Amended Project is appropriate to satisfy CEQA requirements for the Amended Project. The evidence in the file support the finding that no circumstances or conditions

requiring the preparation of a subsequent Negative Declaration or EIR are present in this case.

Section 2: Pursuant to Section 94.03.00 of the Palm Springs Zoning Code, the City Council makes the following findings:

- a. *The proposed planned development amendment is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed amendment to Planned Development District 333 is consistent with the General Plan, which includes policies specifically relating to the expansion of the City's tourism base. The project is also consistent with the Section 14 Master Plan, as amended, which represents the General Plan and Zoning for the property on which the project is located.

- 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 project, as planned, designed and conditioned, is consistent with the Section 14 Master Plan and the City of Palm Springs vision of the area for the future. The site is physically suitable and appropriate for the proposed project given its close proximity to the Convention Center and the downtown area. The location provides sufficient access points for all uses proposed.

- 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 Amended Planned Development District modifies development of the project while maintaining the original development envisioned for the site; upon completion of the project, the development will still reflect a manner that is conducive with the urban development sought for in the area. The project adds to the Section 14 Master Plan facilities which are complementary to the Convention Center and the nearby downtown area.

Section 3: The Planning Commission further finds consistent with the requirements of the Subdivision Map Act and Title 9 of the Palm Springs Municipal Code, based on the evidence in the file and the record that the Amended Project complies with applicable requirements as to area, general plan, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of Title 9 of the Palm Springs Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing, the Planning Commission approves the proposed amendment to Planned Development District 333 and recommends approval of modified Tentative Parcel Map 35236 to the City Council, for the development of a 200-room hotel, 50 high-end residential units and a parking

structure on an approximately 10.47 acres of vacant lands located at the northwest corner of Avenida Caballeros and Amado Road subject to the Conditions of Approval attached hereto as Exhibit A and such approvals shall be valid for two years, unless otherwise extended in a manner authorized under applicable provisions of the Palm Springs Municipal Code.

ADOPTED THIS 13th day of November 2013.

CITY OF PALM SPRINGS, CALIFORNIA

ATTEST:

M. Margo Wheeler, AICP
Director of Planning Services