



## CITY COUNCIL STAFF REPORT

DATE: ~~APRIL 1, 2015~~ *Continued to 4.15.2015*

PUBLIC HEARING

SUBJECT: 750 LOFTS, LLC MIXED-USE HOTEL DEVELOPMENT ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT, CEQA MITIGATED NEGATIVE DECLARATION AND REPEALING RESOLUTION NO. 23757 REGARDING THE PREVIOUS APPROVAL OF THE HISTORIC SITE CERTIFICATE OF APPROVAL (HD-1) (CASE 5.1350 PDD 374 / GPA).

FROM: David H. Ready, City Manager

BY: City Attorney

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### SUMMARY

Staff is recommending the City Council rescind the previous resolution relating to the Historic Site Preservation Board Certificate of Approval for the 750 Lofts project, table the public hearing, and refer the project to the Planning Commission.

### RECOMMENDATION:

1. Repeal in its entirety Resolution No. 23757, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE APPEAL OF 750 LOFTS, LLC, AND AMENDING THE CONDITIONS OF APPROVAL IMPOSED BY THE HISTORIC SITE PRESERVATION BOARD ON THE CERTIFICATE OF APPROVAL FOR PLANNED DEVELOPMENT DISTRICT 374, A MIXED-USE PROJECT INCLUDING 38 HOTEL ROOMS, EIGHT RESIDENTIAL UNITS, AND ANCILLARY COMMERCIAL SPACE LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (APN 505-303-018)."
2. Table the public hearing, with no testimony at this time, and refer the project, including all related applications to the Planning Commission for further public hearing, review, and recommendation for Council consideration.
3. Direct the City Clerk to re-notice the public hearing as required by law.

ITEM NO. 1B


FISCAL IMPACT:

None.



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DOUGLAS C. HOLLAND  
City Attorney



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DAVID H. READY  
City Manager

Attachments:  
Resolution No. 23757

RESOLUTION NO. 23757

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE APPEAL OF 750 LOFTS, LLC, AND AMENDING THE CONDITIONS OF APPROVAL IMPOSED BY THE HISTORIC SITE PRESERVATION BOARD ON THE CERTIFICATE OF APPROVAL FOR PLANNED DEVELOPMENT DISTRICT 374, A MIXED-USE PROJECT INCLUDING 38 HOTEL ROOMS, EIGHT RESIDENTIAL UNITS, AND ANCILLARY COMMERCIAL SPACE LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (APN 505-303-018).

WHEREAS, an application for a Planned Development District has been submitted by 750 Lofts, LLC, (the "Applicant"), for the development of a mixed-use project including 38 hotel rooms, eight residential units and ancillary commercial space on a 1.13 acre parcel, identified as Planned Development District 374, ("PDD 374"); and

WHEREAS, PDD 374 is located on the site of an existing commercial development consisting of a two-story bank building with an overall height of approximately 28 feet; and

WHEREAS, PDD 374 is located on property within the Las Palmas Business Historic District, (the "Historic District"), established by the City Council in 1985, subject to certain Design Guidelines, (the "Design Guidelines"); and

WHEREAS, pursuant to Chapter 8.05 "Historic Preservation," of the Palm Springs Municipal Code, (the "PSMC"), PDD 374 is subject to the review and approval of the Historic Site Preservation Board, (the "HSPB"), through issuance of a certificate of approval; and

WHEREAS, on October 14, 2014, the HSPB reviewed PDD 374, and voted to approve PDD 374 subject to further review upon the subsequent submittal by the Applicant of a Major Architectural Approval application associated with PDD 374; and

WHEREAS, the Applicant filed architectural drawings associated with a Major Architectural Approval for PDD 374, subject to review by the Architectural Advisory Committee, (the "AAC"); and

WHEREAS, the AAC reviewed PDD 374 at its October 6, 2014, meeting and approved PDD 374 subject to conditions, including revised landscape plans to address streetscape conditions, review of sight lines from the proposed rooftop deck to adjacent properties, establishment of proposed building height through story poles or equivalent

methods, and resubmittal of color and material samples to determine consistency with architecture found within the Historic District; and

WHEREAS, the AAC reviewed PDD 374 at its December 22, 2014, meeting to consider the additional materials requested as part of its conditional approval at its October 6, 2014, meeting, and found the PDD 374 was generally consistent with the Design Guidelines established for the Historic District; and

WHEREAS, at its December 22, 2014, meeting, the AAC approved PDD 374 finding that the massing of the proposed building had been sensitively handled, and that the resubmitted colors and materials were more harmonious with existing buildings located in the Historic District; and

WHEREAS, pursuant to the HSPB's conditional approval of PDD 374, and a requirement to submit for review and approval a Major Architectural Approval application, the Applicant scheduled further review of PDD 374 by the HSPB following review and approval of PDD 374 by the AAC, and findings by the AAC that PDD 374 was consistent with the Design Guidelines of, and harmonious with existing architecture found in the Historic District; and

WHEREAS, on January 13, 2015, the HSPB reviewed the Major Architectural Approval application associated with PDD 374, and determined that the design of PDD 374 was inconsistent with the Design Guidelines of, and not harmonious with existing architecture found in the Historic District; and

WHEREAS, at its January 13, 2015, meeting, the HSPB voted to approve a Certificate of Approval for PDD 374, subject to four conditions, including Condition No. 1: "The height is inconsistent with historic district guidelines and needs to be reduced by approximately four feet (to roughly 34 feet total)," and Condition No. 2: "The elevation along Indian Canyon Drive should be reduced to two stories and twenty (20) feet closest to the street, and allowed to step back to higher elevations further within the site;" and

WHEREAS, on January 21, 2015, pursuant to Chapter 2.05 and Section 8.05.230 of the PSMC, the Applicant filed an appeal of Conditions No. 1 and No. 2 associated with the Certificate of Approval issued by the HSPB for PDD 374; and

WHEREAS, the applicant has waived its required notice of public hearing of the requested appeal before the City Council; and

WHEREAS, on February 4, 2015, the City Council held a public hearing to consider the Applicant's appeal of Conditions No. 1 and No. 2 associated with the Certificate of Approval for PDD 374 issued by the HSPB at its meeting of January 13, 2015; and

WHEREAS, at its public hearing conducted on February 4, 2015, the City Council has carefully reviewed and considered all of the evidence presented in connection with an appeal of Conditions No. 1 and No. 2 associated with the Certificate of Approval for PDD 374 issued by the HSPB at its meeting of January 13, 2015, including, but not limited to, the staff report, and all written and oral testimony presented; and

WHEREAS, at its public hearing conducted on February 4, 2015, the City Council also reviewed Condition No. 3 associated with the Certificate of Approval for PDD 374 issued by the HSPB at its meeting of January 13, 2015, limiting any additional shade structures on the 4th floor roof deck, and carefully considered the elimination of the condition based on the evidence and all written and oral testimony presented; and

WHEREAS, adoption of this Resolution upholding the appeal of Conditions No. 1 and No. 2, and the elimination of Condition No. 3 associated with the Certificate of Approval issued by the HSPB for PDD 374 is not considered a "project" as defined by Section 15378 of the California Environmental Quality Act (CEQA), in that PDD 374 itself is considered a "project" subject to additional future discretionary approvals and CEQA review by the City, however, pursuant to CEQA the term "project" does not mean each separate governmental approval, and the action considered by this Resolution will not itself result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are all true and correct and are hereby adopted as findings.

SECTION 2. The Design Guidelines for the Las Palmas Business Historic District include general provisions for building height and massing, and state (in relevant part, with emphasis added): *The height of new construction should be generally similar to other buildings in the surrounding area. Variety in building heights may be achieved by creating setbacks in the façade, by stepping back upper stories, and by building decks and balconies, when this is appropriate for the design...One- and two-story buildings are typical of this area. Towers with additional stories have been used at the corners of some buildings to create interest.*" The City Council hereby finds that Planned Development District 374, as reviewed and approved by the City's Architectural Advisory Committee, has massing of the proposed building that has been sensitively design within the context of the Las Palmas Business Historic District, and is in general conformance with the Design Guidelines established for the Las Palmas Business Historic District.

SECTION 3. The City Council hereby upholds the appeal submitted by 750 Lofts, LLC, related to Planned Development District 374, and eliminates Conditions No. 1, No. 2, and No. 3 of the Certificate of Approval for Planned Development District 374 issued by the Historic Site Preservation Board at its January 13, 2015, meeting,

imposing a maximum overall building height of 34 feet, a maximum building height of 20 feet as measured at the closest setback to the Indian Canyon Drive frontage, and a limitation on any additional shade structures on the 4th floor roof deck.

ADOPTED THIS 4<sup>TH</sup> DAY OF FEBRUARY, 2015.

  
\_\_\_\_\_  
DAVID H. READY, CITY MANAGER

ATTEST:


  
\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Resolution No. 23757 is a full, true, and correct copy, and was adopted at a regular meeting of the City Council held on the 4<sup>th</sup> day of February, 2015, by the following vote:

- AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.
- NOES: None.
- ABSENT: Councilmember Foat.
- ABSTAIN: None.

  
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JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California 02/04/2015

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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Date: March 18, 2015  
Subject: 750 Lofts, LLC – Case. 5.1350

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 7, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on March 4, 2015.

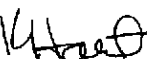
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 4, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.  
(91 notices)

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1350 PDD 374 / GPA / CUP, 3.3795 MAJ  
AN APPLICATION BY 750 LOFTS, LLC FOR A MIXED-USE DEVELOPMENT  
ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of March 18, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider a proposal to demolish existing buildings and parking areas for construction of a four-story mixed use 46-unit hotel with ancillary space for retail, a restaurant, a spa, a rooftop pool and bar, and off-street parking. The application includes (1) a planned development district in lieu of a change of zone to establish permitted uses and development standards, (2) a general plan amendment (GPA) to increase the maximum floor area ratio (FAR) from 0.35 to 1.0, (3) a major architectural application (MAJ) to review the proposed architecture and site design, and (4) a Conditional Use Permit (CUP) for spa uses and bar (cocktail lounge) uses, hotel uses with more than 10% of the rooms with cooking facilities, to engage the high-rise ordinance and to seek deviations from the development standards therein, located at 750 North Palm Canyon Drive. (Case 5.1350 PDD 374 / GPA / CUP, & Case 3.3795 MAJ); Zone C-1 / R-3 / PDD 104 / Resort Combining Zone / Las Palmas Business Historic District (APN # 505-303-018)

**ENVIRONMENTAL DETERMINATION:** An initial study was conducted and a Mitigated Negative Declaration (MND) is proposed for this project under the guidelines of the California Environmental Quality Act (CEQA). Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, RA, Associate Planner, at (760) 323-8245.

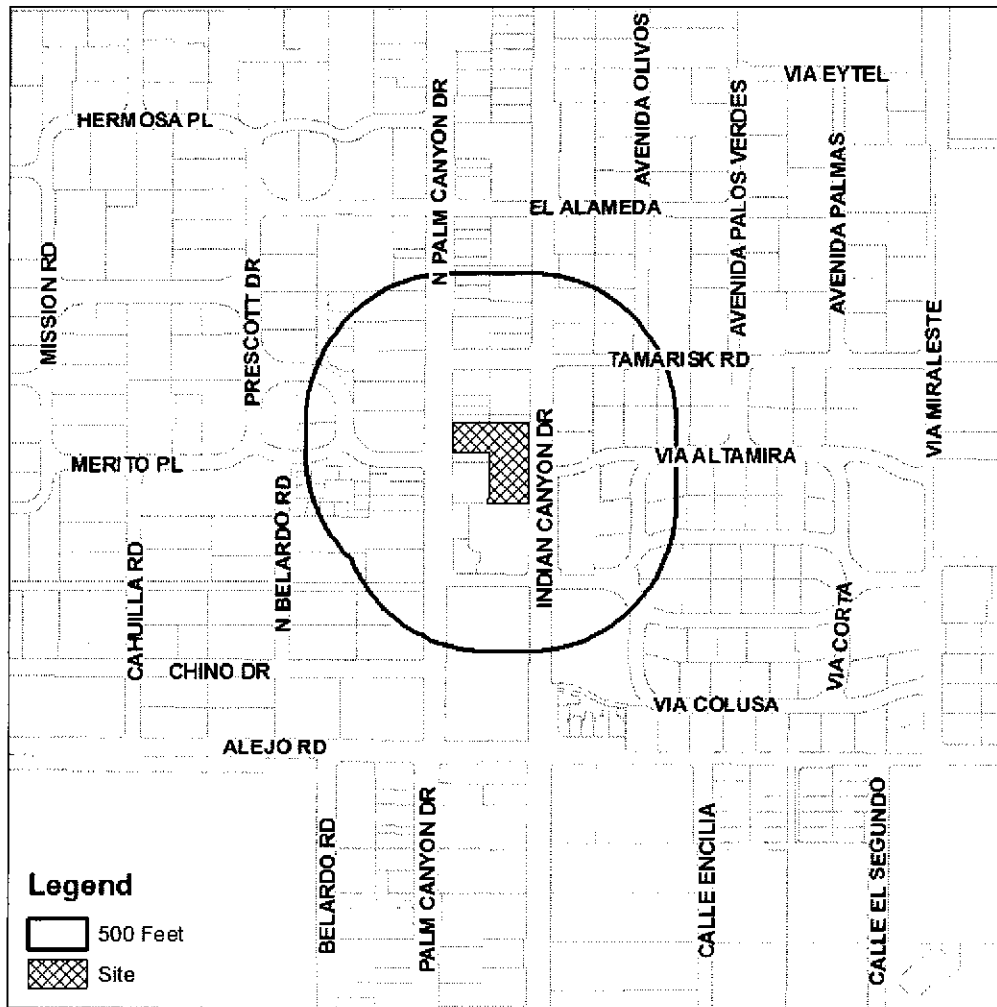
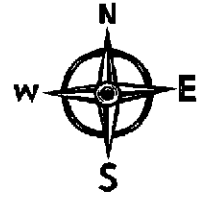
Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.

  
James Thompson, City Clerk





# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS



# City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

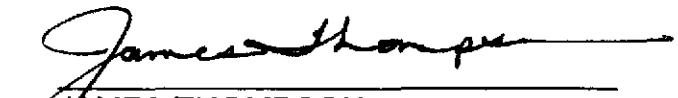
Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

## NOTICE OF CONTINUANCE

**NOTICE IS HEREBY GIVEN** that the Regular Meeting held on March 18, 2015, the City Council continued Public Hearing Item No. 1.D. to April 1, 2015.

**750 LOFTS, LLC MIXED-USE HOTEL DEVELOPMENT ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT, AND APPROVING A CEQA MITIGATED NEGATIVE DECLARATION (HD-1) (CASE 5.1350 PDD 374 / GPA):**

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on March 19, 2015, as required by established policies and procedures.

  
\_\_\_\_\_  
JAMES THOMPSON  
City Clerk



# City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

## NOTICE OF CONTINUANCE

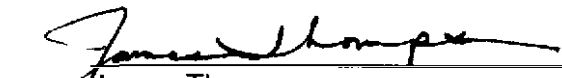
NOTICE IS HEREBY GIVEN that the Regular Meeting held on April 1, 2015, the City Council continued Public Hearing Item No. 1.B. to April 15, 2015.

**750 LOFTS, LLC MIXED-USE HOTEL DEVELOPMENT ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT, CEQA MITIGATED NEGATIVE DECLARATION AND REPEALING RESOLUTION NO. 23757 REGARDING THE PREVIOUS APPROVAL OF THE HISTORIC SITE CERTIFICATE OF APPROVAL (HD-1) (CASE 5.1350 PDD 374 / GPA):**

### AFFIDAVIT OF POSTING

State of California    )  
County of Riverside   ) ss.  
City of Palm Springs   )

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m., April 2, 2015, as required by established policies and procedures.

  
James Thompson  
City Clerk