



## City Council Staff Report

DATE: February 3, 2016

Public Hearing

SUBJECT: ROBERT HERSCU OF SOUTH PALM CANYON, LLC, APPEALING THE DECEMBER 9, 2015, DECISION OF THE PLANNING COMMISSION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT (PDD 311) CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE, ZONE CBD/PDD 311.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider an appeal by Robert Herscu, on behalf of South Palm Canyon LLC, seeking to overturn a decision of the Planning Commission of December 9, 2015 to grant a one-year extension of time for a previously-approved mixed-use Planned Development District (PDD 311) consisting of 125-condominium units and approximately 39,000-square feet of retail/commercial space on a 2.67-acre site, located at 440-490 South Palm Canyon Drive. The project has had seven (7) previous extension of time applications approved since 2008.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT (PDD 311) CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE, ZONE CBD/PDD 311."

ITEM NO. 1A

**BACKGROUND INFORMATION:**

<b>Related Relevant Prior City Actions</b>	
10.11.06	The Planning Commission considered the mixed-use project and by a vote of 7-0, certified the Final Environmental Impact Report; approved the project architecture and Planned Development District 311.
10.25.06	The City Council certified a final environmental impact report and approved Planned Development District 311 as recommended by the Planning Commission.
11.19.08	The Planning Commission granted a one-year time extension for PD 311 from October 25, 2008 to October 24, 2009.
01.27.10	The Planning Commission granted a one-year time extension for PD 311 from October 25, 2009 to October 24, 2010.
12.08.10	The Planning Commission approved a one-year time extension for PD 311 from October 24, 2010 to October 23, 2011.
11.22.11	The Planning Commission approved a one-year time extension for PD 311 from October 23, 2011 to October 22, 2012.
01.09.13	The Planning Commission approved a one-year time extension for PD 311 from October 24, 2012 to October 24, 2013.
10.23.13	The Planning Commission approved a one-year time extension for PD 311 from October 25, 2010 to October 24, 2014.
10.22.14	The Planning Commission approved a one-year extension of time by a vote of 5-1-1 for PD 311 from October 24, 2015 to October 23, 2015.
08.20.15	The property was cited for a public nuisance violation for lack of landscaping maintenance. Trees were removed and light poles were missing at the site.
12.09.15	The Planning Commission denied a request for a one-year extension of time.
<b>Most Recent Change of Ownership</b>	
2006	South Palm Canyon, LLC

**BACKGROUND AND SETTING:**

The South Palm Canyon project is a mixed-use development consisting of residential, commercial and retail space originally approved by the City Council on October 25, 2006. As designed, the project consists of 125 condominium units and 39,000 square feet of retail/commercial space on a 2.67-acre site. The project will be located in a fully developed section of the downtown district of the City. The property is bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Ramon Road to the south. The existing buildings on the site, totaling approximately 47,000 square feet in size, will be demolished to make room for the new project. The immediate areas surrounding the location are fully improved with streets, curbs, gutter, sidewalks and landscaping. The Council also approved a Tentative Tract Map application (TTM 33514) to create a condominium map for the approximately 2.67-parcel. A Final Map has not been submitted for the project. The tentative tract remains valid through October 24, 2016, because of the automatic extensions granted by the State of California during the recession beginning from 2008.

There are existing commercial and retail uses at the site and within its immediate vicinity. To the north of the property, there is a two-story bank building along with other small retail stores; to the west along Palm Canyon Drive, there is an existing three-story commercial establishment with a subterranean parking structure. The site is identified as the southern gateway for the downtown area in the Downtown Design Guidelines. A Planned

Development District granting relief from development concepts and standards of the Central Business District was part of the original entitlement. In this project, the City Council approved deviations from height limit requirements, setbacks and parking standards. The maximum height allowed in the Central Business District (CBD), is 30 feet; the PDD allows this project a maximum height of 57 feet. Required setback along Palm Canyon Drive is 50 feet from centerline of the street, PDD 311 allowed 48 feet. Required setback along Indian Canyon Drive is 20 feet, PDD 311 allows zero foot and finally required setback along Ramon Road is 10 feet, PDD 311 allows zero foot. The total number of required parking spaces for retail/restaurant use for the project is 104, PDD 311 allowed 97 spaces.



Aerial View of the South Palm Canyon Site

**ANALYSIS:**

Pursuant to Section 94.03.00(H) of the Palm Springs Zoning Code, *If, within two (2) years after the date of approval by the city council of the preliminary development plan, the final development plan, as indicated in Section 94.03.00(I), has not been approved by the planning commission, the procedures and actions which have taken place up to that time shall be null and void and the planned development district shall expire. Extensions of time may be allowed for good cause.* No specific findings or determinations are required to grant time extensions for previously approved Planned Development District projects.

Extensions of time are limited to a maximum of one year at a time. In the letter of time extension request dated October 6, 2015, the applicant noted that they *“still intend to build the development, and remain very confident it will come to fruition”*.

Having granted seven (7) previous extensions of time for the entitlement, on December 9, 2015, the Planning Commission made a determination that the appellant has not *“demonstrated a good cause”* or shown that the project will ever move forward and thus by a vote of 4-2, denied the request for extension of time.

#### APPEAL AND STAFF ANALYSIS:

On December 17, 2015, Robert Herscu appealed the action of the Planning Commission. The bases of the appeal and staff analysis are the following:

Appellant: *“Certainly the most important factor was the recession of 2008 to 2012 when major real estate lending was virtually non-existent. Even during the recession, we steadfastly continued to seek lending for our project without success. This one factor accounts for the majority of the time since the original approvals in 2006”*.

Staff Response: The Planning Commission took the recession into consideration from the first extension of time request when the applicant indicated that efforts were being made to secure financing for a mixed-use project of the size and scope of the South Palm Canyon project. In the following years, the Commission continually asked the appellant to show specific steps taken over the past year to advance the project; the appellant has not met this request.

Appellant: *“A second issue was the passing of one of the original partners two years ago which put the project on hold while the partners evaluated this project among other endeavors”*.

Staff Response: The change in partnership was not included in the extension of time request letter from the appellant as a justification for the project not moving forward.

Appellant: *“The third major factor is the difficulty in being able to phase this development due to the particular design of the project. The matter of phasing was not seen as necessary at the onset as a residential project of 125 units was common prior to the recession. In today’s market, new home development is now built in much smaller phases of 15 to 25 units per the requirements of lenders hence our current obstacle. We are exploring ways to allow phasing as well as evaluating the project mix as solutions while staying within the approved entitlement envelope”*.

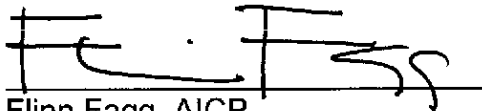
Staff Response: The appellant did not discuss the process or the possibility of phasing this project with staff from the Planning Services. A reference to a possible phasing plan was made at the Planning Commission hearing of December 9, 2015, but no formal request was ever made.

CONCLUSION:

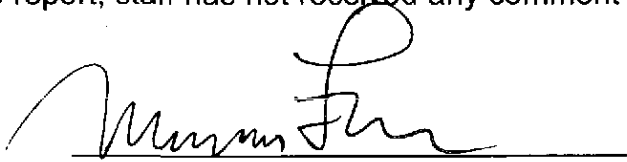
On October 25, 2006, the City Council certified a Final Environmental Impact Report (EIR) and approved the South Palm Canyon mixed-use project. Since that time the Planning Commission has granted seven (7) one-year extensions for this entitlement. The Commission cited economic circumstances and hardship that impacted commercial development activities in the City over the last seven years as a reason for approving the previous extension of time applications. In 2014, the appellant informed the Commission that they are having discussions with CB Richard Ellis, Marcu & Millichap and Grubb & Ellis for a possible joint partnership. However, since that time, the Commission felt that the appellant has not shown efforts to commence construction nor has the property owner offered any evidence that the project will be developed or issued building permits in the near future and therefore, the entitlement has gone long enough. No building permits have been issued and no final development plans have been submitted for the project. If the appeal is denied, the tentative condominium map will remain valid; the applicant could submit a new project application and possibly amend the map.

NOTIFICATION:

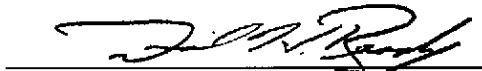
A public hearing notice was published in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comment on the appeal request.



Flinn Fagg, AICP  
Director of Planning Services



Marcus L. Fuller  
Assistant City Manager/City Engineer



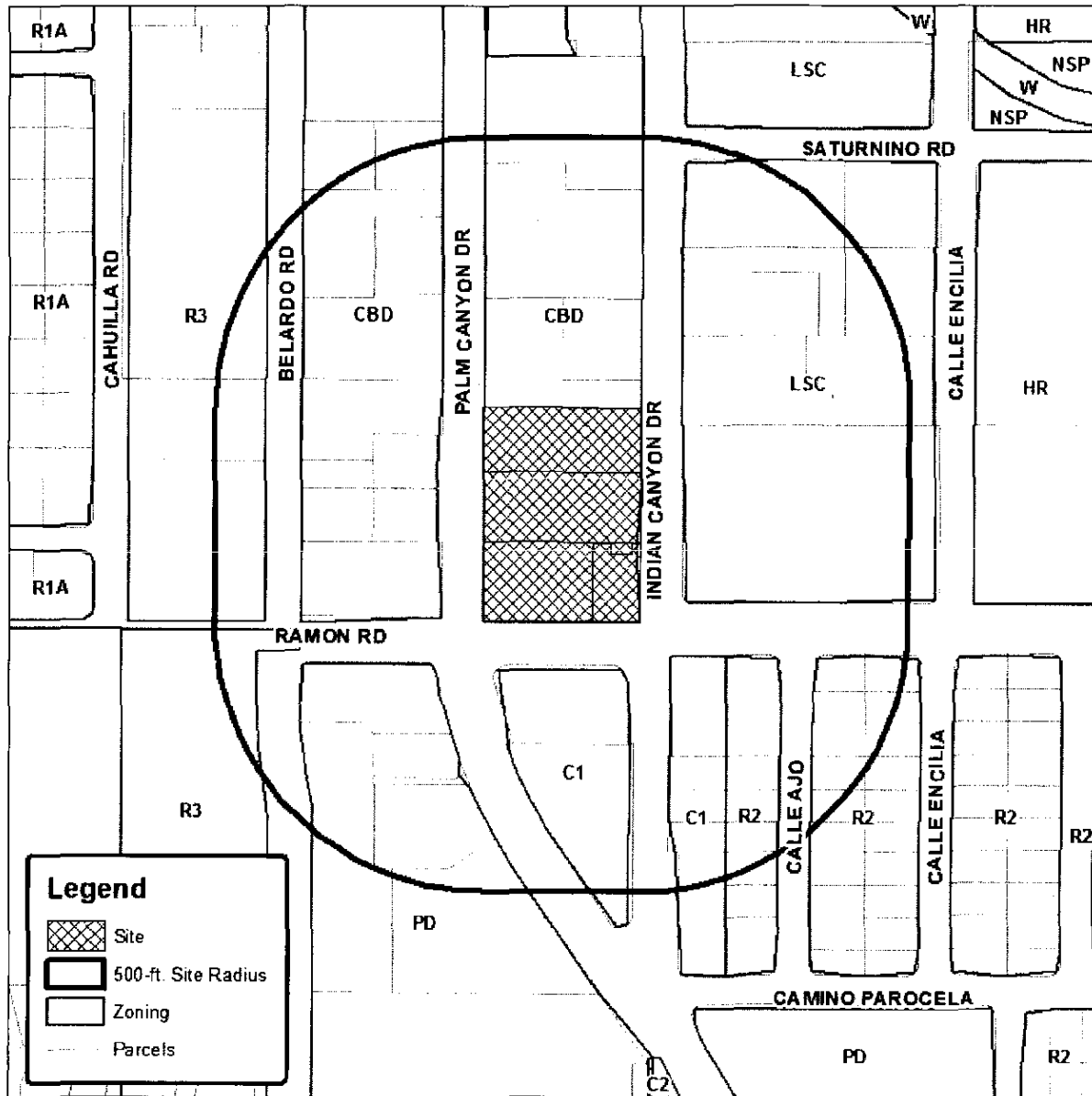
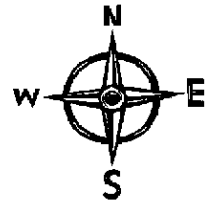
David H. Ready, Esq., Ph.D.  
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Appeal Letter
4. Letter of extension request from the applicant dated October 6, 2015.
5. Planning Commission Minutes dated December 9, 2015.
6. Previously Approved Plans.



# Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT (PDD 311) CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE, ZONE CBD/PDD 311.

**The City Council of the City of Palm Springs finds:**

- A. On December 17, 2015, Robert Herscu of South Palm Canyon, LLC, submitted an extension of time request to the City of Palm Springs for a previously approved mixed-use Planned Development District PDD 311 commonly called the "South Palm Canyon".
- B. The South Palm Canyon property is located at 450-490 South Palm Canyon Drive and is zoned CBD/PDD-311 (Planned Development District 311); the entitlement is valid for two years and had previously been granted seven (7) one-year extensions of time.
- C. The Planning Commission considered the extension of time request at its public hearing meeting of December 9, 2015, and determined that the appellant has not demonstrated a good cause for one more extension and denied the request.
- D. On December 17, 2015, Robert Herscu, pursuant to Chapter 2.05 and Section 8.05.230 of the Palm Springs Municipal Code, filed an appeal of the action of the Planning Commission to deny the extension of time request.
- E. On February 3, 2016, the City Council held a public hearing to consider the Applicant's appeal of the Planning Commission's action to deny the request by Robert Herscu for a one-year extension of time.
- F. At its public hearing conducted on February 3, 2016, the City Council has carefully reviewed and considered all of the evidence presented in connection with the appeal, including, but not limited to, the staff report, and all written and oral testimony presented.

**The City Council of the City of Palm Springs resolves:**

SECTION 1. The above findings are all true and correct.

SECTION 2. The City Council hereby denies the appeal submitted by Robert Herscu, regarding the denial of a one-year extension of time request by the Planning Commission for a previously approved Planned Development District 311 for the development of a mixed-use project.

ADOPTED this 3<sup>rd</sup> day of February, 2016.

\_\_\_\_\_  
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, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on February 3, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

**South Palm Canyon LLC  
1801 Century Park E Suite 1560  
Los Angeles CA 90067**

Tel 310-280-2830 Fax 310-349-3435

RECEIVED  
CITY OF PALM SPRINGS  
2015 DEC 17 PM 5:11  
JAMES THOMPSON  
CITY CLERK

December 16, 2015

Palm Springs City Council  
c/o James Thompson, City Clerk  
Palm Springs, California 92262

Subject: Appeal of Planning Commission Denial of Time Extension for  
Case 5.1042 PD 311

Dear City Council:

On December 9, 2015, the Planning Commission voted 4-2 to deny our request for an additional one year extension of the Planned Development District for the South Palm Canyon Development. We feel there have been compelling reasons that we have not been able to move this project forward but we are still committed to this important development and seek the Council's approval of the requested extension of time.

In explanation of what has complicated our efforts, certainly the most important factor was the recession of 2008 to 2012 when major real estate lending was virtually non-existent. Even during the recession, we steadfastly continued to seek lending for our project without success. This one factor accounts for the majority of the time since the original approvals in 2006.

A second issue was the passing of one of the original partners, my father, two years ago which put the project on hold while the partners evaluated this project among other endeavors.

The third major factor is the difficulty in being able to phase this development due to the particular design of the project. Originally we had engaged the firm of the late Jon Jerde who conceived the basics of the mixed use project and then turned to a local Palm Springs firm O'Donnell Escalante for a more appropriate and sensitive local architectural vision. The matter of phasing was not seen as necessary at the onset as a residential project of 125 units was common prior to the recession. In today's market, new home development is now built in much

**South Palm Canyon LLC**  
**1801 Century Park E Suite 1560**  
**Los Angeles CA 90067**

Tel 310-280-2830 Fax 310-349-3435

RECEIVED  
CITY OF PALM SPRING

2015 DEC 17 PM 5: 11

JAMES THOMPSON  
CITY CLERK

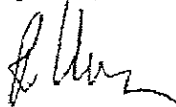
smaller phases of 15 to 25 units per phase per the requirements of lenders hence our current obstacle. We are exploring ways to allow phasing as well as evaluating the project mix as solutions while staying within the approved project entitlement envelope.

We ask the Council to allow us additional time to explore how best to bring this project to fruition within the overall framework of the approved Planned Development District. We have invested several million dollars in getting the project to this point and since the property is currently contributing to the downtown economy, the status quo is still a positive while we continue to bring to life the first major residential mixed use development in the downtown area—a perfect bookend to the Rael development, now under construction at the north end of the downtown.

When The South Palm Canyon was originally approved, it was not at all controversial and the Environmental Impact Report did not suffer a legal challenge. The project received unanimous votes of approval from the Architectural Advisory Committee, the Planning Commission and the City Council. The EIR along with the Tentative Tract Map remain valid and useable and could remain valid to support the approved Planned Development District if extended and as long as any project design changes fall within the framework of the two documents. In as much as the project remains totally consistent with the 2007 General Plan Update, we request an additional one (or preferably two) year extension from the City Council.

We thank you for your consideration of this request,

Very truly yours,



Robert Herscu

c: Flinn Fagg, AICP

Marvin Roos, MSA Consulting, Inc.

^[[5i

CITY OF PALM SPRINGS

RECD BY: CR 01000079515  
PAYOR: 450 PALM CYN DR LLC  
TODAY'S DATE: 12/21/15  
REGISTER DATE: 12/21/15 TIME: 11:45

DESCRIPTION	AMOUNT
OTHER CHARGES SVCS	\$881.00
CUST ID: APPEAL PC TO CITY COUNC	
TOTAL DUE:	----- \$881.00

CHECK PAID:	\$881.00
CHECK NO: 0132	
TENDERED:	\$881.00
CHANGE:	\$.00

^[[4i

694

0132

FARMERS & MERCHANTS BANK

450 PALM CANYON DRIVE LLC

90-119/1222

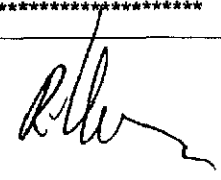
12/11/2015

PAY TO THE ORDER OF City of Palm Springs

\*\*881.00 \$

Eight Hundred Eighty-One and 00/100\*\*\*\*\* DOLLARS

City of Palm Springs  
Department of Planning Services  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262



MSA 12/11/2015

### REQUEST FOR TREASURER'S RECEIPT

TO: FINANCE DEPARTMENT, CASHIER DATE: 12.17.15

FROM: CITY CLERK'S OFFICE

PLEASE ACCEPT \$ 881.00

FROM: 450 Palm Canyon Drive LLC

FOR: Appeal PC decision to City Council

MAPS & PUBLICATIONS - 001-34106

OTHER CHARGES - CURRENT SERVICE - 001-34110

CREDIT ACCOUNT NO. CIRCLED ABOVE BY ORDER OF Kol

**Kathie Hart**

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**From:** Flinn Fagg  
**Sent:** Wednesday, December 23, 2015 1:09 PM  
**To:** Kathie Hart  
**Cc:** Marcus Fuller  
**Subject:** FW: Appeal Hearing

The representative for the applicant has agreed to the February 3<sup>rd</sup> City Council date for the appeal hearing (see below – the applicant was copied on the response).

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**From:** Edward Robertson  
**Sent:** Wednesday, December 23, 2015 1:03 PM  
**To:** Flinn Fagg  
**Subject:** FW: Appeal Hearing

Flinn, please see the email below.

*Edward*

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**From:** Roos, Marv [<mailto:MRoos@msaconsultinginc.com>]  
**Sent:** Wednesday, December 23, 2015 11:59 AM  
**To:** Edward Robertson  
**Cc:** Robert Hescu ([RHescu@hqdevelopment.net](mailto:RHescu@hqdevelopment.net))  
**Subject:** RE: Appeal Hearing

Edward: That date is fine with our client. thx

**Marvin D. Roos**  
*Director of Design Development*  
*MSA Consulting, Inc.*

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**From:** Edward Robertson [<mailto:Edward.Robertson@palmssprings-ca.gov>]  
**Sent:** Wednesday, December 23, 2015 10:08 AM  
**To:** Roos, Marv  
**Subject:** Appeal Hearing

Good morning Marvin, I'm still waiting for your email confirming our discussion on the hearing date for the South Palm Canyon Appeal hearing date. I need to know by noon today for the agenda purposes. Let me know if I should go ahead and contact Robert Hescu directly for the February 3<sup>rd</sup> hearing date. Thanks.....

*Edward B. Robertson*  
*Principal City Planner*  
*City of Palm Springs*  
*3200 E. Tahquitz Canyon Way*  
*Palm Springs, CA 92262*  
*Office: (760) 323-8245 | Fax: (760) 322-8360*  
*[Edward.Robertson@palmsspringsca.gov](mailto:Edward.Robertson@palmsspringsca.gov)*

**CITY OF PALM SPRINGS  
PUBLIC NOTIFICATION**



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Date: February 3, 2016

Subject: APPEAL

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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 January 23, 2016.

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

Kathie Hart  
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 January 21, 2016.

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

Kathie Hart  
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 January 21, 2016, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.  
(100 notices)

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

Kathie Hart  
Kathie Hart, MMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

APPEAL OF CASE 5.1042 - PLANNED DEVELOPMENT DISTRICT 311  
EXTENSION OF TIME FOR THE SOUTH PALM CANYON MIXED-USE PROJECT  
LOCATED AT 450 - 490 SOUTH 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 February 3, 2016. The City Council meeting begins at 6:00 pm, in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an appeal by Robert Herscu of South Palm Canyon LLC, regarding the Planning Commission's decision on December 9, 2015, denying an extension of time request for a previously approved Planned Development District 311. The Planned Development District was for the development of up to 125 condominium units and approximately 39,000 square feet of commercial space on a 2.67-acre site bounded by South Palm Canyon Drive on the west, Indian Canyon Drive on the east, and Ramon Road on the south, zoned CBD. The project was originally approved in 2006.

**ENVIRONMENTAL DETERMINATION:** A Final Environmental Impact Report (FEIR) was previously certified 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, between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday.

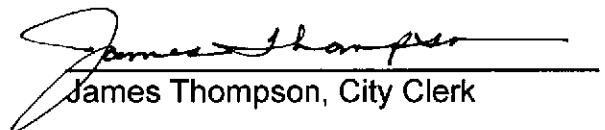
**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would 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 Edward O. Robertson, Principal Planner, at (760) 323-8245.

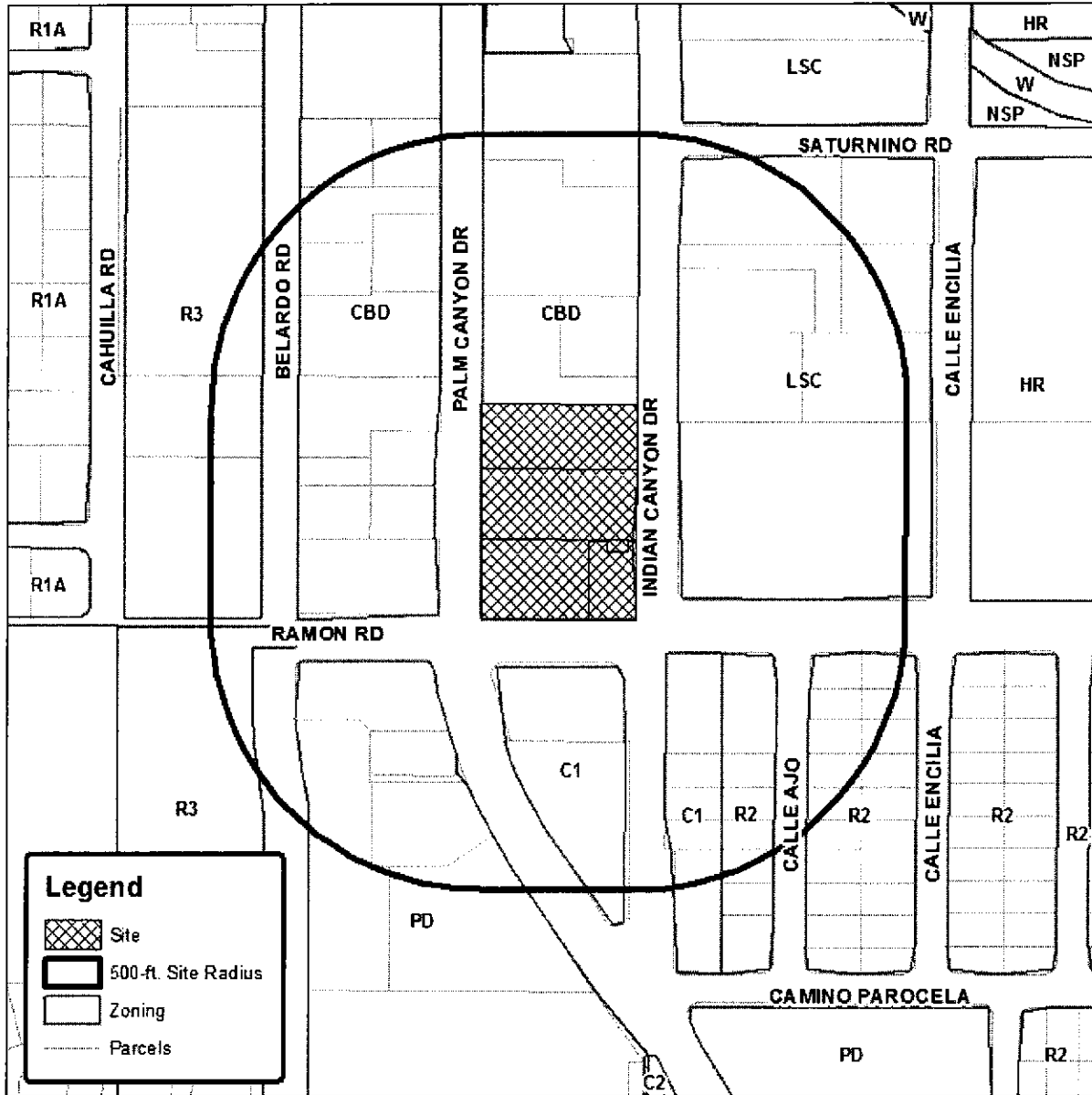
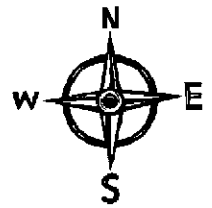
Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8245.

  
James Thompson, City Clerk









# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  500-ft. Site Radius
-  Zoning
-  Parcels

CITY OF PALM SPRINGS

**Kathie Hart**

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**From:** Joanne Bruggemans  
**Sent:** Thursday, January 21, 2016 9:27 AM  
**To:** Midtown; Historic Tennis Club; Baristo ; Warm Sands; Tahquitz River Estates  
**Cc:** Edward Robertson; Kathie Hart  
**Subject:** Appeal of Case 5.1042 PD 311 - Extension of Time for the South Palm Canyon Mixed-Use Project  
**Attachments:** 5.1042 TE Appeal PHN CC 02 03 16.pdf

Morning -

Please find the attached Public Hearing Notice of the City Council for February 3, 2016 of the proposed project within a ½ mile of your neighborhood organization.

Thank you,

*Joanne*

Joanne H Bruggemans  
City of Palm Springs  
Planning Services Department  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262  
Tel: (760) 323-8245 Fax: (760) 322-8360  
Email: [joanne.bruggemans@palmspringsca.gov](mailto:joanne.bruggemans@palmspringsca.gov)

**SOUTH PALM CANYON, LLC**  
**1801 Century Park East, Suite 1560, Los Angeles, CA 90067**

October 6, 2015

Via E-Mail

Mr. Glenn Mlaker, AICP  
Assistant Planner  
City of Palm Springs  
Department of Planning Services  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**RECEIVED**

OCT 07 2015

PLANNING SERVICES  
DEPARTMENT

**RE: Case No. 5.1042 PD 311 & TTM 33514 – (The South Palm Canyon)**  
**440-490 S. Palm Canyon Drive, 471 S. Indian Canyon Drive, et al, Palm Springs, CA**  
**APN: 513-214-004, 005 & 513-214-010, 011**

Dear Mr. Mlaker:

I am writing on behalf of South Palm Canyon, LLC to respectfully request an extension of the entitlements for the above-referenced property, which expire during October, 2015.

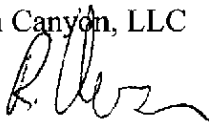
For your information, I still intend to build this development, and remain very confident that it will come to fruition. In the meantime, as you may be aware, we continue striving to ensure the property is properly maintained during this interim period of time, including occupying the majority of the buildings with "temporary tenants" in an effort to aid in the synergy and success of all properties on South Palm Canyon Drive.

It is my understanding the a fee of \$881.00 is required for the extension, and I have included a check, in the amount of \$881.00, payable to the City of Palm Springs.

Should you have any questions or require any additional information, please feel free to contact me at (310) 280-2830.

Sincerely,

South Palm Canyon, LLC



Robert Herscu  
Manager Member

513-214-004  
CRB 13/4/4

**ACTION:** Approve as recommended.

**Motion:** Commissioner Donenfeld, seconded by Commissioner Middleton and carried 5-1-0 on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Chair Klatchko

**NOES:** Commissioner Weremiuk

**3B. SOUTH PALM CANYON, LLC, REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT CONSISTING OF 125 CONDOMINIUM UNITS AND 39,000-SQUARE FEET OF COMMERCIAL SPACE ON 2.67 ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE (CASE 5.1042 PD 311). (ER)**

Principal Planner Robertson presented the proposed one-year time extension request.

Commissioner Weremiuk commented that they asked in the past to include a letter from the applicant explaining why they have not moved forward in the past year and she does not see it.

**ACTION:** Continue to a date certain of January 13, 2016.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Lowe.

***Further discussion occurred:***

Chair Klatchko noted that the applicant has not complied with what the Commission has requested and does not see any efforts in moving forward with this project.

Commissioner Lowe expressed concern about extending another time extension after seven years - for a project that may not be viable. He noted a significant amount of activity is going on surrounding this building.

ROBERT HERSCU, applicant, said he is committed to this project and it is very important to the downtown area. He stated that they are planning to come back with a reconfigured project of half its size and have spent an inordinate amount of money to get approvals and requested more time to bring back a viable project.

Commissioner Middleton noted that if this request is granted they would be coming back 9 months. She said it's time to get this project off the ground and it will be a fundamentally different project.

Commissioner Weremiuk said she was the biggest proponent the last time the Commission reviewed this but with the lack of action this year she feels this has gone on long enough. She withdrew her motion.

**ACTION:** To deny.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Lowe and carried 4-2-0 on a roll call vote.

**AYES:** Commissioner Donenfeld, Commissioner Lowe, Commissioner Weremiuk, Chair Klatchko

**NOES:** Commissioner Calerdine, Commissioner Middleton

**3C. CDI VENTURES, LLC, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 333) FOR THE DEVELOPMENT OF A 200-ROOM HOTEL, 50 HIGH-END RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, (CASE 5.1132-PD 333) (ER).**

Commissioner Calerdine noted a property-related conflict of interest and would not be participating in the discussion or vote.

Principal Planner Robertson presented the request for a one-year time extension.

Commissioner Weremiuk noted that there has been delay because of the land transfer from the Redevelopment Agency and questioned if there is a reclaim provision for the City if this project does not move forward.

Commissioner Lowe concurred that this is a valid reason and supports the time extension.

**ACTION:** Approve the one-year time extension.

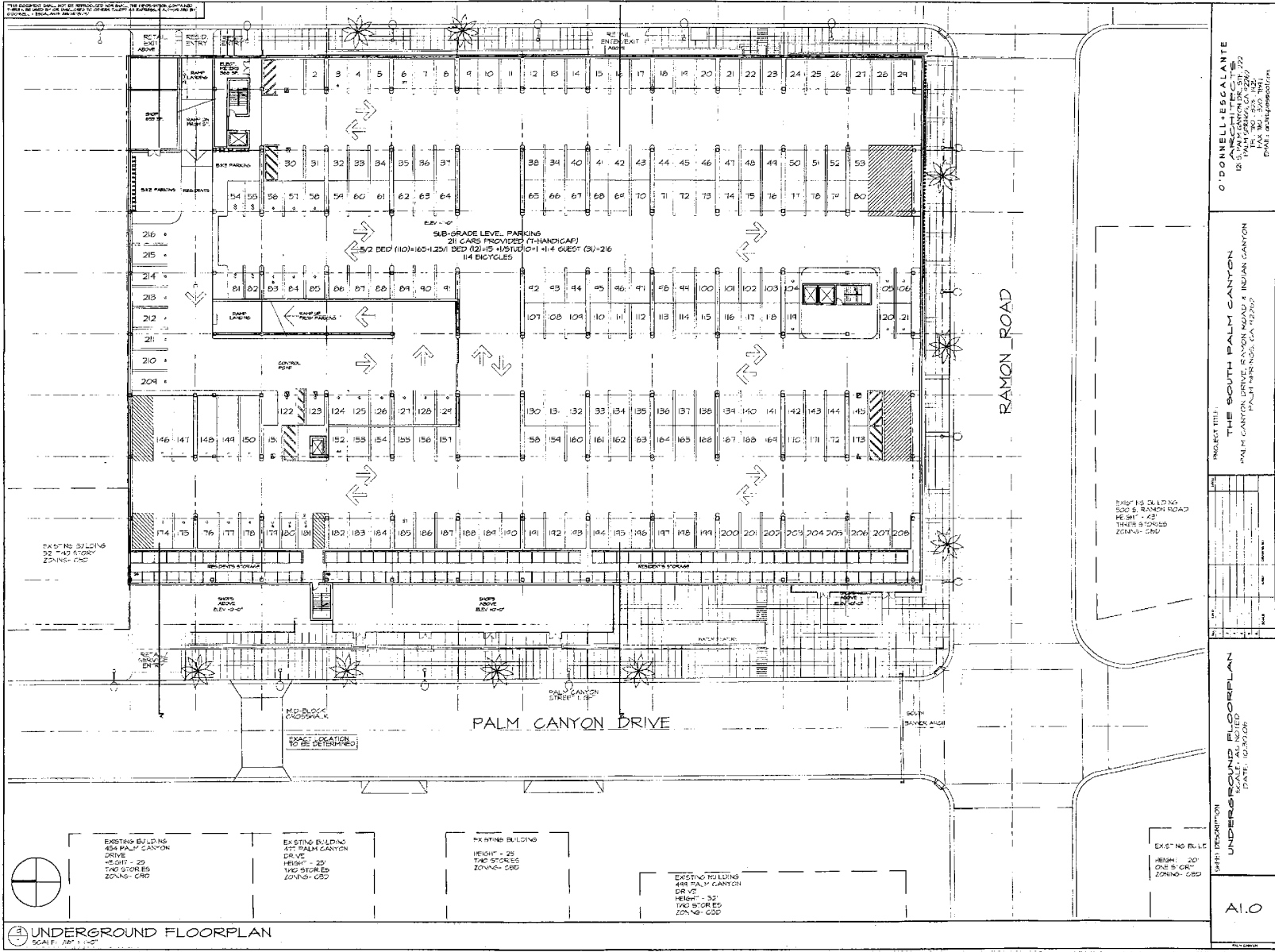
**Motion:** Commissioner Weremiuk, seconded by Commissioner Donenfeld and carried 5-0-1 on a roll call vote.

**AYES:** Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Chair Klatchko

**ABSTAIN:** Commissioner Calerdine.

**3D. RECOVERY INNOVATIONS, INC., REQUESTING A MODIFICATION TO THE CONDITIONS OF APPROVAL FOR AN OUTPATIENT BEHAVIORAL HEALTH**





3 UNDERGROUND FLOORPLAN  
SCALE: 1/8" = 1'-0"

O'DONNELL+ESCALANTE  
ARCHITECTS  
1515 PALM CANYON DRIVE, SUITE 200  
PALM SPRINGS, CA 92262  
TEL: 951.321.1111  
FAX: 951.321.1111  
EMAIL: info@odonnell.com

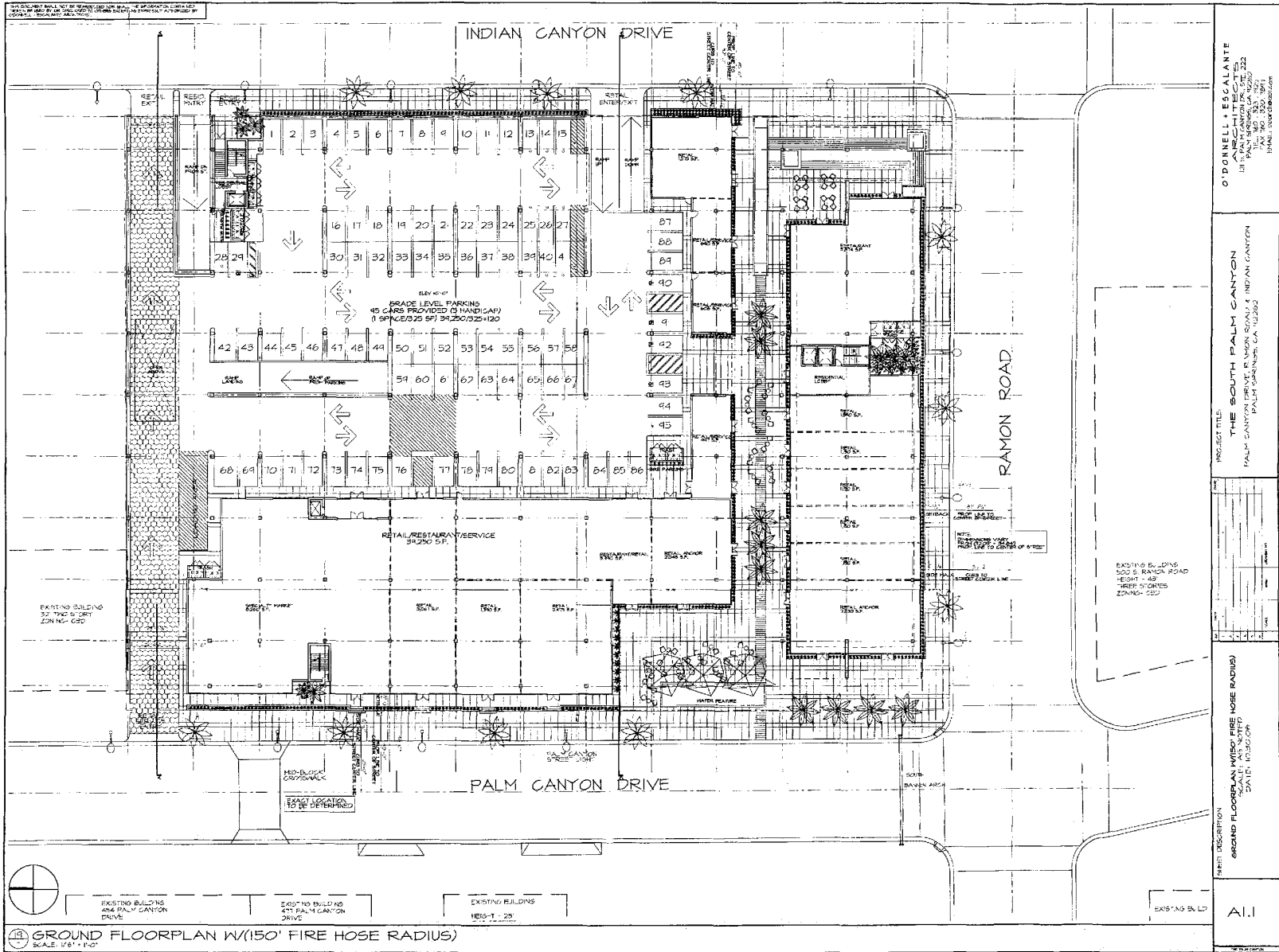
PROJECT TITLE:  
THE SOUTH PALM CANYON  
PALM CANYON DRIVE, RAMON ROAD & INDIAN CANYON  
PALM SPRINGS, CALIFORNIA

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITS
2	11/11/11	ISSUED FOR PERMITS
3	11/11/11	ISSUED FOR PERMITS
4	11/11/11	ISSUED FOR PERMITS

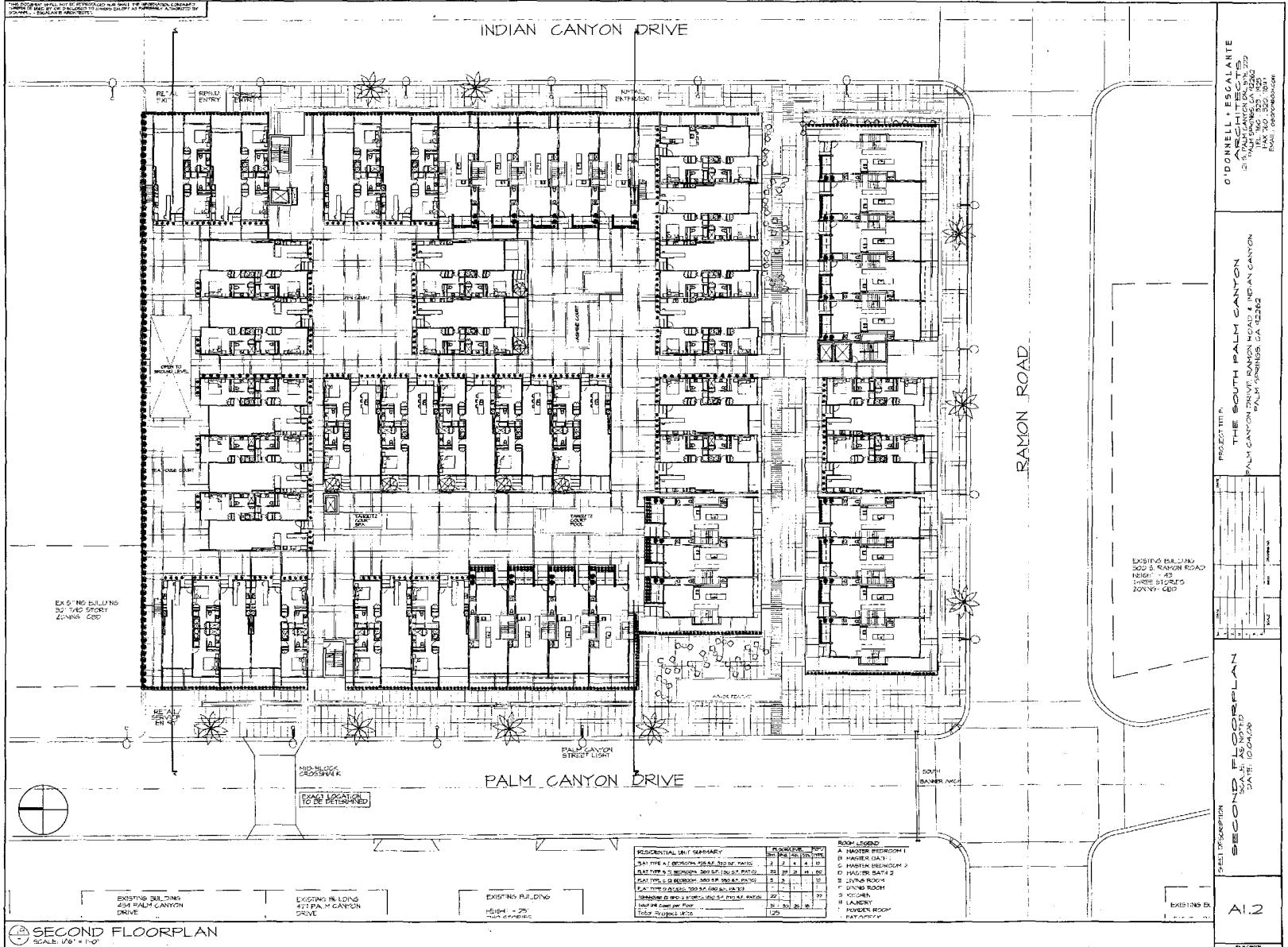
PREPARED BY:  
UNDERGROUND FLOORPLAN  
DATE: 10/20/11

SCALE: 1/8" = 1'-0"

A.I.O.







CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

**SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

RESIDENTIAL UNIT SUMMARY	PROVISION	NO. OF UNITS
3A) TYPE A1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 A 1 A 1 D	10
3A) TYPE A2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 A 2 A 1 D	10
3A) TYPE B1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 B 1 A 1 D	10
3A) TYPE B2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 B 2 A 1 D	10
3A) TYPE C1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 C 1 A 1 D	10
3A) TYPE C2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 C 2 A 1 D	10
3A) TYPE D1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 D 1 A 1 D	10
3A) TYPE D2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 D 2 A 1 D	10
3A) TYPE E1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 E 1 A 1 D	10
3A) TYPE E2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 E 2 A 1 D	10
3A) TYPE F1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 F 1 A 1 D	10
3A) TYPE F2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 F 2 A 1 D	10
3A) TYPE G1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 G 1 A 1 D	10
3A) TYPE G2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 G 2 A 1 D	10
3A) TYPE H1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 H 1 A 1 D	10
3A) TYPE H2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 H 2 A 1 D	10
3A) TYPE I1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 I 1 A 1 D	10
3A) TYPE I2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 I 2 A 1 D	10
3A) TYPE J1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 J 1 A 1 D	10
3A) TYPE J2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 J 2 A 1 D	10
3A) TYPE K1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 K 1 A 1 D	10
3A) TYPE K2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 K 2 A 1 D	10
3A) TYPE L1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 L 1 A 1 D	10
3A) TYPE L2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 L 2 A 1 D	10
3A) TYPE M1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 M 1 A 1 D	10
3A) TYPE M2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 M 2 A 1 D	10
3A) TYPE N1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 N 1 A 1 D	10
3A) TYPE N2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 N 2 A 1 D	10
3A) TYPE O1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 O 1 A 1 D	10
3A) TYPE O2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 O 2 A 1 D	10
3A) TYPE P1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 P 1 A 1 D	10
3A) TYPE P2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 P 2 A 1 D	10
3A) TYPE Q1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Q 1 A 1 D	10
3A) TYPE Q2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Q 2 A 1 D	10
3A) TYPE R1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 R 1 A 1 D	10
3A) TYPE R2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 R 2 A 1 D	10
3A) TYPE S1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 S 1 A 1 D	10
3A) TYPE S2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 S 2 A 1 D	10
3A) TYPE T1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 T 1 A 1 D	10
3A) TYPE T2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 T 2 A 1 D	10
3A) TYPE U1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 U 1 A 1 D	10
3A) TYPE U2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 U 2 A 1 D	10
3A) TYPE V1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 V 1 A 1 D	10
3A) TYPE V2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 V 2 A 1 D	10
3A) TYPE W1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 W 1 A 1 D	10
3A) TYPE W2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 W 2 A 1 D	10
3A) TYPE X1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 X 1 A 1 D	10
3A) TYPE X2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 X 2 A 1 D	10
3A) TYPE Y1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Y 1 A 1 D	10
3A) TYPE Y2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Y 2 A 1 D	10
3A) TYPE Z1 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Z 1 A 1 D	10
3A) TYPE Z2 BEDROOM 550 SQ. FT. NET FLOOR AREA	3 Z 2 A 1 D	10

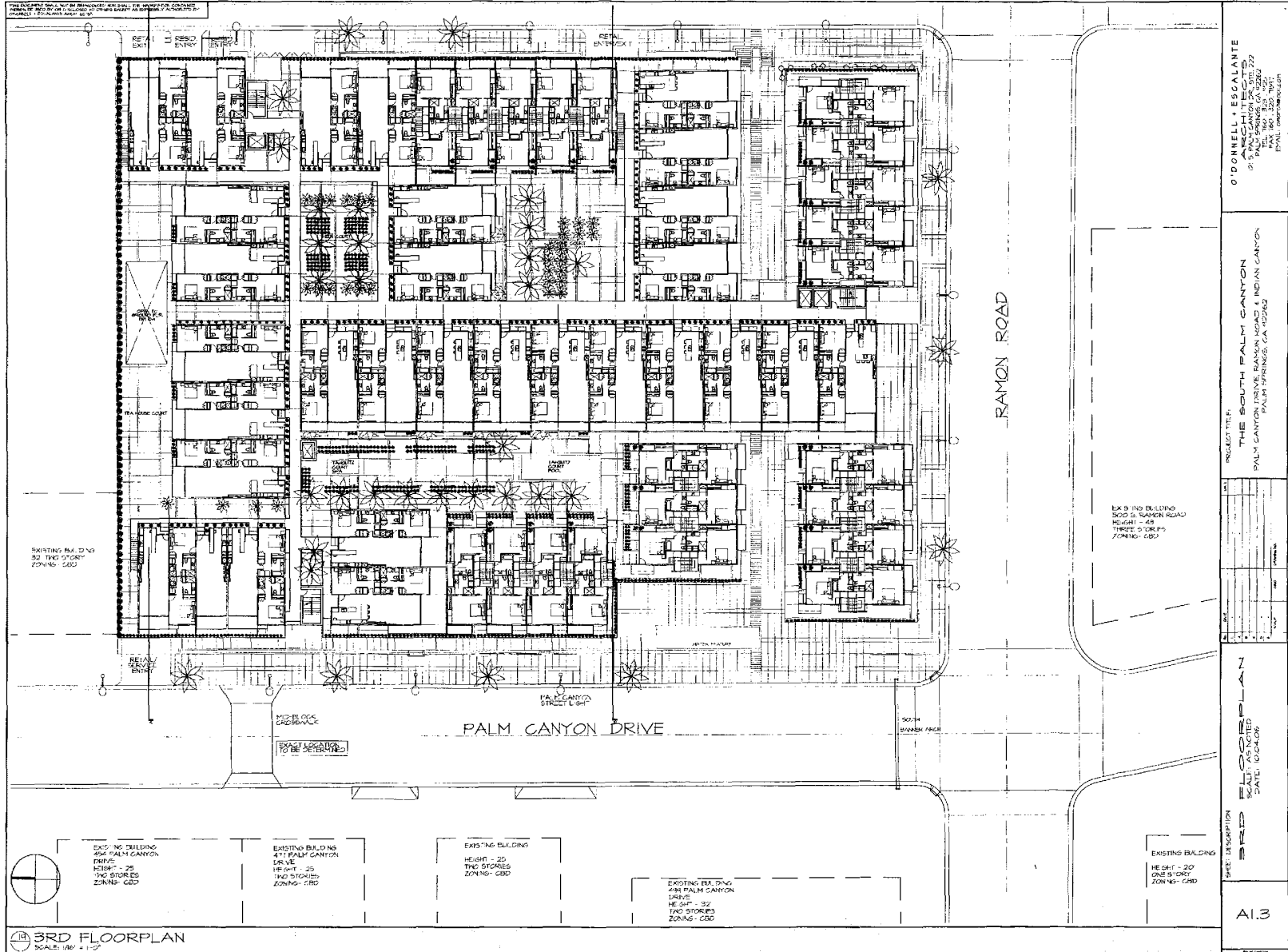
- ROOM LEGEND**
- A MASTER BEDROOM 1
  - B MASTER BATH 1
  - C MASTER BEDROOM 2
  - D MASTER BATH 2
  - E LIVING ROOM
  - F DINING ROOM
  - G KITCHEN
  - H LAMINATE
  - I POWDER ROOM
  - J PATIO/DECK

**O'DONELL ESCALANTE**  
ARCHITECTS  
1515 PALM CANYON DRIVE, SUITE 200  
PALM SPRINGS, CA 92262  
TEL: 760.325.1234  
FAX: 760.325.1235  
EMAIL: OON@OONARCH.COM

**PROJECT TITLE:**  
THE SOUTH PALM CANYON  
PALM CANYON DRIVE, RAMON ROAD & INDIAN CANYON  
PALM SPRINGS, CA 92262

**SHEET DESCRIPTION:**  
SECOND FLOOR PLAN  
DATE: 10/06/20

**A1.2**



ALL DIMENSIONS SHALL BE BASED UPON THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO THE FACE OF THE WALL UNLESS OTHERWISE NOTED.

EXISTING BLDG NO. 32  
32 TWO STORY  
ZONING: CSD

EXISTING BUILDING  
404 PALM CANYON  
DRIVE  
HEIGHT - 25  
TWO STORIES  
ZONING: CSD

EXISTING BUILDING  
417 PALM CANYON  
DRIVE  
HEIGHT - 25  
TWO STORIES  
ZONING: CSD

EXISTING BUILDING  
HEIGHT - 20  
TWO STORIES  
ZONING: CSD

EXISTING BUILDING  
408 PALM CANYON  
DRIVE  
HEIGHT - 32  
TWO STORIES  
ZONING: CSD

EXISTING BUILDING  
300 S. RAMON ROAD  
HEIGHT - 48  
THREE STORIES  
ZONING: CSD

EXISTING BUILDING  
HEIGHT - 20  
ONE STORY  
ZONING: CSD

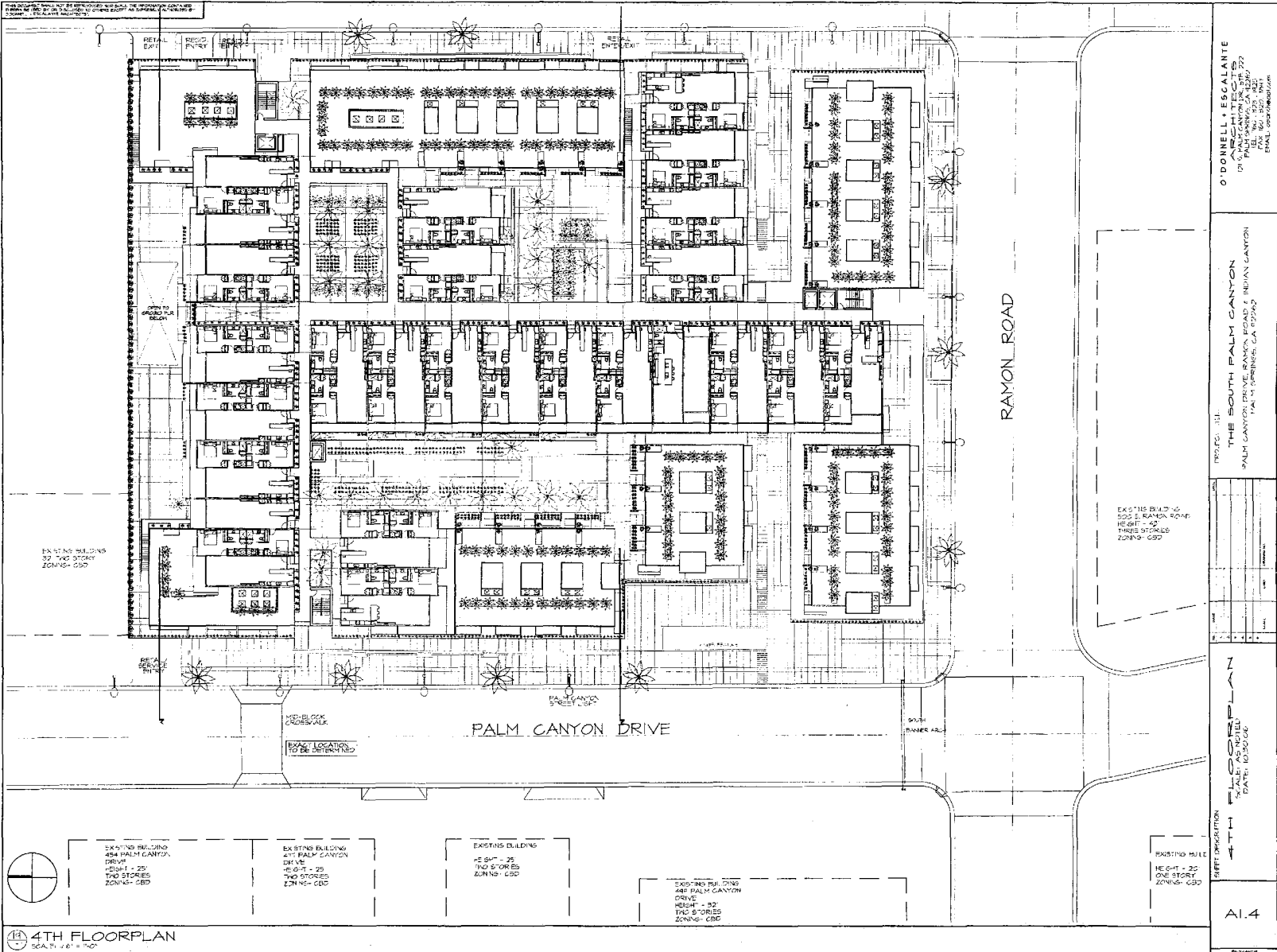
**3RD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

O'DONNELL + ESCALANTE  
ARCHITECTS  
275 S. PALM SPRING ROAD, SUITE 200  
PALM SPRING, CA 92262  
TEL: 951.325.3500  
FAX: 951.325.3501  
EMAIL: info@odnarch.com

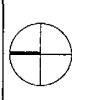
PROJECT TITLE:  
**THE SOUTH PALM CANYON**  
PALM CANYON DRIVE, RAMON ROAD & INDIAN CANYON  
PALM SPRING, CA 92262

**Z**  
**A**  
**I**  
**1**  
**3**  
SHEET NO. 03-03-00  
DATE: 03-04-09

SHEET DESCRIPTION  
A1.3



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**4TH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

EXISTING BUILDING  
494 PALM CANYON  
DRIVE  
HEIGHT - 25  
TWO STORIES  
ZONING - CSO

EXISTING BUILDING  
411 PALM CANYON  
DRIVE  
HEIGHT - 25  
TWO STORIES  
ZONING - CSO

EXISTING BUILDING  
HEIGHT - 25  
TWO STORIES  
ZONING - CSO

EXISTING BUILDING  
448 PALM CANYON  
DRIVE  
HEIGHT - 25  
TWO STORIES  
ZONING - CSO

EXISTING BUILDING  
HEIGHT - 20  
ONE STORY  
ZONING - CSO

EXISTING BUILDINGS  
33 TWO STORY  
ZONING - CSO

EXISTING BUILDING  
505 1/2 RANCHO ROAD  
HEIGHT - 45  
THREE STORIES  
ZONING - CSO

NO BLOCK  
CROSSWALK  
EXACT LOCATION  
TO BE DETERMINED

O'DONNELL + ESCALANTE  
ARCHITECTS  
127 PALM CANYON, LA 93572  
PALM CANYON, CA 93550  
TEL: 909.782.1001  
FAX: 909.782.1001  
EMAIL: ood@oedon.com

PROJECT: 011  
THE SOUTH PALM CANYON  
PALM CANYON DRIVE, RANCHO ROAD & INDIAN CANYON  
PALM CANYON, CALIFORNIA 93550

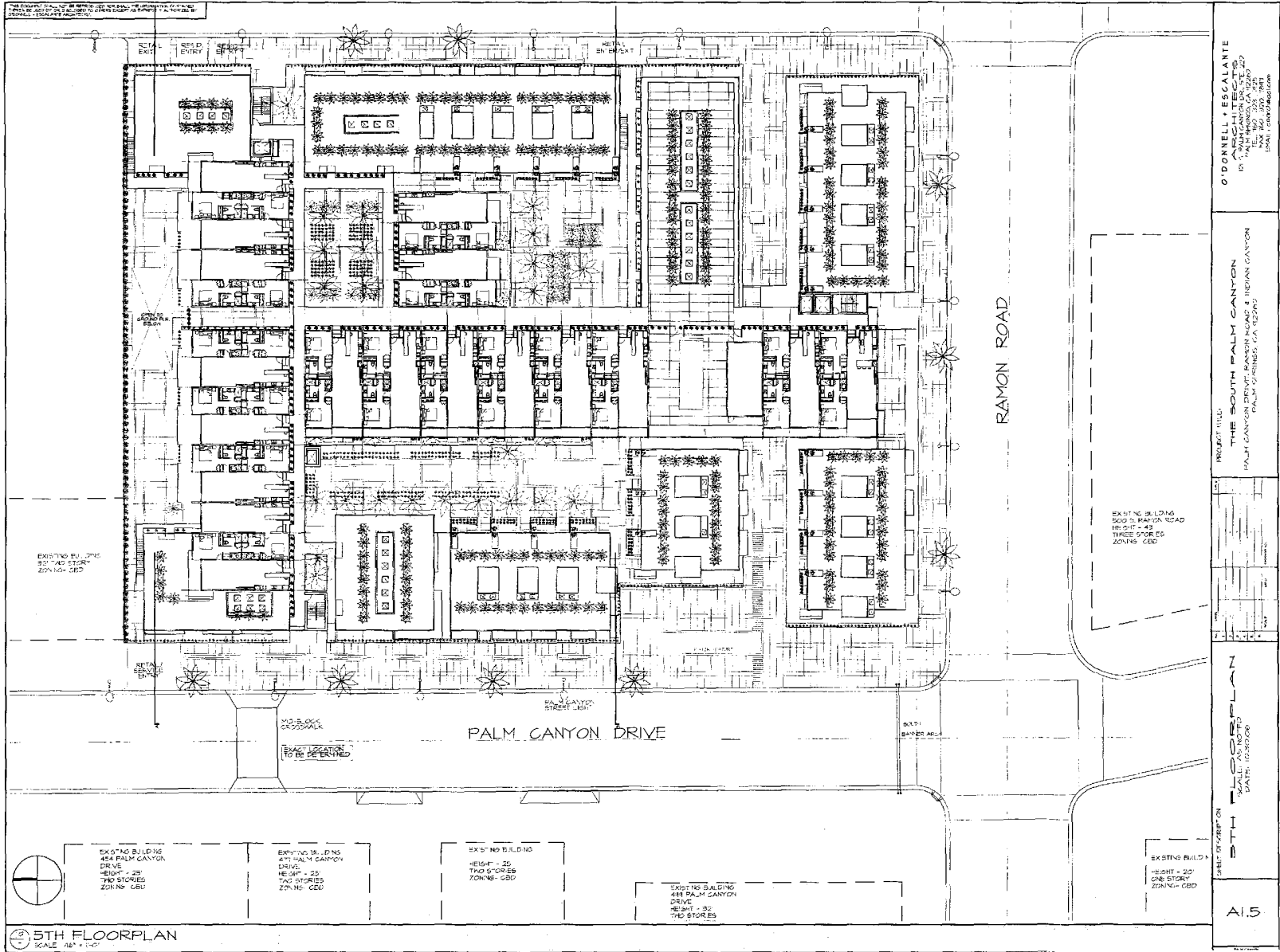
DATE: 10/30/06  
SCALE: AS SHOWN

DIFF. LOCATION  
DATE: 10/30/06

Al.4

RAYON ROAD

PALM CANYON DRIVE



5TH FLOORPLAN  
SCALE: 1/8" = 1'-0"

EXISTING BUILDING  
454 PALM CANYON  
DRIVE  
HEIGHT - 29'  
TWO STORES  
ZONING - CBD

EXISTING BUILDING  
471 PALM CANYON  
DRIVE  
HEIGHT - 25'  
TWO STORES  
ZONING - CBD

EXISTING BUILDING  
HEIGHT - 20'  
TWO STORES  
ZONING - CBD

EXISTING BUILDING  
488 PALM CANYON  
DRIVE  
HEIGHT - 30'  
TWO STORES

EXISTING BUILDING  
808 S. HAYWARD  
HEIGHT - 49'  
THREE STORES  
ZONING - CBD

EXISTING BUILDING  
HEIGHT - 20'  
ONE STORY  
ZONING - CBD

RAMON ROAD

PALM CANYON DRIVE

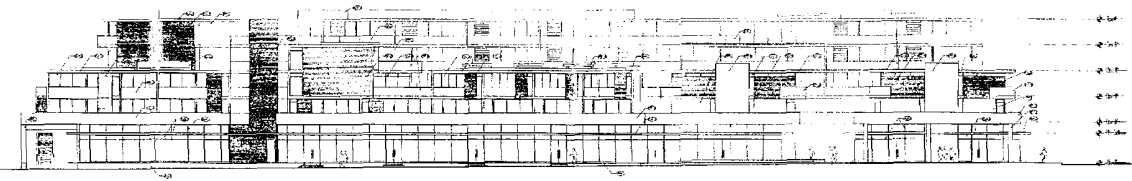
O'DONNELL ESCALANTE  
101 PALM CANYON DRIVE  
PALM SPRINGS, CA 92260  
TEL: 951.779.3881  
FAX: 951.779.3881  
WWW.ODONNELLARCH.COM

PROJECT TITLE:  
THE SOUTH PALM CANYON  
PALM CANYON, PALM SPRINGS, CALIFORNIA  
OWNER: JENNIFER W. WOODS & JENNIFER W. WOODS  
ARCHITECT: O'DONNELL ESCALANTE ARCHITECTS

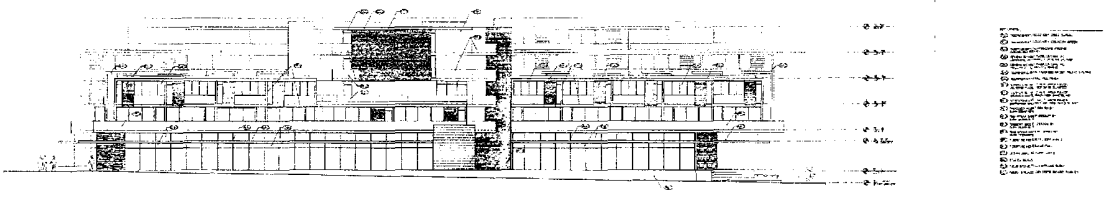
DATE: 10/25/08  
SCALE: AS NOTED  
SHEET NO. 15  
SOUTH PALM CANYON  
ZONING: CBD

A1.5

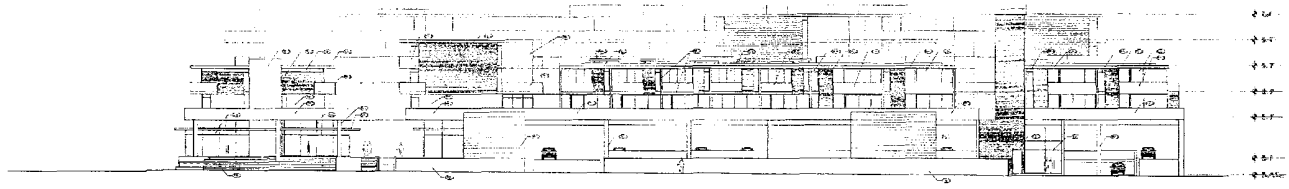
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL MATERIALS AND FINISHES TO BE SPECIFIED IN THE SCHEDULES.  
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.



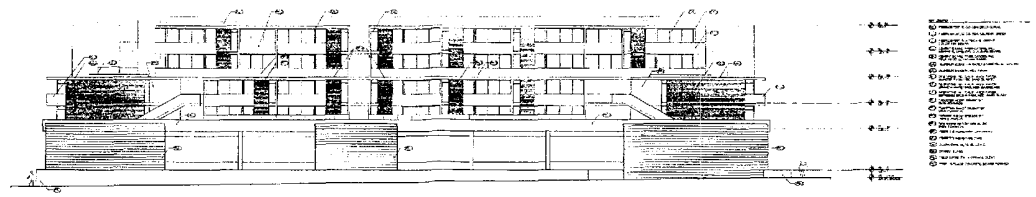
1. PALM CANYON DRIVE (WEST) ELEVATION  
 SCALE: 1/8" = 1'-0"



2. RAMON ROAD (SOUTH) ELEVATION  
 SCALE: 1/8" = 1'-0"



3. INDIAN AVENUE (EAST) ELEVATION  
 SCALE: 1/8" = 1'-0"



4. NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"

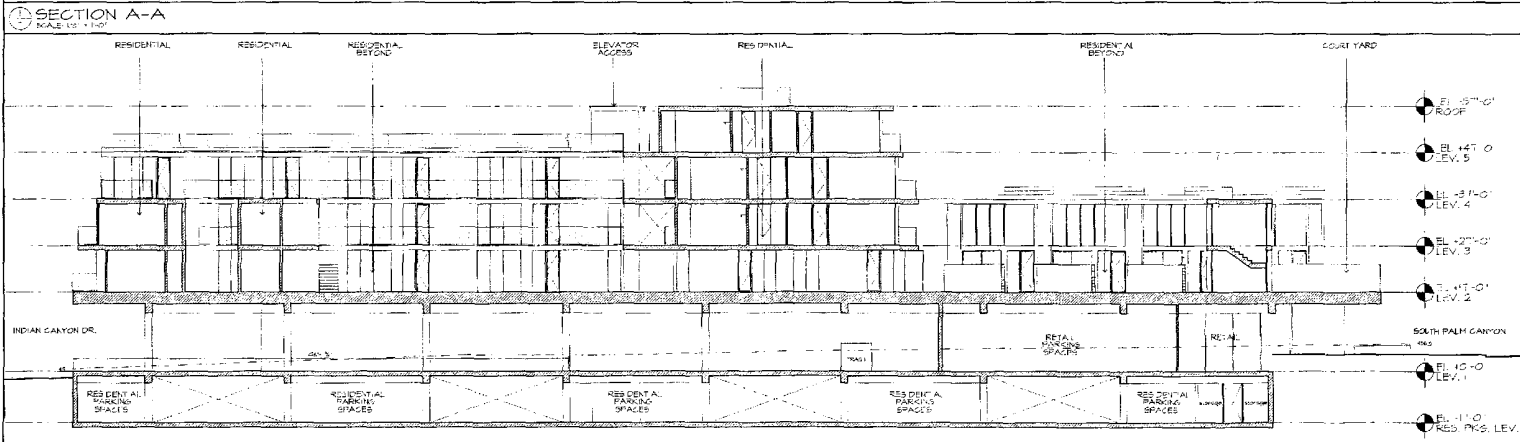
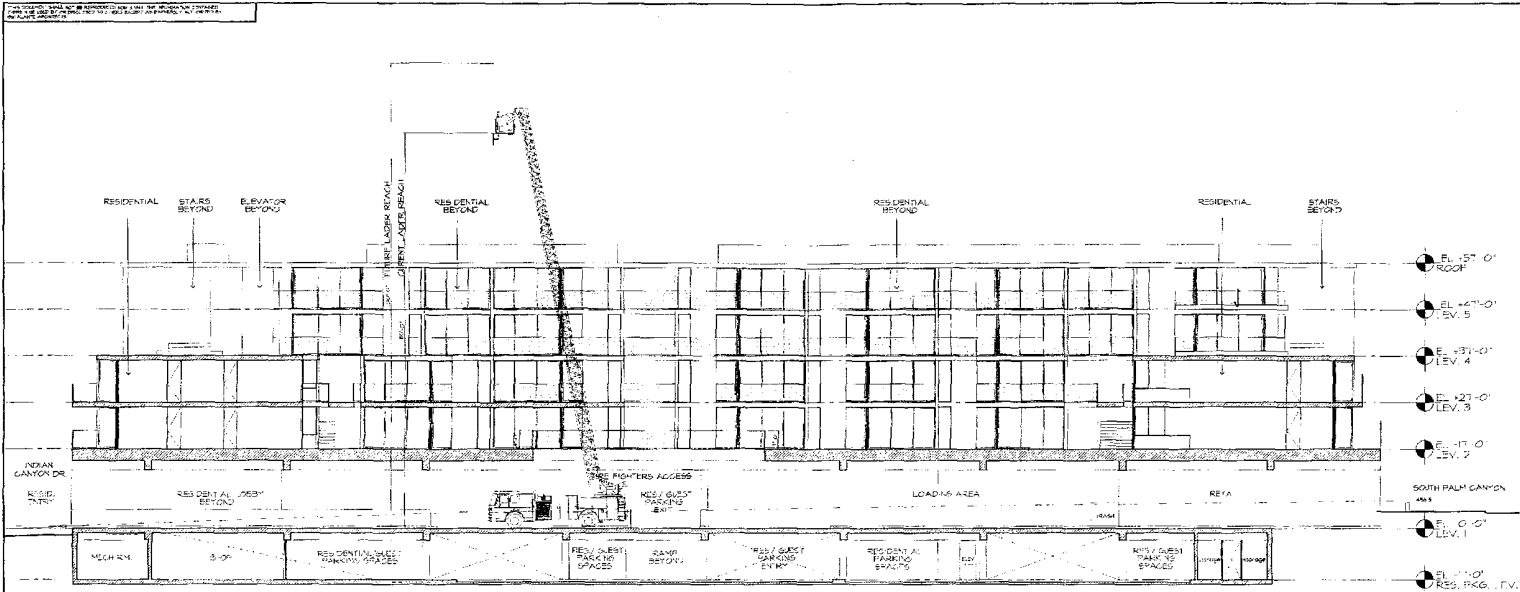
O'DONNELL + ESCALANTE  
 ARCHITECTS  
 1010 AVENUE 150  
 PALM BEACH, FLORIDA 33480  
 TEL: 561.832.2222  
 FAX: 561.832.2244  
 WWW: ODONNELL-ESCALANTE.COM

PROJECT: THE PALM CANYON  
 PALM CANYON DRIVE, RAMON ROAD & INDIAN AVENUE  
 PALM BEACH, FLORIDA, USA

DATE: 11/11/11  
 DRAWING NO: 11-11-11-01  
 SHEET NO: 11-11-11-01-01

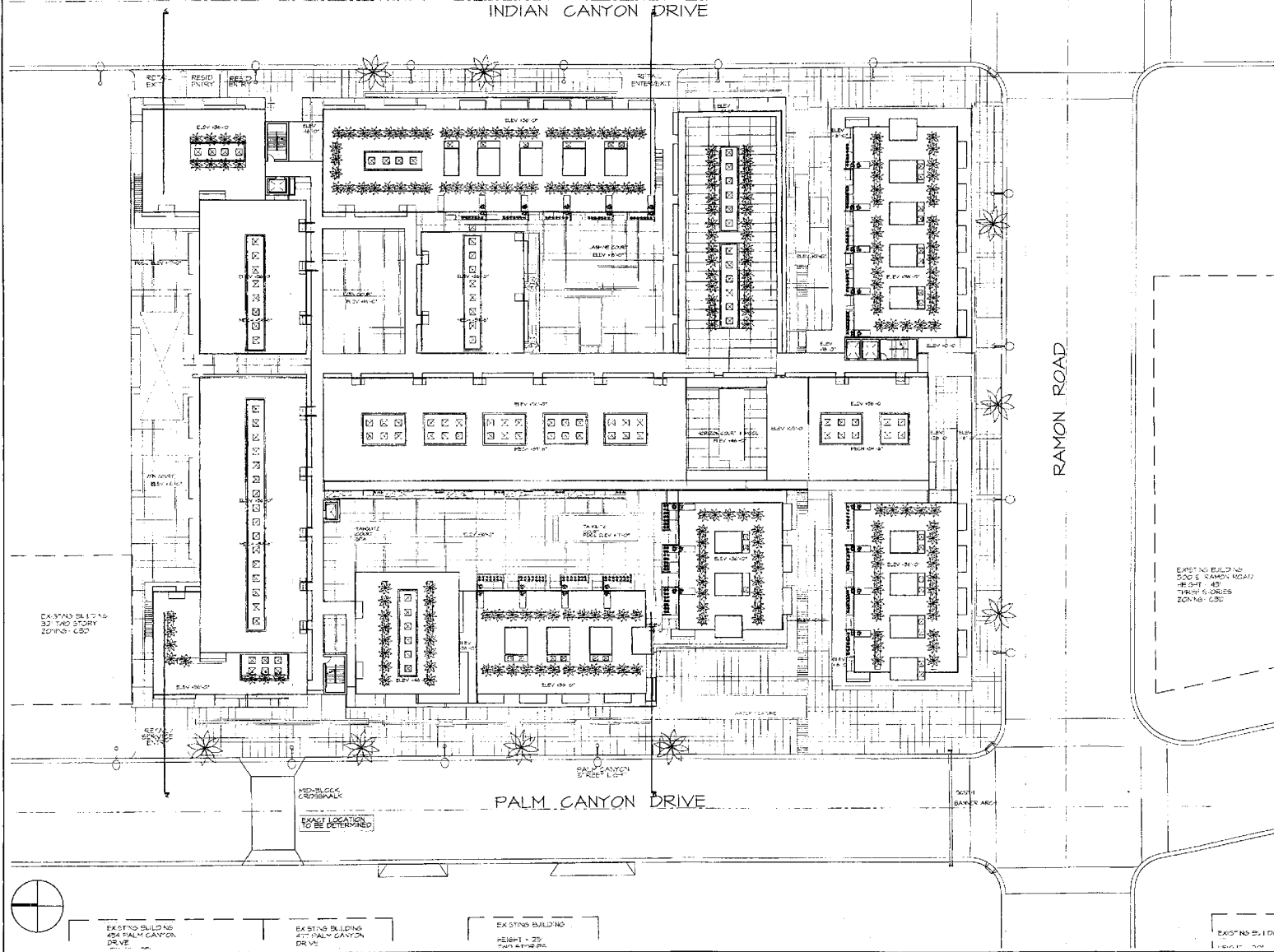
SHEET DESCRIPTION: NORTH ELEVATION  
 PROJECT: THE PALM CANYON  
 PALM CANYON DRIVE, RAMON ROAD & INDIAN AVENUE  
 PALM BEACH, FLORIDA, USA

A2.1



PROJECT NO. 2024-001  
 ARCHITECT: [Faint text]  
 DATE: [Faint text]  
 SHEET: A3.1  
 TITLE: [Faint text]

THIS PLAN SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



**ROOF PLAN**  
SCALE: 1/8" = 1'-0"

O'DONNELL + ESCALANTE  
12 PALM CANYON DR., SUITE 202  
PALM CANYON, CALIFORNIA 92262  
TEL: 951.333.4029  
FAX: 951.333.4028  
WWW.ODONNELL-ESCALANTE.COM

PROJECT TITLE:  
**THE SOUTH PALM CANYON**  
PALM CANYON, PALM SPRINGS, CALIFORNIA

DATE	DESCRIPTION

SHEET DESCRIPTION  
SCALE: AS NOTED  
DATE: 03/05/14