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

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:

Related Relevant Prior City Actions	
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.
Most Recent Change of Ownership	
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.

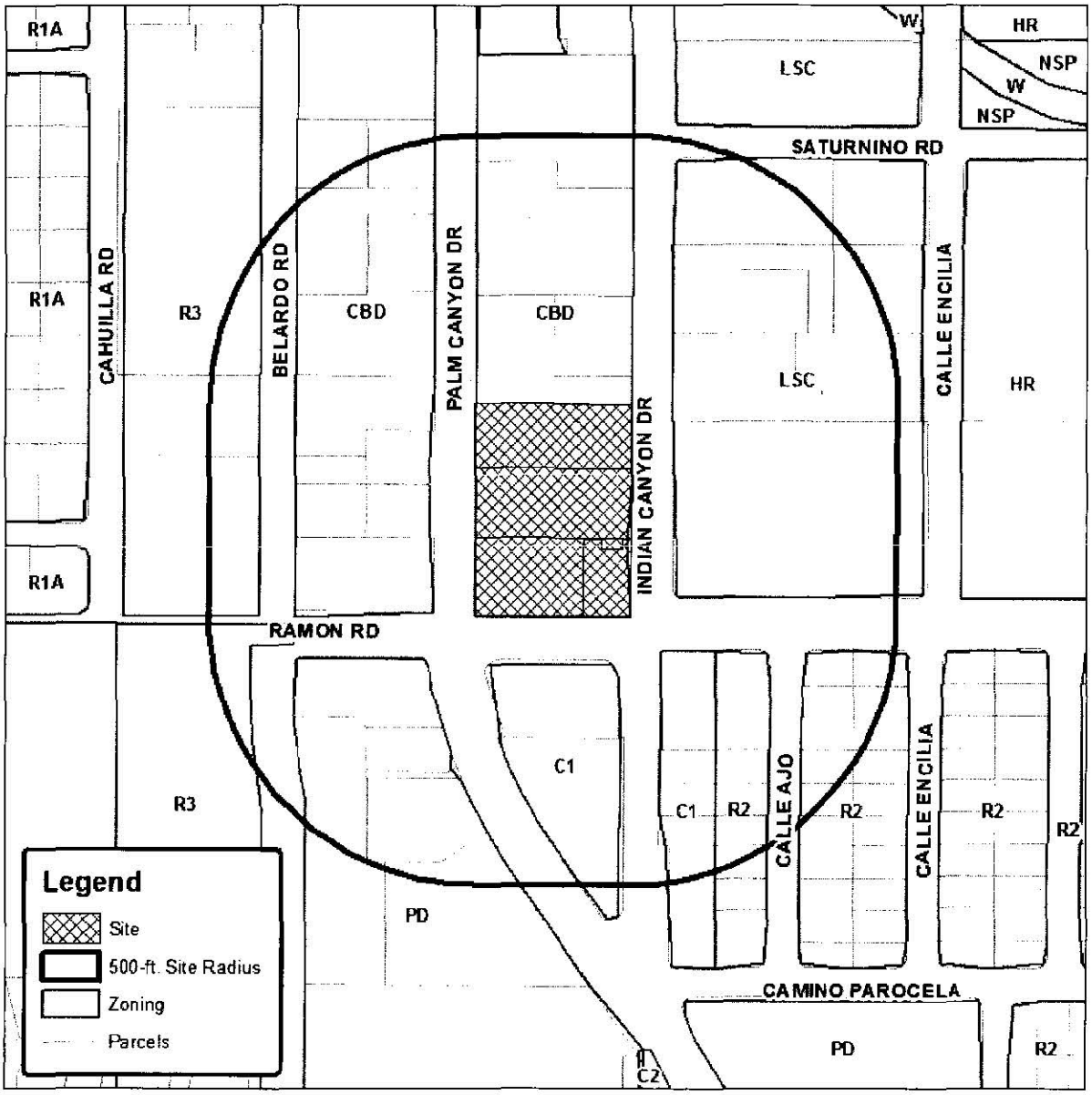
Flinn Fagg, AICP
Director of Planning Services

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 440-490 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 3rd 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

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

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

RECVD 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

COPY

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

Kathie Hart

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 3rd City Council date for the appeal hearing (see below – the applicant was copied on the response).

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

From: Roos, Marv [mailto:MRoos@msaconsultinginc.com]
Sent: Wednesday, December 23, 2015 11:59 AM
To: Edward Robertson
Cc: Robert Herscu (RHerscu@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.

From: Edward Robertson [mailto:Edward.Robertson@palmsprings-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 3rd hearing date. Thanks.....

Edward C. 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@palmspringsca.gov

CITY OF PALM SPRINGS
PUBLIC NOTIFICATION

Date: February 3, 2016

Subject: APPEAL

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, 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, 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, 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:

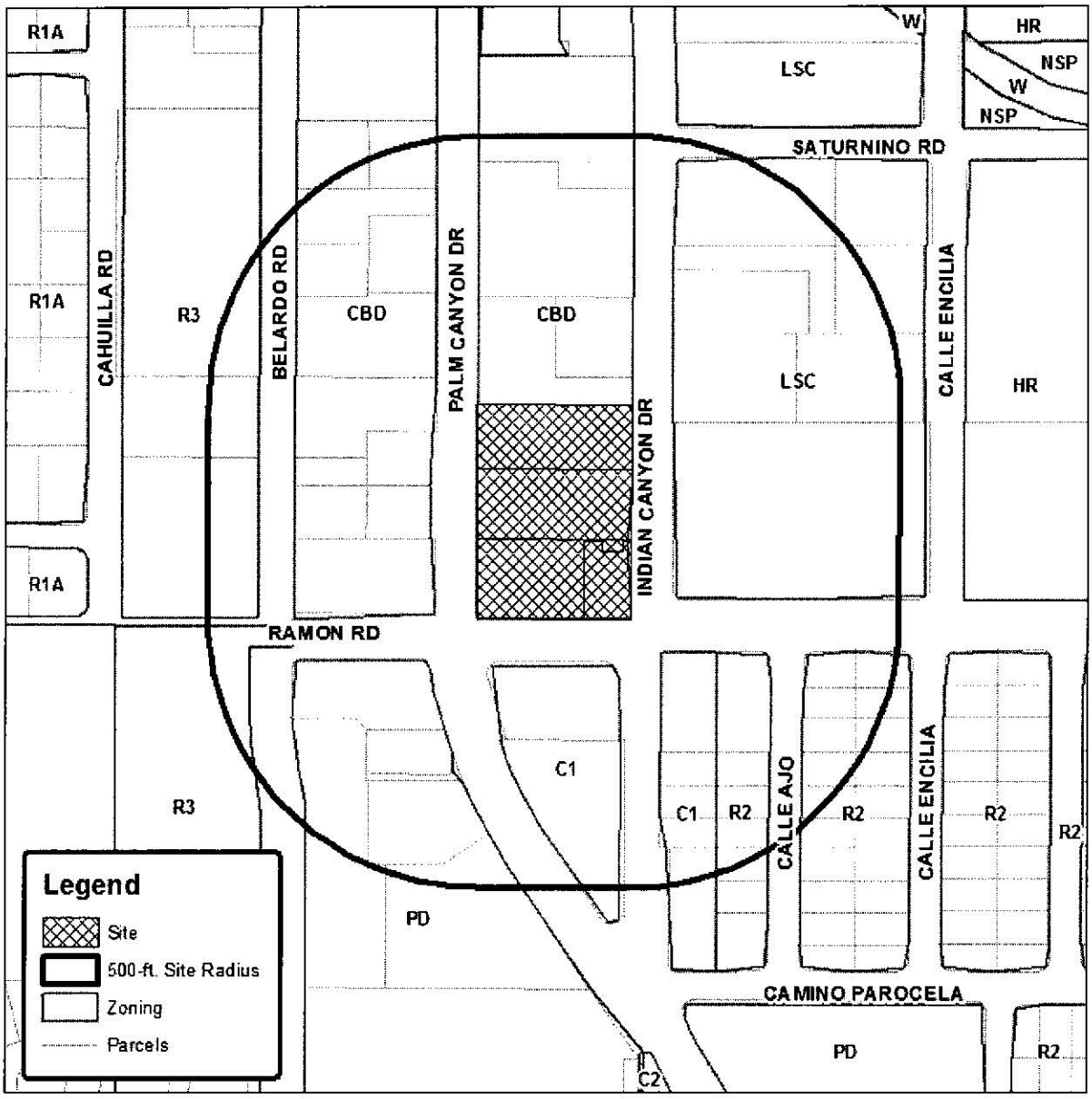
James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

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



CITY OF PALM SPRINGS

Kathie Hart

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

18

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

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
CBD 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.

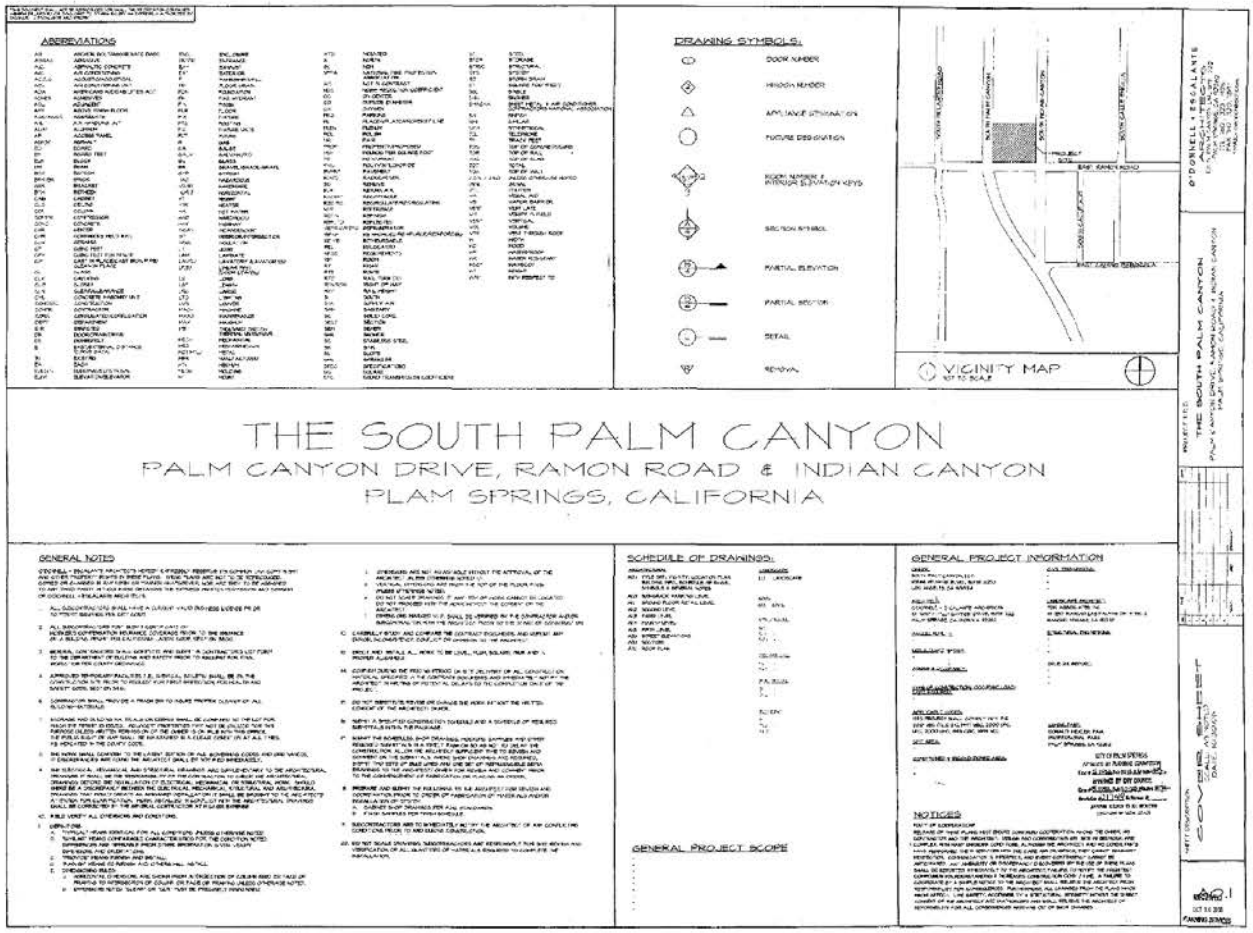
Commissioner Lowe concurred that this is a valid reason and supports the time extension.

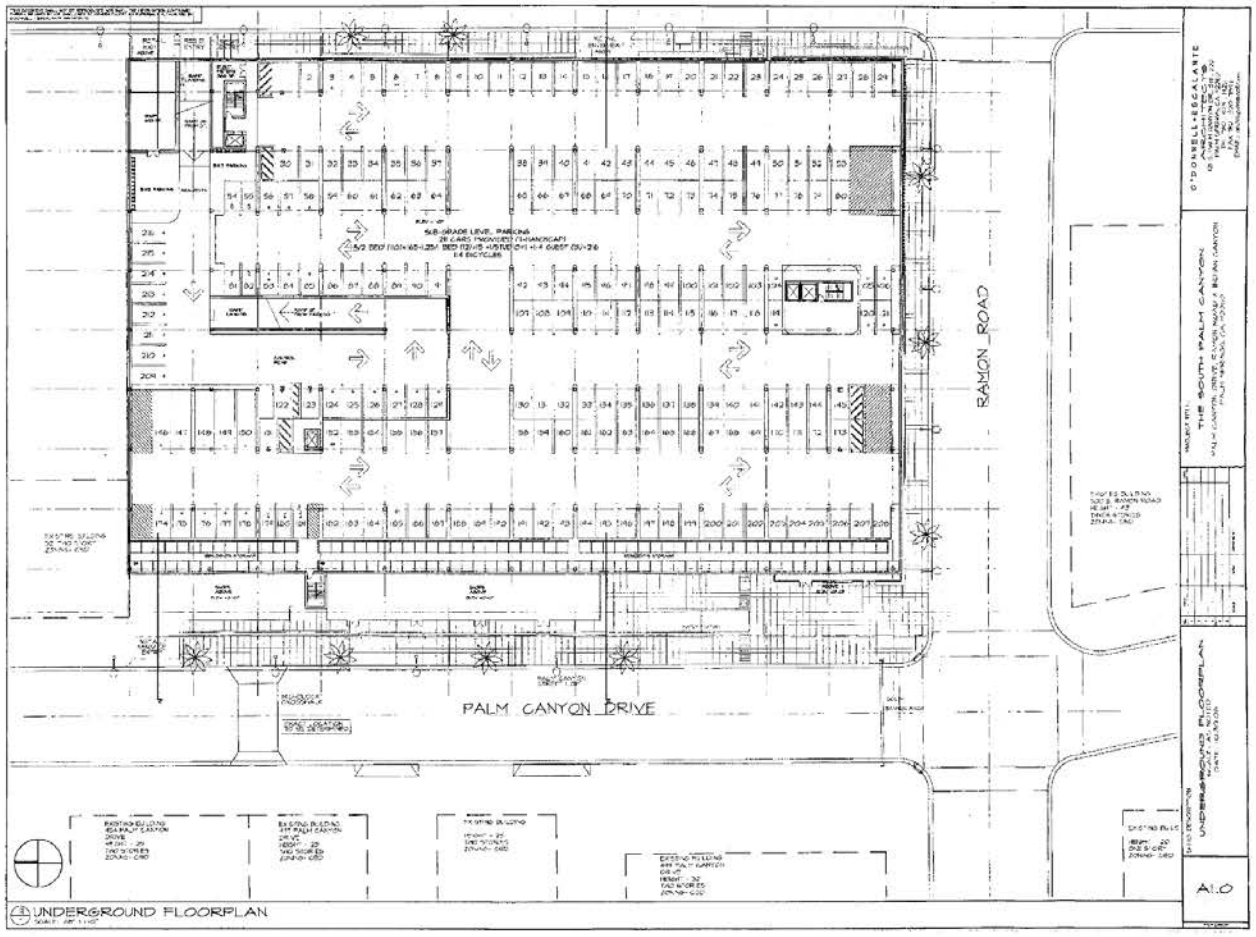
ACTION: Approve the one-year time extension.

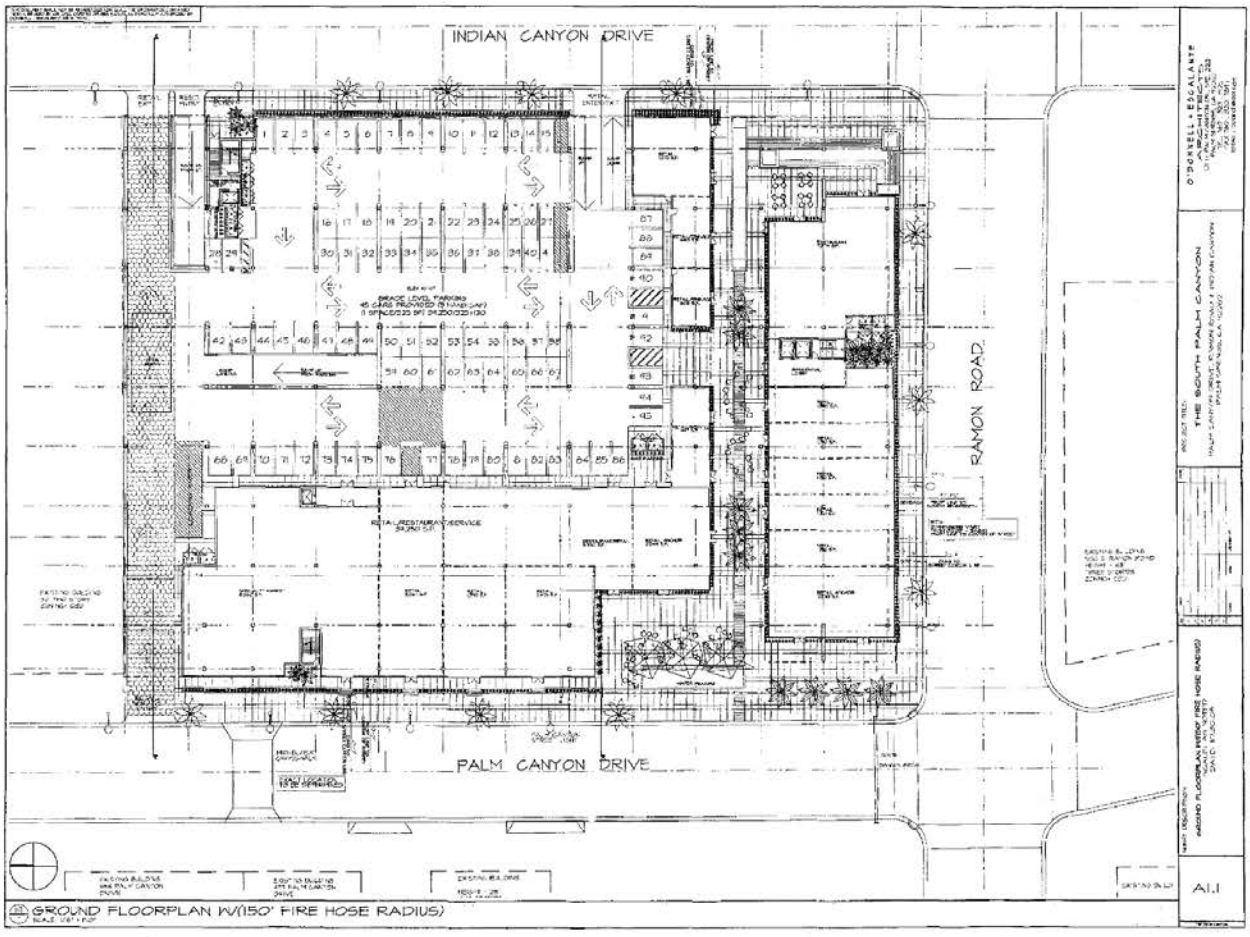
Motion: Commissioner Weremiuk, seconded by Commissioner Donenfeld and carried 5-0-1 on a roll call vote.

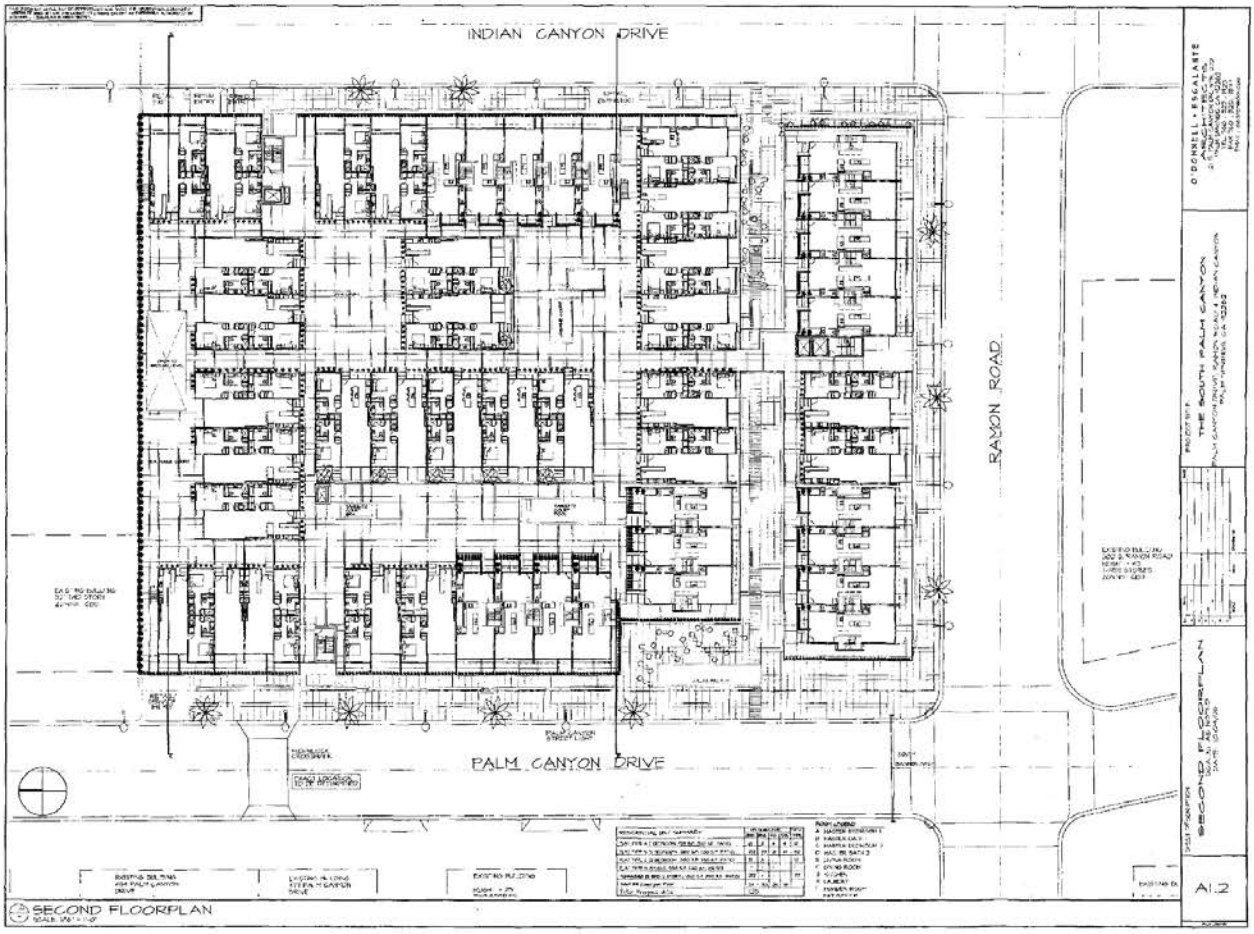
AYES: Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Chair Klatchko
ABSTAIN: Commissioner Calerdine.

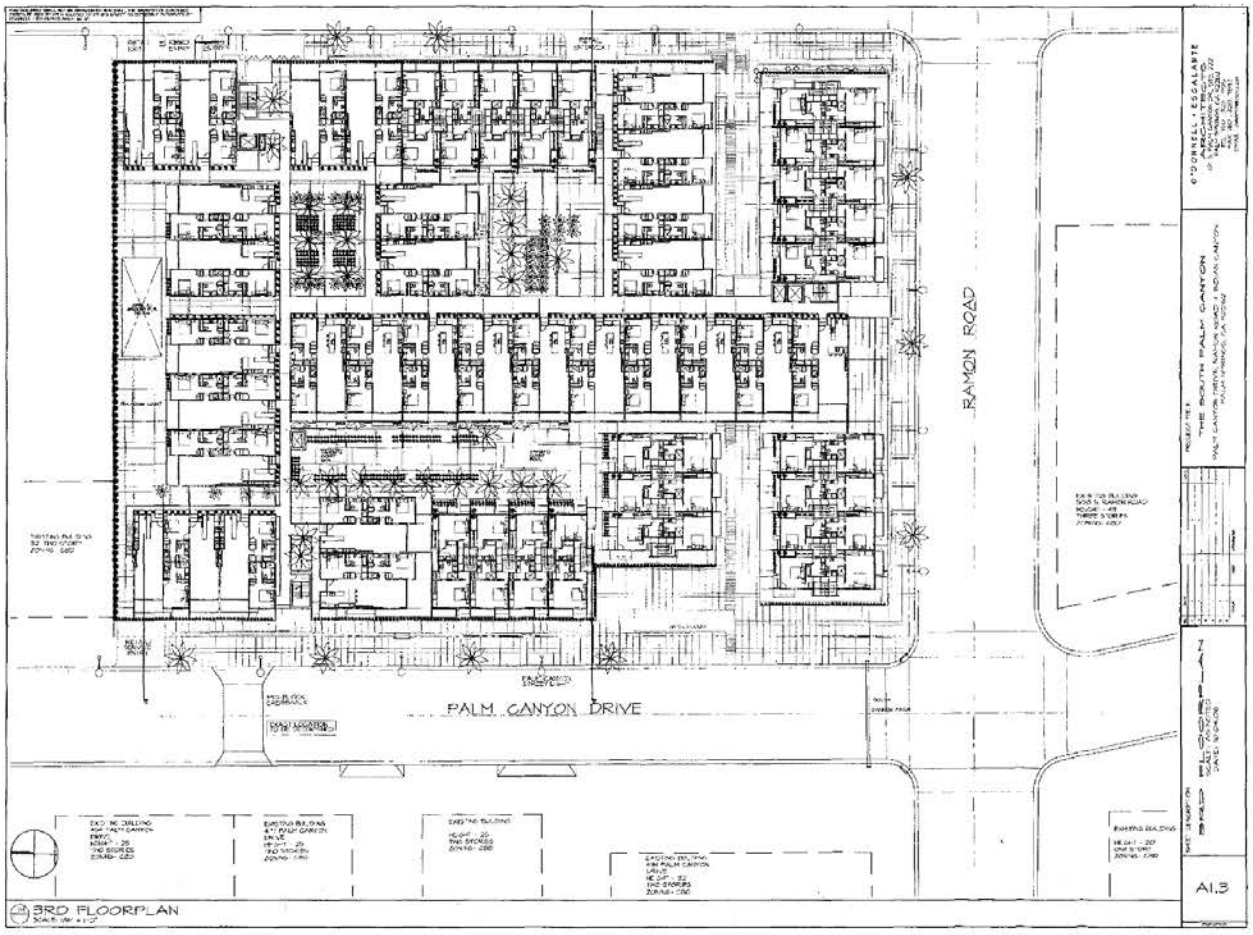
3D. RECOVERY INNOVATIONS, INC., REQUESTING A MODIFICATION TO THE CONDITIONS OF APPROVAL FOR AN OUTPATIENT BEHAVIORAL HEALTH

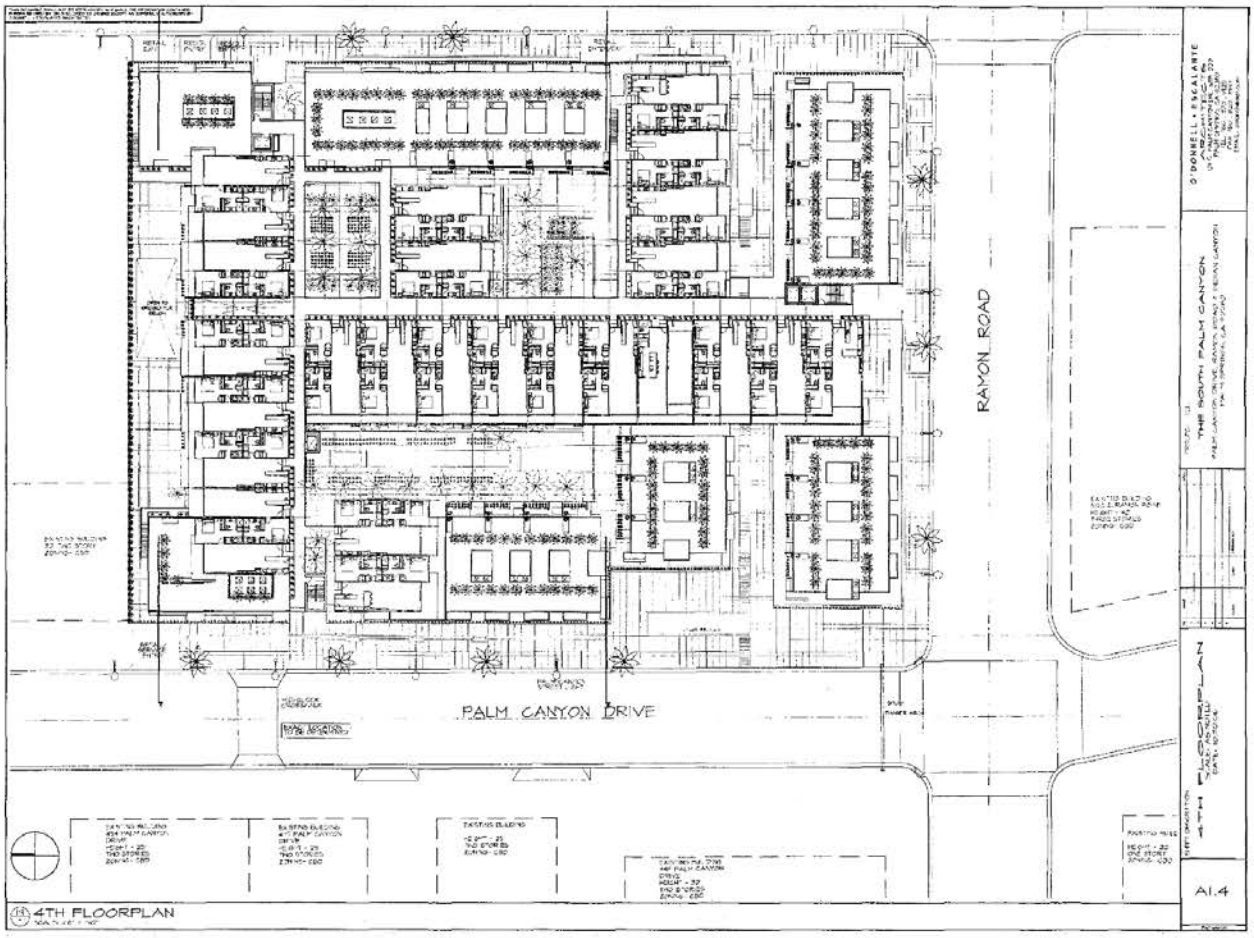

ABBREVIATIONS
DRAWING SYMBOLS:
DOOR NUMBER
WINDOW NUMBER
MATERIAL DESIGNATION
FUTURE DESIGNATION
ROOM NUMBER &
INTERIOR ELEVATION KEYS
SECTION MARKER
PARTIAL ELEVATION
PARTIAL SECTION
DETAIL
REVISION
VICINITY MAP
NOT TO SCALE
THE SOUTH PALM CANYON
PALM CANYON DRIVE, RAMON ROAD & INDIAN CANYON
PALM SPRINGS, CALIFORNIA
GENERAL NOTES
SCHEDULE OF DRAWINGS:
GENERAL PROJECT INFORMATION
GENERAL PROJECT SCOPE
NOTICES
O'DONNELL + EGLANTE
PROJECT:
THE SOUTH PALM CANYON
PALM CANYON DRIVE, RAMON ROAD & INDIAN CANYON
PALM SPRINGS, CALIFORNIA
COVER SHEET
SCALE: AS NOTED
DATE: 10.2009
PLANNING SERVICES

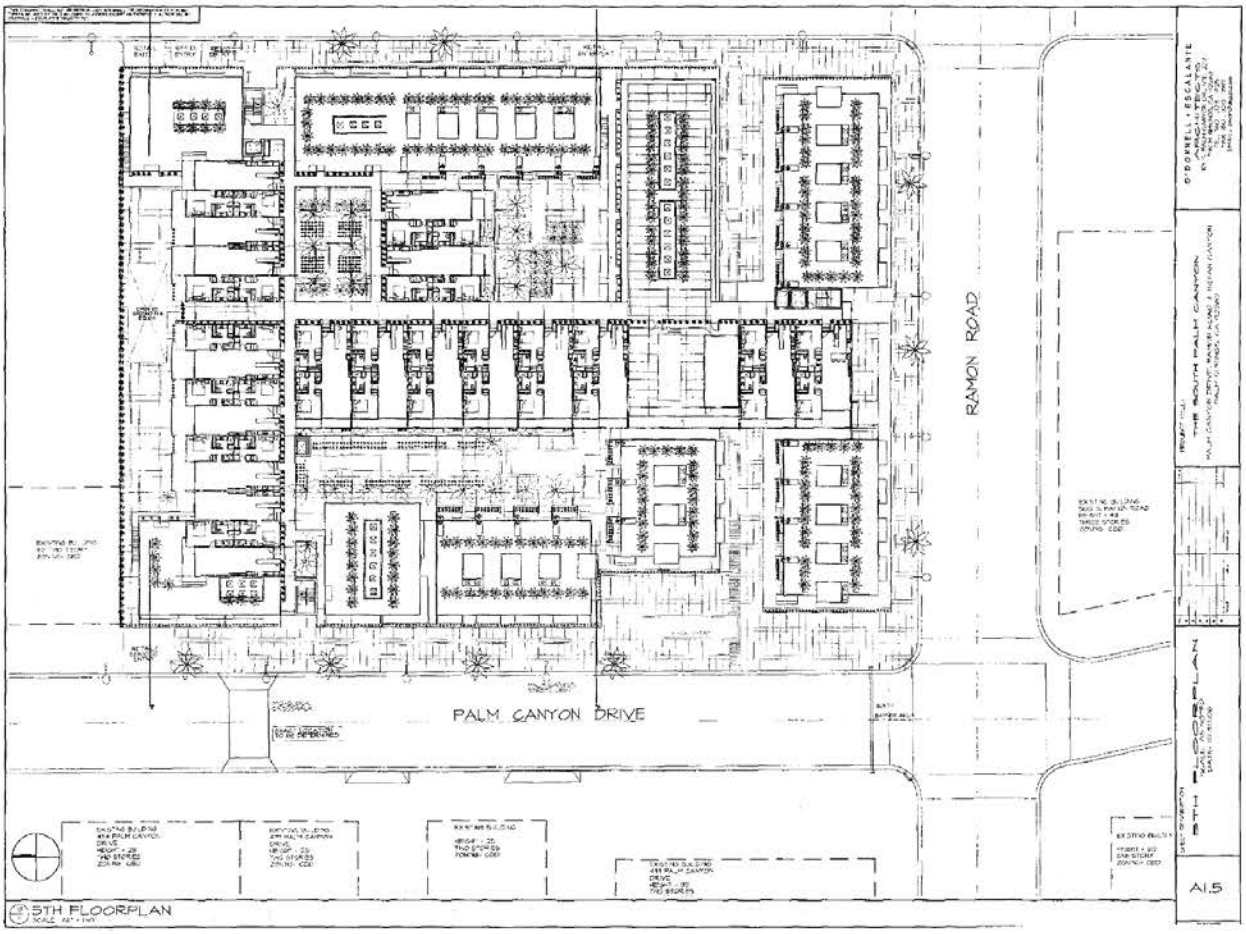

RAMON ROAD
PALM CANYON DRIVE
UNDERGROUND FLOORPLAN
A1.0

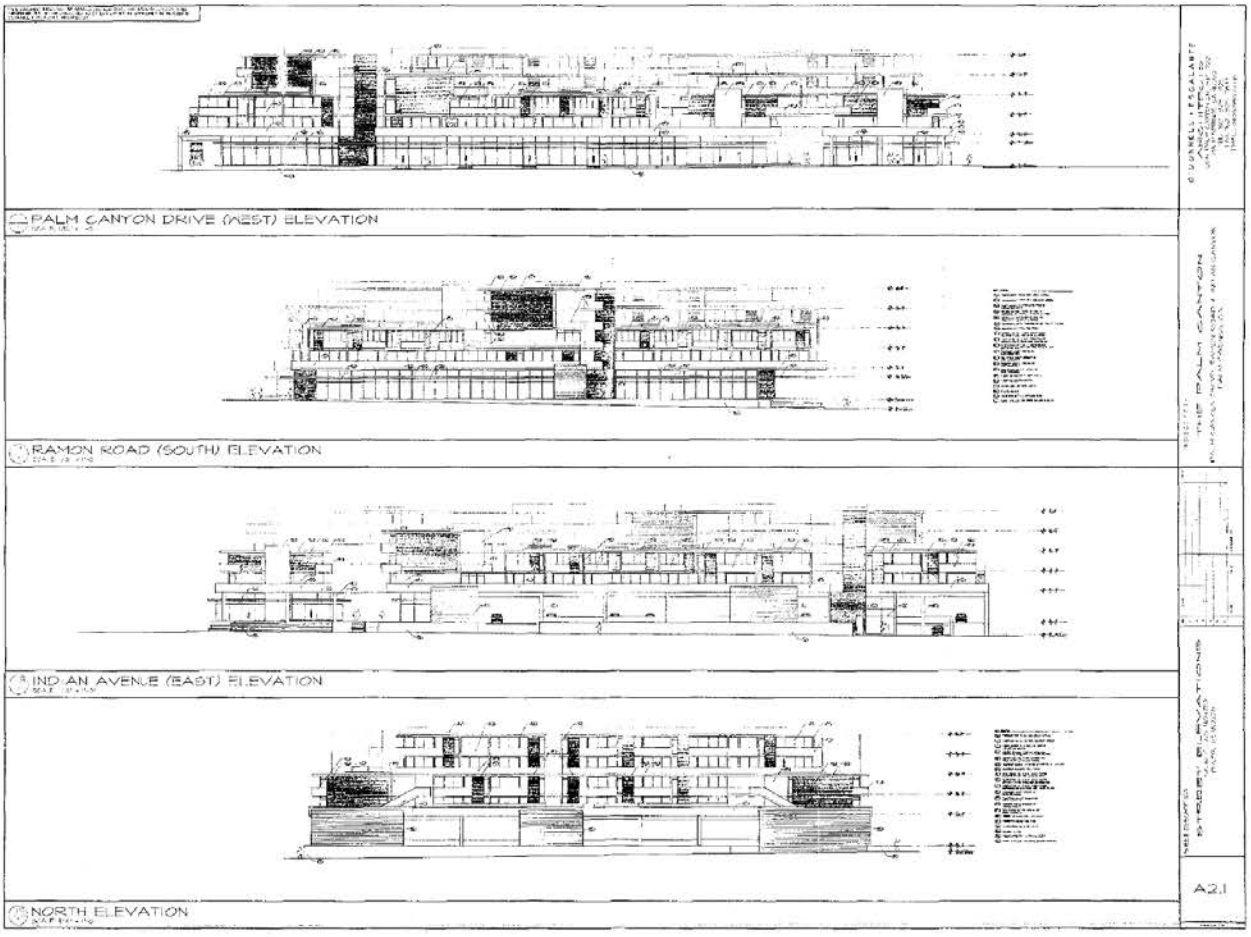

INDIAN CANYON DRIVE
RAMON ROAD
PALM CANYON DRIVE
GROUND FLOORPLAN W/(150' FIRE HOSE RADIUS)
A1.1

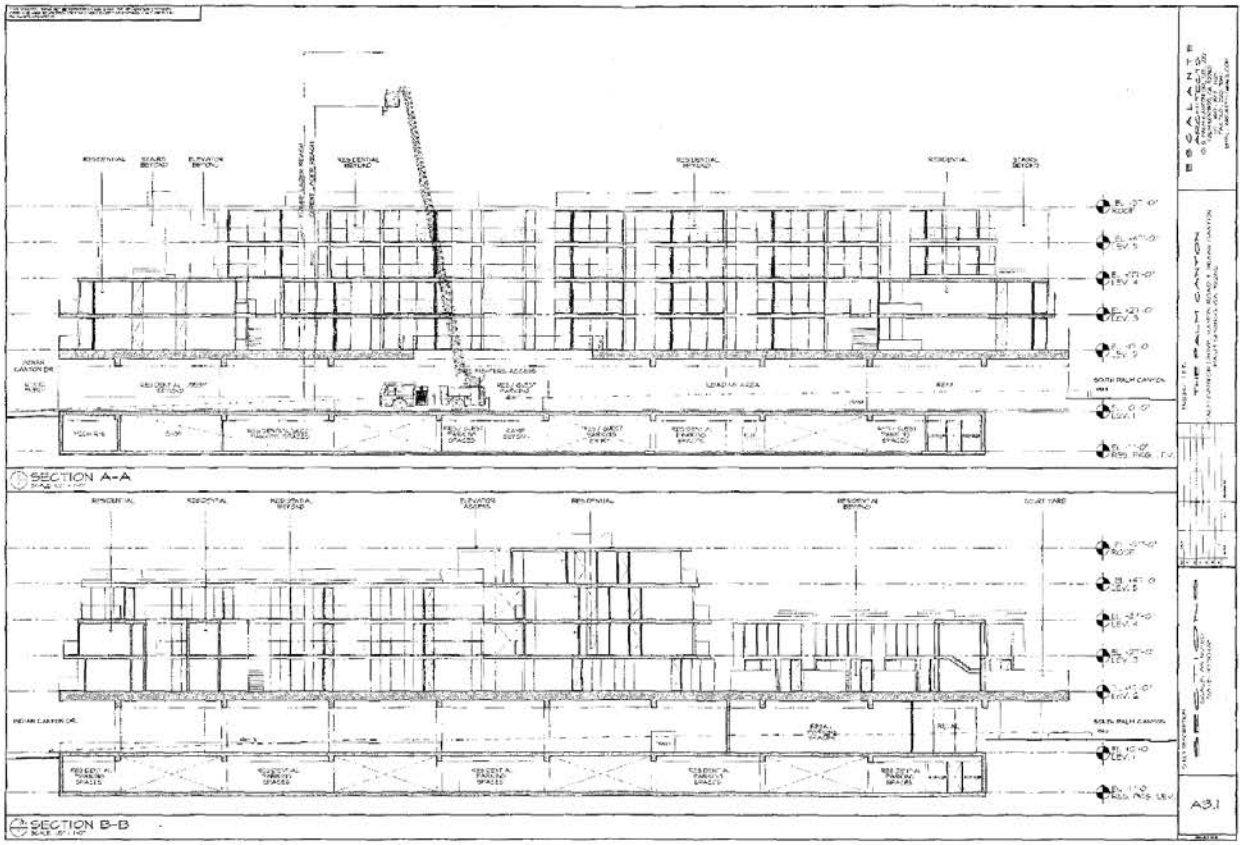

INDIAN CANYON DRIVE
RAMON ROAD
PALM CANYON DRIVE
THE SOUTH PALM CANYON
SECOND FLOORPLAN
A1.2
SECOND FLOORPLAN

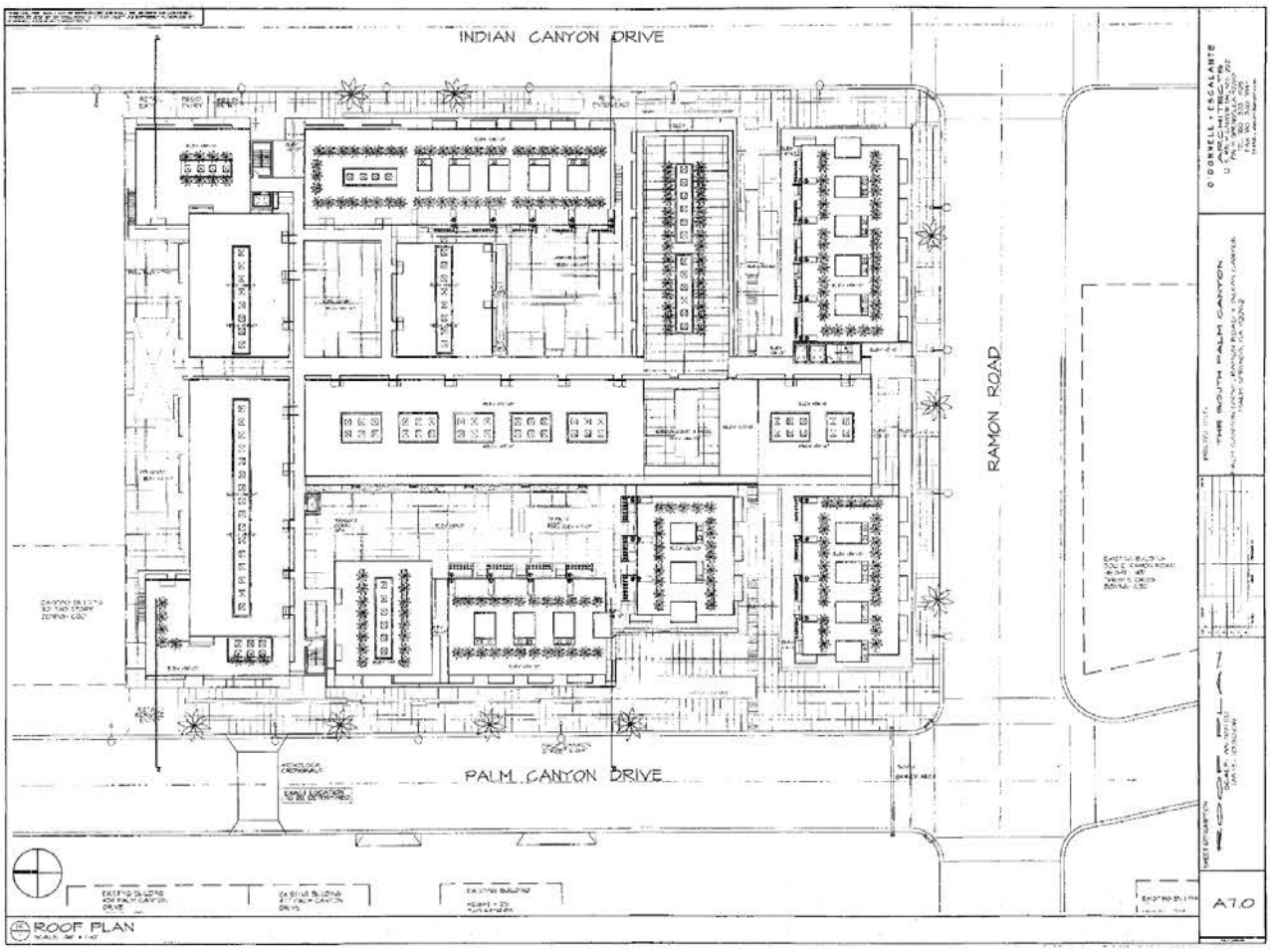

RAMON ROAD
PALM CANYON DRIVE
A1.3
3RD FLOORPLAN


RAYON ROAD
PALM CANYON DRIVE
D DONNELL • ESCALANTE
THE SOUTH PALM CANYON
4TH FLOORPLAN
A1.4
4TH FLOORPLAN


RAMON ROAD
PALM CANYON DRIVE
5TH FLOORPLAN
A1.5


PALM CANYON DRIVE (WEST) ELEVATION
RAMON ROAD (SOUTH) ELEVATION
INDIAN AVENUE (EAST) ELEVATION
NORTH ELEVATION
THE PALM CANYON
A2.1


SECTION A-A
SECTION B-B
A3.1


INDIAN CANYON DRIVE
RAMON ROAD
PALM CANYON DRIVE
ROOF PLAN
A7.0