



**CITY OF PALM SPRINGS**  
**DEPARTMENT OF PLANNING SERVICES**  
**MEMORANDUM**

**Date:** January 25, 2017  
**To:** Planning Commission  
**From:** Department of Planning Services *DN*  
**Subject:** Resolution for Case 5.1403 CUP – Ground floor office space at 201 North Palm Canyon Drive

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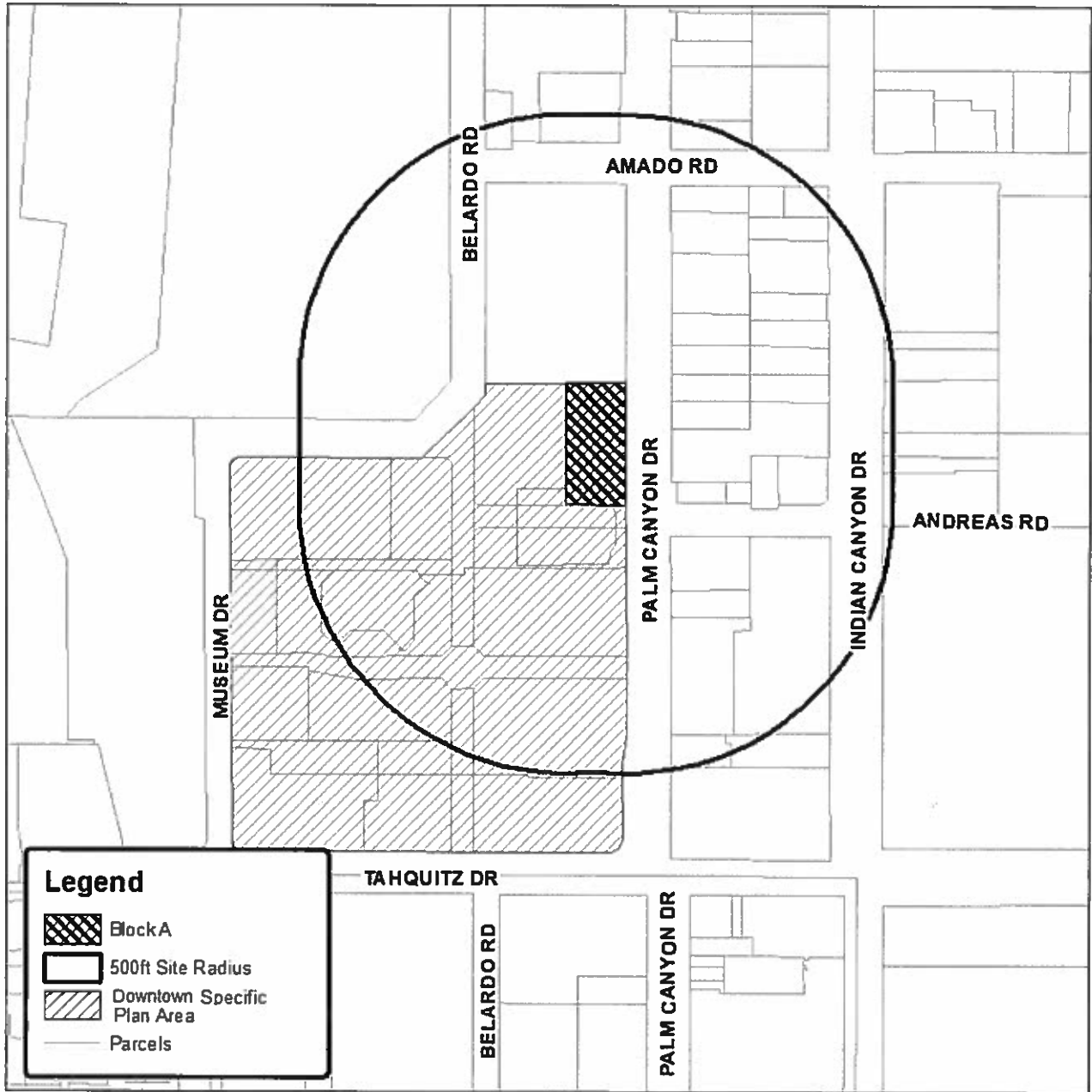
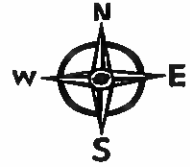
At its regular meeting on January 11, 2017, the Planning Commission considered Case 5.1403 CUP; a Conditional Use Permit request to establish and operate a 4,492-square foot office with ground floor frontage on Palm Canyon Drive located within Block A of the Downtown Palm Springs Specific Plan. After receiving testimony and closing the public hearing, the Commission directed staff to prepare a resolution of approval for the application. In response, staff drafted the attached resolution and included the standard conditions imposed on CUP approvals.

**Attachments:**





1. Vicinity Map
2. Draft Resolution with Conditions



# Department of Planning Services Vicinity Map



**Legend**

-  Block A
-  500ft Site Radius
-  Downtown Specific Plan Area
-  Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1403 CUP

**ADDRESS:** 201 N. Palm Canyon Drive / Block A of Downtown Palm Springs Specific Plan

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA DENYING CASE 5.1403 CUP; A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF AN OFFICE ON THE GROUND FLOOR FRONTING PALM CANYON DRIVE AT 201 NORTH PALM CANYON DRIVE.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. DTPS A-14, LLC ("Applicant") has filed an application with the City, Case 5.1403 CUP, pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking a CUP to establish a 4,492-square foot office on the ground floor of the three-story building located at 201 North Palm Canyon Drive, Zone CBD of Downtown Palm Springs Specific Plan, Section 15.

B. A notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1403 CUP was given in accordance with applicable law.

C. On January 11, 2017, a public hearing on Case 5.1403 CUP was held by the Planning Commission in accordance with applicable law.

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

E. In accordance with Section 94.02.00(B)(6) of the Zoning Code, the Planning Commission finds as follows:

*a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by the Zoning Code;*

The subject property is zoned CBD (Central Business District) by the Downtown Palm Springs Specific Plan. Pursuant to Section III.E.1 of the Specific Plan, ground floor office uses may be permitted when fronting Palm Canyon Drive, if approved by Conditional Use Permit. The Applicant seeks to establish a 4,492-square foot ground floor office space with Palm Canyon Drive frontage at 201 North Palm Canyon Drive. Therefore, the use is properly one for which a CUP is authorized and the project conforms to this finding.

*b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

An office at the proposed location will:

- i. Be the only office use on the ground floor of Block A
- ii. Not contribute to an over-concentration of ground floor office space fronting Palm Canyon;
- iii. Increase foot traffic to the downtown as a result of the activity generated by a realty office;
- iv. Create a synergy and lively frontage with the adjacent retail uses on this block; and
- v. Increase downtown parking during the evening hours.

Therefore, the proposed use is necessary and desirable for the development of the community; is in harmony with the Downtown Palm Springs Specific Plan and General Plan; and is not detrimental to existing or future uses permitted in the zone. The project conforms to this finding.

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

The project does not propose any exterior changes to the site with exception of signage. The existing site is a large mixed-use building with adequate parking as required by the Specific Plan when approved in 2014. The proposed office will occupy a 4,492-square foot space within the ground floor and the site is adequate in size and shape to accommodate such use without requiring additional setbacks, yards walls or fences, landscaping, etc. Therefore, the project conforms to this finding.

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

The project site is located adjacent to North Palm Canyon Drive, which is designated as a Major Thoroughfare in the General Plan Circulation Element, and is improved with three vehicle lanes. Public transit is also available on Palm Canyon Drive. The new office will be 4,492-square feet in size and any traffic generated by the proposed use will be insignificant to the streets and highways. Therefore, the project conforms to this finding.

- e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
  - i. Regulation of use,*
  - ii. Special yards, space and buffers,*

- iii. *Fences and walls,*
- iv. *Surfacing of parking areas subject to city specifications,*
- v. *Requiring street, service road, or alley dedications and improvements or appropriate bonds,*
- vi. *Regulation of points of vehicular ingress and egress*
- vii. *Regulation of signs,*
- viii. *Requiring landscaping and maintenance thereof,*
- ix. *Requiring maintenance of grounds,*
- x. *Regulation of noise, vibrations, odors, etc.,*
- xi. *Regulation of time for certain activities,*
- xii. *Time period within which the proposed use shall be developed,*
- xiii. *Duration of use,*
- xiv. *Dedication of property for public use,*
- xv. *And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

An office use has minimal impact on public health, safety and general welfare. However, any improvement to the existing building would require a building permit, which would ensure protection of the public health and safety. Therefore, the project conforms to this finding.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1403 CUP; a Conditional Use Permit request to establish and operate a ground floor office fronting Palm Canyon Drive within the mixed-use building located on Block A of the Downtown Palm Springs Specific Plan, 201 North Palm Canyon Drive.

ADOPTED this 25th day of January, 2017.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1403 CUP  
DTPS A-14, LLC

Ground Floor Office at 201 North Palm Canyon Drive

January 25, 2017

**CONDITIONS OF APPROVAL**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1403 CUP, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans date stamped November 14, 2016 and on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1403 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter

- and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05. Permits will not be issued until the appeal period has concluded.
- ADM 9. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

## **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Entertainment and Amplified Noise. This CUP does not authorize any use of entertainment or amplified music on-site.
- PLN 2. Sign Application Required. No signs are approved by this action. All exterior signs require a permit from the Planning Department and shall adhere to the approved sign program for the building.

- PLN 3. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 4. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

#### **POLICE DEPARTMENT CONDITIONS**

- POL 1. The operator shall comply with the noise ordinance (Chapter 11.74 of the Municipal Code) 24-hours a day.
- POL 2. The operator shall work with the Police Department to amicably resolve complaints related to meetings and events at the property.

#### **BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

**END OF CONDITIONS**