



## Planning Commission Staff Report

Date: October 14, 2009

Case No.: PA 09-005

Application Type: PRE-APPLICATION

Location: 1000 North Palm Canyon Drive

Applicant: Steve George Tappan

Zone: C-1 / R-3

General Plan: Neighborhood / Community Commercial

APN: 505-265-004, 505-265-005, 505-265-006, 505-265-013, 505-265-014, 505-265-015 & 505-265-016

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

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### **PROJECT DESCRIPTION**

The purpose of this hearing is to consider a pre-application by Steve George Tappan for an assisted living facility known as Legacy Palm Springs with 104 beds in 86 units, dining, common activity areas, outdoor patios, gardens and subterranean parking located on a property that is approximately 1.43 acres at 1000 North Palm Canyon Drive.

### **RECOMMENDATION**

That the Planning Commission provide comments and recommendations regarding the pre-application. **The hearing is conducted for informational purposes only and no action will be taken at this meeting.**

## PRIOR ACTIONS

On September 8, 2009, the Architectural Advisory Committee reviewed the pre-application; no vote or action was taken. The Committee made the following comments:

1. Density of project is fine; however, architecture has to be great. Building architecture will be a challenge.
2. Porte-cochere pushes building back and changes urban fabric of Palm Canyon Drive.
3. Would like to see building sections to see that pool area is receiving day light – livability of pool area is questionable.
4. The base (first-floor) architecture along Palm Canyon needs to read differently than the second and third floors.
5. Mixed-use project is appropriate for the area.
6. Encourage applicant to look at programmatic function of ground floor to allow pedestrian friendly use along street frontage.
7. Concerned about Palm Canyon frontage having too much paved area.
8. Indian Canyon Drive should be treated as frontage with regards to architectural significance.
9. Details of architecture will be important.

## BACKGROUND AND SETTING

The project site is bordered by North Palm Canyon Drive to the west and North Indian Canyon Drive to the west, between El Alameda and Tachevah Road. The site has a net lot area of approximately 1.43 acres and is vacant. Existing structures on the property were demolished in 2006.

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	Zoning	General Plan
North	Multi-tenant Commercial	C-1 (Central Retail Business) & R-3 (Multi-family & Hotel)	Neighborhood Community Commercial
South	Hotel	C-1 (Central Retail Business) & R-3 (Multi-family & Hotel)	Neighborhood Community Commercial
East	Apartment Complex	R-3 (Multi-family & Hotel)	Office & High Density Residential
West	Multi-tenant Commercial	C-1 (Central Retail Business)	Neighborhood Community Commercial

## PROJECT DESCRIPTION

The assisted living facility is proposed with 104 beds in 86 units and three stories or thirty feet in height with an additional five feet of parapet screen walls. The first floor contains a dining room, a club room lounge and bistro, an exercise room, bedrooms and general support offices and functions. The second floor contains a beauty shop, theater, an arts & crafts room, bedrooms and balconies. The third floor contains a library, billiard room, view decks, bedrooms and balconies.

A pool and courtyard area with gazebo will be located at the center of the property. Landscape and garden areas are located on the north and south areas of the property. No conceptual landscape plan has been submitted at this time.

A total of 84 parking spaces will be provided with 78 spaces located underground. Underground parking will have ingress from Palm Canyon Drive and egress to Indian Canyon Drive. An entry / drop-off area is located adjacent to Palm Canyon Drive and is covered with a porte-cochere.

## **ANALYSIS**

### General Plan

The General Plan Designation for the site is Neighborhood / Community Commercial (FAR 0.35). The General Plan states...

*Areas designated as Neighborhood / Community Commercial provide an opportunity for convenience commercial uses that serve adjacent residential neighborhoods. The commercial opportunities created under this designation are intended to be an integrated element of the neighborhood, providing to nearby residents services such as dry cleaners, grocery stores, bakeries, bank and post office branches, bookstores, drugstores, and smaller-scale restaurants. Harmonious relationships between these commercial uses and adjacent residential uses shall be achieved through compatibility of site design, building scale, pathways and circulation design, and architectural treatment of structures.*

The pre-application proposes an assisted living facility which is a residential use. The aforementioned General Plan designation does not allow residential uses and, therefore, the proposed use is inconsistent with the General Plan. A General Plan Amendment would have to be submitted for the formal application.

Should the formal application come forward as currently proposed, a density calculation would have to be analyzed. Typical General Plan residential densities are simply calculated by dwelling units per acre. The facility is proposing 86 units on 1.43 acres which amounts to 61 units per acre; the only designation that allows up to seventy units per acre is the Central Business District with the approval of a Planned Development District or Specific Plan.

Based on the above analysis, the applicant would have to amend the General Plan and/or General Plan Land Use Map.

### Zoning Code

The subject site is split zoned with C-1 on the western half and R-3 on the eastern half. The proposed use is considered a residential use and it is permitted within the R-3 Zone with the approval of a Conditional Use Permit, pursuant to Section 92.04.01(D)(1) of the Palm Springs Zoning Code (PSZC). There is no specific zone or ordinance that addresses a combination of commercial and residential uses in the same building or on

the same lot. This results in a project being evaluated according to the portion of the zone in which it is located. A Planned Development District is the zoning tool used to evaluate this project, which is requesting certain departures from two different zones (C-1, and R-3).

The project is located within the Resort-Combining overlay zone. This zone states that *"all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit. Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."* The Resort overlay is intended to provide for accommodations and services for visitors to the city while guarding against the intrusion of competing land uses. A planned development district for the project could address this overlay requirement.

Planned Development Districts

The proposal is an assisted living use in a building that is located in both the C-1 and R-3 zones. Pursuant to Section 92.04.01(D)(1) of the PSZC, an assisted living facility is permitted within the R-3 zone with the approval of a Conditional Use Permit, subject to the provisions of subsection(H)(7) of Section 94.02.00. An assisted living facility is not a permitted use within the C-1 zone. A Planned Development District would be necessary for the formal application to allow the proposed use within the C-1 zone since it is not a listed use within that zone. Section 94.03.00 of the Zoning Ordinance states...

*The Planned Development District is designed to provide various types of land use, which can be combined in compatible relationships with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practice while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages, which are intended to result from the application of the planned development district, are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction.*

Development Standards

Table 2: Existing and Proposed Development Standards

DEVELOPMENT STANDARDS	C-1 STANDARDS	R-3 STANDARDS	PROPOSED
Lot Area	20,000 sq. ft.	20,000 sq. ft.	62,411
Lot Dimension Width	100'	140'	NPCD - 240' - C-1 NICD - 250' - R-3
Lot Dimension Depth	150'	190'	254.4' after R-O-W dedications
Minimum Frontage on Dedicated/Improved Street	100'	n/a	240'

DEVELOPMENT STANDARDS	C-1 STANDARDS	R-3 STANDARDS	PROPOSED
Building Height	30' maximum commercial	24' two story Residential	30'
Front Setback	5'	30'	NPCD - 31' - C-1 NICD - 18.9' - R-3
Open Space / Usable Landscape space	50% of front yard setback	45% usable open space	Calculations not provided by applicant. Project not likely to comply as proposed.
Minimum Building Area	2,000 sq.ft. minimum	n/a	91,279 sq. ft.
North Side Yard	0'	30' (equal to building height)	0' - C-1 32' - R-3
South Side Yard	0'	30' (equal to building height)	0' - C-1 22' - R-3
Rear Yard	20'	30'	NICD-18.9'
Parking	0.5 space/bed + 1 space/every 3 staff = 66 spaces required		84 spaces provided
Density	Not a permitted use	Multiply 1 unit / 2,000 sf of lot area or 31 units x 1.38 <sup>1</sup> = 43 beds	104 beds in 86 units

### REQUIRED FINDINGS

There are no required findings for a pre-application.

### ENVIRONMENTAL ASSESSMENT

No environmental assessment is required for the pre-application. At the time a formal application is submitted, an Initial Study will be prepared under the guidelines of the California Environmental Quality Act (CEQA) and will be reviewed by the Planning Commission at a future hearing.

### NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property. As of the writing of this report, staff has not received any comment.

### CONCLUSION

The staff report concludes that the proposal is inconsistent with the General Plan. The building height proposed and the setbacks do not meet the requirements of the zoning

<sup>1</sup> The number of beds permitted in a facility shall be determined by multiplying the number of units permitted under the applicable zoning/general plan standards by the average household size for the city of Palm Springs according to the latest census figures. The 2000 census indicated the average household size in Palm Springs was 1.38 persons. (PSZO 94.02.00(H)(7)(a))

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## NOTIFICATION

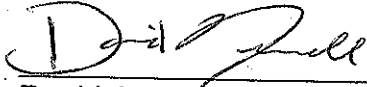
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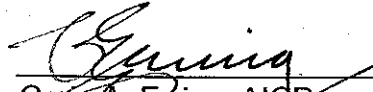
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ordinance. An assisted living facility is not a permitted use in C-1 Zone. A Planned Development District and General Plan amendment is the suggested route for this proposal, and the Planning Commission's role is to provide comments. In lieu of Conditions of Approval, comments from other departments have been provided as well as attachments for informational purposes. Staff also recommends both commercial and residential outreach community meetings regarding this proposal.



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David A. Newell  
Associate Planner



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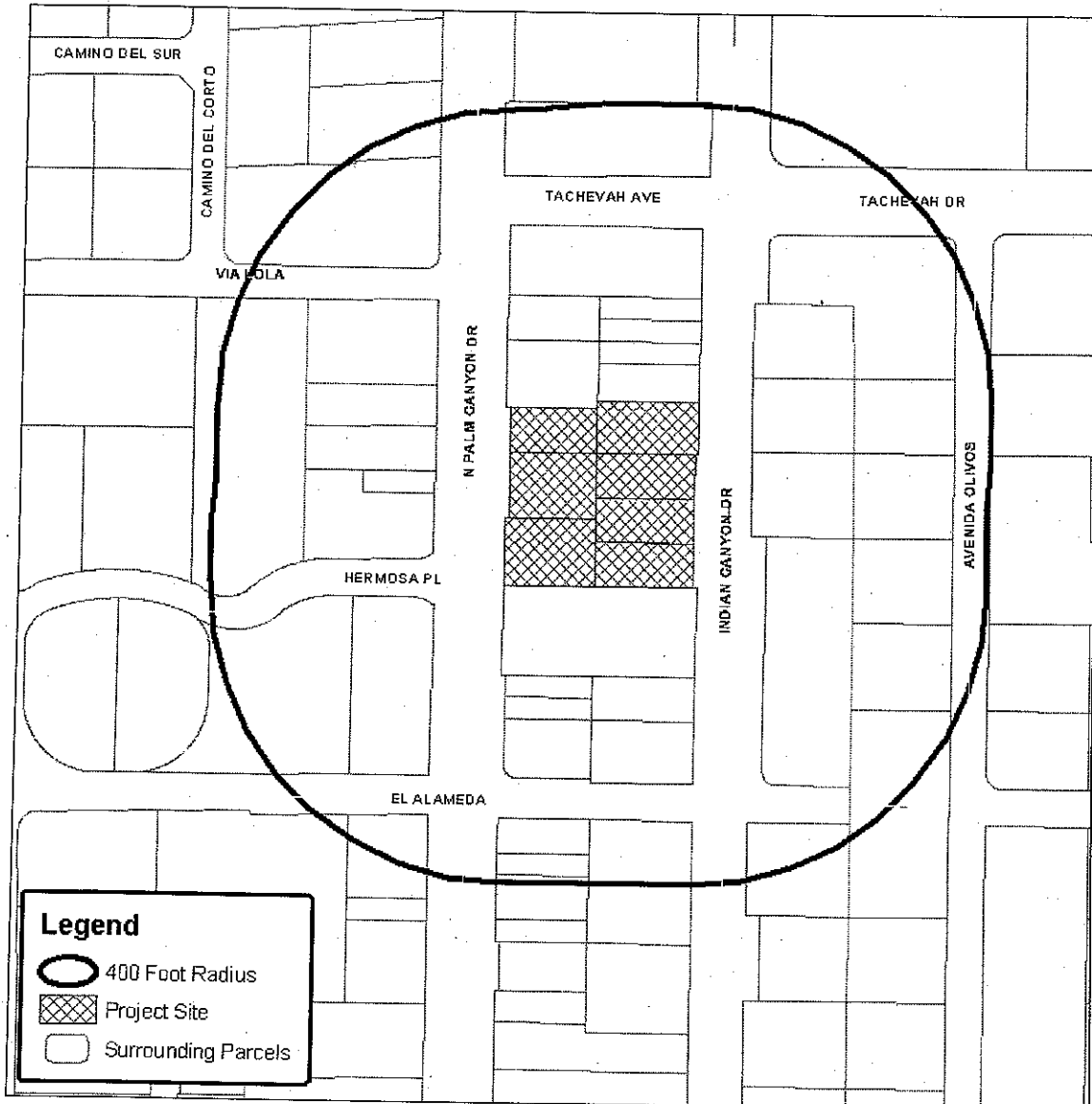
Craig A. Ewing, AICP  
Director of Planning Services

#### ATTACHMENTS

1. Vicinity Map
2. Reductions
3. Site Photos



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** Pre-App 09-005

**APPLICANT:** Legacy Palm Springs

**DESCRIPTION:** To consider an application by Steve George Tappan for a proposed assisted living facility known as "Legacy Palm Springs" with 104 beds in 86 units, dining, common activity areas, outdoor patios and gardens located on a property that is approximately 1.43 acres in size at 1000 North Palm Canyon Drive, zoned C1 and R3.



CSA

Chris Sabino Architects  
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Palm Springs, California 92264  
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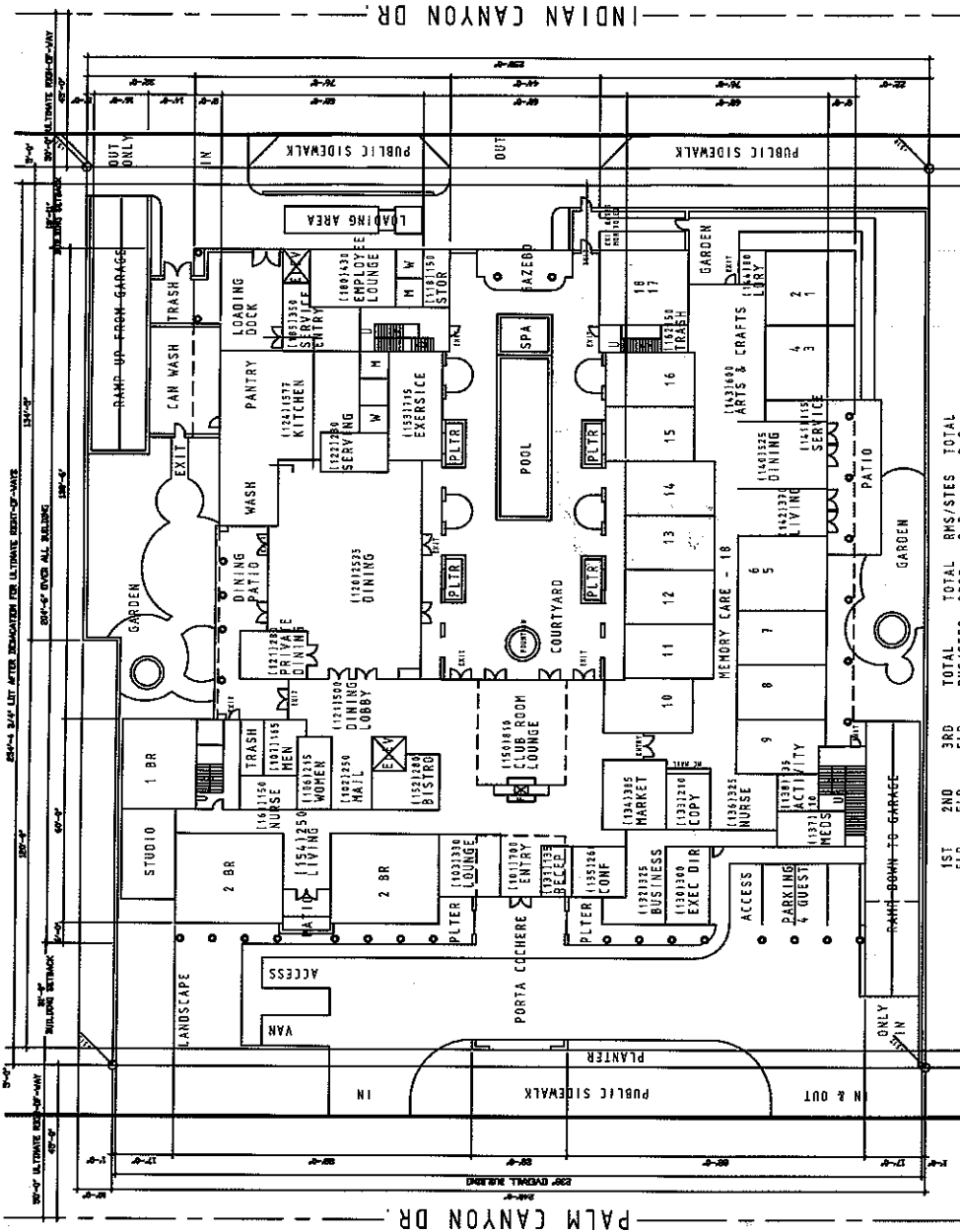
PROJECT  
Legacy Palm Springs  
North Palm Canyon  
Palm Springs, CA  
For Tappan Enterprises L.L.C.

Revisions	Date

SHEET TITLE  
Site  
Plan

DRAWN BY  
CLS  
DATE  
04-26-2009  
JOB NO.  
009-09006  
SHEET NO.  
©

PA-1.1



INDIAN CANYON DR.

PALM CANYON DR.

Scale: 1/16" = 1'-0"

Site Plan

1ST FLR	2ND FLR	3RD FLR	TOTAL RMS/STES	TOTAL BEDS	TOTAL RMS/STES	TOTAL S.F.
2	6	6	14	14	424	5,936
SINGLE SUITE	0	22	44	44	583	25,652
DOUBLE SUITE	2 (4)	6 (12)	14	28	848	11,872
MC SINGLE	10	0	10	10	424	4,240
MC DOUBLE	4 (8)	0	4	8	583	2,332
TOTAL			86	104		50,032

Building & Site Areas  
Ground Level - Total Covered Area 31,111 s.f.  
Below Grade Parking Garage 43,080 s.f.  
Ground Floor Interior Building Area 28,632 s.f.  
Second Floor Interior Building Area 30,284 s.f.  
Third Floor Interior Building Area 29,821 s.f.  
Total Interior Building Area 91,279 s.f.  
Total Site Area 1.43 Acres 62,411 s.f.

CSA

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1715 S. Palm Canyon Dr., Ste. 219  
Palm Springs, California 92262  
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PROJECT  
Legacy Palm Springs  
North Palm Canyon  
Palm Springs, CA  
FOR  
Tappan Enterprises L.L.C.

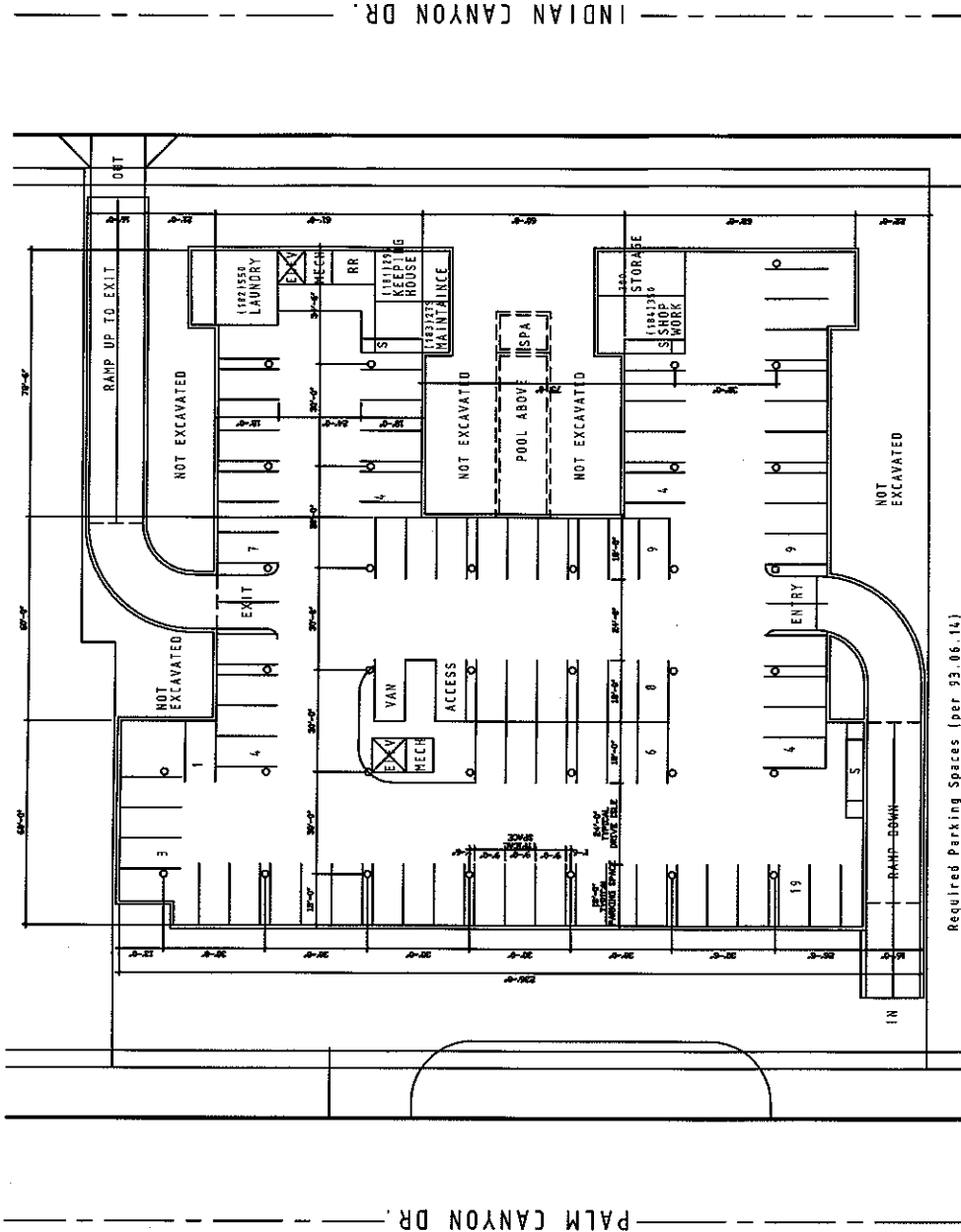
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SHEET TITLE

Below  
Grade  
Garage  
Plan

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DATE: 8-25-09  
JOB NO.: 09-915  
SHEET NO.: 2

PA-2.0



- Required Parking Spaces (per 93.06.14)
- 1 per 2 beds (86 + 18 = 104 beds x .5 = 52)
  - 1 per 3 employees (40 / 3 = 14)
  - 66 parking spaces required
  - 78 parking spaces provided in garage
  - 6 parking spaces provided guest covered
  - 2 parking spaces provided guest open
  - 84 total spaces provided

Building & Site Areas  
Below Grade Parking Garage 43,080 s.f.

Below Grade Garage

SCALE: 1/16" = 1'-0"



CSA

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PROJECT  
 Legacy Palm Springs  
 North Palm Canyon  
 Palm Springs, CA

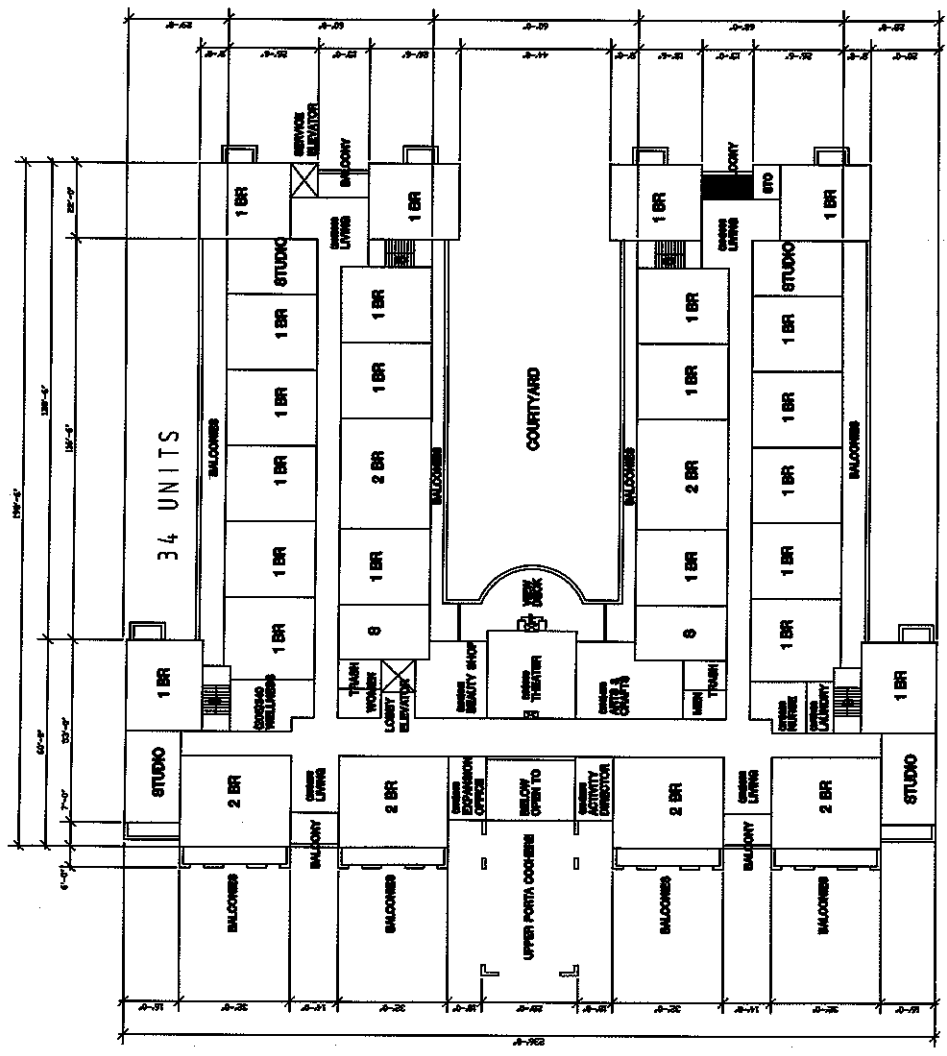
FOR  
 Tappan Enterprises L.L.C.

Revisions	Date

SHEET TITLE  
 Second  
 Floor  
 Plan

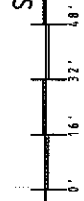
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 DATE 8-25-09  
 JOB NO. 09-916  
 SHEET NO. ②

PA-2.2



Second Floor plan

SCALE: 1/16" = 1'-0"



Building Areas  
 Second Floor Interior Building Area 30,284 s. f.

CSA

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Legacy Palm Springs  
Tappan Enterprises L.L.C.  
North Palm Canyon  
Palm Springs, CA

PROJECT

Revisions

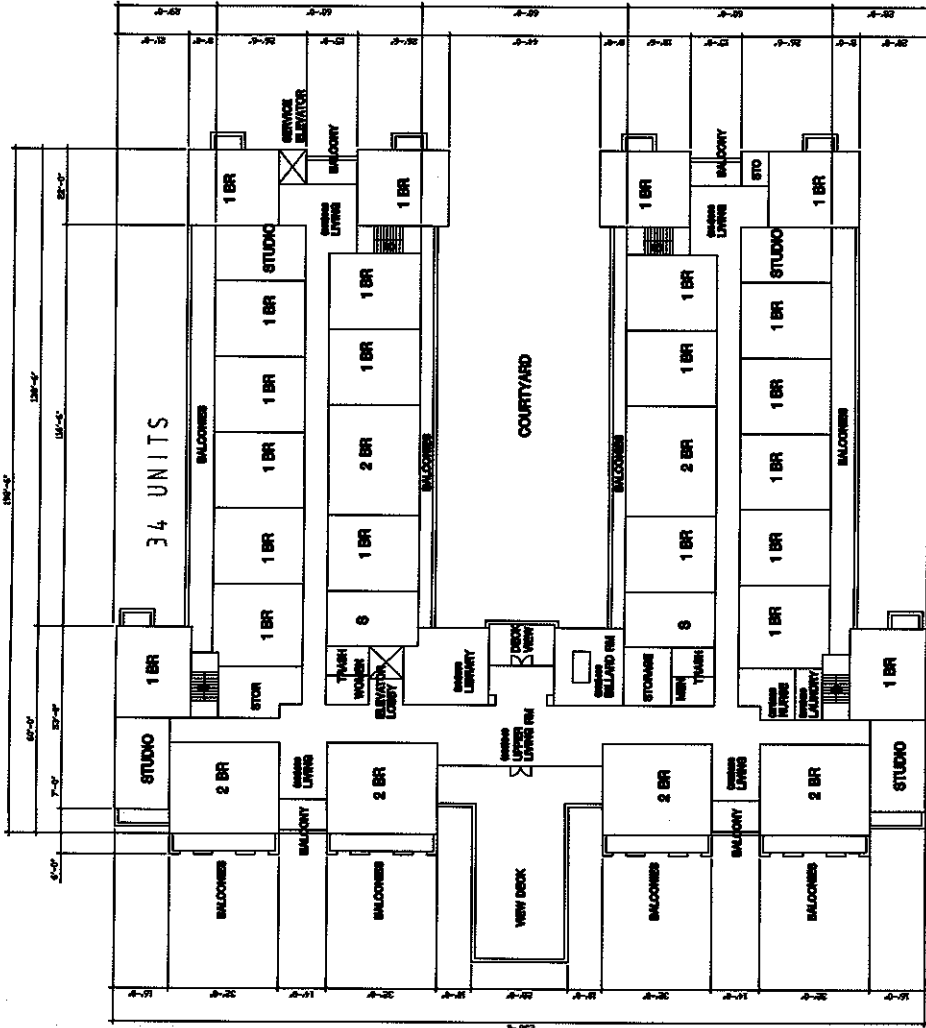
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SHEET TITLE

Third Floor Plan

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DATE: 8-25-09  
JOB NO.: 09-515  
SHEET NO.: ③

PA-2.3



Third Floor plan

SCALE: 1/16" = 1'-0"

Building & Site Areas  
Third Floor Interior Building Area 29,421 s.f.

CSA

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PROJECT  
Legacy Palm Springs  
North Palm Canyon  
Palm Springs, CA

FOR

Tappan Enterprises L.L.C.

Revisions

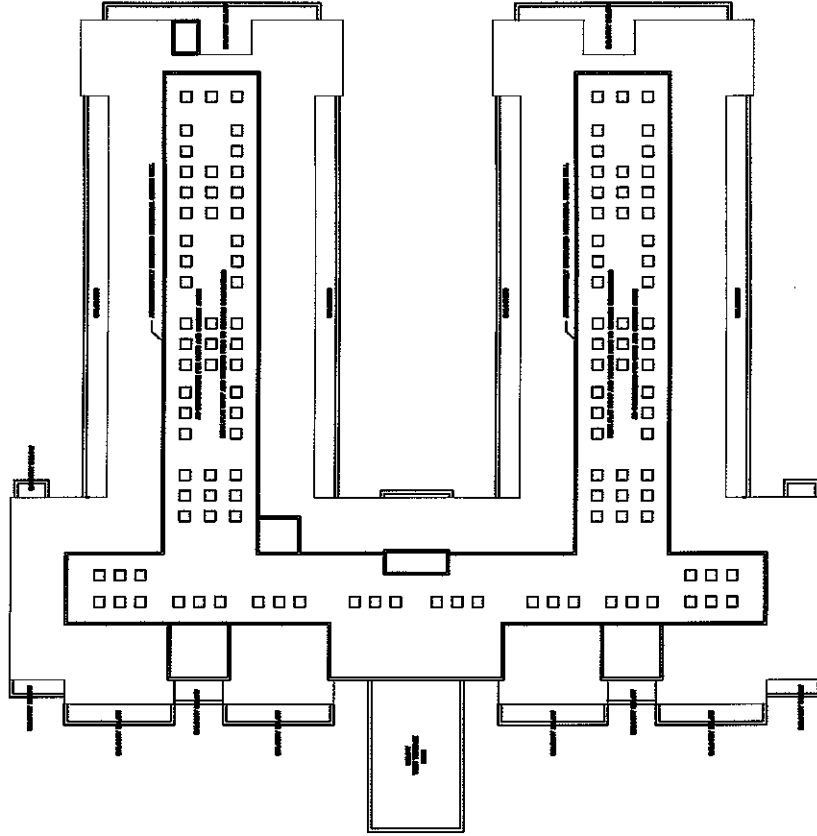
Revisions	Date

SHEET TITLE

Roof  
Plan

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DATE 8-25-09  
JOB NO. 09-916  
SHEET NO. 3

PA-3.1



Roof Plan





CSA

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PROJECT  
Legacy Palm Springs  
North Palm Canyon  
Palm Springs, CA

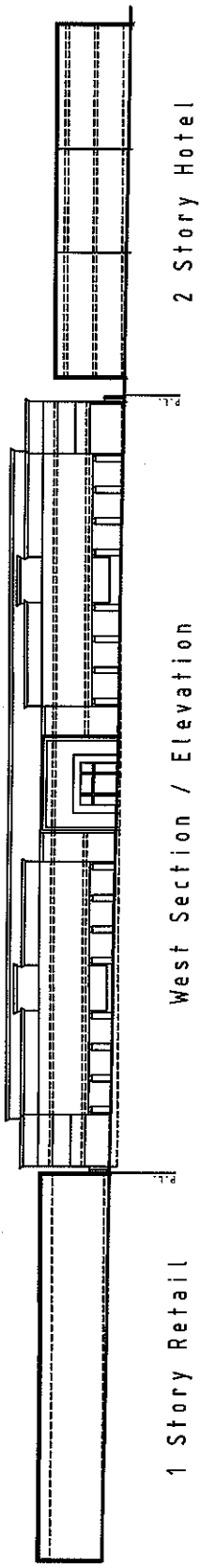
FOR  
Tappan Enterprises L.L.C.

Revisions	Date

SHEET TITLE  
Building  
Setback  
&  
Massing

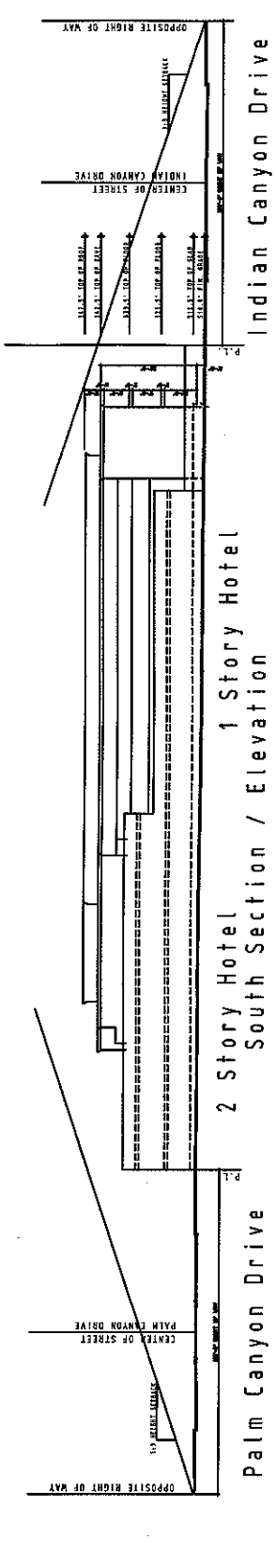
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CLS  
DATE  
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JOB NO.  
09-916  
SHEET NO.  
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PA-6.2



2 Story Hotel

West Section / Elevation



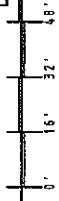
2 Story Hotel  
South Section / Elevation

1 Story Hotel  
Indian Canyon Drive

Palm Canyon Drive

Building Massing

SCALE: 1/16" = 1'-0"





NORTH - ADJACENT.



SITE - 1000 N. PALM CANYON

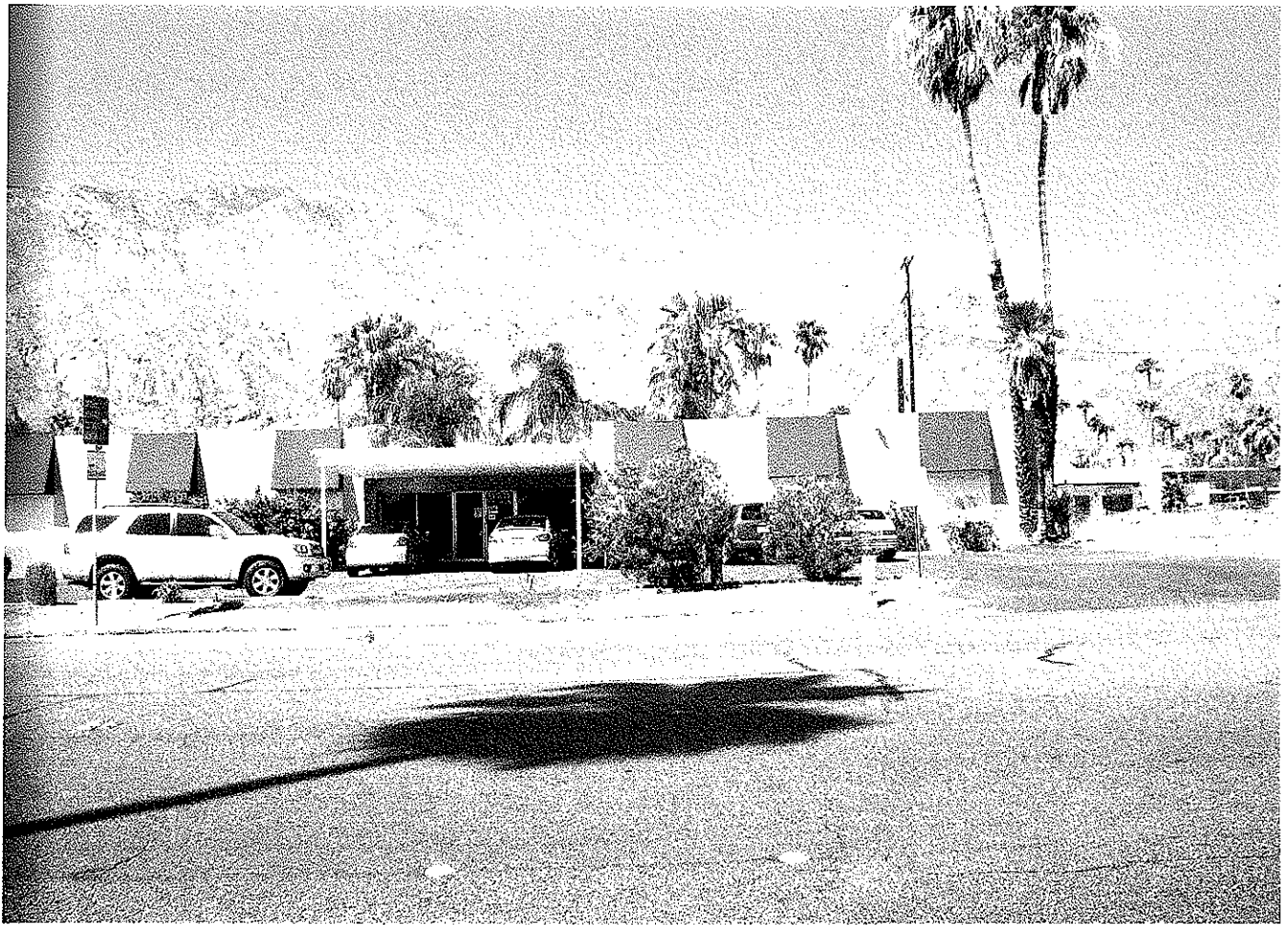




SITE - 1000 N. PALM CANYON



SOUTH ADJACENT



SOUTH - SITE ADJACENT



SITE - 1000 N. INDIAN.





NORTH ADJACENT



SITE - 1000 N. INDIAN



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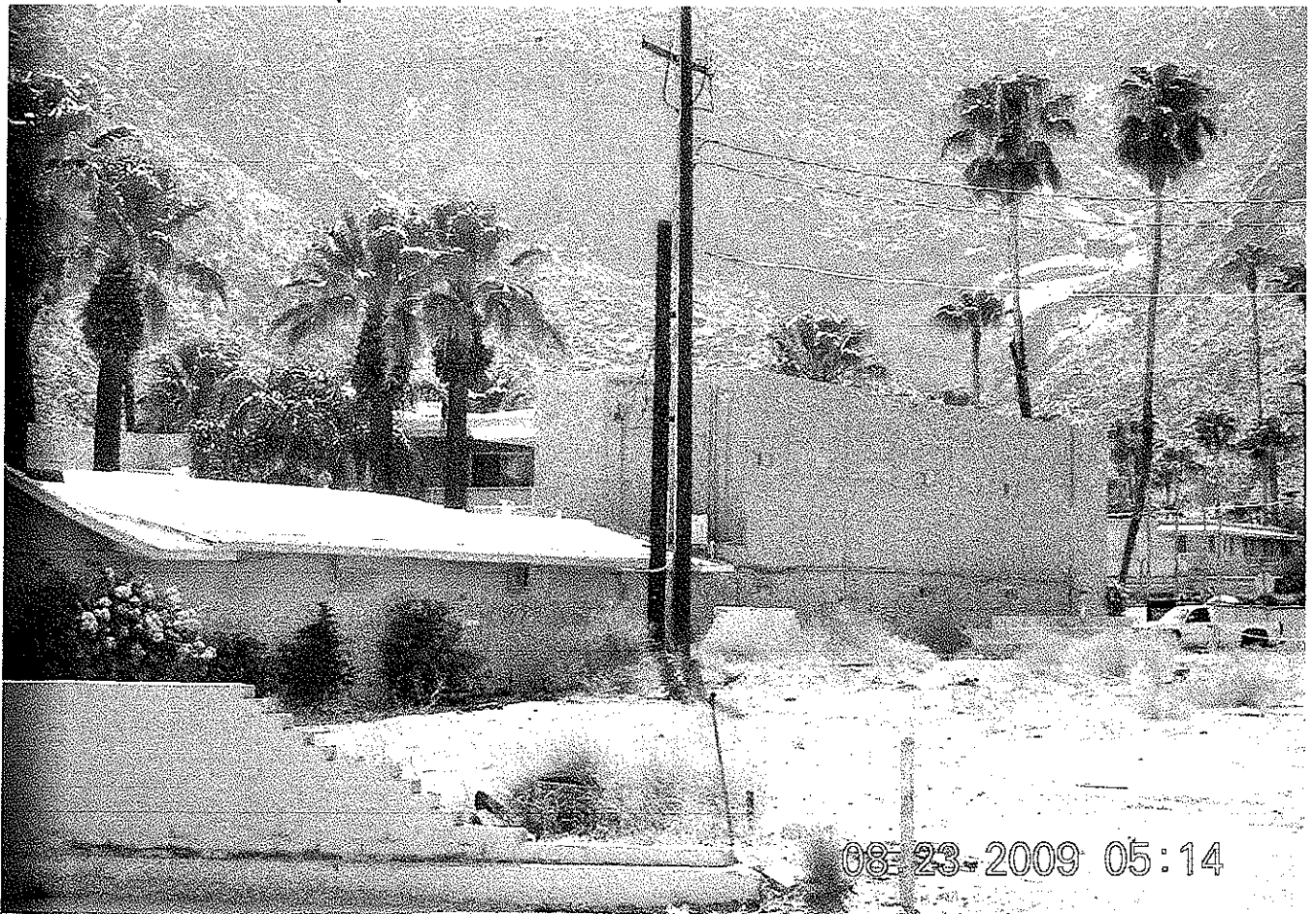
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SITE - LOOKING WEST FROM N INDIAN.





SITE - LOOKING NORTH



SITE - LOOKING SOUTH