



## Planning Commission Staff Report

Date: October 14, 2009

Case No.: 5.1112 – MAJ Time Extension

Type: Major Architectural Time Extension

Location: North side of 34<sup>th</sup> Avenue at Lawrence and Marguerite Streets, West of the Dinah Shore Drive Bridge crossing Whitewater River

APN: 680-180-002 & 680-180-041

Applicant: Marshall Innins Design Group

General Plan: LDR Low Density Residential (4.1 – 6.0 du/ac)

Zone: W-R-G-A (6) Cluster Residential Zone, within the 9-H Redevelopment Area

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

Project Planner: Glenn Mlaker, Assistant Planner

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### **PROJECT DESCRIPTION:**

The project is a request by Marshall Innins Design Group, for a one-year time extension for a previously approved 41-unit attached and detached cluster condominium complex on approximately 7.6 acres. The complex consists of two, three and four bedroom units and will range between 1,362 and 2,402 square feet in size. The architectural style is Mid-Century with modern elements and will consist of four different types of models.

### **RECOMMENDATION:**

That the Planning Commission approve a one-year time extension for Case 5.1112 – MAJ from August 23, 2009 to August 22, 2010.

**BACKGROUND:**

On August 23, 2006, the Planning Commission adopted the Mitigated Negative Declaration (MND); approved the Major Architectural application (MAJ); and recommended approval of the Tentative Tract Map (TTM) 32736 to the City Council.

On October 4, 2006, the City Council adopted the Mitigated Negative Declaration and approved the Tentative Tract Map application.

On September 10, 2008 the Planning Commission granted a one-year time extension from August 23, 2008 to August 22, 2009.

**ANALYSIS:**

Pursuant to Section 94.04.01(H) of the Palm Springs Zoning Code, Architectural Approval is valid for two years and may be extended by the Planning Commission upon demonstration of good cause.

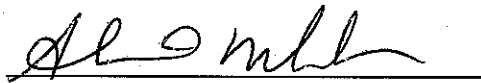
Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Additionally, the applicant must demonstrate good cause for the time extension. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood would warrant denial of the time extension. The applicant submitted a letter of time extension request on August 5, 2009. The applicant has stated that construction has not commenced due to current market and economic conditions. The State of California legislature has granted a time extension for all tentative tract maps until the year 2011.

**ENVIRONMENTAL DETERMINATION:**

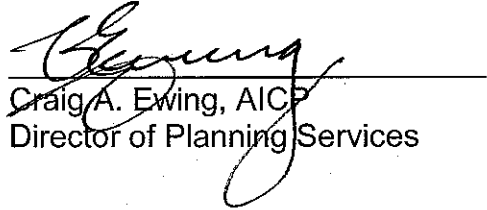
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration was previously adopted by the City Council on October 4, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Mitigated Negative Declaration, Addendum to the Mitigated Negative Declaration or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the adopted MND.

**CONCLUSION:**

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one year from August 23, 2009 to August 22, 2010 for Case 5.1112 - MAJ.



Glenn Mlaker  
Assistant Planner



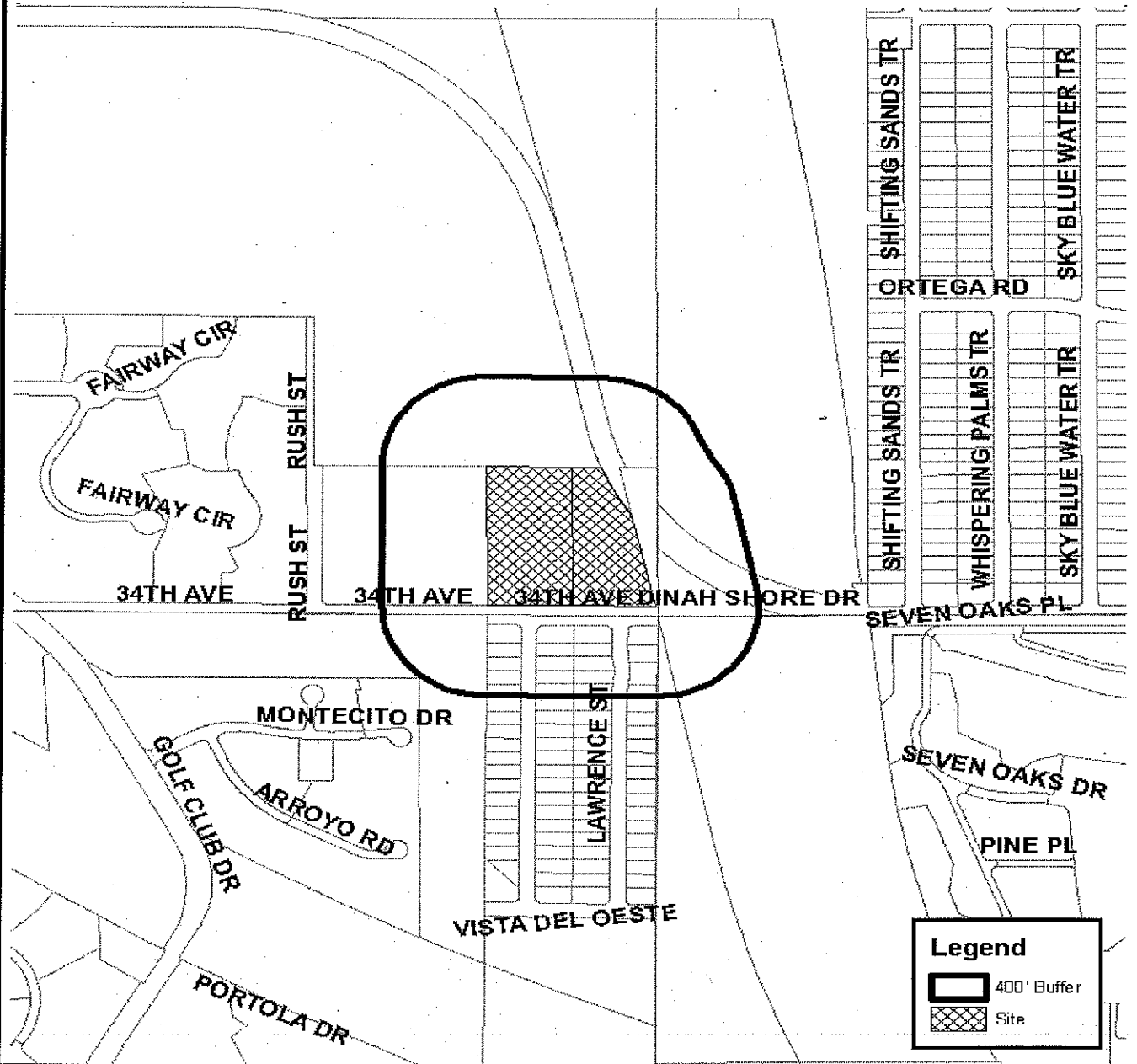
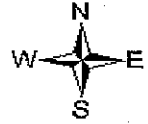
Craig A. Ewing, AICP  
Director of Planning Services

**Attachments:**

- 1) 400' Radius Map
- 2) Draft Resolution
- 3) Letter of Time Extension Request



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

<p><b>CASE NO:</b> 5.1112 -MAJ /</p>	<p><b>DESCRIPTION:</b> Application for a time extension request to construct 41 residential units along 34<sup>th</sup> Avenue near Dinah Shore Drive, Zone RGA(6), Section 20. APN: 680-180-002, 680-180-041.</p>
<p><b>APPLICANT:</b> Marshall Innis Design Group</p>	

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A MAJOR ARCHITECTURAL APPLICATION 5.1112 FROM AUGUST 23, 2009 TO AUGUST 22, 2010; A PREVIOUSLY APPROVED 41-UNIT RESIDENTIAL COMPLEX ON APPROXIMATELY 7.6 ACRES LOCATED NORTH OF 34<sup>TH</sup> AVENUE AND WEST OF DINAH SHORE, ZONE R-G-A (6), SECTION 35.

WHEREAS, Marshall Innis Design Group ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) of the Palm Springs Zoning Code for two-year time extension to commence construction for 5.1112, a Major Architectural Application located on the north side of 34th Avenue at Marguerite Street and west of the Dinah Shore Bridge; and

WHEREAS, on October 14, 2009, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Mitigated Negative was previously adopted by the City Council on October 4, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Mitigated Negative Declaration, Addendum to the Mitigated Negative Declaration or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the adopted MND.

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for 5.1112 - MAJ from August 23, 2009 to August, 2010.

ADOPTED this 14th day of October, 2009.

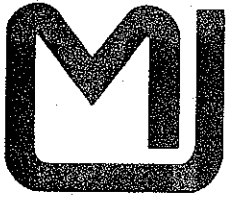
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services



**MARSHALL  
ININNS  
DESIGN  
GROUP**

**PROFESSIONAL ARCHITECTURE CORPORATION**

Planning Department  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92263-2743

August 5, 2009

**PROJECT:** Mountain Terraces at The Legends  
Case No. 5.1112, TTM 32736  
34th Ave. and East Mesquite Ave.  
Palm Springs, CA

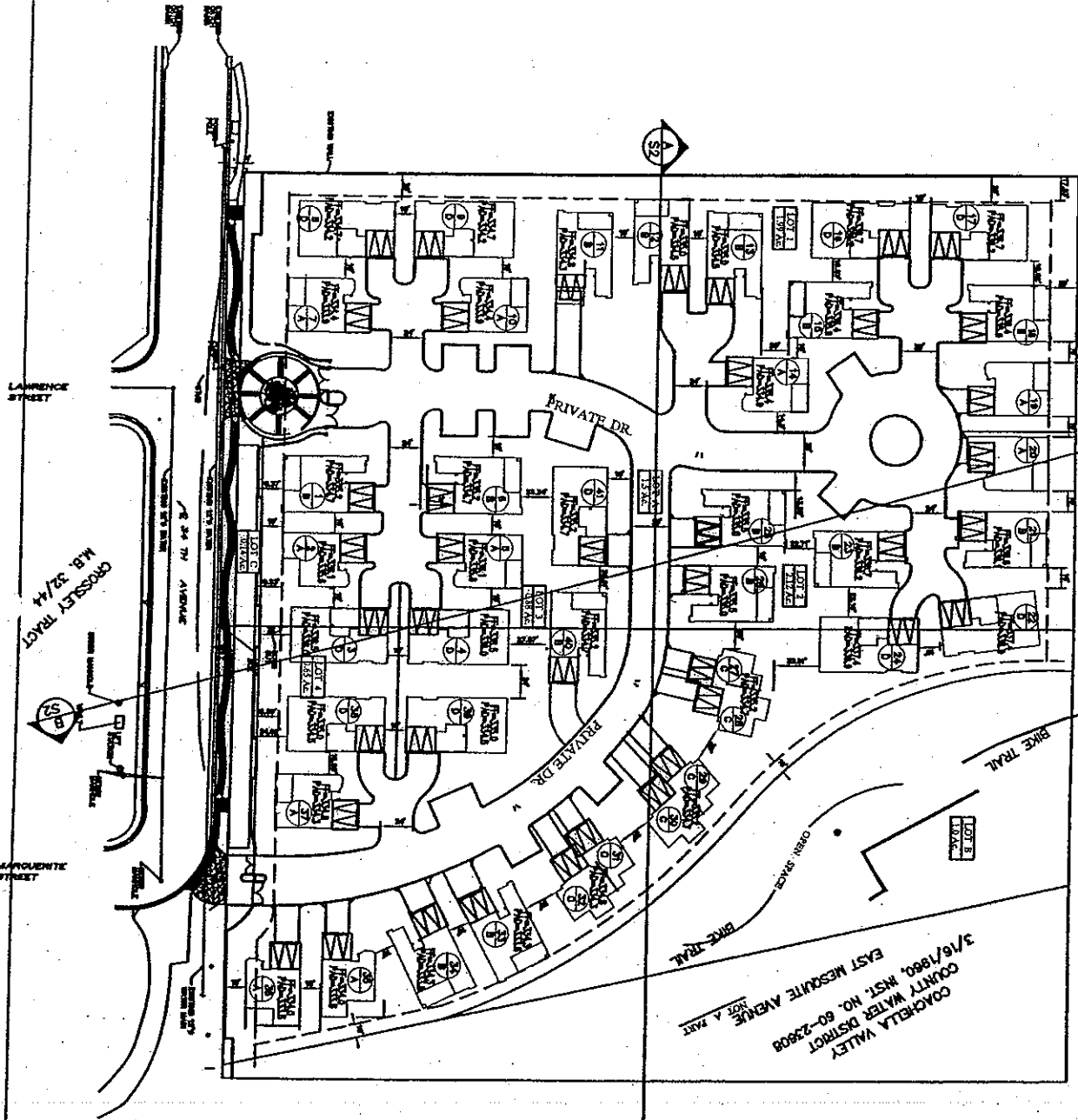
**ATTENTION:** Edward O. Robertson

Dear Edward,

Please grant a two year extension on the approvals for the above named project. Should you have any questions or need anything else please do not hesitate to call me at your earliest convenience. Thank you.

Respectfully,

Marshall Ininns  
Architect



COACHELLA VALLEY  
COUNTY WATER DISTRICT  
3/16/1980, MST. NO. 60-23808  
EAST MESQUITE AVENUE  
LOT A PART



0029

Sheet No  
of SITE

Drawn By  
Checked By  
Date  
Revisions

Mountain Terraces at The Legends  
Unit C floorplan  
34th and East Mesquite Avenue

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