



Planning Commission Staff Report

Date: November 12, 2009

Case No.: 5.1042 - PD 311 Time Extension

Type: Time Extension for Planned Development District

Location: 450-490 South Palm Canyon Drive, north of Ramon Road and between South Palm Canyon Drive and Indian Canyon Drive.

APN: 513-214-004, 005 & 513-214-010, 011

Applicant: South Palm Canyon, LLC

General Plan: Central Business District

Zone: Central Business District

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

Project Planner: Glenn Mlaker, Assistant Planner

PROJECT DESCRIPTION:

The project is a one-year time extension request by South Palm Canyon, LLC for the previously approved mixed use development consisting of residential, commercial and recreational facilities. The residential component of the proposal is for the development of up to 125 condominium units, and approximately 39,000 square feet of retail/commercial space on approximately 2.67-acres at 450-490 S. Palm Canyon Drive.

RECOMMENDATION:

That the Planning Commission approve a one-year time extension for Case 5.1042 - PD 311 from October 25, 2009 to October 24, 2010.

BACKGROUND:

- On October 11, 2006, 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.
- On October 25, 2006, the City Council certified a final environmental impact report and approved Planned Development District 311 as recommended by the Planning Commission.
- On August 27, 2008, the Planning Commission granted a one-year time extension for case 5.1042 / PD 311 from October 25, 2008 to October 24, 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 October 7, 2009. The applicant has stated that construction has not commenced due to current market and economic conditions. The tentative tract map remains in effect.

ENVIRONMENTAL DETERMINATION:

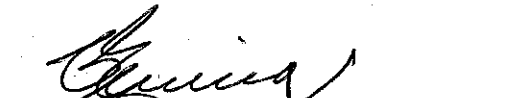
A Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation 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 certified environmental impact report.

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 October 25, 2009 to October 24, 2010, for 5.1042 - PD 311.



Glenn Mlaker
Assistant Planner



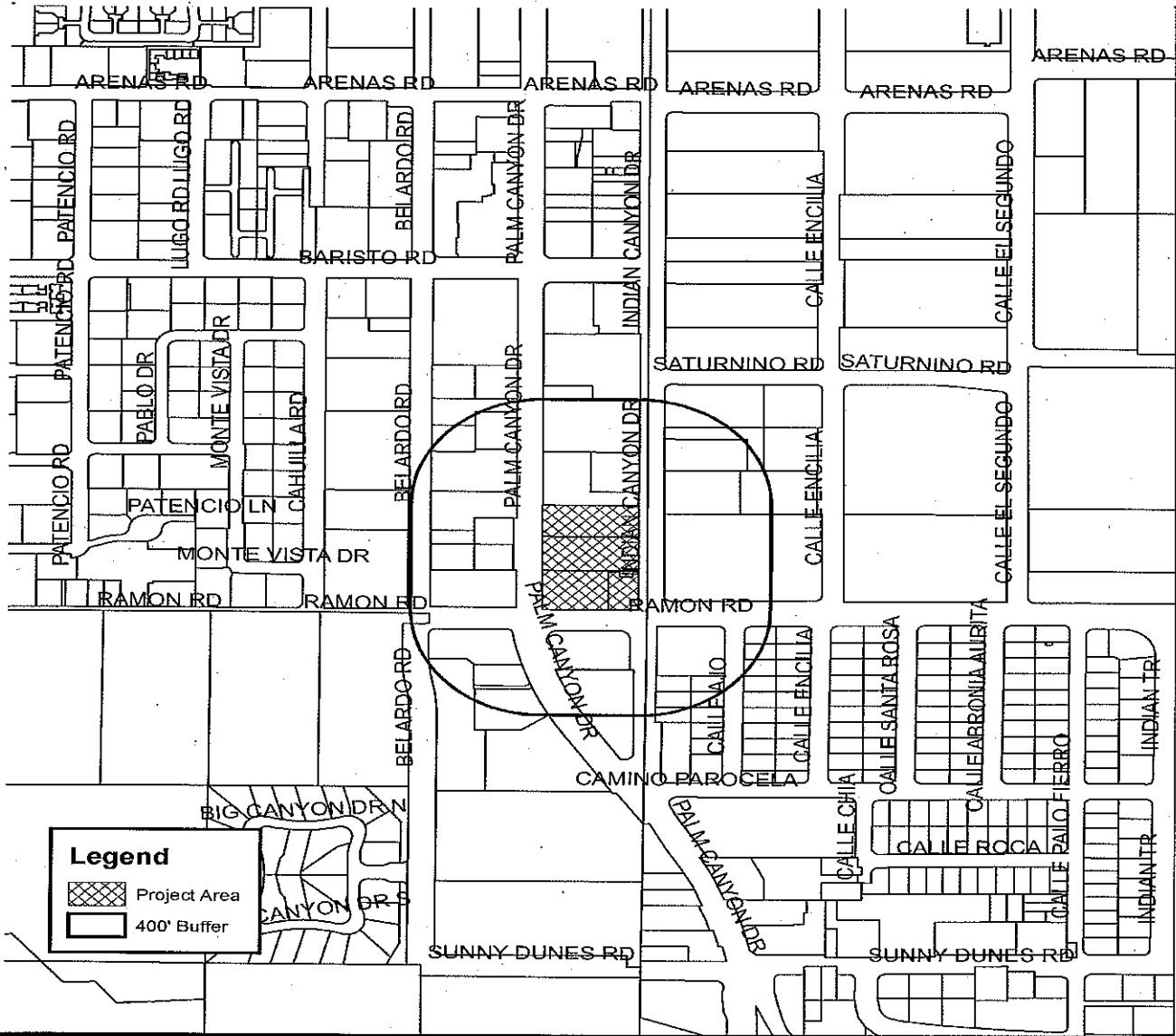
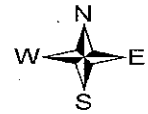
Craig A. Ewing, AICP
Director of Planning Services

Attachments:

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



Department of Planning Services Vicinity Map



Legend

- Project Area
- 400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1042 / PD 311
TTM 33514

APPLICANT: South Palm Canyon,
LLC

DESCRIPTION: To consider a Time Extension for a proposed PD 311 and TTM 33514 for a condominium map. The Planned Development District would allow the development of up to 124 condominium units and approximately 39,000 square feet of commercial space on an approximate 2.67-acre site at 450 – 490 South Palm Canyon Drive, Zone CBD, Section 15. APN: 513-214-004, 513-214-005, 513-214-010, 513-214-011.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR PLANNED DEVELOPMENT DISTRICT 311 FROM OCTOBER 25, 2009 TO OCTOBER 24, 2010; A PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT CONSISTING OF A 125-UNIT CONDOMINIUM COMPLEX AND APPROXIMATELY 39,000 SQUARE FEET OF RETAIL /COMMERCIAL SPACE ON AN APPROXIMATELY 2.67-ACRE SITE LOCATED AT 450-490 SOUTH PALM CANYON DRIVE, ZONE C-B-D, SECTION 15.

WHEREAS, South Palm Canyon, LLC ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 311 located at 450-490 South Palm Canyon Drive and Indian Canyon Drive; and

WHEREAS, on November 12, 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 Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR 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 certified environmental impact report.

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 PD 311 from October 25, 2009 to October 24, 2010.

ADOPTED this 12th day of November, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

**SOUTH PALM CANYON, LLC
4641 LEAHY STREET
CULVER CITY, CA 90232
(310) 280-2830**

October 7, 2009

Mr. Craig A. Ewing, AICP
Director Of Planning Services
City Of Palm Springs Department Of Planning Services
3200 E. Tahquitz Way
Palm Springs, California 92262

Re: Case No. 5.1042 – PD 311 / TTM 33514
(The South Palm Canyon Mixed-Use Project)
Location: 450-490 South Palm Canyon Drive, Palm Springs, California
APN: 513-214-004, 005; And 513-214-010, 011

Dear Mr. Ewing:

On October 25, 2006 the City Council of the City of Palm Springs reviewed and approved the above-described project, subject to the applicable Final Conditions of Approval. In October 2008 the project PD and TTM were extended to October 25, 2009.

Pursuant to our discussion yesterday, we understand that the TTM has been extended for one (1) year (i.e., until October 25, 2010) by virtue of action taken by the State of California under the Subdivision Map Act.

The purpose of this letter is to formally request that the project PD approval also be extended for a period of one (1) year. Enclosed is a check payable to the Department of Planning Services in the sum of \$881.00, representing payment of the extension fee.

A principal reason for our extension request is the continued downturn in the local residential real estate market along with the general economic slowdown. Due to these economic issues there has been a sharp reduction in demand for new residential units (and commercial space) and in the availability of financing for mixed-use projects of this type. We anticipate that the requested extension should assist us in proceeding with the project within a time frame that will allow the economy to firm and the project to proceed.

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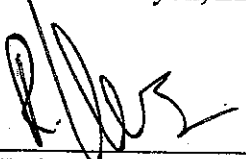
OCT 26 2009

**PLANNING SERVICES
DEPARTMENT**

513-214-004
CBO

Very truly yours,

South Palm Canyon, LLC

By: 
Robert Herscu, Co-Manager

cc: Brian Linnekens
George Herscu
Robert Ozell