



CITY COUNCIL STAFF REPORT

DATE: November 18, 2009

PUBLIC HEARING

SUBJECT: PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES

FROM: David H. Ready, City Manager

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

SUMMARY

On April 1, 2009, the City Council conducted a public hearing, received testimony, closed the hearing and continued action on the Museum Market Plaza Specific Plan. In the discussion following the hearing, the Council covered a wide range of issues, in particular; 1) the Specific Plan's overall boundaries, 2) the treatment of existing facilities, and 3) the elements of the Plan's vision for the future. On May 13, 2009, the Council gave additional direction, as follows:

- Incorporate the renovation of the existing Desert Fashion Plaza into the Specific Plan;
- Determine the alignment of "Museum Way" concurrently with the consideration of a specific development project for Block K; and
- Delete of Blocks J (Mercado parking lot) and L (vacant hotel site) from the Plan.

Staff has incorporated these items into the draft Plan. Staff has also incorporated other refinements, based on earlier Council comments which are summarized below.

RECOMMENDATION:

The following two actions are required to certify the environmental impact report, make appropriate findings, and adopt the Specific Plan. While a number of minor changes have been made to the Plan, staff seeks specific Council direction on the Plan's approach to the location of Museum Way, between Palm Canyon and Indian Canyon Drives. A motion on item 2 below should include a selection between the two alternatives described in "Infrastructure-Roadways" section of this report below.

1. Adopt Resolution No. _____ "A Resolution of the City Council of the City of Palm Springs, California, Certifying an Environmental Impact Report (SCH No.

ITEM NO. 4.A.

2008061084) for the Museum Market Plaza Specific Plan, including Amendments to the 2007 Palm Springs General Plan, adopted by Resolution No. 22077, and the Palm Springs Zoning Code, Making Certain Findings Relating to Environmental Effects Identified in the Final Environmental Impact Report; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring and Reporting Program.”

2. Introduce for First Reading Ordinance No. ____ "An Ordinance of the City of Palm Springs Adopting the Museum Market Plaza Specific Plan, including Amendments to the 2007 Palm Springs General Plan, adopted by Resolution No. 22077.

BACKGROUND

- On April 30, 2008 Wessman Development, Inc. presented to the City a draft Specific Plan for the Museum Market Plaza.
- On May 21, 2008, the City Council initiated a Specific Plan review process and directed staff to report on the conformance of the draft Museum Market Plaza Specific Plan with the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code.
- On June 4, 2008, staff presented to the City council an initial look at the draft Specific Plan in light of the City's existing regulations, including staff comments and recommendations for subsequent review.
- On June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan. The NOP comment period ran from June 16 to July 17, 2008.
- On July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report.
- On July 16, 2008, the City Council received the list "alternatives" to the project that would be evaluated in the Environmental Impact Report.
- On October 22, 2008, a draft Environmental Impact Report (DEIR) was released for public comment. The 45-day comment period ends on December 8, 2008.
- On December 3, 2008, the Planning Commission conducted a public hearing and directed staff to prepare a resolution recommending denial of the Specific Plan. The resolution was approved by the Commission on December 17, 2008.
- On January 14, 2009, the City Council conducted a public hearing, accepted testimony, and continued the matter.

- On April 1, 2009, the City Council received additional testimony, closed the public portion of the hearing and continued the matter to the meeting of May 13, 2009.
- On May 13, 2009, the City Council discussed certain issues related to the draft Specific Plan, directed staff, and continued the matter.

It should be noted that on February 17, 2009, the applicant completed a "pre-application" for a remodel of the existing center.

ANALYSIS

Major Amendments to the Plan

Following the receipt of a staff report (attached) and public testimony at its May 13, 2009 meeting, the City Council directed staff to amend the draft Specific Plan, as follows:

1. Incorporate statements of support for renovating the existing Desert Fashion Plaza.
2. Decide the final alignment of the east-west "Museum Way" between Indian Canyon and Palm Canyon Drives concurrently with the consideration of a specific development project for Block K.
3. Delete Blocks J (Mercado parking lot) and L (vacant hotel site) from the Specific Plan.

These amendments have been incorporated into the text and charts of the draft Plan.

Two additional items should be noted: First, the property owner and developer of the Fashion Plaza, Wessman Development, has requested that Council adopt a plan which aligns Museum Way within Block K. Alternative language to this effect is provided in the Plan (see discussion below). Second, several of the maps and drawings must be amended in response to the Council's direction; they will be corrected in the printing of the adopted plan.

Additional Adjustments to the Plan

The remainder of this report is a summary of edits, adjustments and refinements to the draft Specific Plan. Attached to this report are two copies of the revised plan – a strike-out / underline version and a "clean" version. The following information is presented in the order in which it is found in the draft Plan, and page numbers refer to the strike-out / underline copy (attached, printed on yellow stock).

Overall Vision

Section One and the first pages of Section Two provide a description of the overall vision and goals of the Plan. While the Council accepted the Plan's overall vision, one comment from Council was to add the "removal of blight" as a project goal, and another sought to include street setbacks and building stepping. Amendment of the goals may necessitate recirculation of the EIR, so the project goals were not modified in the draft Plan. However, it should be noted that blight removal is part of the underlying redevelopment mission for the area and setbacks are specifically addressed in Section Three of the Plan. Changes include the removal of Blocks J and L (beginning pages I-3 and 4), various edits in response to those deletions, and a statement in support of remodeling the existing center (page II-2).

Land Use

Section Two provides an overview of the land use objectives for the site, and the primary edits relate to the deletion of Blocks J and L from the Plan. Two other important changes are also found here. First, the permissible land uses detailed in Section Three are introduced here in land use groups:

<i>Retail Goods</i>	<i>Offices and Related</i>
<i>Personal Services</i>	<i>Residential</i>
<i>Food and Beverage Services</i>	<i>Tourist and Related Services</i>
<i>Services for Groups</i>	<i>Public and Semi-public</i>

(See page II-6) These groups simplify some of the policies found later in the Plan, particularly with regard to uses allowed on street front levels.

Second, the policy regarding maximum land use densities and intensities has been deleted (page II-7). This policy was the subject of much discussion and debate in prior meetings as the Council sought the ideal blend of commercial space, hotel rooms and residential units. Staff now recommends that this policy be deleted and that the market be allowed to determine the best mix of these uses. Overbuilding will be controlled by a number of other regulations and policies in the Plan:

1. Standards for floor area, height, setbacks and open space provide a check on overbuilding;
2. First floors are reserved for retail and similar uses; and
3. Hotels may receive additional height allowances, but residential or office projects may not.

On this basis, staff believes that there is no compelling need for a pre-determined mix of uses in the Plan.

Design Statements

The Plan's support for a design esthetic based on sustainability is introduced on page II-10. More discussion of this item is found below.

Development Standards

As noted previously, the Plan has been edited to eliminate Block J and L, reducing its scope to what had previously been referred to as Planning Area 1. This Planning Area included the Desert Fashion Plaza (Blocks A through H) and the Town and Country Center (Block K1 / K2). With the deletion of the site at the southwest corner of Tahquitz and Cahuilla (Block L / Planning Area 2) and the Mercado Plaza parking lot (Block J / Planning Area 3) the reference to "planning areas" is no longer needed and has been entirely removed from the Plan (beginning pages III-1 and 2).

Allowable Uses

Staff has re-ordered and grouped the list of permitted and conditionally permitted uses for ease of administration (pages III-4 through -11). As previously noted, these groups are:

<i>Retail Goods</i>	<i>Offices and Related</i>
<i>Personal Services</i>	<i>Residential</i>
<i>Food and Beverage Services</i>	<i>Tourist and Related Services</i>
<i>Services for Groups</i>	<i>Public and Semi-public</i>

With the exception of a small number of uses that were changed from Permitted to Land Use Permit, all uses remain regulated as previously proposed.

Heights and Setbacks

As directed by City Council, the height standards throughout the Plan have been revised to reflect a maximum overall allowed height of 60 feet (page III-12), with three exceptions:

- A. Block B structures remains limited to a maximum height of 16 feet.
- B. Hotels may exceed 60 feet, subject to approval by the City Council of a Planned Development District.
- C. Roof-top equipment may project 15 feet above the roof, subject to certain limits (no change, page III-16)

The Specific Plan's block-by-block set of standards for setbacks and "step-backs" have been revised based on the 60-foot height limit (page III-13). Open space requirements have been reduced from 35% to 10% for all Blocks, except the open plaza on Block B. This plaza space has been increased from 75% to 90%, allowing for minimal low-rise retail / restaurant uses. Open space requirements for individual residences and maximum hotel densities have been eliminated to provide greater site planning and design flexibility.

Ground Floor Limitations

Uses on the street front level remains limited to retail goods and services, especially on Palm Canyon Drive. Limited amounts of office and public / semi-public uses are allowed on other streets within the Plan. No changes to the policy are proposed, but the land use groups have been more clearly identified (page III-14).

Maximum Square Footage and Building Mass

Only one change to the limits have been proposed to the Table shown on page III-16: The maximum allowed square footage of the open space plaza (Block B) has been reduced from 9,000 to 3,000 square feet. This will assure that the plaza remains primarily open space, with only limited retail / restaurant uses allowed. Also, there were errors in the table's totals which have been corrected.

Projections Into the Right-of-Way

The only change is to eliminate balconies or building mass from projecting into the public right-of-way. Other minor projections, including entry porticos, arcades, trellises and other appurtenances are still allowed (page III-17).

Parking

No significant changes are proposed; however, the references to a parking structure on Block J (Mercado Plaza) are eliminated, and the parking requirements table is reorganized based on the land use groupings introduced earlier (pages III-18 and 19).

Design Guidelines – Architectural Style and Treatment

Minor changes reflect the deletion of Blocks J and L, as well as new policies regarding building height (pages III-21 through 24). The discussion of architectural style and treatment has been revised to introduce "sustainability" as the new guide to the Plan's design esthetic (page III-26 and 27). This language specifically avoids dictating any single architectural style. Instead, the new policy directs designers to address the challenges of building

function, entry-points, security, visual appeal, view preservation, desert climate and others using less energy and fewer materials, both in construction and long-term use.

Connectivity, Streetscapes and Open Space

The pedestrian connection along Palm Canyon Drive (west side) from the Hyatt Hotel to the Block A frontage is newly highlighted as requiring improvements to create a more convenient and attractive pathway (page III-32).

Infrastructure - Roadways

As noted in the introduction, the alignment of the future Museum Way between the Palm Springs Art Museum and Indian Canyon Drives may be deferred until a Block K project is reviewed by the Council, and the draft Plan includes such language. However, Wessman Development has requested that Council finalize the Plan with Museum Way in Block K, in alignment with the Palm Springs Art Museum. Staff has provided this alternative language for Council consideration (See **bold text** on pages III-39, -40 & -41, IV-2 and V-5). Without this definitive street alignment, the Wessman Development indicates that financing for a remodel project would be extremely difficult due to a restrictive traffic pattern between Indian Canyon and Palm Canyon. Mr. Wessman and his representatives as well as several business owners in downtown have observed that the existing Fashion Plaza failed as a regional shopping center and exists in a substantially vacant and deteriorating condition in large measure due to the lack of the existence of an easily accessible east-west road connector. Mr. Wessman and his representatives have also stated that the creation of such a connection along the general alignment of the proposed Museum Way through Block K is necessary for the economic success of the Project and downtown in general.

Three other changes of note: The Plan originally identified Museum Way as a private road; it is now identified as potentially either public or private. Second, as recommended by the Department of Public Works, the introduction of angle parking along Palm Canyon Drive has been deleted (page IV-1). Third, the need to improve pedestrian circulation between Block A and the Hyatt Hotel is again cited.

Administration and Implementation

The first change to this section is the deletion of the Museum Market Plaza Review Commission and the restoration of a standard process of review, including the Architectural Advisory Committee and Planning Commission for most projects. Planned Development Districts (and City Council review) will be used for complex projects, such as hotels exceeding 60 feet in height (page V-2). Another important change is the establishment of the "conformity review procedure" for rehabilitation, renovation or remodel of the existing Desert Fashion Plaza. This process refers rehabilitation / remodel projects directly to the Council for action (pages V-2 and 3). Lastly, clarifications are provided on how Specific Plan interpretations and amendments are to be addressed

Phasing

The entire phasing section has been re-written to accommodate the possible renovation of the existing Desert Fashion Plaza; it is labeled Phase One. In addition, the renovation plan

submitted by Wessman Development in January 2009 is specifically determined in this Section to be conforming to the Specific Plan (page V-4).

The phasing for complete redevelopment of the Specific Plan area is summarized as Phases Two through Five on page V-5.

Financing

This last section has been revised to indicate that the City may enter into agreements with property owners and developers and thereby allocate costs and apportion fees. In addition, discussion of a Specific Plan Fee has been added to recognize the City's ability to seek reimbursement for the cost of preparing, adopting and implementing the Museum Market Specific Plan under California Government Code Section 65456 (page V-7).

NOTICE

This item is continued from the May 13, 2009 meeting when a public hearing was conducted and closed. Notice of this agenda item has been provided, as required by law. No written communications on the project have been received at the time this report was prepared. Any subsequent communications will be presented at the meeting.

ENVIRONMENTAL REVIEW

A Final Environmental Impact Report (FEIR) has been prepared for the project and distributed to the City Council. The Environmental Summary Matrix (Section "M" of the DEIR) provides a brief overview of the anticipated impacts and recommended mitigation measures.

Staff has evaluated all changes to the draft Specific Plan subsequent to the preparation and circulation of the Draft EIR. It is staff's conclusions that these changes represent reductions or minor adjustments to the project scope and do not affect the overall conclusions of the EIR. Staff believes that the FEIR provides an adequate and complete description of the future environmental condition should the Specific Plan, as proposed, be implemented.

The FEIR identifies three areas in which the proposed Specific Plan would create "significant and unavoidable (i.e., unmitigatable) impacts":

- Aesthetics – Partial blockage of mountain views would be caused by the taller buildings; the Town & Country Center would be eliminated by development on Block K1 / K2.
- Air Quality – Projected levels of emissions during construction (nitrogen oxides) and during operations (carbon monoxide and nitrogen oxides) would exceed State standards.
- Cultural Resources – The Town & Country Center – a historic resource, as defined by CEQA – would be eliminated by development of Block K1 / K2.


Based on the conclusions of the Draft and Final EIR (FEIR), a Statement of Overriding Consideration on the above items is required to be adopted in the event that the draft

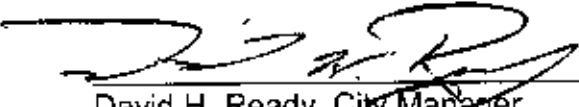
Specific Plan is approved. All other impacts can be adequately reduced to less than significant levels through mitigation measures outlined in the FEIR.

CONCLUSION

Staff believes that the Draft Museum Market Plaza Specific Plan, as presented, adequately reflects the Council's overall vision and direction for the Desert Fashion Plaza and Town & Country sites. A draft resolution to certify the Final EIR and adopt a Statement of Overriding Considerations is attached to this memo and must be adopted prior to approving the Specific Plan. A draft Ordinance to approve the Specific Plan is attached for introduction and first reading.


for Craig A. Ewing, AICP,
Director of Planning Services


Thomas J. Wilson,
Assistant City Manager, Dev't Services


David H. Ready, City Manager

Attachments:

1. Draft Resolution Certifying EIR, including Findings of Fact and Statement of Overriding Considerations
2. Draft Ordinance Adopting Specific Plan
3. Staff Report (May 13, 2009)
4. City Council Meeting Minutes (May 13, 2009)
5. Draft Specific Plan, Strike-out / Underline Version (yellow stock) and "clean" version (Council only)
6. Museum Market Plaza Specific Plan EIR (previously distributed)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008061084) FOR THE MUSEUM MARKET PLAZA SPECIFIC PLAN, INCLUDING AMENDMENTS TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077, AND THE PALM SPRINGS ZONING CODE, MAKING CERTAIN FINDINGS RELATING TO ENVIRONMENTAL EFFECTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

The City Council of the City of Palm Springs finds:

- A. On July 5, 2006, the Community Redevelopment Agency of the City of Palm Springs approved "Design for Development" master plan boundaries and the Downtown Urban Design Guidelines and Section 14 Master Plan as foundation "design for development" criteria.
- B. On November 17, 2007, the Community Redevelopment Agency of the City of Palm Springs designated "Focused Development Area One" boundaries within the "Design for development" master plan area.
- C. On April 30, 2008 Wessman Development, Inc. presented to the City a draft Specific Plan for the Museum Market Plaza, an area of land within the "Focused Development Area One" boundaries.
- D. On May 21, 2008, the City Council initiated a Specific Plan review process and directed staff to report on the conformance of the draft Museum Market Plaza Specific Plan with the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code.
- E. On June 4, 2008, staff presented to the City Council an initial look at the draft Specific Plan in light of the City's existing regulations, including staff comments and recommendations for subsequent review.
- F. On June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan. The NOP was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of the Notice of Preparation and comments thereon are included in Appendix A of the Draft EIR. The comment period ran from June 16 to July 17, 2008.
- G. On July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report.
- H. On July 16, 2008, the City Council received the list "alternatives" to the project that would be evaluated in the Environmental Impact Report.

I. A Draft EIR was prepared for the Museum Market Specific Plan ("Project") to analyze its environmental effects. The City prepared an EIR on the range of development that would be permitted within the Specific Plan or Project Area. The EIR evaluates the various policies and development standards for a master planned, mixed use project that would accommodate retail, office, high density residential, and resort development, and the environmental impacts the Project would cause if it were approved and developed. The DEIR was circulated for public review and comment from October 22, 2008, and December 17, 2008.

J. The City received numerous written and oral comments on the DEIR. The City prepared responses that describe the disposition of significant environmental issues raised by the comments, and made changes to the DEIR. The comments, responses to comments, changes to the DEIR and additional information were published in a Final EIR dated January 1, 2009. The DEIR, the FEIR, and all the appendices comprise the "EIR" referenced in these findings and this Resolution.

K. On December 3, 2008, the Planning Commission conducted a public hearing and City staff and its engineering and environmental consultants provided information about the Project. Members of the public had the opportunity to ask questions and express their concerns and interest about the Project. At the conclusion of the public hearing, the Planning Commission directed staff to prepare a resolution recommending denial of the Project. The resolution was approved by the Commission on December 17, 2008.

K. On January 14, 2009, the City Council conducted a public hearing, accepted testimony, and continued the matter. At this public hearing, City staff and its engineering and environmental consultants provided information about the Project and members of the public had the opportunity to ask questions and express their concerns and interest about the Project.

L. On April 1, 2009, the City Council received additional public testimony, closed the public portion of the hearing and continued the matter to the City Council meeting of May 13, 2009.

M. On May 13, 2009, the City Council discussed certain issues related to the draft Project, provided direction to staff, and continued the matter.

N. The record upon which all findings and determinations related to the Project are based includes the following:

1. The EIR and all documents referenced in or relied upon by the EIR. All information (including written evidence and testimony) provided by City staff to the Planning Commission and the City Council relating to the EIR, the proposed approvals for the Project, the Project or its alternatives.
2. All information (including written evidence and testimony) presented to the Planning Commission and the City Council by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission and the Council.

3. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
4. All applications, letters, testimony, and hearing presentations given by any of project sponsor or property owner within the Project area or their consultants or representatives to the City in connection with the Project.
5. All information (including written evidence and testimony) presented at any public hearing related to the Project and the EIR.
6. All locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans, redevelopment plans, ordinances, and resolutions, including without limitation actions regarding "Design for Development," together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to any development in the Specific Plan Area.
7. The Mitigation Monitoring and Reporting Program for the Project.
8. All other documents comprising the record pursuant to Public Resources Code section 21167.6(e).
9. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City of Palm Springs Planning Department, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. The custodian for these records is the Director of Planning Services. This information is provided in compliance with Public Resources Code section 21081.6.

O. The EIR provides a program-level analysis of the environmental impacts of the Project, prepared pursuant to Section 15168 of the Guidelines. A Program EIR examines the total scope of environmental effects that would occur as a result of buildout of the entire proposed project. By examining the full scope of the proposed project and subsequent applications and approvals at this stage of planning, the Program EIR provides a full disclosure of the environmental impacts that may occur throughout the project site, together with an analysis of the site specific and cumulative environmental impacts that will occur throughout the buildout time frame of the project and may be found to support all levels of approval necessary to implement the Project.

P. The findings contained in this Resolution and any Exhibit to this Resolution are based upon substantial evidence in the entire record before the City. Any reference to pages or sections of the EIR or other documents set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

Q. The City recognizes that the EIR contains clerical errors. The City has reviewed the entirety of the EIR and bases its determinations on the substance of the information it contains.

R. The EIR is adequate to support the approval of the Project and of each entitlement or approval that is the subject of the staff reports to the Planning Commission and the City Council, ordinance, or resolution to which these CEQA findings are attached. The City Council ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR. The City Council adopts the reasoning of the EIR, of the staff reports presented to the Commission and the Council, and of staff and the presentations provided by the owners of property within the Specific Plan Area and their consultants and representatives.

S. The City recognizes that additional modifications have been made to the text of the Museum Market Plaza Specific Plan since the EIR was published; all resulting in the Project in the form it is approved by this Resolution. These refinements have little to no effect on physical impacts of the Project and do not raise additional environmental concerns. Other changes were made to incorporate mitigation measures, or to make the Project more environmentally beneficial. Other changes were made to address planning, practical, financial, or logistical concerns and these changes have little to no effect on physical impacts of the Project. The City Council is appraised of all these modifications and determines that the EIR is adequate to support approval of the Project. The impacts of the Project as it is approved are within the range of impacts studied in the EIR.

T. The City Council recognizes that the EIR incorporates information obtained and produced after the DEIR was completed, and that it contains additions, clarifications, and modifications. The City further recognizes that the additional modifications have been made as described in Finding S above. The City Council has reviewed and considered the FEIR and all of this information. Neither the FEIR, nor any of these modifications, adds significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible project alternative or mitigation measure considerably different from others previously analyzed and that would clearly lessen the significant environmental impacts of the Project. The EIR adequately addresses the Project as it is approved by the City Council. The City Council has not received any information that indicates that the DEIR is inadequate or conclusory.

U. Pursuant to Public Resources Code Section 21081(b) and the Guidelines Section 15093, the City Council has balanced the benefits of the proposed project against unavoidable adverse impacts to scenic vistas and aesthetics, air quality, and historic resources and has adopted all feasible mitigation measures with respect to impacts to scenic vistas and aesthetics, air quality, and historic resources. The City also has examined alternatives to the proposed project; none of which meet both the project objectives and is environmentally preferable to the proposed project.

V. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures

and revisions to the Project identified in the EIR are implemented. The provisions of the Mitigation and Monitoring/Reporting Program ("MMRP") are discussed throughout the EIR and included as a part of the discussion regarding each Project Impact and the discussion of Mitigation Measures that relate to each Project Impact. The mitigation measures recommended by the EIR as reflected in the MMRP are specific and enforceable. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts. The MMRP adequately describes conditions, implementation, verification, compliance, and reporting requirements to ensure the Project complies with the adopted mitigation measures. The MMRP ensures that the mitigation measures are in place, as appropriate, throughout the life of the Project.

W. The mitigation measures comprise the measures necessary to reduce significant impacts to a level less than significant wherever it is feasible to do so. The City has substantially lessened or eliminated all significant environmental effects where feasible. The mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the DEIR.

X. The City has not made any decision that constitute an irretrievable commitment of resources toward the Project prior to certification of the EIR, nor has the City previously committed to a definite course of action with respect to the Project

NOW, THEREFORE, the City Council of the City of Palm Springs resolves:

SECTION 1. The City Council certifies that the EIR has been completed in compliance with CEQA, that the EIR was presented to the City Council as the decision-making body, and that the City Council reviewed and considered the information contained in the EIR prior to approving any aspect of the Project. Preparation of the EIR has been overseen by the City's Director of Planning and/or his representative, and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City. The EIR and these findings represent the independent judgment and analysis of the City. By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR, as supplemented and modified by this Resolution and the Exhibits to this Resolution. The City Council further certifies that the EIR is also adequate to support approval of each component of the Project, any project within the range of alternatives described and evaluated in the EIR, each component of any of these alternatives, and any minor modifications to the Project or the alternatives. The City Council also certifies that the EIR is adequate to support any future discretionary approvals needed to implement the Project.

SECTION 2. The City Council adopts the "CEQA Findings and Statement of Facts" as provided in Exhibit "A" to this Resolution.

SECTION 3. The City Council, after balancing the specific economic, legal, social, technological, and other benefits of the proposed project, has determined that the unavoidable adverse environmental impacts identified in the EIR and Exhibit "A" may be considered "acceptable" due to specific considerations which outweigh the

unavoidable, adverse environmental impacts of the proposed project. The City Council therefore adopts the "Statement of Overriding Considerations" as provided in Exhibit "B" to this Resolution. Each of the separate benefits of the proposed project, as provided in the Statement of Overriding Considerations, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in the Statement of Overriding Considerations.

SECTION 4. The City Council finds, accepts and adopts the Mitigation Monitoring Program, which is incorporated into the EIR, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potential environmental impacts. In the event of any inconsistencies between the Mitigation Measures as set forth in the EIR and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Plan shall control.

PASSED, APPROVED, and ADOPTED this ___ day of November, 2009 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

EXHIBIT "A"

CEQA FINDINGS AND STATEMENT OF FACTS

A. INTRODUCTION

The EJR analyzed the potential impacts of the Specific Plan submitted to the City in April of 2008. The City Council, in its consideration of the proposed project since that time, has requested changes to the Specific Plan which in all cases reduce the potential intensity of development on the project site. Therefore, the descriptions and impacts provided herein represent the worst case scenario for the project site, and impacts are expected to be reduced as a result of the changes which have been integrated into the Specific Plan. Where appropriate in these findings the revised project's impacts are addressed.

Project Description, Location, and Objectives

Project Location

The EIR analyzed a proposed project which consists of non-contiguous lands generally occurring at the northwest corner of Tahquitz Canyon Way and Palm Canyon Drive. The area is irregular in shape, and encompasses lands bounded by the Hyatt Suites hotel and Belardo Road on the north, Tahquitz Canyon Way on the South, Museum Drive on the west and North Palm Canyon Drive on the east, as well as lands directly east, between north Palm Canyon and Indian Canyon Drives.

The proposed project is identified as Assessor's Parcel Numbers 513-092-010-3, 513-092-009-3, 513-092-003-7, 513-560-002-0, 513-560-004-4, 513-560-007-7, 513-560-008-8, and 513-560-009-9. The site can further be identified as a portion of Section 15, Township 4 South, Range 4 East, SBBM.

Project Description

The Specific Plan proposes policies and development standards for a master planned, mixed use project to include Retail, Office, High Density Residential, and Resort development on 18.5 acres. The proposed project site analyzed in the EIR is irregular in shape, but is generally bounded by Andreas Road on the north, Tahquitz Canyon Way on the south, Museum Drive on the west, and Indian Canyon Drive on the east.

The Specific Plan analyzed in the Final EIR allows for a broad range of development, with a mixed use theme. Retail-oriented commercial is required to be developed on the ground floor on Palm Canyon Drive, with some exceptions. A mix of professional office and/or retail development is envisioned on the ground floor on all other project roadways, and on the second and/or third floors of Blocks A, C, D and F. Additional uses that may be developed subject to the Specific Plan include hotels, multiple family residential, theaters, tourist-related services and public and semi-public uses.

The Specific Plan analyzed in the EIR allows generally reflects the CBD zone and conforms to the Design Guidelines, with limited exceptions. The Development Standards included in Section III of the Plan set the range of permitted and conditionally permitted uses, as well as provide specific direction for preferred uses on certain street fronts. Also, standards for mass, height and

setback standards are established to assure that variety in building mass and height is achieved. Within these standards, any combination of retail, office, residential and hotel development may be proposed. To provide a basis for environmental analysis, the EIR assumed a specific set of maximum land use intensities and densities, as follows:

**Table 1
Maximum Land Use Intensities**

Land Use	
Retail or Office (square feet)	385,000
Residential (dwelling units)	900
Hotel (rooms)	565

Changes to the Specific Plan

Subsequent to the preparation of the EIR, the Specific Plan was modified. In addition to the deletion of specific maximum densities and intensities, the changes in the Specific Plan include:

- A reduction in the maximum building height to 60 feet (except for hotels approved by the City Council), with lower building heights on the perimeter of the Plan area.
- The elimination of Blocks J and L from the area included in the Specific Plan.
- The incorporation of an option to remodel the existing Desert Fashion Plaza.

Project Objectives

The primary goal of the proposed project analyzed in the EIR is the revitalization of Downtown Palm Springs through the implementation of the following objectives:

1. Reintegrate the site into the economic, social and environmental fabric of the downtown.
2. Provide direct access to the Desert Art Museum from Downtown and Section 14.
3. Create an upscale, vibrant mixed-use lifestyle center, including boutique shops, galleries, neighborhood conveniences, restaurants, residential units and boutique hotels, serving visitors and local residents.
4. Enhance the pedestrian environment and lower the dependence on the automobile by providing living, shopping and entertainment venues in a central location.
5. Encourage a variety of architectural designs, styles and heights with materials that include plaster, glass, stone, iron, masonry and concrete to create visual interest while utilizing the latest in green technology.
6. Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon.

B. EFFECTS DETERMINED TO HAVE NO IMPACT

The CEQA Guidelines Environmental Checklist Form was used to prepare an Initial Study, which was used by the City of Palm Springs to determine that all required environmental issues would be addressed in the EIR. The City determined that the proposed project would have no impact on agricultural resources, biological resources, and mineral resources. In addition, the Initial Study determined that there would be no impact associated with the proposed project for the following specific thresholds of concern:

Cultural Resources

- a) Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5;
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature;
- d) Disturb any human remains, including those interred outside of formal cemeteries.

Geology and Soils

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property.
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater.

Hazards and Hazardous Materials

- e) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.
- c) Result in a safety hazard for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not yet been adopted, within two miles of a public airport or public use airport.
- f) Result in a safety hazard for people residing or working in the project area for a project within the vicinity of a private airstrip.
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Hydrology and Water Quality

- f) Otherwise substantially degrade water quality.
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows.
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j) Inundation by seiche, tsunami, or mudflow.

Land Use and Planning

- a) Physically divide an established community.
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan.

Noise

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Population and Housing

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Transportation and Traffic

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- d) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)

C. EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT

This section addresses issue areas found in the EIR to result in less than significant impacts. The changes made to the Specific Plan since the publication of the EIR will reduce the impacts described below further, and they will remain less than significant.

Aesthetic Resources Impacts

Light will continue to be emitted from the project site, and light from building sources will be increased from previous levels, insofar as the proposed structures include more square footage and greater mass than those presently existing on the site. Build out of the proposed project will therefore result in some increase in the existing levels of illumination, as well as some increase in glare from reflective building materials. The Specific Plan also includes a substantial multi-family residential component and thus introduces sensitive receptors to the area. Levels of lighting that are appropriate to other permitted uses in the project area may have some impact on residential uses. The proposed project will be required to comply with the City's lighting ordinances, which limit the amount of light spillage to adjacent property, regulate the intensity of lighting, and the use of screened fixtures. It is therefore expected that the implementation of the proposed project will have a less than significant impact on light and glare in the area.

As described above, impacts associated with scenic vistas, scenic resources (historic buildings) and light and glare are expected to be less than significant. In addition, the modifications made to the proposed project since the preparation of the EIR, particular the reduction in overall building height and the requirements for the lowering of building heights on the project edges, will result in reduced impacts in these issue areas. Further, the development standards and guidelines in the Specific Plan will assure high quality design and sensitivity to the project's surroundings.

Air Quality Impacts

The proposed project will generate emissions from equipment used in the demolition of existing structures; emissions from construction equipment as the project builds out; short and long term mobile emissions from increased motor vehicle activity; short term stationary source emissions from the operation of construction equipment; long term stationary source emissions from the production of electricity and the consumption of natural gas; and emissions associated with greenhouse gas production.

The proposed project is generally consistent with the South Coast Air Quality Management District (SCAQMD) plans and programs for the region, insofar as land use designations proposed are consistent with those used by SCAQMD in the preparation of these plans.

Emissions associated with the demolition of existing structures will not exceed SCAQMD thresholds, resulting in less than significant impacts. Similarly, emissions expected from stationary equipment, asphalt paving and architectural coatings during construction will not exceed SCAQMD thresholds, resulting in less than significant impacts.

The project is not expected to create or result in any objectionable odors. Therefore, impacts from objectionable odors will be less than significant.

Geology and Soils Impacts

The proposed project area is located outside those areas having a landslide potential, as identified in the General Plan. Although the project occurs near the foothills of the San Jacinto mountains, the potential impacts associated with landslides are expected to be less than significant.

Hydrology and Water Resources Impacts

Hydrology

The proposed project includes the construction in a 36-inch storm drain in the extension of Belardo Road, from Tahquitz Canyon to the new east-west private street. This facility will collect storm flows from throughout the project in catch basins, direct them to the existing facilities on surrounding streets, and will deliver peak runoff values not exceeding existing conditions. Therefore, the project would not result in any significant impacts related to the amount or rate of stormwater runoff or drainage system effects. Project-specific impacts associated with drainage and surface runoff and the potential for increased flooding are expected to be less than significant.

Development of the proposed project would result in further development and redevelopment in an already urbanized area. The project site is served by existing storm drains. Runoff from the proposed project and surrounding uses is directed into the adjacent streets, where it flows to the nearest drainage improvements. The Museum Market Plaza development would also drain to the surrounding street system. Little if any additional cumulative runoff would be expected from the project site since this part of the City is already fully developed with impervious surfaces. Therefore, cumulative impacts to the existing or planned stormwater drainage systems would be less than significant.

Water Resources

The project site will be subject to construction standards under NPDES that are designed to ensure water quality are not adversely affected. The project would be required to implement Best Management Practices and to conform to the existing NPDES water quality program and the State Water Resources Control Board (SWRCB) General Construction Activity Storm Water Permit process. Therefore, cumulative water quality impacts would also be less than significant.

Runoff resulting from project build out will be directed into existing storm drains. All contaminants would be disposed of in compliance with applicable stormwater pollution prevention permits, required by the City under its NPDES permit. Therefore, the project would not provide substantial additional sources of polluted runoff to the storm drain system or increase storm water runoff from the project site above existing levels, and impacts will be less than significant.

Population and Housing Impacts

The General Plan estimates that the Land Use plan has a capacity for 51,406 housing units within the City limits and its Sphere-of-Influence, and that these housing units will result in a population of 94,950 at General Plan build out. The Specific Plan includes maximum square footages for each Block, and therefore a higher square footage of commercial space and/or hotel space would reduce the number of potential residential units which could be built within the

project area. However, even at maximum build out, the proposed project will generate 5.3% of the potential additional units anticipated in the General Plan.

The Southern California Association of Governments, in the preparation of its Regional Transportation Plan (RTP), has prepared projections for population and household growth in Palm Springs in the long term. The RTP projects that there will be 24,204 households in 2015, 24,416 in 2020, and 28,606 households in 2030 in the City. Using the SCAG growth forecast, and the total number of occupied housing units in the City currently, and given a projected project build out year of 2016, the City will have a demand for over 1,919 permanent housing units (not seasonal units) at project build out. Should the residential units within the project build out at the maximum allowed under the Specific Plan, the 955 housing units proposed within the Specific Plan area would represent 49.8% of all the permanent housing required in the City under SCAG's growth predictions. If it is further assumed that 23.5% of the units within the project will be seasonal units, the proposed project would represent 730 permanent housing units, or 38.0% of the total demand in 2015. The SCAG forecasts clearly indicate that there will be a need for at least twice as much housing in the City as that proposed within the project area. Therefore, the proposed project will not significantly induce growth in the City, and impacts will be less than significant.

Public Services and Facilities Impacts

As a generator of new jobs, the project may contribute, to a limited extent, to a cumulative increase in the population of the City. The project will be required to pay the State mandated school impact fees in place at the time of issuance of building permits. These fees are designed to offset the demand for facilities placed on the PSUSD by new development. The payment of the fees will assure that impacts associated with additional students will be less than significant. The PSUSD will continue to plan for growth in order to accommodate population increase in the City and overall, the project is not expected to have a significant impact on schools.

The proposed project is not expected to have any significant adverse impacts on the medical facilities in the area. It is expected that all of the Valley hospitals will expand as needs are identified and that regional health care facilities will be able to adequately service the future population.

The proposed project is not expected to have any significant adverse impacts on the library facilities in the area. It is expected that the facility will be able to adequately service the increase in population generated by the Specific Plan and that impacts on library services will be less than significant.

The build out of the proposed project will generate additional demand for electrical power. The proposed commercial development will generate an estimated demand of 11,166,882 kwh per year, and the proposed residential development will generate an estimated demand for 5,373,308 kwh per year. The present supply capacity of SCE is expected to be adequate to provide for increased consumption associated with the build out of the proposed project.

The build out of the proposed project will generate additional demand for natural gas. The proposed commercial development will generate an estimated demand for 3,509,965 cubic feet per month, and the proposed residential development will generate an estimated demand for

3,830,983 cubic feet per month. The present supply capacity of SCG is expected to be adequate to provide for increased consumption associated with the build-out of the proposed project.

Recreational Resources Impacts

Development of the proposed project may increase to some extent the usage of existing regional parks and recreational facilities, although these impacts are expected to be less than significant in relation to the volume of current recreational users. The proposed project is designed as an integrated community that offers a full range of active and passive on-site recreational amenities that are appropriate to its downtown location. The proposed project includes several open spaces for a variety of compatible recreational uses.

Transportation and Traffic Impacts

Emergency access throughout the Museum Market Plaza has been planned in a manner consistent with the requirements of emergency service providers and the Palm Springs Municipal Code. Implementation of the Specific Plan is therefore not expected to result in inadequate emergency access to any part of the site or impede emergency access to any neighboring areas.

The SunLine Transit Agency provides bus transit service in the Specific Plan area, with three lines connecting downtown Palm Springs with neighboring parts of the City and other cities in the Coachella Valley. Build out of the proposed project is not expected to have any significant impact on the existing public transportation structure, as the service presently provided by the SunLine Transit Agency has available capacity.

Utility and Service System Impacts

Solid waste is currently brought to the Edom Hill Transfer Station, which will accept and recycle or transfer waste from the City to other landfills, such as Lamb Canyon Landfill in Beaumont. The landfill has capacity to serve the proposed project, and impacts associated with landfill capacity are expected to be less than significant.

In 2004, the City of Palm Springs diverted 60 percent of their solid waste, 10 percent more than the 50 percent diversion rate required by the State of California.

Build out of the proposed project will result in the generation of approximately 200,000 gallons of wastewater per day. The sewer treatment plant currently processes approximately 6.5 million gallons per day, and has a 10.9 million gallon per day capacity. The proposed project will increase flows by 3% per day, but will not significantly impact plant capacity. Impacts associated with the increase in sanitary sewer flows are expected to be less than significant.

Economic Impacts

The proposed project is expected to result in a positive annual cash flow to the City. Economic impacts are therefore expected to be less than significant.

D. EFFECTS MITIGATABLE TO A LEVEL OF INSIGNIFICANCE

Aesthetic Impacts

The proposed project will result in potentially significant impacts associated with scenic vistas. The planned construction of tall structures will result in partial obstruction of mountain views in several locations surrounding the project site.

The reconstruction of sidewalks could impact some elements of the 'Palm Springs Walk of Stars'. The level of development will be considerably more intense than that presently existing in the Downtown area.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to scenic vistas to less than significant levels, as follows:
 - a. Each application for Major Architectural Review or other discretionary permit involving structures within the Plan area shall include an analysis of the potential impacts associated with mountain views.
 - b. Design of structures shall be sensitive to surrounding mountain vistas, and shall incorporate visually permeable materials, step-backs and setbacks, and stepped building frontages to the greatest extent possible.
 - c. Building design for all structures along the perimeter of the Plan area, adjacent to existing buildings not in the Plan area, shall be set back from these buildings to the greatest extent possible to minimize indirect impacts associated with the visual character of the area.
 - d. All lighting proposals for the Museum Market Plaza will be reviewed by the City for compliance with the requirements of both the Specific Plan and the lighting ordinance. Permitted lighting levels shall be consistent with the urban core location and compatible with the mixed uses of the project.
 - e. All Developer proposals, including those for lighting and landscaping shall conform to the design guidelines set forth in the Museum Market Plaza Specific Plan.
 - f. Any elements of the 'Palm Springs Walk of Stars' that may be impacted during build out of the Specific Plan shall be carefully removed from the site, cleaned and safely stored. Once surrounding construction work is complete, the stars shall be reset into the sidewalk as close as possible to their original location. Reinstated stars shall be refurbished as required to restore their original appearance.

- g. Signage shall be in compliance with the City's sign ordinance and the requirements of the Specific Plan.
2. In addition, the Specific Plan has been modified to reduce building heights to 60 feet, or 19 feet less than originally proposed. This change in the project will reduce impacts in addition to the mitigation measures provided in the EIR.

Cultural Resources Impacts

The project area has been extensively disturbed, and has limited potential for archaeological resources. However, the surrounding area, including the project site, has been identified as having the potential to harbor such resources. As development of the proposed project may result in the excavation of areas previously not impacted by significant excavations, the potential exists for buried resources to occur. A mitigation measure has been included in the EIR to assure that impacts to these resources are reduced to less than significant levels, if they are identified.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The following mitigation measure is included in the EIR:
 - a. In the event that inadvertent archaeological discovery is made on the project site during ground disturbing activities, all activity shall stop in the vicinity of the discovery, and the City and Tribal Historic Preservation Officer shall be contacted. If determined necessary by the Tribe and the City, a qualified archaeologist shall be hired by the contractor to assess the find. If the find is determined significant, a Treatment Plan shall be prepared and submitted to the Tribe and City for approval.

Geology and Soils Impacts

Although no active faults or potentially active faults are found within the proposed project site, there are nearby active faults that could cause moderate to intense ground shaking, including the San Andreas, San Jacinto, Elsinore, and Banning faults. Although fault rupture is not anticipated, development of the project site would be subject to moderate to severe ground-shaking, resulting in risks to public safety and potentially significant damage to structures and other property.

Shallow groundwater that can contribute to the occurrence of liquefaction is known to occur in the downtown area, immediately surrounding the Agua Caliente Springs. A strong earthquake could cause liquefaction in this area, most likely expressed as "sand volcanoes" immediately surrounding the spring.

Non-uniform or differential settlement can occur if the compressible soil section beneath the structure is variable, if the soil is heterogeneous, or if there are variable loads imposed across the footprint of the structure. If a structure is constructed such that it spans native soil and bedrock or native soil and a section of fill, differential settlements can be expected.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to soils and geology to less than significant levels, as follows:

- a. The proposed project shall comply with the City's mandatory strengthening mitigation program. The strengthening mitigation standard chosen by Palm Springs for its URMs is the Modified 1987 Edition of the Seismic Safety Commission Model Ordinance (SSC, 2003).
- b. Temporary erosion-control measures shall be provided during the construction phase of the project site development, as required by local building codes and ordinances, as well as state and federal stormwater pollution regulations. In addition, permanent erosion control and clean water runoff measures are required for new developments, which are discussed further in the Hydrology and Water Quality, Sections III-F and III-G, of this document.

Mitigation measures including planting stabilizing vegetation, covering soils with impervious surfaces, and installing wind fencing can significantly reduce wind related erosion. Additionally, the project applicant will be required to submit a Fugitive Dust Plan to the City prior to initiation of grading. These issues are also discussed in Section III-C, Air Quality.

- c. Construction plans for any portion of Block K shall be accompanied by a well monitoring report to assess the status and potential impact of the hot spring located at the Spa Hotel property. The report shall include any required improvements which will assure no impacts to either the building(s) on Block K, or the springs on the hotel property.
- d. The proposed project will be required to comply with the construction standards of the Palm Springs Fire Department, the Palm Springs Building Codes, and the seismic engineering requirements of the Uniform Building Code (UBC). As appropriate engineering design features and structural requirements are applied, any potential impacts would be mitigated.
- e. Subsequent to preparation of final development plans and specifications, but prior to grading and construction, the foundation plans shall be reviewed by the geological consultant and/or the City Building and Safety Department to verify compatibility with site geotechnical conditions and conformance with recommendations contained herein.
- f. Rough grading of the project site shall be performed under geological and engineering observation of the geological consultant and/or the City's Engineer. Rough grading includes, but is not limited to, grading of over-excavated cuts, fill placement, and excavation of temporary and permanent cut slopes.

g. As determined appropriate by the City and consulting geologist, the geotechnical consultant and/or the City Building and Safety Department shall perform the following observations during site grading and construction of foundations to verify or modify, if necessary, conclusions and recommendations in the project's geotechnical report:

- Observation of all grading operations.
- Geologic observation of all cut slopes.
- Observation of all key cuts and fills benching.
- Observation of all retaining wall back cuts, during and following completion or excavation.
- Observation of all surface and subsurface drainage systems.
- Observation of backfill wedges and subdrains for retaining walls.
- Observation of pre-moistening of subgrade soils and placement of sand cushion and vapor barrier beneath the slab.
- Observation of all foundation excavations for the structure or retaining walls prior to placing forms and reinforcing steel.
- Observation of compaction of all utility trench backfill.

Hazards and Hazardous Materials Impacts

There are currently no hazardous materials on-site with the exception of the 3 percent asbestos identified in sprayed ceiling materials on site. There is a very low probability that off-site contaminants have migrated to the subject property and impacted underlying soils or groundwater. Additionally, since there has never been any agriculture on-site, pesticides and/or herbicides are not expected to be present within underlying soils.

The proposed project will allow for the demolition of existing buildings. Although hazardous materials were not identified within the Desert Fashion Plaza property, they are expected to occur in the Town and Country Center. Demolition debris generated may include asphalt paving, dirt, concrete, flooring and ceiling materials, and other building materials. The demolition of the project site has the potential to release hazardous materials into the environment, without appropriate mitigation.

Impacts from proposed development may include hazardous and toxic materials and wastes generated by commercial and resort establishments, and residences.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to hazards and hazardous materials to less than significant levels, as follows:
 - a. Prior to any demolition of any structures within the Town and Country Center, a Phase I Environmental Site Assessment shall be completed. The study shall include an evaluation for Asbestos Containing Materials (ACM) and lead paint. Should either be identified, a remediation plan (Phase II) shall be prepared and

submitted to the City for approval. All remediation shall be completed to the satisfaction of the City.

- b. All asbestos-related work, including demolition and renovation, shall be performed by a licensed Asbestos-abatement Contractor under the supervision of a certified Asbestos Consultant. Asbestos shall be removed and disposed of in compliance with notification and asbestos-removal procedures outlined in South Coast Air Quality Management District Rule 1403 to reduce asbestos-related health risks.
- c. During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with the project's BMP/Integrated Waste Management Plan, other relevant regulatory plans, and applicable City, county, state, and federal regulations.
- d. Ongoing development within the Specific Plan area shall require continued coordination with the City of Palm Springs Fire Department to reduce the level of potential risk of exposure to hazardous and toxic material and waste, and facilitate fire department response in the event of a hazardous material or waste related emergency.
- e. Future development within the Specific Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:
 - i. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
 - ii. If hazardous wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from the Department of Toxic Substances Control (DTSC) may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.
- f. Hazardous material and waste storage within the proposed project shall be secured so as to minimize risk of upset in the event of groundshaking associated with earthquakes.

Hydrology and Water Resources Impacts

A Water Supply Assessment was conducted for the Museum Market Plaza Specific Plan as originally analyzed in the EIR, and quantifies the estimated water demand at build out. In consultation with DWA staff and other water use professionals, an estimate of water demand for the project as originally proposed was calculated using demand factors that closely reflect the proposed development. After accounting for return flows, which are applied only to the landscaping demand, this project-specific analysis resulted in an estimated water demand of 259.3 acre-feet per year (ac-ft/yr) or 0.23 million gallons per day (mgd). The proposed project contained approximately 380,977 square feet of land uses that currently receive water services, and generate an estimated water demand of 64.9 acre-feet per year or 0.06 mgd. This existing demand is contained within the estimated water demand for the DWA service area. Thus the net annual water demand for the project is estimated to be 194.3 acre-feet. The project as proposed for adoption is less intense than the project analyzed in the EIR and it is therefore projected that the estimated water demand from the project as proposed for adoption will be less than the project analyzed in the EIR.

The impacts associated with build out of the Palm Springs General Plan were accounted for in the DWA 2005 Urban Water Management Plan, as part of the development projections used to set future water demand requirements. However, the General Plan and the UWMP did not address the increased land use intensity and related water demand increase associated with the proposed project. The Water Supply Assessment prepared for the project demonstrates DWA's ability to meet the additional water demand generated by the project.

The proposed project is designed to keep water use to a minimum in order to support future conservation measures by incorporating the latest water conservation technologies. Recycled effluent could be used to replace groundwater currently being pumped for irrigation purposes, thereby reducing the demand on groundwater. Development within the Specific Plan will also be required to pay fees to DWA for the purpose of buying additional supplies of water for importation into the basin. Finally, changes proposed to the Specific Plan will reduce the impacts of the project on water resources further, by reducing domestic water demand. Impacts associated with water resources will be less than significant, with the imposition of mitigation measures.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to water resources to less than significant levels, as follows:
 - a. The following general landscape design principles shall be integrated into the project:
 - i. To the greatest extent practicable, native plant materials and other drought-tolerant plants shall be used in all non-turf areas of project landscaping.
 - ii. Inorganic landscape materials, including boulders, cobble, gravels and crushed granitic materials, shall be used throughout the landscape to help

naturalize the design, provide additional structure and pattern to the landscape, and eliminate the need for water in these areas.

- iii. Large expanses of lawn and other water-intensive landscaped areas shall be limited to 50% of the park area or less, and consistent with the functional and aesthetic needs of the project, while providing soil stability and resistance to erosion. No other turf areas shall be allowed.
- b. Landscaped areas shall utilize efficient irrigation systems that minimize runoff and evaporation, and maximize effective watering of plant roots. Landscape areas shall be outfitted with moisture detectors and ET controllers to maximize irrigation efficiency. Landscape plans shall be approved by the City and DWA prior to installation.
- c. The use of low-flush toilets and water-conserving shower heads and faucets shall be required in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Code of Regulations Section 1601(b), and applicable sections of Title 24 of the State Code.
- d. In accordance with the General Construction Activities Stormwater Permit issued by the California State Water Resources Control Board, the project proponent shall develop and implement a stormwater pollution prevention plan (SWPPP) specifying best management practices (BMPs) to reduce construction-related stormwater runoff pollution to acceptable levels.
- e. Should recycled water be made available by Desert Water Agency at the site at the time of project development, the proposed project shall irrigate landscaping with recycled water.

In addition, the Specific Plan has been modified to reduce the total permitted residential units and commercial square footage within the project site. This change in the project will reduce impacts in addition to the mitigation measures provided in the EIR.

Land Use and Planning Impacts

The proposed project has the potential to conflict with the City's adopted Redevelopment Plan. The proposed project occurs within the City's Merged Project Area I Redevelopment Plan boundary. The Redevelopment Agency is responsible for the provision of affordable housing both within the Plan boundary and throughout the City. Redevelopment law requires that 15% of all housing within a Redevelopment Plan boundary be affordable to low and very low income households. The proposed project allows up to 955 high-density residential units. Based on the 15% requirement described above, the proposed project will generate a need for up to 143 housing units affordable to low and very low income households. Changes proposed to the Specific Plan will reduce the impacts of the project on affordable housing, by reducing the number of units required to be produced in Merged Project Area I to 45. The Specific Plan does not provide any standards or requirements for the provision of affordable housing. If the units are not produced within the project, or at another location within Merger Project Area I, the City's

Redevelopment Agency will be required to produce these units, or cause them to be produced, at another location.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to land use and planning to less than significant levels, as follows:
 - a. Prior to the issuance of any building permit on the project site, the applicant and City shall enter into an agreement which assures that 15% of the total residential units built within the project area are to be affordable to households in the low and very low income categories, consistent with State law. Alternatively, the agreement can provide the housing outside the Specific Plan boundary, if the alternate location is within Merged Project Area I, and is under the applicant's or City's control at the time the agreement is finalized. The agreement shall be recorded on all parcels proposed for residential development within the Specific Plan boundary.

Noise Impacts

Build out of the proposed project will result in short-term noise impacts associated with demolition of existing structures, grading and construction, as well as the transport of construction workers, materials and equipment to and from the site. Demolition, grading and construction noise impacts will be temporary and short-lived, and are not expected to impact community noise levels on a long-term basis. Prior to the implementation of the Specific Plan, there are no sensitive receptors within the immediate project site, although construction activities may have some impact on residents who live closest to the site boundaries. Phased development of the project may result in some sensitive receptors being introduced to the project area in the early or mid-phase, although residential development is generally expected to occur later in the development time frame. At least some of the project's residential receptors could be temporarily subjected to noise impacts associated with the development of later phases.

Stationary equipment, including the hum of fans and compressors, can be audible and intrusive. Proper and adequate shielding of mechanical equipment can reduce noise impacts from these sources to less than significant levels.

Upon build out of the proposed project and the 2007 Palm Springs General Plan, sixteen of the roadway segments modeled in the EIR (26 percent) are projected to generate noise levels at a distance of 50 feet from the roadway center line that exceed 75 CNEL. Seven of the links evaluated (11 percent) will generate noise levels at 50 feet that are between 70 CNEL and 75 CNEL. Eight roadway segments (13 percent of the links modeled) are projected to generate noise levels at 50 feet that are between 65 CNEL and 70 CNEL. Twenty-two links (35 percent of the links modeled) will generate noise levels at 50 feet that are between 60 CNEL and 65 CNEL. Noise levels at 50 feet from nine roadway segments will range be below 60 CNEL.

Projected noise levels will result in a noise environment that can be conditionally compatible with the proposed hotel and residential development. Traffic noise along Palm Canyon will be

the greatest noise source, with the 65 dBA CNEL contour occurring 426 to 524 feet from the roadway center line. Certain portions of the proposed project, especially along Palm Canyon and Indian Canyon Drives may be significantly impacted by future noise levels unless less sensitive uses are planned or adequate noise mitigation is incorporated into individual project design.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to the short and long term noise environment to less than significant levels, as follows:
 - a. Construction activities that impact adjacent residential units shall comply with the hours of operation and noise levels identified in the City Noise Ordinance. Grading and construction activities on-site shall be restricted to the hours between 7 a.m. and 7 p.m. on weekdays and the hours of 8 a.m. and 5 p.m. on Saturdays; no regular construction activities shall be allowed on Sundays or federal holidays to minimize the potential for noise impacts during more sensitive time periods, as specified by Palm Springs Municipal Code Section 8.04.220.
 - b. Future on-site development shall comply with all relevant development standards and Palm Springs Municipal Code requirements to ensure that grading and construction activities and site operations do not create adverse noise impacts beyond the site boundaries as specified in the Noise Ordinance¹. Construction activities shall incorporate feasible and practical techniques, which minimize the noise impacts on adjacent uses, such as the use of mufflers and intake silencers no less effective than originally equipped per City Policy NS3.11.
 - c. The final layout and building design shall be evaluated by a qualified noise consultant to ensure that adequate noise attenuation features are incorporated in the project design to meet applicable City of Palm Springs noise standards as well as the California noise insulation standards. The applicant shall demonstrate to the City's satisfaction that all acoustic construction features required to assure acceptable interior noise levels (45 dBA CNEL or lower per City Policy NS1.6 and NS1.8) shall be incorporated in the project design, prior to the issuance of building permits.
 - d. Parking structures and loading areas shall be designed to minimize noise impacts on-site and on adjacent uses, including the use of materials that mitigate sound transmission and configuration of interior spaces to minimize sound amplification and transmission per City Policy NS3.3.
 - e. Future on-site development shall comply with all relevant noise policies set forth in the Noise Element of the Palm Springs 2007 General Plan to minimize operational noise impacts.
 - f. Drivers of diesel-fueled commercial vehicles (with gross vehicular weight ratings greater than 10,000 pounds) shall be prohibited from idling the vehicle's primary

engine for more than five minutes at any location on-site per Section 2485 of Chapter 10, Article 1, Division 3 of Title 13, California Code of Regulations.

- g. Exterior elevations shall incorporate design features and materials to soften noise-reflective building surfaces in higher noise street frontages.
- h. Prior to issuance of any grading or building permits, specifications shall be prepared that identify performance requirements regarding the attenuation of noise from construction vehicles and activities. The specifications shall include but not be limited to the following:
 - i. A construction traffic routing plan shall be developed and submitted for approval that demonstrates, to the extent feasible, avoidance of congested routes and routes with adjacent noise sensitive receptors (particularly residential development).
 - ii. The general and sub-contractors shall comply with all local sound control and noise level rules, regulations and ordinances, which apply to any and all work performed pursuant to the contract.
 - iii. Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler.
 - iv. Construction activities shall incorporate feasible and practical techniques, which minimize the noise impacts on adjacent uses.
 - v. Construction activities shall take place only between 7:00 a.m. and 7:00 p.m. to minimize the potential for noise impacts during more sensitive time periods, as specified in the Palm Springs Noise Ordinance. Construction activities shall not be permitted between the hours of 5:00 p.m. and 7:00 a.m. if the noise produced by such work is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity, in conformance with Palm Springs Construction Site Regulations.
 - vi. All construction equipment, fixed or mobile, should be equipped with properly operating and maintained mufflers or other appropriate sound attenuation device.
 - vii. Stationary equipment should be placed such that emitted noise is directed away from noise sensitive receptors.
 - viii. Stockpiling and vehicle staging areas should be located as far as practical from noise sensitive receptors.
 - ix. Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities.
 - x. Project phasing will be encouraged where practicable to include initial development adjacent to residential areas, which then will shield them from noise generated during subsequent phases.

- xi. To the greatest extent practicable, the noisiest construction operations shall be arranged to occur together in the construction program to avoid continuing periods of greater annoyance.
 - xii. All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.
 - xiii. Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located as far as practical from existing homes and other sensitive receptors.
- i. Any extension of construction hours shall require a permit to be issued by the City of Palm Springs as specified in the Palm Springs Noise Ordinance

Public Services

The Specific Plan proposes an intensive level of development and a mix of hotel, commercial, retail and restaurant uses that will maximize periods of active use and draw greater numbers of people downtown. In addition, the inclusion of residential uses is expected to introduce approximately 2,000 new residents to the area. Build out of the proposed project may therefore have a significant impact on the Palm Springs Fire Department by generating an increased demand for fire protection services in the City. It also has potential to reduce the City's ISO rating for Public Protection from a Class 3 to a Class 4 rating.

Build-out of the Museum Market Plaza may also have a significant impact on the Palm Springs Police Department by generating an increased demand for surveillance and protection services in the City.

Findings:

- 1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to police and fire services to less than significant levels, as follows:
 - a. The proposed project shall contribute its fair share to the siting and staffing of a new Downtown Fire Station, through participation in a Community Facilities District, participation in an other assessment district or Development Impact Fee, or other means, as determined in the Fire Department Master Plan.
 - b. The proposed project shall participate in the Public Safety Community Facilities District (CFD) to offset impacts associated with increased population and activity in the project area. The CFD revenues may, at the City Council's option, be used to expand the Downtown police office into a Downtown Policing Facility.
 - c. As part of the planning review process, the City Planning Department and the Palm Springs Police Chief shall evaluate project development plans from a 'defensible space' perspective.

Recreational Facilities Impacts

At build out, the proposed project will increase population in the City by 2,000 people, who will have a need for parks. Development of the proposed project will result in the need for as much as 10 additional acres of parkland. The open space provided for the residents should be equivalent to the City's Quimby requirement, in order to assure that sufficient open space is provided by the project to meet General Plan policies.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to parks to less than significant levels, as follows:
 - a. The project proponents will participate in the city's parkland fee program/Quimby requirements, thereby off-setting any impacts associated with parks that may be generated by the employees, users and residents of the new development. The City will credit on-site open space against the requirement.

Transportation and Traffic Impacts

Based on the analysis of existing and future traffic conditions, the Specific Plan intersections in the planning area are projected to operate at acceptable levels of service during weekday and Saturday peak hours, with the incorporation of roadway and traffic signal improvements and other mitigation measures set forth in the EIR. In the peak season of the year 2030, all of the key intersections are projected to meet the City of Palm Springs minimum performance standard of LOS D *in the midday and evening peak hours* on typical weekdays without off-site mitigation. The levels of delay at the intersections evaluated with two-way stop control would be within the range considered acceptable by the City of Palm Springs on weekdays in the year 2030. In the peak season of the year 2030, all of the Specific Plan key intersections are projected to meet the City of Palm Springs minimum performance standard of LOS D *in the midday peak hour on Saturdays* without mitigation.

With the proposed project, traffic signals would be warranted and required to meet the City minimum intersection performance standard at the proposed intersection of Palm Canyon Drive with Museum Way and at Indian Canyon Drive with Museum Way.

In the year 2030 during Villagefest (Thursday evenings), the intersection of Belardo Road and Arenas Road is projected to operate at LOS F with all-way stop control. Although signalization would allow this intersection to operate at acceptable levels of service, urban signal warrants do not appear to be met by the projected peak hour traffic volumes at this intersection in the year 2030. Also during Villagefest in 2030, the intersection of Belardo Road and private Museum Way on-site is projected to operate at LOS F with all-way stop control with the proposed project. This intersection appears to require signalization during Villagefest to meet the City of Palm Springs minimum performance standard. The westbound (Amado Road) approach to the intersection of Belardo Road is also projected to operate at LOS F on Thursday evenings, with the existing two-way stop control. Signalization may be necessary at this intersection to maintain acceptable levels of minor-street control delay.

The Specific Plan would adversely impact the General Plan street system within the study area by providing angled parking on the west side of Palm Canyon Drive. The sight distance for motorists backing out of the angled parking spaces would be very poor when large vehicles (minivans, SUVs, RVs or delivery trucks) were parked beside them, restricting the driver's view of approaching traffic until they backed a considerable distance into the travel lane to get a clear view around the adjacent vehicle. Approaching drivers would be forced to react suddenly to unexpected mid-block conflicts by braking to a stop to avoid collisions, with the additional concern of being rear-ended. A major thoroughfare (such as Palm Canyon Drive and Indian Canyon Drive) that has numerous vehicles backing out of angled parking spaces into the adjacent travel lane cannot safely accommodate high traffic volumes and would have substantially higher crash rates with angled parking than parallel parking. Changes to the Specific Plan include the elimination of all angled parking, which will eliminate the impacts.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to traffic and circulation to less than significant levels, as follows:
 - a. The project proponent shall dedicate appropriate right-of-way, as needed, to accommodate the ultimate improvement of all General Plan public roadways within and adjacent to the project site to accommodate additional demand for exclusive right-turn lanes, bus stops and lanes, bicycle facilities or other improvements required to maintain a minimum operating LOS D at intersections.
 - b. Master planned roadways shall be improved on and adjacent to the site in accordance with the approved design standards specified in the Museum Market Plaza Specific Plan.
 - c. Private roads shall be developed in accordance with the approved design standards specified in the Museum Market Plaza Specific Plan or, where not provided in the Specific Plan, with City's published engineering standards for public streets, unless otherwise approved by the City Engineer.
 - d. Where necessary and appropriate, the project proponent shall implement the Specific Plan and provide bikeways and associated facilities on and/or adjacent to the project site. The goal of this measure is to reconnect the existing recreational bike trails in the area known as the Las Palmas Loop, the Heritage Trail, the Citywide Loop, and the Downtown Loop that would be disconnected as a result of the removal of the segment eliminated by the vacation and abandonment of Belardo Road/Museum Drive proposed. The developer, may be required prior to approval of development plans, to provide right-of-way through land dedications to accommodate the City's network of trails and non-motorized routes.

- e. The project proponent shall provide off-street parking and loading facilities for the proposed development, as specified in the development standards and guidelines within the Muscum Market Plaza Specific Plan. Loading spaces shall be provided which meet the requirements of Section 93.07.01 of the Palm Springs Municipal Code. The off-street parking layout shall be subject to the review and approval of the City Engineer.
- f. The project proponent shall provide accessible parking spaces and accessible parking aisles (96 inches wide and designated "Van Accessible") that are ADA compliant. If valet parking facilities are provided, an accessible passenger-loading zone shall also be provided on an accessible route to the entrance of the facility. If passenger-loading zones are provided on-site, then at least one passenger loading zone shall be ADA accessible.
- g. The project proponent shall provide accessible routes of travel (including compliant curb ramps, sidewalks, and other improvements) along all public streets and within all public spaces and common areas, in accordance with current ADA guidelines and standards.
- h. The project proponent shall contribute traffic impact mitigation fees, by participating in the Traffic Uniform Mitigation Fee (TUMF) program.
- i. The following table summarizes the improvements needed at on-site and key intersections by the Year 2030 buildout period. Certain proposed mitigation measures set forth below and associated with addressing traffic conditions during Villagefest may be substituted with other measures or appropriate Conditions of Approval that adequately address these short-term impacts. The table also indicates the approximate project share of projected intersection traffic expected in 2030, and shall serve as the basis for assigning responsibility for improvements or appropriate levels of fee mitigation. Fair share assignments may be altered by the actual number of units and square footage proposed when actual project plans are submitted.

**Table 2
Required Intersection Improvements (2030)**

Intersection Improvement	Project-Related Contribution To Future Traffic Growth
WEEKDAY AND SATURDAY REQUIRED MITIGATION	
Palm Canyon Drive @ Museum Way - install a traffic signal - construct an eastbound through lane - construct an eastbound right-turn lane ^a - construct a westbound through lane - construct a westbound left-turn lane ^a	Project Share of Traffic Increase = 68.22%
Indian Canyon Drive @ Museum Way - install a traffic signal - construct an eastbound left-turn lane	Project Share of Traffic Increase = 49.90%
Belardo Road @ Museum Way - install an all-way stop - construct a northbound approach lane - construct a southbound approach lane - construct an eastbound approach lane - construct a westbound approach lane	Project Share of Traffic Increase = 97.09%
Belardo Road @ Tahquitz Canyon Way - install a two-way stop, with STOP signs on Tahquitz Canyon Way - stripe a northbound left-turn lane - construct a southbound left-turn lane - construct a southbound through/right-turn lane - stripe an eastbound left-turn lane - stripe a westbound left-turn lane	Project Share of Traffic Increase = 90.59%
ADDITIONAL MITIGATION ON VILLAGEFEST THURSDAY	
Belardo Road @ Amado Road - install a traffic signal	Project Share of Traffic Increase = 59.32%
Belardo Road @ Museum Way - install a traffic signal - add a northbound left-turn lane ^a - add a southbound left-turn lane ^a	Project Share of Traffic Increase = 97.09%
Belardo Road @ Arenas Road - install a traffic signal - add a northbound left-turn lane ^a - add a southbound left-turn lane ^a	Project Share of Traffic Increase = 60.36%

- j. The intersection approach lanes and traffic controls at the on-site and off-site key intersections shall be improved in a timely manner that preserves acceptable levels of service and consistent with the recommendations outlined in Figures 5-1 through 5-7 of the MMP Traffic Impact Study.
- k. To accommodate projected year 2030 traffic volumes at acceptable levels of service with

- l. Villagefest traffic and the closure of Palm Canyon Drive, three additional intersections will require signalization: (1) Belardo Road at Amado Road, (2) Belardo Road at Museum Way, and (3) Belardo Road at Arenas Road.
- m. To maintain the necessary roadway capacity while minimizing congestion, Belardo Road should be improved as a public "Collector" street. On-street parking should be restricted on the approaches to intersections to assure adequate intersection sight distances, particularly in the vicinity of Museum Way.
- n. Detailed street and parking plans proposing angled parking along Belardo Road shall be submitted to the City Engineer for approval. The subject facilities shall be designed to limit the impacts of angled parking on roadway capacity and the potential for increased accidents.
- o. Final subdivision maps and development plans identifying locations of structures, access drives, parking and other circulation components shall be submitted to and approved by the City for each implementing component of the Specific Plan.
- p. Adequate vehicle stacking capacity shall be provided at the access drives to all parking structures to assure that cars waiting for entry to the parking garages on-site do not obstruct the adjacent street, particularly in the peak travel periods.
- q. Clear unobstructed sight distances shall be maintained at the unsignalized site driveways, site access intersections, and internal intersections. All driveways with traffic exiting across public sidewalks shall have a clear sight triangle inside the property measuring 8 feet by 8 feet to allow driver visibility of pedestrians on the sidewalk. Screening fences or shrubbery shall not produce view obstructions at driveways or intersections.
- r. All off-street parking areas constructed on-site shall be adequately illuminated with properly shielded ground-level and mounted lighting fixtures that promote user safety, defensible space and security, as well as to minimize the potential for vehicle-pedestrian collisions.
- s. Proposed on-site loading facilities shall be designed in a manner that precludes trucks from backing into or out of the loading facilities from a public street, or to be required to use any public street for parking. All areas used by trucks shall be set at appropriate grades, properly drained, paved, and maintained.
- t. The project proponent shall coordinate with SunLine Transit Agency and the City to assure that adequate provisions are made for public transit facilities on-site.
- u. The project proponent shall contribute on a fair-share basis to the cost of circulation improvements required within the study area.

In addition, the Specific Plan has been modified to reduce residential density from the original 955 units to 300 units, and the commercial square footage from 400,000

square feet to 300,000 square feet. These changes in the project will reduce residential vehicle trips by 59%, and commercial vehicle trips by 25%. These reductions will reduce impacts to traffic and circulation in addition to the mitigation measures included in the EIR.

Utilities and Service Systems Impacts

Based on solid waste generation rates provided by the California Integrated Waste Management Board, residential development in the Specific Plan area will generate approximately 1,120 tons of solid waste per year. Commercial development will include commercial retail and office development, which is expected to generate approximately 960 tons of solid waste annually. The proposed Specific Plan will result in an increase in the volume of solid waste generated over time. In order to ensure the safe and cost-effective disposal of solid waste generated by development in the Specific Plan area, monitoring of waste management is necessary.

Findings:

1. Changes, alterations, and other measures have been made in or incorporated into the project which will mitigate these impacts to less than significant levels. The EIR includes mitigation measures designed to reduce the potential impacts to solid waste to less than significant levels, as follows:
 - a. The developer shall implement recycling programs for all components of the development project.

E. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Aesthetic Impacts

Development of the proposed project will result in changes to the existing visual character of the project site and its surrounding. The planned construction of tall structures will result in partial obstruction of mountain views, particularly at Cahuilla Road and Tahquitz Canyon Way, and along portions of Palm Canyon Drive.

Lykens Department Store, a Class I historically significant building (considered locally significant), occurs at the southeast corner of Andreas Road and Palm Canyon Drive, one lot north of the project site. It is an architecturally distinctive, historic building that makes an interesting visual contribution to the Downtown character. Although not directly affected by the Specific Plan build out, the building could be negatively impacted by the scale of the proposed new development. The intervening building, also not part of the proposed project, helps to separate the Lykens building from the proposed project. However, the mass and height of the structure to the south, extending up to 79 feet, will indirectly impact the Lykens building.

The following mitigation measures are included in the EIR, and will reduce the impacts to scenic vistas and visual character to the extent possible.

1. Each application for Major Architectural Review or other discretionary permit involving structures within the Plan area shall include an analysis of the potential impacts associated with mountain views.
2. Design of structures shall be sensitive to surrounding mountain vistas, and shall incorporate visually permeable materials, step-backs and setbacks, and stepped building frontages to the greatest extent possible.
3. Building design for all structures along the perimeter of the Plan area, adjacent to existing buildings not in the Plan area, shall be set back from these buildings to the greatest extent possible to minimize indirect impacts associated with the visual character of the area.

Since the preparation of the EIR, the City has modified the Specific Plan to reduce building heights to 60 feet, from the originally proposed 79 feet. While hotels may be allowed height in excess of 60 feet, if approved by the City Council, this remains a overall reduction and may reduce the impacts associated with scenic vistas and visual character to a greater extent than was analyzed in the EIR. The 60 foot building height, however, is still significantly greater than what currently occurs in the Downtown, and may still result in significant impacts to scenic vistas and visual character.

Findings:

1. The City of Palm Springs hereby finds that impacts associated with scenic vistas, and the visual character of the Downtown constitute a significant unavoidable impact to aesthetics. Even with the implementation of mitigation measures, the build out of the proposed project will result in significant obstruction of mountain vistas, and impacts to the Lykens building. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No

other feasible mitigation measures are available to further reduce impacts to scenic vistas and visual character. The City of Palm Springs finds that the remaining unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

Air Quality Impacts

The proposed project will generate significant impacts to air quality during the grading phase of construction. Although mitigation measures are included in the EIR, grading activity is expected to exceed SCAQMD thresholds of significance for nitrogen oxides, and emit 118.33 pounds per day, rather than the prescribed 100 pounds per day. All other criteria pollutants will be emitted at levels lower than SCAQMD thresholds.

After build out of the proposed project, two criteria pollutants, carbon monoxide, and nitrogen oxides, will exceed thresholds as established by SCAQMD. Furthermore, estimated nitrogen oxides currently exceed established thresholds. Although all reasonable mitigation measures have been incorporated in the measures provided below, emissions are expected to continue to exceed thresholds, thereby constituting unavoidable significant impacts to air quality.

Build out of the proposed project is estimated to generate 40,658 metric tons of carbon dioxide equivalent per year, or 245,577 pounds per day of greenhouse gases. Existing land uses onsite contribute to greenhouse gas emissions, contributing an estimated GHG emissions of 14,923 metric tons of carbon dioxide equivalent, or 90,136 pounds per day. The implementation of the proposed project will therefore increase GHG emissions, which is inconsistent with the requirements of SB32, to reduce GHG emissions to 1990 levels. The impacts of build out of the proposed project on GHG emissions will therefore be significant, even with the implementation of mitigation measures.

The following mitigation measures are included in the EIR, and will reduce the impacts to air quality to the extent possible.

1. Grading and development permits shall be reviewed and conditioned to require the provision of all reasonably available methods and technologies to assure the minimal emissions of pollutants from the development, including proper vehicle maintenance and site watering schedules.
2. The City shall coordinate with the project developers to encourage the phasing and staging of development to assure the lowest construction-related pollutant emission levels practical. As part of the grading permit process, the applicant shall concurrently submit a dust control plan as required by SCAQMD in compliance with Rule 403.
3. In response to requirements of SCAQMD to monitor air quality impacts associated with fugitive dust from site disturbance and grading activities, all construction activities within

the project boundary shall be subject to Rule 401 Visible Emissions, Rule 402 Nuisance, and Rule 403 Fugitive Dust².

4. To reduce PM₁₀ emissions, the developer shall implement the following the greatest extent practicable:
 - chemically treat soil at construction sites where activity will cease for at least four consecutive days;
 - pave on-site construction access roads as they are developed; extend paving at least 120 feet from roadway into construction site and clean roadways at the end of each working day;
 - restore vegetative ground cover as soon as construction activities have been completed;
 - chemically treat unpaved roads that carry 20 vehicle trips per day or more;
 - plant tree windbreaks utilizing non-invasive species on the windward perimeter of construction projects, where feasible;
 - all construction grading operations and earth moving operations shall cease when winds exceed 30 miles per hour;
 - prior to turf raking, implement effective PM₁₀ control programs for turf over-seeding as outlined in the CV-SIP;
 - water site and equipment morning and evening and during all earth-moving operations;
 - spread soil binders on site, unpaved roads, and parking areas;
 - operate street-sweepers on paved roads adjacent to site;
 - re-establish ground cover on construction site through seeding and watering or other appropriate means; and
 - pave construction access roads, as appropriate.
5. To minimize construction equipment emissions, the developer and contractors shall implement the following:
 - wash off trucks leaving the site;
 - require trucks to maintain two feet of freeboard;
 - properly tune and maintain construction equipment; and
 - use low sulfur fuel for construction equipment.
6. To reduce construction-related traffic congestion, the developer and contractors shall implement the following:
 - configure construction parking to minimize traffic interference;
 - provide a flag person to ensure safety at construction sites, as necessary; and
 - schedule operations affecting roadways for off-peak hours, as practical.
7. To minimize indirect source emissions, the developer shall:
 - install low-polluting and high-efficiency appliances;
 - install energy-efficient street lighting; and

² "Final 2003 Coachella Valley PM₁₀ State Implementation Plan," prepared by the South Coast Air Quality Management District, August 1, 2003.

- landscape with native and other appropriate drought-resistant species to reduce water consumption and to provide passive solar benefits.
8. To minimize building energy requirements, the developer may also implement the following:
- assure the thermal integrity of buildings and reduce the thermal load with automated time clocks or occupant sensors;
 - use efficient window glazing, wall insulation and ventilation methods;
 - introduce efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units;
 - incorporate appropriate passive solar design, including solar heaters, and solar water heaters, to the greatest extent feasible;
 - use devices that minimize the combustion of fossil fuels; and
 - capture waste heat and re-employ this heat, where feasible.
9. Architecture and construction activities and materials shall utilize green buildings and alignment principles, as appropriate, including standards as defined in the Leadership in Energy and Environmental Design (LEED) Green Building standards for municipal buildings to the greatest extent possible. The use of solar panels is encouraged.

Since the preparation of the EIR, the City has modified the Specific Plan to reduce residential density from 955 to 300 units, and commercial square footage from 400,000 to 300,000 square feet. This reduction may reduce the impacts associated with operational emissions to a greater extent than was analyzed in the EIR. The construction activity, however, will be similar, insofar as the site area will be substantially the same as that studied in the EIR, and the GHG emissions will remain higher than 1990 levels.

Findings:

1. The City of Palm Springs hereby finds that impacts from nitrogen oxide, carbon monoxide and GHG emissions constitute a significant unavoidable impact to air quality. Even with the implementation of mitigation measures, air quality impacts associated with carbon monoxide, nitrogen oxides will exceed SCAQMD thresholds; and GHG emissions will be greater than those on the project site in 1990. All reasonable and feasible mitigation measures that can substantially reduce impacts have been included in the EIR. No other feasible mitigation measures are available to further reduce emissions. The City of Palm Springs finds that the remaining unavoidable significant effects are acceptable based on the inclusion of mitigation, the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

Cultural Resources Impacts

The Specific Plan proposes the demolition of the Town and Country Center. In 2004, the building was determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources, with a local level of significance.

The Town and Country Center meets the CEQA criteria "c" for listing, and can be considered a significant resource. The Center meets the definition of a historic resource as put forward in CEQA. Demolition of the Center would therefore be a significant impact. The EIR includes mitigation measures to preserve a record of the buildings according to federal standards, and to include displays within the proposed project which would commemorate the Center. However, as the Center has been determined a historically significant structure under CEQA, its demolition will result in an unavoidable significant impact which cannot be fully mitigated.

The following mitigation measures are included in the EIR, and will reduce the impacts to historic resources to the extent possible.

1. On-site commemorative signs or displays recognizing the historic value of the two previously occurring historic sites to the west of Palm Canyon Drive shall be incorporated into the proposed project.
2. A comprehensive documentation program shall be completed for the Town and Country Center prior to any building altering activities on the property. The documentation shall be consistent with Historic American Building Survey (HABS) procedures, and shall include detailed architectural description, photographic records, scaled mapping and completion of a historic record of the property. The resulting records shall be curated at the City of Palm Springs and the Eastern Information Center.

Commemorative signage and displays shall be incorporated into the proposed project.

Since the preparation of the EIR, the City has modified the Specific Plan to consider the demolition of the Town and Country Center based on the quality and value of projects which may be proposed for the site in the future. Should the Center remain, the impacts associated with its demolition would be eliminated. However, since the demolition of the Center is not precluded, potential impacts associated with the Town and Country Center remain significant and unavoidable.

Findings:

1. The City of Palm Springs hereby finds that the proposed project will result in significant and unavoidable impacts to historic resources. No feasible mitigation measures are available to mitigate this impact, insofar as demolition of the Town and Country Center will eliminate a CEQA qualified historic structure. The City of Palm Springs finds that these unavoidable significant impacts are acceptable based on the overall inability to mitigate the impacts despite inclusion of mitigation, the benefits associated with the proposed project, objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

F. FINDINGS REGARDING ALTERNATIVES

The Environmental Impact Report considered alternatives to the proposed project which would reduce impacts of the proposed project, while still meeting some or most of the project objectives, as described in Section A. As required by CEQA, these alternatives constituted a reasonable range of potential options necessary to permit a reasoned choice. The alternatives were the No Project Alternative, the Preservation of the Town and Country Center Alternative, Less Intense Alternative A, and Less Intense Alternative B. The EIR identified the No Project Alternative as "environmentally superior" to the Preferred Alternative. Therefore, as set forth in Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to reject the project alternatives because of the balance of impacts to benefits afforded by the proposed project.

A. No Project Alternative

1. Description of Alternative: Under this alternative, the Desert Fashion Plaza would be refurbished and would reopen in its current configuration. The alternative would also maintain the Town & Country Center and adjacent buildings, and maintain the parking lot at Mercado Plaza. The only construction to occur would be the build out of the southwest corner of Cahuilla Road and Tahquitz Canyon Way (Block L) with 45 hotel rooms, as could be allowed under the General Plan and Zoning Ordinance. No change would occur in the Mercado parking lot. The build out of this alternative would result in:

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|------------------------------|--|
| a. Desert Fashion Plaza: | 41,600 square feet of restaurant space
288,400 square feet of retail commercial space |
| b. Town & Country Center: | 15,000 square feet of restaurant space
33,600 square feet of retail commercial space
2,350 square feet of office space |
| c. Tahquitz Canyon/Cahuilla: | 45 hotel rooms |

2. Comparison of Effects:

Aesthetics and Visual Resources: This alternative will potentially have less impact on the visual resources of the area than the proposed project, with the exception of the vista from Cahuilla Road to the northwest. The No Project Alternative would preserve the existing built form and maintain the view corridors and vistas that presently characterize Downtown Palm Springs. In accordance with the General Plan and Zoning Ordinance, this alternative would allow construction of one new hotel on a vacant site at the corner of Cahuilla Road and Tahquitz Canyon Way.

Air Quality: Build out of the No Project Alternative will result in the daily exceedance of carbon monoxide, nitrogen dioxide, and ROG thresholds. All other criteria pollutants are estimated to be less than the established thresholds. This alternative would therefore result in ROG impacts which would not occur with the proposed project. At build out of the No Project Alternative the annual greenhouse gas emissions are projected to be an estimated 32,267 metric tons of carbon dioxide, which is approximately 20% less than the emissions projected for the Proposed Project alternative.

Cultural Resources: The No Project Alternative would result in reuse of the Town and Country Center, which would therefore have less impact on historic resources than the proposed project, which results in the demolition of the Town and Country Center.

Geology and Soils: This alternative would result in no residential units and only about 7 percent of the hotel rooms proposed in the proposed project. The potential impact to people and structures from a significant geotechnical event, therefore, would be reduced as compared to the proposed project.

Hazardous and Toxic Materials: The No Project Alternative has the least hazardous materials impacts of all the alternatives, since it plans for no residential units and only about 7% of the hotel rooms when compared to the proposed project. This alternative reduces total square footage by approximately 80% of the total square footage planned for the proposed project, thereby reducing the areas where hazardous materials could be stored.

Hydrology: The No Project Alternative results in the requirement of fewer improvements for both on-site stormwater facilities and the amount of overall improvements that may be susceptible to flooding. Because of the reduced scope of this alternative, existing improvements are expected to be relatively capable of ensuring adequate control of stormwater runoff from the project site into the storm drain system.

Water Quality and Resources: Water demand for the No Project Alternative would be approximately 24 acre-feet per year or 0.02 mgd. Water demand for the No Project Alternative represents 12% of the estimated water demand for the proposed project. Thus, the No Project Alternative would require less water compared to the proposed project.

Land Use and Planning: This alternative would not require the preparation or adoption of a Specific Plan, as existing structures, whether conforming to current City Zoning standards or not, would be allowed to remain. This alternative would be consistent with the General Plan and Zoning land use designations currently applied to the properties within the project area. This alternative, however, would not implement most of the goals and strategies of the Downtown Urban Design Plan (DUDP) pertaining to downtown revitalization. This alternative, however, would result in the re-use of the Town and Country Center, which is a goal of the Plan. The No Project Alternative, therefore, could be incompatible with the Downtown Urban Design Plan.

Noise: Potential construction noise impacts resulting from the limited new development under this alternative would be considerably less than those generated by the proposed project, because of the significant reduction in construction activity. In 2030, ambient traffic noise levels would be marginally lower, and range from a low of 45.0 CNEL to a high of 75.6 CNEL, in comparison to those of the proposed project, which range from a low of 45.0 CNEL to a high of 75.7 CNEL.

Population and Housing: There would be no growth in housing units under this alternative, as no residential units would be created. This alternative would generate new jobs in the City, but to a lesser degree than the Proposed Project, since the intensity and type of development would be reduced.

Public Services and Facilities: This alternative will draw fewer people into the project area and result in little increased demand for Fire Protection Services. In consequence, impacts generated by the No Project Alternative will be less than significant, when compared to those of the proposed project, and will not require mitigation.

This alternative does not significantly increase existing levels of development, and will therefore result in little increased demand for Police Protection Services. In consequence, impacts generated by the No Project Alternative will be less than significant, and will not require mitigation.

The No Project Alternative would not have any impact on the City's schools, as no new residents would be introduced to the project site.

Recreational Resources: The No Project Alternative would not require additional parks or recreation because of the lack of residential uses in the area, but it would also not provide the central plaza proposed in the Downtown Urban Design Plan (DUDP).

Transportation and Traffic: This alternative would preserve the existing roadway network, while allowing new development to occur on one vacant portion of the project site located at the southwest corner of Cahuilla Road and Tahquitz Canyon Way. This alternative would not include an east-west connection from Indian Canyon to the Museum. Potential traffic impacts will be equivalent to those associated with existing development assumed to be in a fully occupied state, but would be reduced when compared to the proposed project.

Utilities and Service Systems: The No Project Alternative will generate approximately one half of the total solid waste that will be generated by the proposed project. This alternative will result in the generation of 79,367 gallons of wastewater per day, representing the lowest generation rates of any of the alternatives.

Economics: Under this alternative, the project area would generate \$928,782 in revenues to the City's General and Restricted funds, and \$1.5 million to the City and RDA. This alternative's low cash flow is associated with the lack of residents at the project site, and the low generation of transient occupancy tax revenue.

3. Findings: The City of Palm Springs compared the relative impacts and benefits of the proposed project and the No Project Alternative and did not select this Alternative. However, monitored mitigation measures and features incorporated into the proposed project, as described in Section C of these Findings, will substantially reduce the environmental effects of the proposed project.
4. Facts: The objectives of the project, as well the policies and programs of the General Plan, and the goals of the Downtown Urban Design Plan would not be implemented with this alternative. Although this alternative would reduce impacts to a greater degree than the other alternatives, the benefits of this alternative would not be comparable. This alternative would not generate the levels of employment of the other alternatives, and would not reintroduce residential units into the Downtown.

B. Preservation of the Town and Country Center Alternative

1. Description of Alternative: Under this alternative, all new development between Palm Canyon and Indian Canyon Drives would be eliminated. The Town & Country Center would be rehabilitated, with the exception of Building C, which would be eliminated. The total land use allocation would be as follows:

- | | |
|-------------------------------|--|
| a. Desert Fashion Plaza Site: | 900 high density residential units
380,000 square feet of retail commercial space
365 hotel rooms |
| b. Town & Country Center: | 15,000 square feet of restaurant space
17,000 square feet of retail commercial space
2,350 square feet of office space |
| c. Tahquitz Canyon/Cahuilla: | 15,000 square feet of retail commercial space
55 hotel rooms |
| d. Mercado Parking Lot: | Parking Structure |

2. Comparison of Effects:

Aesthetics and Visual Resources: This alternative generally corresponds to the proposed project in terms of the redevelopment of lands on the west side of North Palm Canyon Drive. However, it would preserve and adaptively re-use the Town and Country Center. The potential for impeded views and increased light and glare resulting from this alternative will correspond to those of the proposed project. This alternative will also introduce similar numbers of sensitive receptors to the project area. However, by preserving and rehabilitating the Town and Country Center, this alternative would result in a superior alternative for the visual character of that Center.

Air Quality: The Preservation of the Town and County Center Alternative will result in three of the criteria pollutants exceeding the SCAQMD threshold of significance. Carbon monoxide, nitrogen oxides, and reactive organic gases daily emissions will be greater than the established thresholds, which would result in significant and unavoidable impacts, comparable to the impacts associated with the proposed project. The Preservation of the Town and Country Center Alternative would emit slightly greater quantities of greenhouse gases compared to the proposed project. This is primarily due to vehicular emissions associated with this alternative.

Cultural Resources: The redevelopment of the Town and Country Center would preserve and restore its architectural and historic character, as the buildings would be restored to their original appearance. This alternative would, however, result in the demolition of the southern building, formerly the Bank of America, and would therefore have some impact on historic resources, although to a lesser degree than the proposed project.

Geology and Soils: Impacts under this alternative will be similar to the proposed project in terms of the planned number of high density residential units and commercial development. Its planned 365 hotel rooms are fewer by about 40% compared to the proposed project. The magnitude of the impact of a large earthquake on the site could be similarly high in terms of injury and property damage, compared to the proposed project.

Under this alternative, the Town and Country Center would be seismically retrofitted, and would therefore not pose any greater risk than newer buildings on the site..

Hazardous and Toxic Materials: Renovation of the Town and Country Center would require abatement of asbestos and lead materials, to a similar degree as demolition would under the proposed project. Hazardous materials and waste impacts will be similar to those of the proposed project, since the residential and commercial intensities will be very similar to the proposed project.

Hydrology: This alternative includes substantial development of residential and hotel units, which has the potential to put a greater number of people and structures at risk in the event of a flood event. Compliance with specific design criteria for retention basins and storm drain facilities, and the direct discharge of runoff would result in less-than-significant impacts, as would the proposed project.

Water Quality and Resources: The Town and Country Alternative would generate domestic water demand of 186.5 acre-feet per year, a reduction of less than 4% when compared to the proposed project. This alternative would have similar impacts to water resources as compared to the proposed project. Impacts are expected to be individually insignificant, but will contribute to the cumulative overdraft conditions.

Land Use and Planning: The impacts associated with land use and planning under the Preservation of the Town and Country Center Alternative would be reduced under this alternative. This alternative implements the land use designations assigned to the properties under the General Plan and Zoning Ordinance. It is also compatible with the DUDP, insofar as it brings residential development to the Downtown Core, improves the retail commercial environment, and preserves and re-uses historic structures. This alternative also implements a pedestrian, but not a vehicular connection to Section 14 and the Convention Center.

Noise: This alternative results in less demolition, less reconstruction and a somewhat less intensive level of development than the Proposed Project. In 2030, ambient traffic noise levels would range from a low of 45.0 CNEL to a high of 75.7 CNEL, equivalent to those of the proposed project.

Population and Housing: This alternative would result in the same number of potential residential units, so population growth would be equivalent to the proposed project. This alternative would also allow persons employed within the project to live within the project. The Town and Country Center, which would be refurbished and re-used for retail and office commercial development, would generate new employment, as would development on the balance of the site.

Public Services and Facilities: Although levels of demand for the services of the Palm Springs Fire Department will increase in proportion to the intensity of the new development, the impacts generated by this alternative are expected to be somewhat less than those of the Proposed Project.

This alternative draws somewhat fewer people into the project area, because of the reduced development at the Town and Country Center. The impacts generated by this

alternative are expected to be somewhat lower than those of the proposed project, but would require mitigation to reduce them to less than significant levels.

This alternative introduces residential uses to the area and will result in a level of residential development similar to that of the proposed project. In consequence, the school impacts resulting from this alternative are expected to be equivalent to those of the proposed project.

Recreational Resources: The potential impact on recreational facilities resulting from this alternative would be similar to the proposed project, and this alternative would include the common recreational amenities required of the proposed project, and implement the central plaza envisioned in the DUDP, while preserving the Town and Country Center.

Transportation and Traffic: Circulation and level of development are generally equivalent to the proposed project. However, this alternative does not provide vehicular connection between Palm Canyon Drive and Indian Canyon Drive. There would also be no change to Andreas Road. This alternative will generate traffic impacts slightly higher than the proposed project.

Utilities and Service Systems: This alternative is estimated to generate 3,001 tons of solid waste annually, a 3% increase over the proposed project. This alternative will generate approximately 166,496 gallons per day of wastewater, or 4% less than the proposed project.

Economics: This alternative will result in both residential and commercial development. The City's General Fund and Restricted funds would see an annual cash flow at build out of \$939,219, without one-time fees; and a total cash flow to the City and RDA of \$4.3 million, without one-time fees.

3. **Findings** – The City of Palm Springs compared the relative impacts and benefits of the proposed project and the Preservation of the Town and Country Center Alternative, and did not select this Alternative. Nonetheless, the environmental effects of the proposed project will be substantially reduced by the monitored mitigation measures and features incorporated into the proposed project, as described in Section C of these Findings.
4. **Facts** – As outlined above, and confirmed in the EIR, the Preservation of the Town and Country Center Alternative does not fully meet the project objectives. In addition, the alternative does not meet many of the benefits associated with the proposed project, as outlined in these Findings. For these reasons, the Preservation of the Town and Country Center Alternative was rejected.

C. Less Intense Alternative A

1. **Description of Alternative:** Under this alternative, a central park consisting of approximately 55,000 square feet would occur in the center of what is now Desert Fashion Plaza. Museum Way would not be extended from the Desert Art Museum to Indian Canyon Drive. Belardo would be extended through the site, but would be curvilinear rather than rectilinear. The northern portion of the Town and Country Center would remain, but the Bank of America building and buildings immediately south and

east of the Bank of America building would be replaced with retail commercial development and pedestrian access. Building heights would extend to 57 feet along Museum Drive (west side of project) and Tahquitz Canyon Way, west of Belardo Road. Building heights on Palm Canyon Drive would range from 17 to 34 feet. Building height adjacent to the existing Hyatt hotel would be 34 feet, for a cinema. This alternative would result in the following development:

a. Retail Shops	144,000 square feet
b. Office	40,000
c. Supermarket	42,500 square feet
d. Cinema	68,000 square feet
e. High Density Residential	120 units

2. Comparison of Effects:

Aesthetics and Visual Resources: Tallest buildings are located in the western parts of the site and do not exceed 57 feet in height. Structures fronting Palm Canyon Drive would range from 17 to 34 feet in height, and a park would be provided in the center of the development. This alternative would preserve the Town and Country Center, and provide pedestrian access through that portion of the site to Indian Canyon Drive. Levels of light and glare resulting from Less Intensive Alternative A would be proportionate to the level of development and therefore have a somewhat lesser impact than those resulting from the Proposed Project. The view corridor created by the new street would not occur. Under this alternative, the view from Indian Canyon Drive would remain as it currently occurs, with the ridges of the San Jacinto range visible above the Town and Country Center structure.

Air Quality: Under this alternative, carbon monoxide, nitrogen oxides, and reactive organic gases emissions exceed SCAQMD thresholds. Comparatively, the proposed project also exceeds these three established thresholds of significance for criteria pollutants. Therefore, Less Intense Alternative A would have similar impacts to air quality compared to the proposed project, and would result in significant and unavoidable impacts. This alternative represents approximately 25% less greenhouse gas emissions at build out than the proposed project.

Cultural Resources: Under this alternative, the buildings in the Town and Country Center will not be rehabilitated and actively incorporated in to the project. This alternative would therefore not have the beneficial impact of restoration of the structures in the Center associated with the Preservation of the Town and Country Center alternative. This alternative has less impact on cultural resources than the proposed project, which results in demolition of the Town and Country Center.

Geology and Soils: Under the Less Intense Alternative A, there would be no hotel, an 87% reduction in high density residential units, and about 25% less commercial square footage, which will result in less population and fewer structures on-site than the proposed project. Therefore, geotechnical and seismic impacts will affect this alternative to a lesser degree than the proposed project.

Hazardous and Toxic Materials: This alternative would preserve the Town and Country Center, but without renovation, which would result in potential hazardous materials remaining in place on the site. Under this alternative, additional mitigation would be required to abate lead and asbestos risks within the Town and Country Center. The residential land uses planned for this alternative are 87% less than those planned for the proposed project, and 26% less commercial space than that of the proposed project. Therefore, hazardous material impacts will affect the Less Intense Alternative A to a lesser degree than those of the proposed project.

Hydrology: Less Intense Alternative A would allow for slightly greater landscaped areas and impervious surfaces on the project site when compared to the proposed project. As with each of the alternatives, this alternative would install new storm drain facilities and incorporate existing regulations. This alternative would have less-than-significant hydrology impacts.

Water Quality and Resources: This alternative would decrease water demand by 2 acre-feet per year. This alternative represents the lowest water demand of all alternatives.

Land Use and Planning: Under this alternative, land uses would be consistent with the General Plan and Zoning Ordinance, and development standards would likely be consistent as well, eliminating the need for a Specific Plan. This alternative would be more consistent with the General Plan, insofar as height limits would not be exceeded, a public plaza would be provided, and a pedestrian, but not a vehicular connection would be provided to Section 14. This alternative would not be consistent with the adaptive reuse of the Town and Country Center, insofar as it would remain in its current condition. The alternative would also bring mixed-use residential development into the Downtown Core, to a lesser degree than the proposed project.

Noise: Potential traffic noise impacts resulting from Less Intense Alternative A in 2030 would range from a low of 52.5 CNEL to a high of 75.5 CNEL, in comparison to those of the proposed project, which range from a low of 45.0 CNEL to a high of 75.7 CNEL.

Population and Housing: Less Intense Alternative A would accommodate 12.6% of the residential units planned for the proposed project, and would not provide housing for employees within the project. This alternative would also generate 44% of the total jobs provided under the proposed project. This alternative would therefore result in the smallest job creation of all the alternatives.

Public Services and Facilities: Although levels of demand for the services of the Palm Springs Fire Department will increase in proportion to the intensity of the new development proposed under this alternative, the impacts generated by this alternative are expected to be somewhat less than those of the proposed project.

Under this alternative, a considerably less intensive level of overall development will draw fewer people into the project area. Although levels of demand for the services of the Palm Springs Police Department may increase slightly as a result of the new development, the impacts generated by this alternative are expected to be considerably less than those of the proposed project. This alternative may not require mitigation measures, as impacts may remain less than significant.

The school impacts resulting from this alternative are expected to be considerably less than those resulting from the proposed project, with a total student generation of only 33 students.

Recreational Resources: This alternative will result in fewer residents in the project area, and provide somewhat more recreational open space. The potential impact on of this alternative on recreational resources will therefore be less than that of the proposed project.

Transportation and Traffic: This alternative proposes a circulation pattern and a level of development that differ considerably from those of the proposed project. Implementation of Less Intense Alternative A will draw fewer people into the project area and the potential traffic impacts will therefore be less than those of the proposed project.

Utilities and Service Systems: Less Intense Alternative A will generate an estimated total solid waste of 1,487 tons annually, a 49% decrease compared to the proposed project. Less Intense Alternative A will result in the generation of 56,155 gallons per day of wastewater, or 68% less effluent generation than the proposed project.

Economics: Under this alternative, the City's General Fund and Restricted funds would see an annual cash flow at build out of \$566,313, without one-time fees; and a total cash flow to the City and RDA of \$1.3 million, without one-time fees. The relative low cash flow in this alternative is due to the limited amount of development, and the lack of hotel rooms, eliminating transient occupancy tax revenues.

3. Findings As discussed above, and confirmed in the EIR, the City of Palm Springs compared the relative impacts and benefits of the proposed project and Less Intense Alternative A, and did not select this Alternative. The Preferred Alternative, as described in Section C of these Findings, incorporates monitored mitigation measures and other features that will substantially reduce the environmental effects of the proposed project.
4. Facts --Less Intense Alternative A does not fully meet the project objectives of the proposed project, the General Plan, or the Downtown Urban Design Plan, and does not meet many of the benefits associated with the proposed project, as outlined in Section A of these Findings. Therefore, the City rejected Less Intense Alternative A.

D. Less Intense Alternative B

1. Description of Alternative: Under this alternative, the intensities of development within the project area would be reduced, but the areas to be redeveloped would be consistent with the Proposed Project, and the Town and Country Center would not be preserved. This alternative would construct Museum Way from the Desert Art Museum to Indian Canyon Drive, and extend Belardo Road through the project site in a rectilinear fashion. Under this alternative, building heights would not exceed 68 feet, and the project-wide building height average would remain 60 feet. The Plaza located in the center of the project would remain, and would still be constructed with two restaurants. The Mercado parking lot would be occupied by a parking structure under this alternative. This alternative would result in the following development:

- a. 300,000 square feet of retail commercial space
- b. 255 hotel rooms
- c. 765 dwelling units

This alternative is the closest in intensity to the changes which have been integrated into the Specific Plan. The impacts associated with these changes will not be equivalent to the proposed project, however, because the type of residential and hotel development proposed varies from the amended Specific Plan, which proposes 300 residential units and 600 hotel rooms, as well as the elimination of Blocks J & L.

2. Comparison of Effects:

Aesthetics and Visual Resources: This alternative proposes building heights at a maximum of 68 feet, and reduced land use intensities. The potential for impeded views and increased light and glare resulting from this alternative will be generally consistent with those of the proposed project. Somewhat fewer numbers of sensitive receptors will be introduced to the project area. This alternative also proposes the demolition of the Town and Country Center. The impacts on visual resources resulting from this alternative are expected to be similar to those of the proposed project, and will result in significant and unavoidable aesthetic impacts.

Air Quality: Build out of Less Intense Alternative B would result in the same three criteria pollutants expected to be exceeded in the proposed project: carbon monoxide, nitrogen oxides, and reactive organic gases. Air quality emissions for this alternative would be slightly less compared to the proposed project, but would still result in significant and unavoidable impacts. Less Intense Alternative B would have annual carbon dioxide equivalent emissions of 33,065 metric tons per year, or 199,715 pounds per day. Emissions of greenhouse gases for this alternative represent approximately 80% of the expected emissions, or a 20% reduction in emissions over the proposed project.

Cultural Resources: This alternative proposes a pattern of development similar to that of the Proposed Project, but with lower densities, which will result in equivalent impacts to those of the proposed project, since the Town and Country Center would be removed. The Lykens Building will also be impacted in a manner similar to the proposed project. Impacts associated with cultural resources would be significant and unavoidable.

Geology and Soils: Less Intense Alternative B has 20% fewer high-density residential units, about 60% fewer hotel rooms, and approximately 25% less commercial space than the proposed project. This alternative would expose slightly fewer individuals and structures to potential earthquake hazards compared to the Proposed Project.

Hazardous and Toxic Materials: Impacts associated with hazardous materials removal would be equivalent to those of the proposed project under this alternative, because both the Desert Fashion Plaza and the Town and Country Center would be demolished. Less Intense Alternative B includes 80% of the high-density residential units, approximately 40% of the hotel rooms, and 75% of the total commercial space planned for the proposed project. The hazardous waste impacts of this alternative would therefore be comparable to those of the proposed project.

Hydrology: Less Intense Alternative B includes substantial development of residential and hotel units, which has the potential to put a greater number of people and structures at risk in the event of a flood event. Compliance with specific design criteria for retention basins, storm drains and the direct discharge of runoff would result in less-than-significant impacts, consistent with the proposed project.

Water Quality and Resources: This alternative would generate an estimated net water demand of 122 acre-feet per year, which is approximately 63% of the estimated water demand for the proposed project. Impacts are expected to be individually insignificant, but will contribute to the cumulative overdraft conditions that currently exist.

Land Use and Planning: Under this alternative, land use and planning impacts would be reduced when compared to the Proposed Project, but would be greater than the impacts associated with Less Intense Alternative A. This alternative would be consistent with the General Plan and Zoning Ordinance in terms of land uses allowed in the project area. This alternative would still require a Specific Plan, to address building height. The Town and Country Center would be demolished, which is not consistent with the concepts of the DUDP. The alternative would bring mixed use residential land uses in the Downtown Core, and would create the pedestrian and vehicular connection, and mid-block view corridor included in the DUDP.

Noise: Potential traffic noise impacts resulting from Less Intense Alternative B would range from a low of 45.0 CNEL to a high of 75.6 CNEL, in comparison to those of the Proposed Project, which range from a low of 45.0 CNEL to a high of 75.7 CNEL. The overall numbers of people drawn into the area under this alternative will generally correspond to the numbers under the proposed project and operational noise impacts are also expected to be similar.

Population and Housing: Under this alternative, housing would generate 79% (1,598 persons) of the population growth expected for the proposed project. This alternative would allow those employed within the project area to live within the project area. Under this alternative 1,383 jobs, or 60% of the jobs resulting from the proposed project would be created. The reduction is primarily due to the significant decrease in hotel rooms, which are a relatively large employment generator.

Public Services and Facilities: The overall numbers of people drawn into the area under this alternative will be generally equivalent to the numbers generated by the proposed project and levels of demand for the services of the Palm Springs Fire Department will increase. The impacts on Fire Protection Services generated by Less Intense Alternative B are expected to be similar to those resulting from the Proposed Project, and will require mitigation.

Levels of demand for the services of the Palm Springs Police Department will increase in proportion to the intensity of the new development. The impacts on Police Protection Services generated by Less Intense Alternative B are expected to be similar to those resulting from the proposed project, and would require mitigation

This alternative would result in a student population of 214, slightly less than that generated by the proposed project.

Recreational Resources: This alternative proposes a pattern and level of development similar to that of the proposed project, and impacts on recreational resources are expected to be similar.

Transportation and Traffic: This alternative proposes a similar mix of uses to those of the proposed project and introduces residential development to the project area. The proposed pattern and intensity of development in Less Intense Alternative B is similar to the Proposed Project, although the total square footage of commercial development is greater and the number of residential units is less. The overall numbers of people drawn into the area under this alternative will generally be less than those under the proposed project and traffic impacts would be slightly lower.

Utilities and Service Systems: Less Intense Alternative B is estimated to generate a total of 2,247 tons of solid waste annually, a 23% decrease from the proposed project. Less Intense Alternative B will generate about 167,126 gallons of wastewater per day, which is 4% less than the proposed project's daily wastewater generation.

Economics: Under this alternative, the City's General Fund and Restricted funds would see an annual cash flow at build out of \$379,772, without one-time fees; and a total cash flow to the City and RDA of just under \$3.1 million, without one-time fees. The differences associated with this alternative are due primarily to the lower number of hotel rooms, which significantly reduce transient occupancy tax.

3. Findings – As discussed above, and confirmed in the EIR, the City of Palm Springs compared the relative impacts and benefits of the proposed project and the Less Intense Alternative B, and did not select this Alternative. The Proposed Project, as described in Section C of these Findings, incorporates monitored mitigation measures and other features that will substantially reduce the environmental effects of the proposed project.
4. Facts – Less Intense Project Alternative B does not fully meet the project objectives of the proposed project, and does not meet many of the benefits associated with the Proposed Project, as outlined in these Findings. Therefore, the City rejected Less Intense Project Alternative B.

E. Environmentally Superior Alternative

The No Project Alternative, which redevelops the site with only limited new development at the corner of Cahuilla Road and Tahquitz Canyon Way, represents the environmentally superior alternative. Under this alternative, significant impacts associated with aesthetics would be eliminated, and impacts to cultural resources, geology and soils, hydrology and water resources, hazards and hazardous materials, noise, traffic and public services and utilities would be reduced, because of the lack of new development.

However, even under this alternative, impacts associated with air quality would remain significant, and would be unavoidable. This is primarily due to the increased trips which would occur with refurbishment and re-occupancy of the retail space, which is currently largely vacant. Finally, under this alternative, annual revenues to the City would be lower, but costs would also be lowered, because no new residents would be generated by this alternative, and the primary

costs associated with development, general government and public safety, are associated with residents rather than businesses.

EXHIBIT "B"

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the City Council, as the decision-making agency, to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable." [CEQA Guidelines 15093(a).] CEQA requires the City Council to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record [CEQA Guidelines 15093(b)].

In accordance with the requirements of CEQA and the CEQA Guidelines, the City Council finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the EIR for the Museum Market Plaza Specific Plan. Nevertheless, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. The project would result in significant and unavoidable impacts to a) scenic vistas and aesthetics, b) air quality, and c) historic resources. The EIR and Exhibit "A" provides detailed information regarding these impacts.

The City Council finds that all feasible mitigation measures identified in the EIR within the purview of the City will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the EIR, and the record, including without limitation the draft Specific Plan and related documents, as follows:

1. The Project is designed to allow flexibility of design within specific guiding principles, including:
 - a. The highest quality development which provides an exciting and safe living, working, and shopping experience for all.
 - b. The creation of a pedestrian and vehicular connection from Palm Springs Art Museum, through Palm Canyon and Indian Canyon Drives to the Resort/Convention Center District.
 - c. The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon, and Belardo.
 - d. A balance of commercial and residential development which assures the success of the area by increasing the number of homes in the downtown, thereby increasing

the customer base of the commercial uses

- e. The development of residential units which relate synergistically to the commercial development around them, and encourage a pedestrian lifestyle with little use for the automobile,
 - f. The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown protects the quality of life for existing and future residents through goals and policies designed to achieve a desired vision for the City that incorporates smart growth principles, concepts of sustainable development and resource management, and environmental protection.
2. The Project addresses and is intended to affirmatively implement the following special design statements and goals:
- a. A distinctive and adaptable architectural theme, that incorporates a new sustainability esthetic that will define future development. References to prevailing Modernist, Spanish, and Mediterranean styles may occur. Fundamental principles of the theme will be consistent throughout, with interesting variation in rooflines, elevational articulation, detailing, and materials creating a richly textured built environment.
 - b. Stepping back of the upper floors of buildings to create graduated frontages that allow generous view corridors and reduce the visual dominance of building mass.
 - c. Definitive corner treatments at primary intersections, achieved by introducing distinctive architectural features and corner cut backs to buildings. Sidewalks will include projections with special landscaping and surface finishes and street paving will be distinctive.
 - d. Active building frontages and lively "multi-purpose" sidewalks, contributing to a vibrant townscape experience.
 - e. Distinctive design treatments of the Plaza and the associated hierarchy of interlinked, versatile public open spaces, creating a well-defined sense of place.
 - f. Connectivity between internal components of the Specific Plan and the surrounding development, including the Section 14 Master Plan area, hotels, and Convention Center to the east.
3. The Project guides the City in expanding the local economy, which provides jobs, attracts and retains businesses, supports diverse and vibrant commercial areas, recognizes and encourages technological innovations, and generates sufficient revenue to support various local programs and services.
4. The Project promotes development which accommodates anticipated population growth

and guides physical development towards a desired image that is consistent with the social, economic, and aesthetic values of the City.

5. The Project provides a guiding framework for the completion of related planning efforts associated with the City's Community Redevelopment Agency, including with limitation the "Design for Development" area, which will allow individual other areas within the downtown and greater downtown area to provide direction for their future growth and successful economic development while maintaining their unique characters.
6. The Project supports the policies and goals of the 2007 General Plan and the Community Redevelopment Agency Merged Area 1 and 2 redevelopment plans, and assists the City to meet future housing needs for the growth in population, including affordable housing.
7. The Project improves mobility through development of a more balanced, multi-modal transportation network, encouraging residential and workplace development near transit corridors, and supports the goals and policies of adopted regional transportation plans.
8. The Project provides for public facilities and services needed to serve the existing and future population and establishes goals and policies to enhance public safety.
9. The Project allows the City to become a model of sustainable development and provide for the long-term conservation and management of the rich natural resources that help to define the City's identity, contribute to its economy, and improve its quality of life.
10. The Project will bring private investment to an economically challenged area of the City and help promote revitalization of the area, in keeping with the broad, general goals of the City's General Plan, the redevelopment plans, and the Project.
11. The Project, including the construction of Museum Way, an east-west road that will connect the Palm Springs Art Museum with Indian Canyon Drive, will make the reuse and/or redevelopment of the substantially vacant and deteriorating Desert Fashion Plaza regional shopping center feasible, marketable, and attractive to investors. Museum Way will link the Casino and the Convention Center with downtown and Museum Market Plaza, creating a dynamic pedestrian and vehicular flow that will be attractive to potential retailers and customers alike.
12. The existing Desert Fashion Plaza failed and exists in a substantially vacant and deteriorating condition in large measure due to the lack of the existence of an easily accessible east-west road connector and the creation of such a connection along the general alignment of the proposed Museum Way is necessary for the economic success of the Project.
13. The Project creates and will promote viable economic investment in an economically challenged area of the City.
14. The Project incorporates environmentally sound, sustainable planning and design concepts including: providing housing and retail development with enhanced walkability and

transit accessibility for residents and visitors; emphasizing the use of alternative transportation; designing future buildings at greater density than existing in order to more efficiently utilize land resources and preserve open space.

15. The Project will constitute a significant economic benefit to downtown and to the City of Palm Springs. The Project has a significant beneficial economic impact on the area's economy. Each dollar spent locally in downtown Palm Springs cycles through the area economy, generating additional income and employment.
16. The Project, when compared to the other alternatives analyzed in the EIR (including the No Project Alternative) provides the best available balance between maximizing attainment of the project objectives and minimizing significant environmental impacts.

Considering all factors, the City Council finds that there are specific economic, legal, social, technological and other considerations associated with the project that outweigh the project's significant unavoidable effects, and the adverse effects are therefore considered acceptable.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MUSEUM MARKET PLAZA SPECIFIC PLAN, INCLUDING AMENDMENTS TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077.

City Attorney Summary

This Ordinance adopts the Museum Market Plaza Specific Plan and related amendments to the City of Palm Springs General Plan.

The City Council of the City of Palm Springs, California, ordains:

SECTION 1. Pursuant to the provisions of Chapter 3 (commencing at Section 65450) of Title 7 of the Government Code of the State of California and pursuant to the 2007 Palm Springs General Plan, adopted by City Council Resolution No. 22077, the Museum Market Plaza Specific Plan, attached to this Ordinance, is approved and adopted. In approving and adopting the Museum Market Plaza Specific Plan, the Council finds and determines that the Museum Market Plaza Specific Plan is generally consistent with the Palm Springs General Plan.

SECTION 2. In approving the Museum Market Plaza Specific Plan, the City Council has considered all evidence and testimony provided to it and has reviewed, considered, and certified a Final Environmental Impact Report for the project in the manner required and authorized under law.

SECTION 3. The Museum Market Plaza Specific Plan as adopted includes comprehensive rules and regulations that will govern future development that may occur within the boundaries of the specific plan and such regulations may conflict with provisions of the Palm Springs Zoning Ordinance. In the event of any conflict between the rules and regulations of the Museum Market Plaza Specific Plan and the Zoning Ordinance, the provisions of the Museum Market Plaza Specific Plan shall control.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2009.

AYES:
NOES:
ABSTAIN:
ABSENT:

STEPHEN P. POUGNET, Mayor

ATTEST:

APPROVED AS TO FORM:

James Thompson, City Clerk

Douglas Holland, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on the _____ day of _____, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs,
California

I. INTRODUCTION

A. Authority and Scope

A Specific Plan is a document allowed under California law which provides cities and counties with a planning tool for master planning project sites. A Specific Plan, when approved, becomes the zoning ordinance for the project it covers. Specific Plans must be consistent with the General Plan of the jurisdiction in which they occur.

Specific Plans can be implemented by local jurisdictions in accordance with the provisions of California Government Code Section 65450. The City of Palm Springs is implementing this Specific Plan for the Museum Market Plaza, located at the center of the City's downtown core. The Museum Market Plaza Specific Plan area is irregular in shape, but is generally bounded by Andreas Road on the north, Tahquitz Canyon Way on the south, Museum Drive on the west, and Indian Canyon Drive on the east.

The Palm Springs General Plan supports the development of Specific Plans throughout the community where appropriate:

"LUI.3 Develop specific plans for areas that need additional design or land use guidance."

For the Museum Market Plaza area, the General Plan identifies special conditions which will require the preparation of a Specific Plan:

"The Downtown Central Core (roughly bounded by Amado Road, Tahquitz Canyon Way, Museum Drive, and Indian Canyon Drive)...may be developed with a maximum FAR¹ of 3.5. If projects in these areas provide substantial public spaces or plazas, an FAR of up to 4.0 may be developed upon approval of a Planned Development District or Specific Plan. The Downtown Central Core may also accommodate up to 70 dwelling units per acre for residential or hotel uses if a Planned Development District or Specific Plan is prepared and approved."

This Specific Plan has been prepared to address both design considerations and land use guidance for the Museum Market Plan, and to establish densities and development standards to allow for the unified, unique and high quality development which must occur within its boundaries.

¹ The definition of floor area ratio in the Palm Springs General Plan states: FAR is the ratio of the total net floor area of a building to the total lot area and describes the intensity of the use on a site. FAR calculations do not include areas within parking structures or outdoor open storage areas. Floor Area Ratio Example (FAR = 0.50): On a one-acre parcel (43,560 sq. ft.), a maximum FAR of 0.50 equates to a total building area of 21,780 sq. ft., in either a 1-, 2-, or 3-story configuration (43,560 sq. ft. multiplied by 0.50 equals 21,780 sq. ft.).

This Specific Plan also implements the vision of Downtown Palm Springs described in both the General Plan and the Downtown Design Guidelines. The General Plan specifically identifies the Downtown area as critical to the City's future:

"It is envisioned that Downtown will become a high-intensity, mixed-use area characterized by residential, office, commercial, and entertainment uses. To stimulate vitality, the Downtown will contain activity areas with differing intensities, which are further defined by the scale and design of buildings in each area. The creation of a central public plaza that will serve as the primary gathering place for visitors and residents of Palm Springs is a key concept planned to reinvigorate the Downtown core."

This vision is to be implemented through the Downtown Design Guidelines, which provide clear direction for the changes which the City desires in the Downtown. The Guidelines identify the Specific Plan area as "High Intensity Mixed Use (Residential/Commercial Downtown Central Core," and Mixed Use Downtown Outer Core." The core area is described as:

"...a high intensity mixed use center with taller buildings surrounded by a vibrant mixed use area..."

This Specific Plan, along with approved projects for the north and south Gateways, form the backbone of the revitalization of the Downtown of Palm Springs. The Museum Market Plaza will also be the connection point to the Resort/Convention Center District to the east, and will re-establish the connection from the Palm Springs Art Museum to Indian Canyon Drive and the hotels and Convention Center to the east, by introducing a new east-west roadway whose focal point will be the Museum.

B. Project Location

The Museum Market Plaza is located in the center of the City's Central Business District, at the northwest corner of Tahquitz Canyon Way and Palm Canyon Drive. The area is irregular in shape, and encompasses lands ~~on the east side of North Palm Canyon to Indian Canyon; lands to the south of Tahquitz Canyon; on the east side of South Belardo Road, to Arenas Road; and the central area of the project, which is bounded by the Hyatt Regency Suites on Andreas Road on the north, Tahquitz Canyon Way on the south, Museum Drive on the west, and North Palm Canyon Drive on the east~~ bounded by the Hyatt Suites hotel and Belardo Road on the north, Tahquitz Canyon Way on the South, Museum Drive on the west and North Palm Canyon Drive on the east, as well as lands directly east, between north Palm Canyon and Indian Canyon Drives (please see Exhibit I-2, Vicinity Map).

Lands to the north include hotel and retail commercial development along North Palm Canyon, North Indian Canyon and Baristo. Lands to the east include retail commercial development on North Palm Canyon and Indian Canyon, and the Spa Hotel beyond. Lands to the south include hotel and retail commercial development, the Wellwood Murray Library and single-family homes beyond. Lands to the west include the Palm Springs Art Museum and the O'Donnell Golf Course.

C. Project Description

The Museum Market Plaza (MMP) encompasses a total of ~~20.6~~18.5 acres. The Museum Market Plaza Specific Plan will provide retail and office commercial space, public plazas, professional office space and residential development in a cohesive, master planner setting envisioned to bring life back to the center of Palm Springs. The Specific Plan is designed to allow flexibility of design within specific guiding principles, including:

1. The highest quality development which provides an exciting and safe living, working and shopping experience for all.
2. The creation of a pedestrian and vehicular connection from the Palm Springs Art Museum, through Palm Canyon and Indian Canyon Drives, to the Resort/Convention Center District.
3. The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon and Belardo.
4. A balance of commercial and residential development which assures the success of the area by increasing the number of homes in the downtown, thereby increasing the customer base of the commercial uses.
5. The development of residential units which relate synergistically to the commercial development around them, and encourage a pedestrian lifestyle with little use for the automobile.
6. The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.

~~The MMP Specific Plan has been divided into three Planning Areas (also refer to Exhibit I-3):~~

~~Planning Area 1 represents the core of the site, and all lands north of Tahquitz Canyon Way. This Planning Area The MMP Specific Plan allows for the a broadest range of development, with a Mixed Use theme. Retail-oriented commercial is required to be developed on the ground floor on Palm Canyon Drive, with some exceptions (please see Section III, Development Standards). A mix of professional office and/or retail development is envisioned on the ground floor on all other project roadways, and on the second and/or third floors of Blocks A, C, D and F. Additional uses that may be developed subject to the Specific Plan include hotels, multiple family residential, theaters, tourist-related services and public and semi-public uses. Residential development is allowed above the ground floor in Blocks A and C, and on all floors in blocks D, E, F, G, H and K. Also appropriate in this Planning Area are hotels, timeshare projects, condo-hotels and similar projects.~~

~~Planning Area 2 consists of Block L, the site of the approved Palm Hotel². Land uses on this site could include limited ground floor retail, hotel, timeshare or condo-hotel uses, residential units or parking structure(s).~~

²~~The Palm Hotel was previously approved and challenged in court. The court found that the City failed to state the required findings in its approving Resolution.~~

Planning Area 3, currently known as the Mercado Plaza parking lot, is planned for parking structure development only. Exhibit I-3 illustrates the Planning Areas and Blocks in the MMP Specific Plan Area.

Table I-1, below, details the net acreage of each Planning Area and Block within the Specific Plan area, not including existing or proposed streets.

**Table I-1
 Specific Plan Planning Area and Blocks**

Planning Area	Acres (net)
Block A	1.82
Block B	0.82
Block C	1.93
Block D & F	3.15
Block E, G & H	3.93
Block K1	1.0
Block K2	0.89
Streets, sidewalks, special paving	5.0
Total Planning Area 1	18.5
Planning Area 2	
Block L	0.83
Planning Area 3	
Block J	1.22
Total	20.618.5

D. CEQA Compliance

In compliance with the California Environmental Quality Act (CEQA), the City identified the preparation of this Specific Plan as a "project" under CEQA, and prepared an Initial Study. The initial study was prepared for a draft Specific Plan that encompassed a larger area and a greater intensity of development than is contained in the final Plan. The Initial Study found that the Specific Plan had a potential to significantly impact the environment, and that an Environmental Impact Report (EIR) must be prepared. The City circulated to all responsible and trustee agencies a Notice of Preparation (NOP) of an EIR. All comments received in response to the NOP were considered and incorporated into the EIR. The EIR was circulated to all responsible and trustee agencies, and all other interested parties, for a period of 45 days. All comments received in response to the EIR were considered in the Response to Comments prepared for the Planning Commission and City Council. Revisions were made to the draft Plan which resulted in a reduced project compared with that analyzed by the EIR. Implementation of the final Specific Plan includes all mitigation measures described in the EIR; therefore the Specific Plan is fully analyzed in the EIR. The City Council certified the EIR prior to adopting this Specific Plan, on

Exhibit I-1, Regional Map



Exhibit I-2, Vicinity Map



Exhibit I-3: Planning Areas

II. LAND USE

Introduction

This section of the Specific Plan describes the vision, the design concepts and the land use designations within the Specific Plan Area.

The Specific Plan governs land use for an area totaling ~~20.618.5~~ acres, located within the Central Business District of Palm Springs. The City of Palm Springs General Plan recognizes that the revitalization of the Central Business District is important to the City's future and supports the development of the Museum Market Plaza Specific Plan. It is the intention of the City to continue land use designations that facilitate commercial, high density residential and hotel development to strengthen the economic base of the City and provide long term growth and prosperity.

A. Current Land Use and Zoning Designations

In accordance with the Palm Springs General Plan, and as shown in Exhibit II-1 the Specific Plan area defined as Blocks A through K are designated as Central Business District (CBD) in the General Plan, with corresponding CBD zoning. ~~The area defined as Block L is designated Small Hotel, and has an R-3 (High-Density Residential) zoning designation.~~

Surrounding the Specific Plan area, lands to the north have General Plan designations of CBD and Open Space – Parks/Recreation; lands to the south are designated Small Hotel and CBD; lands to the west are designated Public/Quasi-Public, Open Space – Parks/Recreation, High Density Residential and Small Hotel; and lands to the east are designated CBD. On the east side of Indian Canyon is the Section 14 Master Plan area, which includes high-density residential, commercial, entertainment and resort hotel land use areas.

Lands to the north of the Specific Plan area are zoned CBD and O-20 (Open Land, 20 acre minimum); lands to the south are zoned R-3 and CBD; lands to the west are zoned CBD, R-3 and O-20; and lands to the east are zoned CBD and C-2 (General Commercial).

The Specific Plan area is currently developed. The site consists of the under-utilized Desert Fashion Plaza, bounded by Tahquitz Canyon on the south, the Hyatt Suites hotel on the north, Museum Drive on the west, and North Palm Canyon Drive on the east. The Specific Plan (Block K) includes lands north of Tahquitz Canyon Way and south of Andreas Road, east of North Palm Canyon Drive and west of Indian Canyon Drive, which are developed with multiple two story commercial buildings and parking lots. ~~Block J, located on the east side of Belardo Road, north of Arenas Road and south of Tahquitz Canyon, is currently a surface parking lot which accommodates both Mercado Plaza tenants and customers, and general public parking. Finally, Block L, located at the southwest corner of Cahuilla Road and Tahquitz Canyon Drive, is currently vacant land, which has been graded and scraped in the past. Block L has been previously approved by the City for 51 hotel rooms.~~

B. Land Use Concept

The City of Palm Springs wishes to facilitate the development of high quality Commercial, Retail, High Density Residential and Resort development to ensure the future prosperity of the Central Business District and the contributions it makes to the economic base of the City. To that end, the Specific Plan establishes development standards and guidelines intended to assist land owners and developers in their project designs. The standards and guidelines assure that redevelopment within the Specific Plan area will result in the creation of a lively, pedestrian oriented townscape that engenders a unique sense of place. The Specific Plan also recognizes that a remodel of the existing shopping center may be a necessary and important first step in the long-term redevelopment of the site.

The land use map for the Specific Plan maximizes the potential for appropriate development and considers the logical location of land uses. Retail, Office, High Density Residential and Resort land uses, together with a wide range of commercial and accessory activities, are identified as compatible and versatile uses that will contribute to a stable and varied economy, increase the City's tax base and implement the urban core envisioned in the General Plan and Downtown Design Guidelines for the Downtown Core.



Retail uses result in lively frontages and ground floor activity. Street frontage space on North Palm Canyon Drive is designated for primary retail use. Office and other commercial uses are generally applicable to the ground floors of other street frontages when mixed with retail uses, and the upper floors of buildings, as described in Section III, Development Standards. Throughout the Specific Plan, multi-family residential use is limited to upper floors on primary street frontages, and parking structures are restricted to particular areas, out of view of the primary activity areas. Appropriate and compatible accessory land uses that increase recreational opportunities and expand nighttime retail/commercial uses, thereby extending the hours of active use, will be encouraged.

Retail uses result in lively frontages and ground floor activity. Street frontage space on North Palm Canyon Drive is designated for primary retail use. Office and other commercial uses are generally applicable to the ground floors of other street frontages when mixed with retail uses, and the upper floors of buildings, as described in Section III, Development Standards. Throughout the Specific Plan, multi-family residential use is limited to upper



Land use within the Specific Plan also recognize the fundamental importance of open space for public gatherings. The focal point of Museum Market Plaza will be the public plaza proposed at the center of the site, on the west side of North Palm Canyon Drive. The plaza is envisioned as an area for gatherings, entertainment, and community activities. Limited development in the plaza will consist of two single story restaurant buildings, which will draw people into the project. The balance of the plaza will be devoted to landscaping, outdoor sitting areas, all shaded from the desert heat. Several Concepts for Site Plans of the project are provided in Exhibit II-3.

The Museum Market Plaza will also restore the circulation grid in the Downtown area, including a new street which would connect Indian Canyon to Museum Drive, and the entry of the Palm Springs Art Museum on the west, and the Spa Hotel on the east. This important vista will

provide the visual presence for the Museum which has been lacking with the construction of the Fashion Plaza. Belardo Road will also be restored to its original location, providing an important north-south alternative to Palm Canyon and Indian Canyon. These new streets will also provide opportunities for pedestrian circulation and access to the mixed uses within the Specific Plan area.

Exhibit 12: General Plan Land Use (Plan) (From the 2007 General Plan)



Public Hearing Notice

C. Specific Plan Planning Areas and Land Uses

The Specific Plan includes three component areas, Planning Area 1 (PA1), Planning Area 2 (PA2) and Planning Area 3 (PA3) (please see Exhibit I-3, Specific Plan Planning Areas and Blocks).

PA1-The Specific Plan includes the blocks identified as A through H, as well as Block K. Land uses envisioned for PA1 the Plan include *Retail Goods, Personal Services, Food and Beverage Services, Services for Groups, Office and Related, Residential, Tourist and Related Services, Public and Semi-public Commercial & Retail, Office, High Density Residential, Resort Residential (hotel, timeshare, condo-hotel or similar uses), Services, Public/Quasi-Public, and compatible accessory uses.* PA1 The area includes the main plaza (Block B), and extends to the west side of Indian Canyon Drive. Block K, which connects the Specific Plan to Indian Canyon, is planned to be developed as a hotel, activating the downtown, and providing additional hotel rooms for the Convention Center.

Block I forms Planning Area 2, and is the location of the formerly approved Palm Hotel. This area could develop in one or a combination of residential, hotel and or parking structure. Land uses for PA2 include High Density Residential, Resort Residential, Services, parking and compatible accessory uses.

Block J is contained within Planning Area 3. This site, currently a surface parking lot, is planned for a parking structure with three levels, accommodating parking requirements for the Mercado Plaza project, as well as providing parking for the Specific Plan area.

The intent of the Specific Plan is to provide the highest quality architecture to house the most successful mix of land uses, and bring activity and permanent population to downtown Palm Springs. By increasing the Downtown population, the commercial entities will be supported, and activity in the Downtown will increase. In order to achieve this goal, careful attention to site design, landscaping and architectural massing will be required. The CBD zone allows a broad range of land uses in structures of up to 60 feet in height. This concept is supported in the Downtown Design Guidelines, which encourage the development of an urban core, and the activity and vitality which come with it.

The Specific Plan will generally reflect the CBD zone and conform to the Design Guidelines, with limited exceptions. The Development Standards included in Section III of this document set the range of permitted and conditionally permitted uses, as well as provide specific direction for preferred uses on certain street fronts. Also, standards for mass, height and setback standards are established to assure that variety in building mass and height is achieved. Within these standards, any combination of retail, office, residential and hotel development may be proposed.³ Table II-1 lists the maximum potential density for all land uses within the Specific Plan area.

**Table II-1
 Maximum Land Use Intensities**

Land Use	Planning Area 1	Planning Area 2	Planning Area 3	Total
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³ The Museum Market Plaza Specific Plan Environmental Impact Report (EIR) analyzed a specific set of maximum land use intensities and densities (q.v.). If a proposed combination of intensities and densities exceeds that which has been analyzed in the EIR, additional environmental review will be required.

Retail or Office (square feet)	385,000	15,000	N/A	400,000
Residential (dwelling units)	900	55	N/A	955
Hotel (rooms)	565	55	N/A	620

The square footage and units shown above are maximums. In addition to being within the limits of Table II-1, all components of the project must also meet the Development Standards in Section III-D and III-E. In addition, however, each project must demonstrate compliance with this Specific Plan when application is made, as detailed in Section V-A.

The Planning Areas within the Specific Plan allows a broad range of development. The key is to achieve a compatible mix of appropriate uses that stimulate economic opportunity and result in a lively, inviting Downtown environment with a unique sense of place. Specific development standards and guidelines for each designation, together with a comprehensive list of uses, are provided in Section III of this document. Section III further defines the potential square footage which can be built within the Specific Plan area, as well as the maximum mass (cubic feet) of each of the Blocks. These levels are, at levels well below the maximum potential square footage or building mass which could be achieved within the Specific Plan area under the CBD Zone. These standards have been established to assure that the buildings built within the project do not overwhelm the streetscape, and provide significant articulation and variation to create an exciting destination in Downtown Palm Springs. All standards must be combined, and any project must be found to be consistent with the standards, through the approval process.

Exhibit H-3
Multiple Conceptual Site Plans

D. Design Principles

The Specific Plan is intended to provide guidance to developers and land owners to assure that Museum Market Plaza is developed in a manner which will provide sustained economic growth and the creation of a lively, pedestrian oriented townscape of definitive character. Creative and effective urban design is essential in attaining these goals.

The component blocks of the Museum Market Plaza must be clearly unified by a coherent visual identity in order to create a distinct sense of place, and all design elements must work together to reinforce an underlying perception of continuity. The formulation of a unified, distinctive and adaptable urban design concept, that is based on versatile design principles and can, while retaining integrity, lend itself to interesting variations in application, detail and materials, is therefore an essential element of the Specific Plan.

The Museum Market Plaza is pedestrian oriented and all buildings must be sensitively designed to the human scale with active, pedestrian friendly frontages. Structures are to be massed to reduce their visual dominance and preserve view corridors. The built form is to be effectively permeated with public and private open spaces, allowing secondary view corridors to and from the public domain and thereby avoiding the creation of overwhelming and impenetrable mega-blocks.



Good connectivity throughout the Specific Plan area is achieved by a legible, well defined hierarchy of streets and pedestrian links, together with a sequence of versatile public open spaces. Sidewalks and open spaces are designed to accommodate a variety of compatible outdoor activities and thereby extend the hours of active use.

Parking, both on-street and in dedicated structures, is to be visually unobtrusive and the needs of the motor vehicle are generally to remain secondary to those of the pedestrian.

The Development standards and guidelines of the Specific Plan have been designed to ensure high quality, distinctive development that will have an active and long-term future. Detailed requirements for an effective and comprehensive urban design approach are described in Section III of this document.

E. Special Provisions

The Development Standards and Guidelines included in Section III of this Specific Plan are consistent with the intent of the City's Development Code and Downtown Urban Design Guidelines to create an intense mixed use Downtown core. Several Special Provisions have been added to this Specific Plan due to factors such as the sensitive location, the need for economic development and considerable community concern.

1. Design statements

While consistent with the comprehensive urban design concept for the Museum Market Plaza, a number of special design statements are key.

- a. A distinctive and adaptable architectural theme, that incorporates a new sustainability esthetic will define future development. References to prevailing Modernist, Spanish and Mediterranean styles may occur. Fundamental principles of the theme will be consistent throughout, with interesting variation in rooflines, elevational articulation, detailing and materials creating a richly textured built environment.
- b. Stepping back of the upper floors of buildings to create graduated frontages that allow generous view corridors and reduce the visual dominance of building mass.
- c. Definitive corner treatments at primary intersections, achieved by introducing distinctive architectural features and corner cut backs to buildings. Sidewalks will include projections with special landscaping and surface finishes, and street paving will be distinctive.
- d. Active building frontages and lively, ‘multi purpose’ sidewalks, contributing to a vibrant townscape experience.
- e. Distinctive design treatments of the Plaza and the associated hierarchy of interlinked, versatile public open spaces, creating a well-defined sense of place.
- f. Connectivity between internal components of the Specific Plan and the surrounding development, including the Section 14 Master Plan area, and hotels and Convention Center to the east.

Design statements are an integral component of the comprehensive urban design concept for the Museum Market Plaza and are described in detail in Section III of this document.

III. DEVELOPMENT STANDARDS AND GUIDELINES

This section of the Specific Plan serves as the Specific Plan Area's Zoning Ordinance. Standards and guidelines which are applied to the Specific Plan Area only are described in detail below. When Zoning Ordinance standards and guidelines apply, a reference is made to the appropriate Section of the Zoning Ordinance.

A. Purpose

The purpose of the land use districts in the Museum Market Plaza Specific Plan is to encourage the development of well-planned projects that are consistent with the goals and objectives of both the City's General Plan and the Specific Plan. The land use districts within the Specific Plan are intended to:

1. Provide lands for uses appropriate to the downtown Palm Springs context that will preserve and enhance the distinctive mixed-use character intended for the Downtown core, while providing opportunities for economic development and growth.
2. Accommodate uses defined as appropriate, such as retail and commercial, office, hotel and multi family residential, services to meet the needs of local residents, employees and visitors, specific public and semi public uses, limited automotive uses and complementary accessory uses.
3. Provide an inter-connected, pedestrian-friendly Downtown which connects the Museum on the west to the hotels and Convention Center on the east.
4. Include high density residential land uses to create a market for the expanded commercial component of the Downtown core.
5. Provide development standards which assure consistent and compatible development within the Specific Plan Area.

B. Land Use Districts

In accordance with the Palm Springs General Plan Land Use map, the blocks within the Specific Plan area defined as (Blocks A through K) are designated Central Business District, while the block defined as L is designated for Small Hotel use. All Planning Areas and Blocks are depicted in Exhibit III-1.

At present, most activity within the area covered by the Specific Plan occurs during the daytime. The introduction of appropriate additional uses, an increase in recreational opportunities and the expansion of nighttime retail/commercial uses will extend the hours of active use and result in a more vibrant townscape. In addition, the residential units created in the Specific Plan will improve the commercial market in the Downtown core, and enhance the sense of place of this critical area by creating a neighborhood above the retail and office uses.

In the Specific Plan, blocks A through H and block K are included in Planning Area 1, block L forms Planning Area 2 and block J is contained within Planning Area 3.

Planning Area 1 (PA1)

The ~~District defined as PA1 Specific Plan~~ is intended to support the development of a broad range of appropriate uses within the ~~Museum Market Plaza Specific Plan~~. Acceptable uses include, including those outlined in Section A.2 above, and those detailed in Table III-1. Prime retail frontages are located at ground floor level on North Palm Canyon Drive. Office and commercial uses are generally applicable to the ground floors of other street frontages, and the upper floors of the buildings within PA1.

Hotel uses and appropriately located, well-designed parking facilities are accepted across PA1, with various residential uses being limited in certain areas to the upper floors of the buildings. Appropriate residential development is encouraged in downtown locations due to its many beneficial contributions to local character, and the Specific Plan includes a substantial residential component.

The block identified as 'B' ~~includes~~ is a significant landscaped, open space for public gathering within PA1 ~~the Specific Plan~~. (Please see Section II, Land Use Plan)

Planning Area 2 (PA2)

The ~~district defined as PA2 is intended to support hotel and associated and ancillary retail and restaurant uses; residential uses, and/or well-designed parking facilities.~~

Planning Area 3 (PA3)

The ~~district defined as PA3 is intended to provide for a well-designed parking structure to support the commercial and resort uses in PA1 and PA2 and the existing Mercado Plaza.~~

Exhibit III-1: Planning Area Blocks

C. Uses

1. Allowable Uses

Uses permitted within the ~~Planning Areas~~ Specific Plan are listed in Table III-1. If a proposed use is not listed in the Table, the Planning Director shall, upon written request and in conformance with the provisions of Section 94.01.02 of the Palm Springs Zoning Ordinance, review the proposed unlisted use and determine whether it is Permitted, requires a Conditional Use Permit or is prohibited.

According to the provisions of the General Plan, supermarket uses are prohibited in the downtown area. However, in view of the ~~substantial residential component in PA1~~ potential for residential uses, an appropriately located supermarket may be accepted in PA1 of the Specific Plan.

All uses listed in the Table will be applied to requests for new development, alteration or expansion of existing uses, tenant improvements resulting in a listed use, or change in occupancy.

In accordance with Section 94.04.00 of the Palm Springs Zoning Ordinance, all structures for permitted uses require Major Architectural Approval to be granted by the Planning Commission. ~~Recommendations to the Planning Commission will be made by the Museum Market Plaza Design Committee. (Please see Section V, Implementation)~~

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required;
TUP = Temporary Use Permit required; - Prohibited.

TYPE OF USE	PLANNING AREA 1 USE STATUS IN THE SPECIFIC PLAN	PLANNING AREA 2	PLANNING AREA 3
Commercial and Retail Goods			
Antique shops	P	-	-
Apparel stores	P	-	-
Art (galleries)	P	-	-
Artists studios	P	-	-
Art schools ⁴	P	-	-
Auction galleries	P	-	-
Baked goodsries (retail)	P	-	-
Bars, lounges	P	P	
Bicycle sales, including accessory repair	P	-	-
Books and Stationery stores	P	-	-

⁴ If located on Belardo, Tahqitz Canyon or the central east-west street.

Table III-1
Allowable Uses

P = Permitted; CUP = Conditional Use Permit required;

TUP – Temporary Use Permit required; - Prohibited.

Beer gardens	P	-	-
Cinemas	P	-	-
Cocktail lounges	P	-	-
Commercial recreational facilities	P	-	-
Candies and Confectionery stores	P	-	-
Clothing and Apparel	P	-	-
Convention centers when ancillary to a hotel	P	-	-
Dance studios	P	-	-
Discotheques	P	-	-
Delicatessens	P	-	-
Department stores	P	-	-
Drafting and art supplies stores	P	-	-
Dressmaking shops	P	-	-
Drive-through coffee shops, drug stores	P	-	-
Drugs and Pharmacies stores	P	-	-
Drugs and Pharmacies, Drive through	CUP	-	-
Dry-cleaner, self-service laundry	CUP	-	-
Film and camera sales	P	-	-
Florist shops/flowers and Plants	P	P	-
Furniture sales	P	-	-
Gifts stores	P	P	-
Groceries	P	-	-
Gym, fitness center	P	P ⁵	-
Hardware & appliances stores	P	-	-
Hobby, Stamps and Coins shops	P	-	-
Ice cream parlors	P	-	-
Jewelry shops	P	P	-
Liquor stores	P	-	-
Leather goods, and Luggage stores	P	-	-
Movie, radio, TV production & broadcast facilities	P	-	-

⁵ Only if accessory to a primary hotel or residential use.

**Table III-1
Allowable Uses**

P – Permitted; CUP = Conditional Use Permit required;
TUP = Temporary Use Permit required; - Prohibited.

Movie theatres	P	-	-
Music and Musical Instruments stores	P	-	-
Newspaper and Magazines/periodical shops	P	P	-
Nightclubs	CUP	CUP	-
Pet shop, including pet grooming, no kennel facilities ⁶	PLUP	-	-
Photographic equipment, retail studios	P	-	-
Picture framing (retail & assembly only)	P	-	-
Plant sales	P	-	-
Private clubs	P	-	-
Restaurants, sit-down, carry out and delivery	P	P	-
Shoes stores	P	-	-
Slimming salons, health clubs, athletic clubs	P	P	-
Spa	P	P	-
Specialty markets ⁷	P	-	-
Specialty food & beverage (retail) ³	P	-	-
Stamp & coin stores	P	-	-
Supermarkets ³	P	-	-
Tailor shops	P	-	-
Tobacco Products, excluding on-site consumption	LUP	-	-
Toy stores	P	-	-
Travel agencies	P	-	-
Video/amusement arcades & machines ⁸	P	-	-
Video/amusement arcades & machines ⁹	P	-	-
Wine shops	P	-	-
Take out food service in			

⁶ No kennel facilities.

⁷ Limited to 20,000 square feet in the Specific Plan area.

⁸ Arcades as primary use, machines as secondary use (except as otherwise regulated); subject to section 9316.00; arcades/machines located no closer than 300 feet to any other such use.

⁹ As a secondary use in conjunction with a resort hotel & subject to provisions of Zoning Ordinance Section 9316.00.

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required;
TUP = Temporary Use Permit required; - Prohibited.

conjunction with permitted restaurant	P	-	-
Personal Services			
Artist Studios	P		
Banks, excluding drive through	P		
Barbers and Hairdressers	P		
Beauty shops	P		
Bicycle rentals	LUP		
Dry cleaners and Laundries, including self-service	CUP		
Nail salons	CUP		
Photographic studios	P		
Picture framing (retail & assembly only)	P		
Spas	LUP		
Tailors	P		
Travel agencies	P		
Food and Beverage Services			
Bars and Cocktail Lounges	LUP		
Beer, Wine and Liquor, packaged	LUP		
Coffee house	P		
Coffee house, drive through	CUP		
Ice cream, Yoghurt, Doughnuts, Bagels, etc.	P		
Nightclubs and Discotheques	CUP		
Restaurants, all types including take-out and delivery	P		
Tobacco products, on-site consumption	CUP		
Services for Groups¹⁰			
Art schools	P		
Athletic clubs, Fitness Centers, Gyms, Health clubs and Slimming salons	P		
Auction galleries	P		

¹⁰ Services for Groups, and Office and Related are not allowed on street frontage.

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required;
TUP – Temporary Use Permit required; - Prohibited.

<u>Commercial recreational facilities</u>	P		
<u>Dance studios</u>	P		
<u>Lodges, meeting halls and private clubs</u>	P		
<u>Movie, radio, TV production and broadcast facilities</u>	CUP		
<u>Video / amusement arcades and machines¹¹</u>	CUP		
<u>Office & Related²</u>			
<u>General and Professional offices</u>	P	-	-
<u>General Offices Insurance</u>	P	-	-
<u>Real estate and insurance offices</u>	P	-	-
<u>Residential & Related</u>			
<u>Conversion of existing apartments</u>	P	-	-
<u>Multiple family dwellings and condominiums</u>	P	P	-
<u>Resort-Residential Tourist and Related Services</u>			
<u>Automotive Rental, only as accessory to a resort hotel</u>	P		
<u>Bed and Breakfast establishments</u>	P	P	-
<u>Catering, as accessory to a restaurant or any in conjunction with permitted hotel</u>	LUPP	P	-
<u>Condominium hotels</u>	P	P	-
<u>Convention Center, only as accessory to a resort hotel</u>			
<u>Hotels, and Resort Hotels</u>	P	P	-
<u>Time-share projects, and fractional ownership Resorts projects</u>	P	P	-

¹¹ Arcades as primary use, machines as secondary use (except as otherwise regulated) located no closer than 300 feet to any other such use, or as a secondary use in conjunction with a resort hotel. In all cases, the use is subject to Palm Springs Zoning Code Section 93.16.00.

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required;
TUP = Temporary Use Permit required; - Prohibited.

Services			
Barbers/Hairdressers	P	P	-
Beauty shops & supplies	P	P	-
Valet-cleaning service	P	P	-
Post office branches	P	-	-
Public/s and Semi-public			
Festivals & exhibits	PLUP	-	-
Libraries	P	-	-
Lodges, meeting halls and private clubs	P	-	-
Museums	P	-	-
Post office branches	P	-	-
Public Parks/ and Plazas	P	P	-
Theatres, Cinemas or Stage	P	-	-
Automotive			
Automobile parking lots & structures as main use	-	P	P
Automotive rental agencies as part of a resort hotel	P	P	-
Accessory uses¹²			
Outdoor uses accessory to permitted main use and located on same property or in MMP Plazas: <ul style="list-style-type: none"> - art displays - artisans, artists - display cases in malls/courts - farmers market - fashion shows - festivals, exhibits & special events - florists - musicians/entertainment¹³ - dining & beverage service - plant/floral sales & displays - post card displays¹⁴ - theatre & public assembly 	PLUP	P	-

¹² Accessory uses customarily incidental to permitted uses & located on the same lot.

**Table III-1
Allowable Uses**

P = Permitted; CUP = Conditional Use Permit required;
TUP – Temporary Use Permit required; - Prohibited.

<p>- vending carts¹⁵</p> <p>Outdoor uses: located on public property/rights of way, in a designated area approved by the City Council & undertaken as part of a festival/event/program to promote commercial, artistic or cultural activity:</p> <ul style="list-style-type: none"> - art displays - artisans, artists - farmers market - fashion shows - festivals, exhibits & special events - florists - musicians entertainment - dining & beverage service - plant/floral sales and displays - theatre & public assembly - vending carts - tourism activities kiosks 	P	P	-
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2. Similar Uses

Similar uses that are not detrimental to permitted uses or to public health, safety and welfare, may be permitted by the Planning Commission, under Section 94.01 (Commission Determination) of the Palm Springs Zoning Code.

3. Prohibited Uses

In addition to the land uses prohibited in Table III-1, the uses listed below will not be permitted in the Specific Plan area:

- Adult entertainment establishments
- Automobile Service Stations
- Cleaning establishments with cleaning plants on the premises
- Dog kennels and catteries

¹³ Subject to provisions of Noise Ordinance, Section 11.74 of the Municipal Code.

¹⁴ One per store front.

¹⁵ Dispensing: food, beverage, crafts, floral items, other uses determined by the Planning Commission.

Drive-in and drive-through restaurants
Industrial and manufacturing
Massage establishments (except in conjunction with resort hotel or spa)
Motor scooter, motorbike & motorcycle rentals & sales
Pawn shops
Second hand/used goods stores
Single family residences
Tattoo parlors
Upholstery shops
Wholesale/warehousing

D. Development Standards

The following site development standards shall apply within the boundaries of the Museum Market Plaza Specific Plan.

**Table III-2
Development Standards**

	PA1	PA2	PA3
Min. Front Setback or Street Side Setback ¹⁶ (Feet)			
• Palm Canyon Drive, west side	15	N/A	N/A
• Palm Canyon Drive, east side	10 (50%) ¹⁷	N/A	N/A
• All Other Streets (Public and Private)	12	12	0
Min. Building Rear Setback (Feet)	0	0	0
Min. Building Side Yard Setback (Feet)	0	0	0
Max. Building Height (Feet) ¹⁸			
• Build-Out Overall Average ¹⁹	60	44	34
• Block A	67 60		
• Block B	24/6		
• Block C	67 60		
• Block D & F	67/79 ²⁰ 60		
• Block E, G, H	67/79 ²¹ 60		
• Block J			34
• Block K	79/60	44	
• Block L			
<u>Hotels (all Blocks, except B)</u>	<u>Per City Council</u> ²³		
Minimum Building Height Stepbacks ^{23, 24} (Feet)			
• Tahquitz Canyon			
○ 0-35 Feet in Height	0	0	0
○ Over 35 Feet in Height	20	0	0
• Palm Canyon			

¹⁶ Exceptions to the minimum setback requirements are listed under Section III-E.5.

¹⁷ On the east side of Palm Canyon, up to 50% of the linear frontage may occur at the property line, without any setback, and at least 50% of the linear frontage must have a minimum 10 foot setback from the property line.

¹⁸ Building height shall be measured from the highest point of the building pad to the top of the roofline. Also see Section III-E.4, Projections Above Maximum Building Height.

¹⁹ The Build Out Overall Average shall be the average of the maximum height of all buildings within the Specific Plan area.

²⁰ In Block D & F, up to 50% of the structure, located in the north half of the blocks only, may extend to a height of 79 feet. The balance of the structure(s) may extend to 67 feet in height.

²¹ In Block F-G-H, up to 50% of the structure, located adjacent to Museum Drive and/or O'Donnell Golf Course, may extend to a height of 79 feet. The balance of the structure(s) may extend to 67 feet in height.

²² Hotels may exceed 60 feet in height, subject to approval by the City Council via a Planned Development District.

²³ Stepbacks are defined as the horizontal distance a building face must be set back from the property line at each given height. The area required for a stepback can be used for balconies and terraces. Stepbacks shall be measured from the face of a structure to the property line at a 90 degree angle from the building face.

²⁴ Also see Section III-E.5, Projections Into the Right of Way.

**Table III-2
Development Standards**

○ 0-30 Feet in Height	0	N/A	N/A
○ 31-67 Over 30 Feet in Height	20	N/A	N/A
○ Over 67 Feet in Height	20	N/A	N/A
• Indian Canyon			
○ 0-30 Feet in Height	0	N/A	N/A
○ 31-67 Over 30 Feet in Height	1020	N/A	N/A
○ Over 67 Feet in Height	20	N/A	N/A
• Bclardo			
○ 0-30 Feet in Height	0	N/A	0
○ Over 30 Feet in Height	15	N/A	0
• Museum Drive & Cahuilla Road			
○ 0-30 Feet in Height	0	0	N/A
○ Over 30 Feet in Height	15	20	N/A
• Internal & Private Streets			
○ 0-30 Feet in Height	0	0	0
○ Over 30 Feet in Height	010	0	0
• Museum Parking & O'Donnell Golfcourse			
○ 0-79-45 Feet in Height	0	N/A	N/A
○ <u>45-60</u> Feet in Height	20		
• Block K, adjacent to existing buildings			
○ 0-45 Feet in Height	0	N/A	N/A
○ 46-79-60 Feet in Height	25	N/A	N/A
Minimum Public/Common Area Open Space ²⁵			
• Block B	7590%		N/A
• Blocks A, C, D, E, F, G, H, K, L	3510%	35%	N/A
Minimum Private Residential Open Space (s.f. per unit)	50	50	N/A
Maximum Residential or Hotel Density (per-acre)	70	70	N/A

E. Land Use Regulations

1. Ground Floor Use Limitations

~~Retail commercial land uses should be the primary uses located on the ground floor of Block A, on the Palm Canyon Drive street frontage. N~~Street frontage (ground floor) uses are primarily limited to *Retail Goods, Personal Services, Food and Beverage Services, and Tourist and Related Services* (see Table III-1). ~~Within Block A, no more than 20% of the Palm Canyon Drive street frontage may be occupied by non-retail commercial uses (offices, services, etc.)~~*Office and Related uses.* Entrances to land uses located above the ground level, and not exceeding 20% of the block's street frontage, are also permitted.

~~Retail, hotel and office commercial land uses may be located on the ground floors of the following blocks and corresponding street frontages. Entrances to land uses located above the~~

²⁵ All open space is to be calculated based on net acreage (not including street right(s) of way).

ground level, and not exceeding 20% of the block's street frontage, are also permitted. On the ground floors of the following blocks and corresponding street frontages, *Retail Goods, Personal Services, Food and Beverage Services, Tourist and Related Services, Offices and Related and Public and Semi-public* uses are permitted in any combination.

<u>Block</u>	<u>Frontage</u>
Block A	West, east and south sides
Block C	West, east, north and south sides
Block D & F	East and south sides
Block E, G, H	East and south sides
Block K	West and east sides (Palm Canyon and Indian Canyon; north and south sides of private street
Block I	North and east sides

All permitted and all conditionally permitted land uses for which a CUP is approved, of Table III-1, may be located on the ground floors of the following blocks and corresponding street frontages.

<u>Block</u>	<u>Frontage</u>
Block D & F	West and south sides
Block E, G, H	West, side

In all cases throughout the Specific Plan area, street front entrances to uses located above or below ground level are permitted, but may not exceed 20 feet of linear street frontage per entrance.

2. Maximum Building Square Footage and Building Mass

The configuration of buildings is expected to vary widely within the Specific Plan area. Based on the standards and allowances in the Central Business District, buildings could be built to a height of 60 feet, and be allowed 100% building coverage, with stepbacks, on Palm Canyon, Indian Canyon and Tahquitz Canyon. ~~This design would be neither aesthetically pleasing nor desirable. However, building mass and square footage should not be maximized on a site of this importance; be restricted~~ to allow for view corridors, open plazas and private open space, and variations in building types. ~~The variations in height required in this Specific Plan, allowing additional height in certain instances, but requiring an overall average project height of 60 feet, will assure that large, single building masses will not occur within the Specific Plan area. In this Specific Plan, only hotels may exceed 60 feet, while the Plan also allows limited projections above 60 feet for roof equipment on all other buildings.~~

In order to provide flexibility in the design of the project's buildings, and to encourage variations in building heights, stepbacks and mass, the Specific Plan limits the potential square footage and mass which can be permitted on any block. Table III-3, below, illustrates the potential square footage and building mass (cubic feet) allowed under the existing zoning in the Specific Plan area, and that which will be permitted. ~~The For comparison purposes, the Table also lists the potential square footage and building mass which could be allowed in the Specific Plan area under the CBD Zone overall, if PA1 were developed to the maximum potential allowed in the CBD zone, for comparison.~~

**Table III-3
Maximum Allowable Square Footage and Building Mass**

Location	Allowed in CBD Zone*	Allowed in Specific Plan Area
Maximum Potential Square Footage		
Specific Plan Area Overall	3,845,600	2,065,500
Block A	475,675	220,000
Block B	214,315	9,000,000
Block C	504,425	245,000
Block D & F	823,285	455,000
Block E, G & H	1,027,145	520,000
Block K1	174,240	181,000
Block K2	155,075	151,000
Block L	216,930	72,000
Block J	318,860	212,500
Total Potential Square Footage	7,755,550	3,741,160
Maximum Building Mass (Cubic Feet)		
Specific Plan Area Overall	40,246,490	16,127,000
Block A	4,058,320	2,000,000
Block B	588,000	27,000
Block C	4,200,280	2,100,000
Block D & F	8,314,280	3,800,000
Block E, G & H	10,067,400	5,000,000
Block K	3,960,675	2,500,000
Block L	1,241,240	700,000
Total Building Mass (cubic feet)	72,676,685	31,188,955
		32,254,000

*Assumes 100% building coverage, and 6 stories (60 feet).

A transfer of permitted building square footage or mass from one Block to another Block will be permitted, as long as the transfer does not increase building square footage or mass by more than 15% in the receiving Block, and that the overall build out total for the Specific Plan area is not exceeded. All other development standards within this Specific Plan must be met with implementation of a transfer.

At build out of the Specific Plan, building square footage and mass shall not be permitted to exceed the total shown in the "Allowed in Specific Plan Area" column of Table III-3.

3. Projections Above Maximum Building Height

Projections above maximum building heights are allowed for elevator shafts, heating and cooling equipment, and non-habitable towers or architectural features, to a maximum of 15 feet above the building height. Projections above the building height cannot exceed 15% of the building roof area.

4. Projections Into the Right of Way

Projections into the public right of way shall be permitted for the following structures or features:



- a. Awnings: Extending no more than 10 feet into the right of way.
- b. Architectural features/screens/canopies perpendicular to the building face not exceeding 10 feet into the right of way.
- ~~c. Balconies and terraces not exceeding 50% of the building's linear footage on any side.~~
- ~~d. Building mass not exceeding 20% of the building's linear footage on any side.~~

~~e.c.~~ Entry porticos not exceeding 20% of the building's linear footage on any side. Porticos may extend to the face of curb, but may not impede the right of way to prevent ADA compliance.

~~f.d.~~ Arcades, trellis features and similar coverings. Such features may extend to the face of curb, but may not prevent ADA compliance.



5. Outdoor Uses in the Right of Way

Outdoor dining or sitting areas, when part of an adjacent restaurant, bar or similar establishment, may encroach into the public right of way, but may not prevent ADA compliance.

6. Building Articulation

Building elevations may not extend more than 60 linear feet without articulation. Articulation may include but are not limited to ~~balconies, pop-outs~~ planar recesses, architectural features, awnings or similar features which either recess into the building or protrude from it a minimum of 2 feet.

7. Prohibited Building Materials

A wide range of building materials is encouraged in the Specific Plan. However, the following shall be prohibited.

- a. Reflective surfaces (such as mirrored glass)
- b. Razor wire
- c. Plastic or PVC fencing made to resemble picket fencing
- d. Metal buildings or metal accessory structures (such as garden sheds)

8. Walls and Fences

Walls and Fences are permitted at specific locations within the Specific Plan Area, as follows:

Adjacent to retail commercial or hotel land uses, walls shall be permitted at the ground level only to screen loading dock facilities. Walls shall not be allowed to exceed 6 feet in height, as measured from finished grade. Walls shall be constructed of split faced block, precision block or

stucco. No other material shall be permitted. Wrought iron fencing, decorative block or tubular steel fencing no higher than three feet in height shall be permitted to enclose outdoor use areas, such as restaurant terraces and lounge areas. No other fencing shall be permitted in conjunction with retail commercial or hotel uses.

Adjacent to residential development, walls and fences shall be permitted at the ground level to screen entryways and courtyards. Walls and fences adjacent to a street may not exceed 6 feet in height, as measured from finished grade. Walls and fences on the interior of a building, adjacent to common area open space or parking areas, may not exceed six feet in height as measured from finished grade. Walls and fences may be constructed of wrought iron, tubular steel, split face block, precision block, stucco, or decorative metal siding (non-reflective). No chain link fencing shall be permitted at or above ground level in any residential development.

Within underground garage and service areas, chain link fencing shall be permitted to enclose equipment or storage areas only. The chain link fencing shall not exceed six feet in height, and shall not be located within 20 feet of any exterior wall, with one exception: Fencing separating public and private parking areas may be permitted to extend from floor to ceiling in parking structures, and shall be constructed of tubular steel or similar materials.

9. Parking and Loading Requirements

a. Number of Parking Spaces Required

Primary parking for residential uses shall be provided immediately adjacent to, under or over the units served, and within the Block where the units occur. 50% of the guest parking for residential uses must be provided within the Block, and 50% may be provided elsewhere within the Specific Plan area, including Block J and Block L (if Block L is developed as a parking structure).

Parking for hotel, timeshare, condo hotel and bed and breakfast guests must be provided within the Block in which the use occurs. Parking for hotel employees may be provided elsewhere within the Specific Plan area, ~~including Block J and Block L (if Block L is developed as a parking structure).~~

~~Parking for retail and office uses may be provided anywhere within the Specific Plan area, including Block J, and Block L (if Block L is developed as a parking structure). Block J is planned as a three-story parking structure (ground level plus two levels above ground). Based on this assumption, Block J will accommodate approximately 500 parking spaces. Of the total parking spaces built in Block J, 75 spaces shall be dedicated to use by the Mercado Plaza project immediately east of Block J. If parking is proposed to be located outside the boundaries of the Block where the use is to occur, the Major Architectural Application shall include a demonstration that sufficient parking is provided elsewhere in the Specific Plan area, and shall be constructed prior to occupancy of the use, to accommodate the use. Please see Section V.A.~~

Finally, up to 25% of required parking for the Specific Plan area may be provided through the payment of in lieu fees, consistent with Section 96.06.00 of the Palm Springs Zoning Ordinance.

Parking shall be required as shown in Table III-4.

**Table III-4
Parking Requirements**

Land Use	No. of Spaces Required
<i>Retail Uses</i> All uses including accessory and appurtenant uses, except those identified below	1 space/325 s.f.
Movie Theatres	1 space/325 s.f.
Office Uses	1 space/325 s.f.
Restaurant	1 space/325 s.f.
Hotels (all), Bed & Breakfast, Timeshare or Condo-Hotel/Fractional Ownership Commercial Uses within hotel (including retail, spa, restaurants and/or bars)	1 space/room, plus 1 space/325 s.f.
<i>Residential Uses</i> Primary spaces: Studio or 1 Bedroom 2 Bedroom 3 Bedroom More than 3 Bedroom Guest spaces in addition to Primary Spaces	1 space 1.5 spaces 2 spaces 0.5 space for each additional bedroom 1 space/4 units

Parking requirements within each Block may be reduced for shared use, if a parking study is prepared and approved by the Planning Commission.

b. Loading Spaces Required

Loading spaces shall be provided in conformance with Section 93.07.01 of the Palm Springs Zoning Ordinance.

c. Parking and Loading Development Standards and Design

Parking and loading spaces shall be designed in conformance with Section 93.06.00.C of the Palm Springs Zoning Ordinance, with the following exceptions:

Lift parking is permitted for primary parking of residential land uses. Lift parking is defined as parking of one car over another through mechanical means.

Tandem parking is permitted for residential areas, however, no more than two tandem spaces are allowed with one access to a drive aisle.

Tandem parking is permitted for hotel or restaurant uses, however, a valet service must be required at all times the use is open for business, and the valet parking area is accessible only by the valet service.

10. Trash Enclosures

Trash enclosures shall be designed and constructed in conformance with Section 93.07.02 of the Palm Springs Zoning Ordinance.

11. Signage

Signage shall be permitted consistent with Section 93.20.00 et. seq. of the Palm Springs Zoning Ordinance, with the following exceptions:

Banners with changing copy and graphics may be permitted when affixed to street lights on a permanent basis, and must be well maintained and replaced when torn or frayed.

Kiosks signage will be permitted in the building setback areas, as depicted here and in Section III-F.8, Street Furniture.

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

F. Design Guidelines

1. Architecture

a. General Provisions

Consistent with the requirements and recommendations of the General Plan and the Downtown Urban Design Guidelines, all development within the Specific Plan area will complement the distinctive, eclectic townscape character that has made Palm Springs nationally and internationally famous. The existing built form and characteristic townscape spatial arrangements, together with the startling local topography, have created a unique environment that provides all users with a well-defined sense of place.

The northwest corner of the area contained within the Specific Plan fronts open space, but other than that, the Specific Plan addresses an area that is bordered on all sides by existing urban development. Achieving sympathetic relationships between new buildings and the existing adjoining developments will therefore be fundamental to the successful integration of forthcoming development into the wider context.

The Specific Plan area will be known as the Museum Market Plaza and its component blocks must be clearly unified by a coherent visual identity. An encompassing visual identity creates an essential sense of place and all design elements must work together to reinforce an underlying perception of continuity. The formulation of a unified, distinctive and adaptable urban design concept, that is based on versatile design principles and can, while retaining integrity, lend itself to interesting variations in application, detail and materials, is therefore an essential element of the Specific Plan.

b. Building Height, Scale and Massing

The Specific Plan allows for an intensive level of development, where careful attention to appropriate building height, scale and massing will be essential. The area is pedestrian oriented and all buildings should be sensitively designed to the human scale with active, pedestrian friendly frontages. Each of the component blocks must be effectively permeated with public and private open spaces, allowing view corridors to and from the public domain and thus avoiding the creation of an overwhelming and impenetrable built form. Within each block, individual buildings must be treated with care and consistency.

With the exception of Block K, all blocks within ~~PA1~~ the Specific Plan are defined as Central Core in terms of the Palm Springs Downtown Urban Design Guidelines. In accordance with the recommendations of the Guidelines, ~~this Specific Plan allows for an average maximum building height of 60 feet within PA1, 44 feet in PA2, and 34 feet in PA3.~~ However, with sympathetic massing and effective architectural treatment to visually reduce building bulk, ~~elements of Block E, G & H and Block K will extend to 79 feet in height.~~ hotels may exceed 60 feet in height, subject to City Council approval. The design of the buildings, and the layout of the Specific Plan area, is intended to implement the goals of the General Plan, to create a new mixed use center of Palm Springs.

Building elements throughout the Specific Plan must be varied to include stepping down so that the apparent mass of the building is reduced, austere ‘cliff-face’ frontages avoided, and view corridors created.

In addition to conforming to the requirements concerning building height and stepped frontages, massing of the buildings in Block A must also respect the presence of the existing building to the north, the largely open space of the Plaza to the south and the hierarchy of streetscapes to either side.



Block B provides the public open space for the Plaza and the built form should therefore remain entirely subordinate to that of the blocks abutting, allowing views across the Plaza in all directions.

So that the unimpeded views and predominance of landscaping that typically characterize public open spaces can prevail, buildings should be visually permeable and not exceed one story in height. They are limited to a maximum total area of 3,000 square feet and should be massed to the east and west of the block, gently framing a central open space intended for public gatherings.

Buildings included in Block C should conform to the requirements concerning building height and stepped frontages, with massing concentrated towards the centre. Sympathetic massing of the new built form will also respect the spatial characteristics of the Plaza to the north, the surrounding hierarchy of streetscapes and the modest levels of existing development to the southwest of the block.

The blocks defined as D and F may be developed together as one block, or as two blocks divided by a central access route, and with limited exceptions, the standard constraint on building height



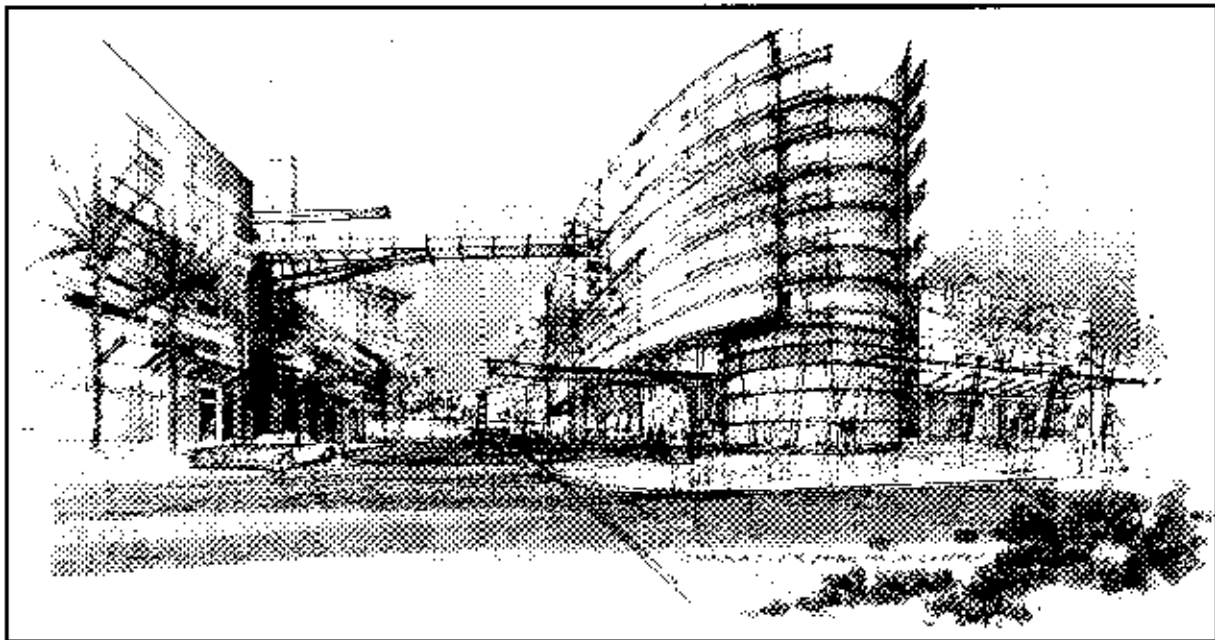
will apply, together with the requirement for stepped frontages. If developed as one block, massing should be concentrated away from Tahquitz Canyon Way, and pedestrian and visual permeability must be included so that the creation of an impenetrable and overtly urban mega-block is avoided. If the two blocks are separated by the introduction of a parking access drive, massing of the component buildings will require careful consideration so that the creation of an uninviting, alley-like access route is avoided. Sympathetic massing of the new built form will respect the spatial characteristics of the Museum and open areas to the west, as well as the surrounding hierarchy of streetscapes.

For the purposes of the Specific Plan, Blocks E, G and H are discussed as a single entity. However, with sympathetic massing and effective architectural treatment to visually reduce building bulk, elements to the north and west of the block may be developed as a hotel to a height exceeding 60 feet, subject to City Council approval to a height of 79-feet. To the north east of Block E, G and H, built form of approximately 75 feet in height already exists and its well-articulated frontage provides an effective edge to the open space of the golf course. Subject to sensitive architectural treatment, new built form of up to 79 feet in height will continue the adjacent well-defined edge along the northern frontage of Block E, G and H. Massing of the new development towards the north and northwest of the block also results in it

having minimal impact on any of the significant streetscenes within the Specific Plan. To avoid the creation of an impenetrable and overtly urban mega-block, effective massing of the new built form will include ample provision for visual and pedestrian permeability.

~~Block J is intended to accommodate a parking structure and the building height will not exceed 34 feet. Massing could be reasonably consistent across the site, although street frontages of the building must be effectively articulated so that the visual impact of the parking structure is reduced. Similarly, if Block L is developed as a parking structure, street frontages and building faces adjacent to residential land uses must be sensitively treated to reduce the mass of the structure.~~

~~An exception to the 67-foot height limit is allowed. Another potential exception to the 60-foot height limit may be at Block K, where subject to effective architectural treatments.~~ City Council



~~approval, additional building heights may be developed. Building heights of 79 feet will be implemented.~~ Increased building height at Block K will result in the new built form providing visual continuity between the constrained level of development allowed to the west and the intensive levels of existing and proposed development in Section 14, to the east, including the new proposed Spa Hotel and Hard Rock Hotel, both proposed at 100 feet in height. Block K includes a private street that provides east-west permeability and connects the areas to the east of the Specific Plan with the new Plaza and the existing Museum. The fragmented nature of the block presents challenges in terms of achieving sympathetic massing, as all street frontages should be designed to the human scale and the existing modest levels of development at abutting sites must be respected.

~~If sensitively designed, buildings with a maximum height in the region of 44 feet could be acceptable at Block L, as the structures will form a transitional link between the intense level of new development to the northeast and the modest levels of existing development to the west, south and east of the block. Massing should be concentrated towards the northeastern corner of the site, with building height and mass being significantly reduced towards the southern and~~

~~western boundaries. The general requirement for stepping down building frontages to create a graduated profile will also apply.~~

Exhibit III-2: Cross Sections with stepbacks.

c. Architectural Style and Treatment

Eclectic Architecture is a defining feature of Downtown Palm Springs and while renown for its uniquely Californian Modernist buildings, the area is also rich in interesting examples of Spanish and Mediterranean styles.

Where the distinctive character of an area derives from its diversity of development over many decades, new built form that merely replicates previous styles is counter to the way in which the area has evolved. New development, while contextual, should therefore be of its time, using contemporary designs of a scale and form reflective of locally distinctive models.

Aside from landmark buildings, most buildings forming part of a streetscape do not need to be idiosyncratic. Too many buildings of individual dominance and distinction compete with each other and create urban chaos. A more harmonious townscape is achieved by using variations on a consistent architectural theme, with variety in the detailing and materials.



~~With reference to the prevailing City's legacy of Modernist, Spanish and Mediterranean styles, a distinctive and adaptable architectural theme should be defined a forward-looking architectural theme recognizing a new sustainability paradigm is the primary direction for future development in the Specific Plan area. The theme will form a core component within the unified Urban Design concept that will provide the Museum Market Plaza area with a cohesive and distinctive character. Fundamental principles of the architectural theme will be consistent throughout, with interesting variation in rooflines,~~



~~elevational articulation, detailing and materials creating a richly textured built environment. Recesses and reveals that provide shade and create shadow lines, such as building projections, covered walkways, colonnades, arcades, and other human scale openings shall be included to reduce the impact of building mass and create visual interest. The means of enclosure to courtyards and balconies shall be visually permeable where appropriate and the stepping back of upper floors will also be utilized to further reduce the visual impact~~



~~of building mass and maximize view corridors. The theme seeks to encourage architecture that builds on Palm Springs' tradition of responding to the demands of a desert climate, but with new respect for minimizing energy and materials use in construction and occupancy. New design esthetics will be needed to incorporate solar control, passive energy production (solar and wind), and wireless technologies with time-honored concerns for pedestrian entries, security and orientation, building function, view preservation and visual appeal in the manipulation of form, materials and color. Particular attention to the sensitive treatment of the street front forms a core objective~~

within the unified Urban Design concept. Together, these principles will provide the Museum Market Plaza area with a cohesive and distinctive character. Within this overall architectural theme, interesting variation in rooflines, elevational articulation, detailing and materials will be needed to create a richly textured built environment. Recesses and reveals that provide shade and create shadow lines, such as building projections, covered walkways, colonnades, arcades, and other human scale openings shall be included to reduce the impact of building mass and create visual interest. The means of enclosure to courtyards and balconies shall be visually permeable where appropriate and the stepping back of upper floors will also be utilized to further reduce the visual impact of building mass and maximize view corridors.

While in accordance with the prevailing architectural theme, buildings are to be clearly legible with active main frontages and well-defined entrances. All elevations of a building shall be consistently treated, and rooftop mechanical and electrical equipment must be screened as an integral part of the architectural treatment.

While consistent with the prevailing architectural theme, buildings situated at important intersections should receive special treatments. The inclusion of architecturally definitive features and corner cut-backs assists in the creation of a distinctive sense of place, as well increasing opportunities to create useable outdoor public spaces.



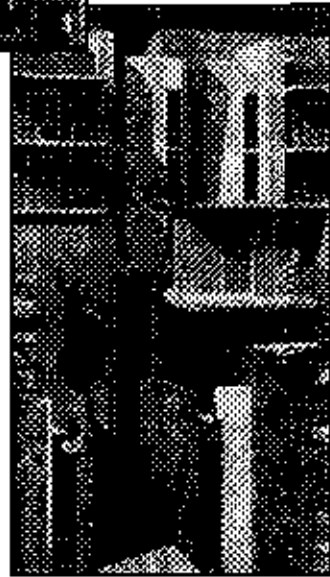
Block K will accommodate an architecturally inspired landmark building that will be the 'Flagship' of the Museum Market Plaza. In its location at the eastern end of the new east-west thoroughfare, it will form a balanced counterpart to the iconic Art Museum building located at the western extreme of the new street. Although standing alone as a landmark building, its architectural treatment will complement the architectural theme prevailing throughout the Museum Market Plaza. In addition to the frontages enclosing the private street that bisects block K, the building will have two major street frontages and distinctive 'gateway' features must form an integral part of the architectural treatment of both the eastern and western facades.

Special architectural treatments will also be required for the western and northern elevations of the buildings included in Block EGH, and the western elevation of Block DF. While consistent with the prevailing architectural theme, western elevational treatments should defer to the presence of the adjacent iconic Art Museum building and relate to the public open space immediately in front of it. Effective articulation of the northwestern and northern frontages of Block EGH will be essential to reduce the visual dominance of the tall building.

Parking structures at street level have a potential to result in austere and impermeable frontages. While consistent with the prevailing architectural theme, they will require special design treatment to minimize the impact of the structure on the pedestrian experience. Parking structures must be visually permeable and include 'designed-in' safety features. Elevations require effective articulation, incorporating projections, recesses and interesting combinations of materials to avoid the creation of continuous, harsh frontages. Parking structures must also have

well defined entrances, easy access and legible interior spatial arrangements to invite consistent usage.

**Exhibit III-3
Architectural Treatments**



d. Storefronts

Well-designed storefronts make a significant contribution to streetscape character and assist in the creation of lively frontages. The pedestrian experience is enhanced by visually permeable, largely glazed storefronts that minimize the division between interior and exterior space, and allow interesting views of inviting interiors. Clearly defined and easily accessible entrances create active frontages and draw people into the store, while visually permeable design treatment allows the interior of the store to function as an extensive display area at all hours, thereby maximizing economic opportunities for vendors.

Essential security equipment must be inconspicuously located so that the creation of a hostile atmosphere is avoided. If permitted, security grilles must be internally mounted, fully retractable during trading hours and visually permeable when in use after the store is closed.

While allowing flexibility for individual distinctiveness, shopfront design should be compatible with the Museum Market Plaza architectural theme and reflect the appearance and scale of the building above.

e. Building Materials

Designed as an integral component of the Museum Market Plaza architectural theme, a rich palette of complementary materials and finishes will create subtle continuity throughout the area by visually linking eclectic architectural styles. While consistent with the broader theme, it is essential that materials, colors and finishes are appropriate to the architectural style of individual buildings.

The Specific Plan allows for an intensive level of development and building facades must be softened and articulated by the innovative use of a harmonious range of surface treatments. In addition to visually reducing building mass, interesting variety in color and material assist in the creation of a lively townscape. Intense sunshine is a prevailing feature of the Palm Springs environment and textured surface finishes on which interesting shadow effects can be achieved will contribute much to distinctive local character. Wide expanses of glazing blur the distinction between interior and exterior space, promoting an essential sense of permeability and spaciousness long associated with the Palm Springs townscape.

2. Connectivity, Streetscapes, Open Spaces

a. Connectivity and Streetscenes

Streetscape character has a fundamental impact on the vitality of downtown by either encouraging or deterring pedestrian activities and a legible, well defined hierarchy of streets and pedestrian links, connected by a sequence of versatile public open spaces, effectively permeates the Specific Plan.

East-west connectivity is facilitated for both vehicles and pedestrians. Upgrading the streetscape of Andreas Road and introducing an additional connector from Indian Canyon to the Palm Springs Art Museum (Alt: as a street that bisects block K and continues through to the Art Museum) will enhance connectivity to and from Section 14, as well as providing an opportunity

to form several definitive intersections. The existing link between Museum Drive and Belardo Road is not essential to successful circulation, and subject to an appropriate design solution, severance of the two could occur.

Permeating the blocks included in the Specific Plan with well-designed pedestrian connections avoids the creation of overwhelmingly urban mega-blocks, adds visual interest to the streetscene and encourages pedestrian activity. The design treatment of pedestrian links should form an



integral part of the Museum Market Plaza Urban Design concept, creating inviting, multi-purpose spaces of distinctive character that include 'designed-in' safety features.

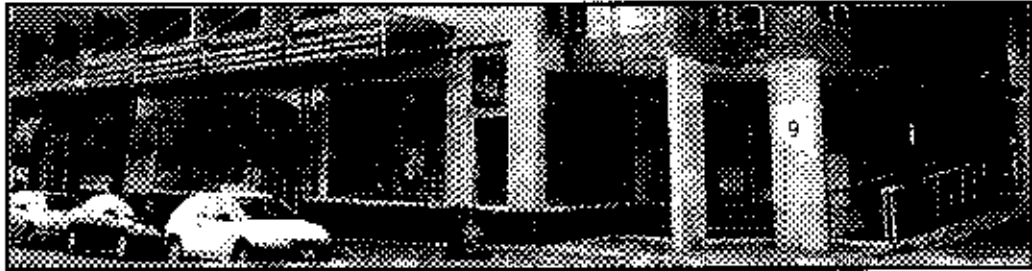
View corridors have contributed much to the unique townscape character of Palm Springs. The mountains form a spectacular backdrop to the City and downtown streetscenes offer distinctive longitudinal views, where the vertical rhythm of the mature palm trees acts as an effective foil to the general

horizontality of the built form. In terms of preserving local distinctiveness, it is important that existing view corridors are protected and new ones created. As building heights within the Specific Plan generally exceed those previously existing, it is essential that architectural elements and building components be varied and reduce the overall perception of mass, resulting in graduated frontages that allow generous view corridors. A particularly definitive local view will be created by the opening of a new east-west street that allows tree-framed views in both directions. Views to the east will extend to the startling focal point of the new building and views to the west will include the ieonie-Art Museum, with the mountain behind. The new street may (Alt: will) also be the starting point of an interconnected town center extending from the Museum, through the new Spa Resort and Casino, and to the Hard Rock Hotel and Convention Center.



In accordance with the Museum Market Plaza Urban Design concept, streetscapes should be characterized by consistent, but adaptable, design treatments so that a strong sense of continuity and place is achieved. Component spaces of special use or interest can be individually defined by a complementary variety of detailing and material. Major vehicle and pedestrian routes within the Specific Plan shall be enclosed by active frontages, with sidewalks designed to accommodate a variety of compatible outdoor activities and thereby extend the hours of active use. Consistent with the Urban Design concept for the Museum Market Plaza, a full range of features and amenities to enhance the pedestrian experience and encourage pedestrian activity shall be incorporated into the design of sidewalks and other public open spaces (see Section III.4 Street Furniture). Parking structures at street level have a potential to result in austere and impermeable frontages and the sidewalk to-the-west-and-south-of PA3-fronting a street level parking structure will require sensitive design treatment and landscaping to soften the visual impact of the parking structure. Specific improvements will be required to resolve and improve pedestrian circulation along Palm Canyon Drive, connecting the existing Hyatt Hotel to the Block A frontage.

Within the Specific Plan, a hierarchy of definitive intersections is to be created. Street surfaces at selected intersections will be given visual definition by the introduction of special surface finishes, while landscaped sidewalk projections or 'bulbs', together with building corner outbacks, will create useable public open spaces and contribute to a more pleasing pedestrian experience. All design treatments will be consistent with the unified Urban Design concept, with special interest and variety being achieved in the detailing. Key definitive intersections should be created at all four corners of the Main Plaza and at the junctions of Tahquitz Canyon Way



with Belardo Road and North Palm Canyon Drive. Secondary definitive intersections may be created at other minor intersections within the Specific Plan area. A visual link between the Museum Market Plaza and the Section 14 district immediately to the east should be achieved by the introduction of special street surface finishes to Indian Canyon Drive, at the gateway to the new connector hotel (Alt: through Block K) building. This will draw the attention of drivers to the gateway as well as encouraging pedestrian circulation between the two areas.

Exhibit III-4: Open Spaces

b. Public Open Spaces

The Main Plaza, occupying Block B ~~within PA1~~, fulfills the need for a public gathering place in the Specific Plan area. Successful, pedestrian oriented open spaces have clearly defined edges, are well connected by being situated adjacent to, but not on, main movement spaces and they are



well integrated into the surrounding urban fabric. The Main Plaza is centrally located between North Palm Canyon Drive and Belardo Road, thereby linking two important north-south routes and providing east-west connectivity. The area is effectively enclosed by the surrounding blocks and its spatial characteristics provide opportunity for extended and varied uses. The Main Plaza is fundamental to the creation of a distinctive sense of place and it will be a definitive space, forming the nucleus of the Museum Market Plaza. Design and detailing must be consistent with the wider Urban Design concept and the

Main Plaza will include a distinctive central focal point, such as a commanding piece of art or water feature, creative landscaping and a wide range of amenities to facilitate pedestrian activities. Built form within the Plaza will remain limited and subordinate; ~~and~~ wide views should exist in all directions.



Public gathering spaces on a smaller scale will also be created in front of the Art Museum and in the center of Block K. The two secondary open spaces will form an integral part of the significant view corridor that will exist between the Art Museum to the west and the Block K buildings to the east. The design treatment of the two spaces will complement that of the Main Plaza so that a clear hierarchical relationship between the open spaces within the Museum Market Plaza is evident and continuity of theme maintained.

c. Common Open Space in Residential Projects

Common area open space for residential projects is intended to provide opportunities for views within the blocks to the surrounding mountains and streetscene. When designed in conjunction with building articulation, the aesthetic effect will be improved for residents and visitors alike. Permeating the built form with interesting and sensitively designed open spaces prevents the creation of continuous frontages and overwhelming urban 'mega-blocks', while facilitating the safety of users by allowing spontaneous observation.



The domestic use of common open spaces in residential projects must be reflected in spatial proportions to the human scale and in gentle means of

enclosure that, while providing residents with an essential level of privacy, allow landscape features and a sense of spaciousness to prevail. Design treatments must be consistent with the wider urban design concept and result in lively and inviting common spaces that complement the architectural style of the adjacent buildings and encourage appropriate use.

Exhibit III-5: Conceptual Master landscape Plan

3. Landscaping

Highly defined landscaping is an essential part of achieving quality design within the Museum Market Plaza Specific Plan, and will have a profound effect on the quality of life enjoyed by residents and visitors. Development of this landscape plan has been guided by a variety of considerations, including the natural and developed setting within which the planning area occurs.

The Specific Plan landscape plan has been designed to be compatible and consistent with the local setting as well as the Downtown Design Guidelines. Landscaped open space areas that are responsive to desert conditions, utilizing thoughtful and creative designs that limit water demand and are in harmony with the natural setting. The master landscape palette includes a variety of drought tolerant and native species.



Use of landscaping throughout the site to provide connectivity linking all residential, commercial and mixed-use areas. Open space areas provide for pedestrian and bicycle access and connect to the hotels and Convention Center to the east.

Landscaping will be utilized as a functional design element within all planning areas. Landscape treatments and enhancements are designed to maximize the use of native desert and compatible drought-tolerant planting materials. Landscape plans will address water erosion issues and must demonstrate the water efficiency gained from plant and irrigation system selection.



To accomplish the design objectives, landscape elements will incorporate vertical dimension. Fan palms, date palms, acacia and *Rhus lancia* are appropriate trees within the project. Trees can also be used to provide shading and cooling. Use of trees shall take into careful account the viewsheds, as well as that rightfully enjoyed by adjoining properties.

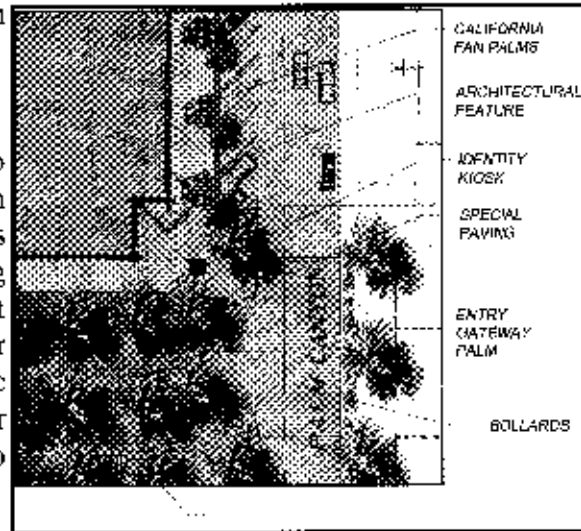
The conceptual Master Landscaping Plan for the Museum Market Plaza is shown in Exhibit III-5.

The Museum Market Plaza is divided into a series of Major and Minor Entries, and Major and Minor Focal Points.

As the central focal point to the entire project, the Main Plaza is to be given particular attention and care. The Plaza is to transition between the regimented street landscaping on surrounding streets, into a shaded, people friendly place where the atmosphere invites visitors to sit, enjoy the cool air, and the water feature. Shade trees are intended to have larger canopies, including Desert Museum *Cercidium*, and Tipu Tree. Although by necessity the Plaza will be finished in

decorative pavement to a great extent, lawn areas and fountains are encouraged in this area, as are benches, and restaurant terraces associated with the two planned single story buildings.

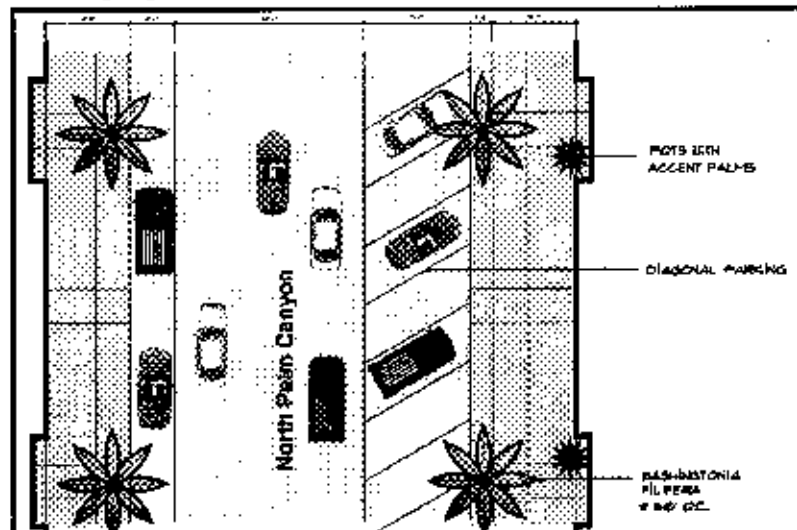
From the Plaza, the landscaping plan returns to the theme of California fan palm and date palm trees lining interior streets, with shade trees provided at intersections. Additional planting along the streets should focus on potted accent palms, typical of an urban environment, rather than planting strips and beds. Planting beds are appropriate when surrounding shade trees near parking areas, particularly on secondary streets, to soften the asphalt and hardscape.



Landscaping Zones

The landscaping concept divides landscaping into three "zones": the Streetscape Zone, the Transition Zone and the Open Space Zone.

The Streetscape Zone is designed to integrate into the landscaping patterns already occurring in Downtown Palm Springs. Street trees and plantings will emulate the rows of palm trees which now flank Palm Canyon Drive, and will extend throughout the primary streets in all planning areas. Shade trees are provided at intersections to break up the linear nature of the palms, and cool the environment for both pedestrians and vehicles. Plantings are focused on potted palms and annual color, which does not block pedestrian activity.



Plantings are focused on potted palms and annual color, which does not block pedestrian activity.

The Transition Zone has a less intense focus on palm trees, and introduces a greater variety of shade trees and shrubs. The Transition Zone plants should apply to the secondary streets and the residential areas, to soften the built environment, and provide greater shade and cooling. Planting areas should include a mix of potted palms and plants, as well as planting beds surrounding street trees, to reflect a less intense urban environment.

The Open Space Zone applies not only to the Main Plaza, but also to the common area open spaces that will be created within each Block. This Zone includes the widest variety of plant materials, and is intended to connect the Streetscape and Transition Zones. In areas away from the Main Plaza, the focus should be on canopy and accent trees, and a higher intensity of groundcovers, particularly in areas where the primary uses are residential.

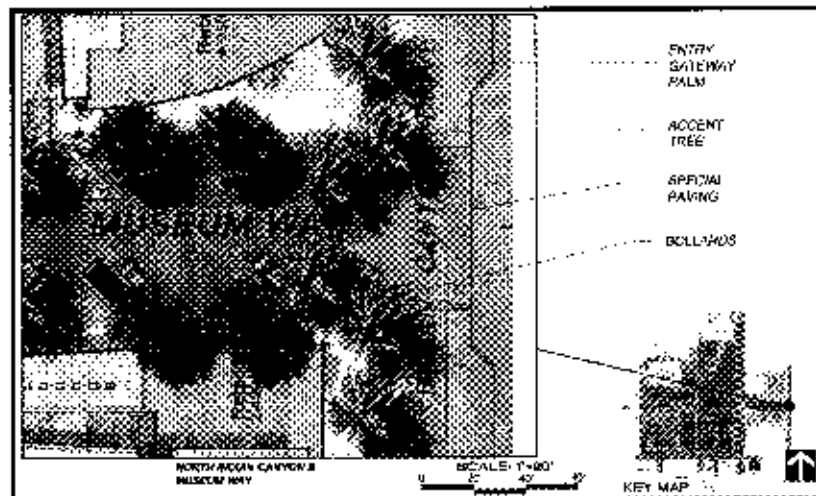
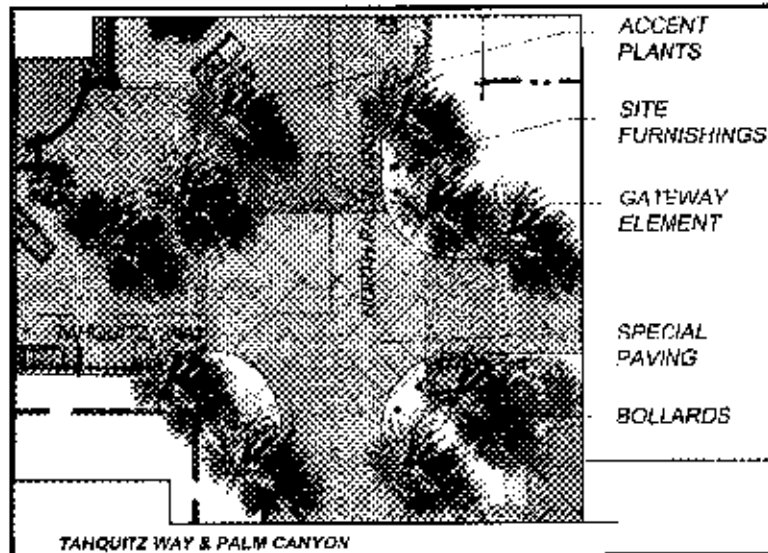
Entries and Focal Points

In addition to the Main Plaza, particular care must be taken in the landscape design of Major and Minor Entries, and Major and Minor Focal Points, as depicted in Exhibit III-7. The Entries to the Specific Plan must be designed to include the signature palms, accent trees and special paving, to draw the visitor in, and define the space.

The Major Focal Point in the project will be the intersection of Museum Way and Museum Drive. This area, in front of the Museum,

must be designed to draw the eye from as far away as Indian Canyon, and should include not only significant vertical elements, but also extensive special paving and public art. Landscaping in this area should act as a frame to the Museum building, and not obliterate the structure.

At Minor Focal Points, the emphasis must be on landscaping and hardscape which is at a pedestrian scale, and provides opportunities for street furniture, directional signage and shade. Again, accent paving which defines the area is critical to providing a sense of place within the project.



Continuity of Theme

The overall theme of the landscaping plan must be maintained throughout the Specific Plan. Since it is expected that the project will develop in phases, and that individual buildings and blocks will have differing architectural character, the connecting thread between the buildings and blocks will be the landscaping. As projects are reviewed and approved, the least amount of variation should be allowed in landscaping patterns, unlike the architectural variety which is expected in architecture. Since the Main Plaza and major roadway streetscapes are expected to be the in the first phase of development, these areas will set the tone for the balance of the landscaping plans throughout Museum Market Plaza. Once established, their design theme should be adhered to for all subsequent phases of the project.

**Table III-5
Landscape Palette**

Plant Zone	Scientific Name	Common Name	Size
	Palms		
S O	<i>Butia capitata</i>	Pindo Palm	36"-Box
S	<i>Phoenix dactylifera</i>	Date Palm	20' B.T.H.
S T O	<i>Washingtonia filifera</i>	California fan palm	8' – 20' ht.
S T O	<i>Washingtonia robusta</i>	Mexican fan palm	8' – 16' ht.
S T O	<i>Chamacrops humillis</i>	Mediterranean fan palm	24" – 36"Box
	Trees		
S	<i>Acacia salicina</i>	Willow Acacia	24" - Box
	O <i>Citrus sp.</i>	Citrus sp.	24" - Box
	T O <i>Fraxinus udei 'Majestic Beauty'</i>	Evergreen ash	36" – Box
S T	<i>Cercidium 'Desert Museum'</i>	Desert Muscum	36" – Box
S T	<i>Prosopis h. 'Phoenix'</i>	Phoenix	24" – 36"Box
	T O <i>Rhus lanca</i>	African sumac	24" – 48"Box
	T O <i>Schinus molle</i>	California pepper tree	24" – 48"Box
	O <i>Schinus terebinthifolius</i>	Brazilian pepper tree	24" – 36"Box
	T O <i>Ulmus parvifolia</i>	Evergreen Elm	24" - 36"Box
	T O <i>Tipuana Tipu</i>	Tipu tree	24" – 36"Box
	Accents		
	O <i>Beaucarnea recurvata</i>	Ponytail palm	15 - Gal.
	O <i>Cycas revoluta</i>	Sago palm	24" – Box
S T	<i>Dasyliirion longissima</i>	Mexican grass tree	15 – Gal.
S T	<i>Daslirion wheeleri</i>	Desert spoon	15 – Gal.
	T O <i>Muhlenbergia rigens</i>	Dear grass	5 – Gal.
	Shrubs		
S T O	<i>Bougainvillea 'Oo La La'</i>	Bougainvillea	5 – Gal.
S T	<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise	5 – Gal.
S T O	<i>Carissa grandiflora spp.</i>	Natal plum	5 – Gal.
S	O <i>Cassia artemesoides</i>	Desert cassis	5 – Gal.
S T O	<i>Cassia nemophila</i>	Bushy senna	5 - Gal.
S T O	<i>Dodonaea viscose</i>	Hopseed bush	5 – Gal.
S	O <i>Euryops pectnatis</i>	Green leaf euryops	5 – Gal.
S T O	<i>Hesperaloe parvifolia</i>	Red yucca	5 – Gal.
	O <i>O Hibiscus Rosa-Sincnsis</i>	Chinese hibiscus	5 – Gal.
S T	<i>Leucophyllum spp.</i>	Texas ranger	5 Gal.
	T O <i>Nandina domestica</i>	Heavenly bamboo	5 – Gal.
	T O <i>Ncrium olcander 'Petite'</i>	Dwarf oleander	5 -- Gal.
	O <i>Pittosporum t. 'Variegata'</i>	Variegated Pittosporum	5 – Gal.
	O <i>Pittosporum t. 'Wheelers dwarf'</i>	Whoclers dwarf tobira	5 – Gal.
	O <i>O Rhamphiolepis indica</i>	India hawthorn	5 – Gal.
S T	<i>Salvia greggii</i>	Red salvia	5 - Gal.
S T O	<i>Thevetia peruviana</i>	Yellow oleander	15 – Gal.
S T O	<i>Xylosma congestum 'Compacta'</i>	Xylosma	5 - Gal.

**Table III-5
Landscape Palette**

Plant Zone		Scientific Name	Common Name	Size
S	O	Prunus caroliniana	Carolina laurel cherry	15 - Gal.
	O	Ligustrum j. 'Texanum'	Japanese privet	5 - Gal.
		Vines & Groundcovers		
S	T O	Bougainvillea 'B. Karst'	Bougainvillea Barbara Karst	15 - Gal.
S	T O	Calliandra inaequilatera	Pink powder puff	15 - Gal.
S	T O	Tecoma spp.		15 - Gal.
S	O	Carrisa g. 'Green Carpet'	Green carpet	1 - Gal.
	O	Annual Color	Seasonal	Flats
S		Baccharis h. 'Thompson'	Desert Bloom	1 Gal @ 5' o.c.
S	T O	Lantana montevidensis	Trailing lantana	1 - Gal @ 4' o.c.
S	T O	Lantana 'New Gold'	New Gold Lantana	1 - Gal @ 4' o.c.
	O	Trachelospermum jasminoides	Star jasmine	1 - Gal.
		Cobble 'Sunburst Pebbles'		2" - 4" dia.
		DG	3/8" Minus Desert Gold	Compacted 2" depth
		2' - 5' dia. Desert Chocolate Boulders		
Sod		Hybrid Bermuda		
Legend: S= Streetscape Zone; T= Transition Zone; O= Open Space Zone				

Exhibits III-6: Landscaping Hierarchy

4. Street Furniture, Lighting and Art

Well-designed street furniture, lighting and public art enliven townscape character and contribute to a strong sense of local identity. The Museum Market Plaza is a pedestrian oriented area and street furniture should be designed to the human scale and placed to enhance the pedestrian experience. While consistent with the general design principles included in the Palm Springs Downtown Urban Design Plan, a variation on the recommended theme that complements the Urban Design concept for the Museum Market Plaza should be implemented within the confines of the Specific Plan. Special detailing will define the Museum Market Plaza as an area of distinctive identity, while maintaining continuity of theme ensures that the downtown area as a whole engenders a clearly perceptible sense of place. While allowing for interesting variations in complementary design, all elements must work together to create a distinctive, unified identity.

~~PA1~~ The Plan's downtown location offers many opportunities for public art and items of cultural or educational interest to be incorporated into the design of public open spaces, with the Main Plaza presenting an opportunity to display an exceptionally commanding piece. Lighting, while facilitating public safety, should provide illumination levels appropriate to the uses of the area and contribute to the general ambience.

Exhibit III-7 Street Furniture

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are needed to see this picture.

G. Green Building and Energy Efficiency

Museum Market Plaza provides an opportunity to demonstrate the benefits of energy efficiency and green construction in Palm Springs. The basic tenet of the project – to provide a place where people can live, work and shop without the use of an automobile – is in and of itself an energy efficient concept. In addition to facilitating this concept in its mix of land uses, Museum Market Plaza can provide energy efficient construction through the use of passive and active solar energy; construction techniques using Green Building or Leadership in Energy and Environmental Design (LEED) principles; installation of water conserving landscaping materials; selection of reused and repurposed materials for buildings and public areas; and installation of recycling facilities throughout the project.

Passive solar design has been implemented in Palm Springs and the Coachella Valley for a number of years, through the use of shade structures and building orientation. Although Museum Market Plaza's orientation is primarily east-west, passive solar design should still be part of building design through deep recesses for balconies which shield building interiors; window placement on exposed wall faces; and use of buildings to shade public or private open spaces, and limit heat sink effects.

Active solar design should be considered throughout the project, as flat rooftops will occur throughout the site, and will be available for use for solar panels. As technology continues to expand and improve, solar energy can be harnessed throughout the project to lower the energy demand of both the residential and commercial components of the project.

Green building techniques and LEED design principles should be implemented throughout Museum Market Plaza. The designers of the project should strive to assure that 50% of the buildings be designed to meet at least the minimum LEED requirements for certification in place at the time they are designed. LEED requirements range from access to public transit and alternative transportation to the use of recycled building materials and low-emitting paints and coatings. The LEED model is readily accessible, beneficial to the community, both with Museum Market Plaza and throughout Palm Springs, and is more commonly implemented every year.

The landscaping palette for Museum Market Plaza is designed to minimize the use of water for irrigation. Landscape irrigation can represent the majority of a project's water use. Museum Market Plaza should be designed to lower its water use in landscaping, through the installation of highly efficient irrigation systems, rain censing equipment, and plant-specific emitters.

Recycling of materials within Museum Market Plaza should be made as simple and accessible as possible. Although centralized solid waste disposal is likely throughout the project, each building should be designed to make the recycling of materials easy and convenient. If trash ~~shutes~~ chutes or centralized sorting areas are designed in buildings, they must include a recycling component. Because of the non-traditional design of housing units in the project, consultation with Palm Springs Disposal Service may need to be augmented with research and design more typical of urban environments, since the practices associated with multi-story design for recycling in the Coachella Valley are limited.

Finally, the public and private open spaces within the project will require furnishings and finishes which should to the greatest extent possible be made of sustainable and/or recycled materials. A broad range of products are now available, with more being introduced every year, which reuse materials in their construction.

IV. INFRASTRUCTURE

A. Introduction

Museum Market Plaza occurs in an area of Palm Springs which is fully developed. As such, most infrastructure, including roadways, water, sewer, and utilities, are in place in the area. It is expected that with implementation of the Specific Plan, existing trunk lines will remain, and on-site extensions will occur to service individual blocks throughout the site. A detailed description of all existing and proposed infrastructure for the project is provided below.

B. Roadways

The public roadways surrounding the project will be constructed to City General Plan standards, with limited exceptions. Cross sections of all roadway standards are provided in Exhibit IV-1, and roadway classifications are provided in Exhibit IV-2.

1. Palm Canyon Drive

North Palm Canyon is constructed at its ultimate right of way. Palm Canyon consists of an 80 foot right of way. The Specific Plan proposes to ~~alter the layout of the roadway to provide angled parking on both its west and east side~~ Maintain the current layout of the roadway to provide parking on both its west and east side, on the Specific Plan frontage. This will provide for three lanes of traffic, angled parking on the west side, and parallel parking on the east side. The roadway will also include 15 feet of sidewalk on each side. Specific improvements to the sidewalk connecting the Hyatt Suites hotel frontage to Block A frontage are needed to improve pedestrian circulation and access.

2. Indian Canyon Drive

As with Palm Canyon Drive, Indian Canyon is developed at its ultimate right of way. The Specific Plan will implement angled parking along its frontage on the west side of Indian Canyon, allowing for three lanes of traffic, and parallel parking on the east side, ~~and the angled parking on the west side.~~

3. Tahquitz Canyon Way

Tahquitz Canyon Way is constructed to a paved width of 50 feet, within an 88 foot right of way. The recently adopted General Plan downgraded Tahquitz Canyon to a Collector, with a 60 to 66 foot right of way. In the Specific Plan area, the north side of Tahquitz Canyon will be designed to allow one lane of westbound traffic, a center turn lane, and parallel parking within a 26 foot half width. A 14 foot sidewalk will be provided on the north side of Tahquitz Canyon.

4. Belardo Road

Belardo Road will be extended through the Specific Plan area with a 62 foot right of way, to allow one lane of travel in each direction, and angled parking on each side. A 12 foot sidewalk will also be provided.

5. Museum Drive

Museum Drive will be 48 feet of right of way, with a single lane of traffic in each direction, and parallel parking adjacent to the Specific Plan frontage. A 12 foot sidewalk will be provided adjacent to the Specific Plan.

6. Private Street (Museum Way)

The new east-west roadway proposed through the center of the Specific Plan will be a developed as either a public or private road. It will be constructed within a 60 foot right of way, and will accommodate one lane of traffic in each direction, and angled parking on each side. The alignment of Museum Way between Palm Canyon Drive and Indian Canyon Drive is subject to final determination at the time an application for development of Block K is reviewed. (Alt: [in lieu of the previous sentence] The alignment of Museum Way will begin in front of the Palm Springs Art Museum and run due east, through Block K, and terminating at Indian Canyon Drive across from the Spa Hotel.)

7. Private Drives/Internal Access

Additional drives and access roads may be designed as part of the development of each block. All such roads and drives are proposed to be private, and to be designed within a 36 foot right of way, to include one lane of traffic in each direction, no parking, and 6 foot sidewalks on each side.

Exhibit IV-1A: Street Cross sections

Exhibit IV-1B: Street Cross sections

C. Public Facilities and Utilities

Each of the public facilities providers' facilities are described individually below. In addition, the existing and proposed facilities for each provider is depicted in Exhibits IV-3 through IV-9.

1. Domestic Water

Domestic water is provided to the Specific Plan area by the Desert Water Agency (DWA). DWA has existing 12 inch water mains on the west and east sides of Palm Canyon Drive; a 10 inch main on the west side, and a 6 inch line on the east side of Indian Canyon Drive; a 12 inch main in Tahquitz Canyon, west of Belardo; a 12 inch main in Museum Drive, north of Tahquitz Canyon; and a 12 inch main in Belardo, south of Tahquitz Canyon, and north of the north boundary of the Specific Plan.

As part of the development of the Specific Plan, a 12 inch main will be installed in the extension of Belardo Road to connect the existing northern and southern portions of this line, and the existing 12 inch line in the north portion of Museum Drive, and its connection to Belardo Road to the north, will be abandoned, as development will occur in that area of the Specific Plan. In addition, an 8 inch line will be extended in the new east-west street, between Palm Canyon and Indian Canyon.

Smaller service lines would connect to the main line system described above to provide water service to individual buildings in individual blocks.

2. Sanitary Sewer

The City of Palm Springs provides sanitary sewer facilities to the Specific Plan area. Existing facilities in the area include a 10 inch line in Indian Canyon north of Andreas; 8 inch lines in Indian Canyon south of Andreas; Belardo south of Tahquitz Canyon; Tahquitz Canyon west of Belardo; and west of Palm Canyon, within the existing Desert Fashion Plaza.

With the implementation of the Specific Plan, the 8 inch line in Belardo will be extended northerly, in the extension of Belardo through the project. Six inch lateral lines will be provided to connect individual blocks and buildings to the main lines. Finally, the western half of the existing 8 inch sanitary sewer line through the Desert Fashion Plaza will be abandoned.

Exhibit IV-2 Domestic Water

Exhibit IV-3 Sanitary Sewer

3. Storm Drains

An existing storm drain system occurs surrounding the Specific Plan area. This system includes 57 inch storm drains in Palm Canyon, north of Andreas; in Indian Canyon; and in Tahquitz Canyon between Indian Canyon and Palm Canyon. In addition, a 54 inch storm drain occurs in Tahquitz Canyon west of Palm Canyon Drive, and a 36 inch storm drain occurs in Museum Drive, north of Tahquitz Canyon.

The Specific Plan's development will result in the construction of a 36 inch storm drain in the extension of Belardo Road, from Tahquitz Canyon to the new east-west ~~private~~ street. This facility will collect storm flows from throughout the project in catch basins, and direct them to the existing facilities in surrounding streets.

4. Natural Gas

Natural gas service is provided to the Specific Plan area by The Gas Company. An extensive system of lines occurs in the area, including 3 inch lines in Palm Canyon south of Andreas, and Tahquitz Canyon; 2 inch lines in Andreas, Palm Canyon north of Andreas, Belardo south of Tahquitz Canyon, Cahuilla south of Tahquitz Canyon, and Belardo Road/Museum Drive along the northern boundary of the Specific Plan. These lines will be extended through the project site to serve development as it occurs in the Specific Plan area.

5. Electric Service

Electric service is supplied by Southern California Edison, which has existing underground facilities in Indian Canyon, Palm Canyon, Museum Drive, Belardo and Tahquitz Canyon. ~~Overhead lines also occur on Cahuilla Drive, south of Tahquitz Canyon.~~ Future development within the Specific Plan area will extend service from these existing facilities throughout the Specific Plan area.

6. Telephone Service

Telephone service is provided to the Specific Plan area by Verizon, which has existing underground service in Indian Canyon, Belardo, ~~Cahuilla~~ and Museum Drive. Future development in the Specific Plan area will connect to these existing lines as development occurs.

7. Cable Television

Cable television service is the responsibility of Time Warner Cable. Time Warner has underground facilities in Indian Canyon, Belardo, ~~Cahuilla~~ and Museum Drive. The implementation of the Specific Plan will result in the extension of these services throughout the area as development occurs.

Exhibit IV-4 Storm Drain

Exhibit IV-5 Natural Gas

Exhibit IV-6 Electric

Exhibit IV-7 Telephone

Exhibit IV-8 Cable TV

V. ADMINISTRATION AND IMPLEMENTATION

A-B. Application Review Process

The implementation tools for the Specific Plan will be Major Architectural Reviews, Conditional Use Permits and subdivision maps. Under certain conditions, Planned Development Permits may be required, if the condition meets the standards of section V-B, below.

The successful implementation of the Museum Market Plaza Specific Plan is critical to the long-term health of downtown Palm Springs. In order to assure an efficient and streamlined entitlement process, applications for areas within the Specific Plan will require special handling. This Specific Plan establishes a permit streamlining process which will assure the thorough review of Major Architectural Review, Conditional Use Permit and subdivision applications.

1. Application Requirements and Process

Major Architectural Review applications will include the following in addition to the materials required as part of a standard Major Architectural Review application:

- a. A progressive calculation of building square footage and mass, provided on the site plan. The analysis shall include square footage and mass permitted for the applicable Block under the Specific Plan (Table III-3); square footage and mass approved to date; and square footage and mass proposed with the application.
- b. If the project is for residential or hotel use, a progressive calculation of the number of hotel rooms or residential units or ~~hotel rooms~~, provided on the site. The analysis shall include rooms or units or ~~rooms~~ permitted for the ~~applicable Block under the Specific Plan area (Table II-1)~~; ~~units or rooms~~ approved to date; and rooms or units or ~~rooms~~ proposed with the application.
- c. If the project is for retail or office use, a progressive calculation of the square footage provided on the site. The analysis shall include square footage permitted for the ~~applicable Block under the Specific Plan area (Table II-1)~~; ~~square footage~~ approved to date; and square footage proposed with the application.
- d. A calculation of parking required, parking provided within the applicable Block, and parking provided elsewhere in the Specific Plan area.
- e. If parking is proposed to be located outside the boundaries of the Block where the use is to occur, the application shall include a demonstration that sufficient parking occurs elsewhere in the Specific Plan area, and shall be constructed prior to occupancy of the use, to accommodate the use.
- f. If parking is proposed to be reduced for shared uses, a parking study, completed by a qualified traffic engineer or parking professional, utilizing recognized sources of data.

When found complete by the Planning Department, a meeting for the Major Architectural Approval shall be held within 30 days by the Architectural Advisory Committee, and a public hearing for the Major Architectural Application meeting shall be scheduled, within 30-45 days, before the Museum Market Plaza Review Planning Commission (see below). The Commission

~~shall conduct a public hearing consistent with the procedures of the Planning Commission. Such hearing review shall include any consideration evaluation required under the California Environmental Quality Act (CEQA), if required. The Commission, upon closing the public hearing, shall either request changes to the application and continue or table the matter; recommend approval to the City Council; or recommend denial to the City Council. The Commission's recommendation will be forwarded to the City Council for approval.~~

- ~~1. Request changes to the application and continue the matter, or~~
- ~~2. Approve the project, including the addition or modification of project conditions; or~~
- ~~3. Deny the project.~~

~~Actions of the Commission can be appealed to the City Council. The decision of the City Council shall be final. Recommendations of the Commission can be appealed to the City Council.~~

Applications for Conditional Use Permits and subdivisions, not involving construction of new structures and only the use in question, shall be processed consistent with the provisions of Section 94.020.00 et. seq. of the Palm Springs Zoning Ordinance.

Planned Development Permits, if required, will be processed consistent with the requirements of Section 94.30.00 et. seq. of the Palm Springs Zoning Ordinance.

~~2. Museum Market Plaza Review Commission~~

~~The Museum Market Plaza Commission shall consist of two members of the Architectural Advisory Committee, three members of the Planning Commission, and two members of the City Council. Members of the Commission shall be appointed by the Committee, Commission or Council on which they serve (i.e. the Planning Commission will appoint three of its members to the Commission). Members will serve a four-year term. Should a member leave the Architectural Review Committee, the Planning Commission or the City Council during his or her term on the Museum Market Plaza Review Commission, the group which appointed him or her will appoint another member of the applicable group to replace him or her.~~

2. Conformity Review Procedure

In accordance with the provisions of Subsection C (Phasing) of this Section V, Phase One of the Specific Plan's implementation includes the opportunity for any property owner within the specific plan boundary area to request a "Conformity Review". Conformity Review is a determination that a proposed project consisting of the rehabilitation, renovation, and/or remodel of existing buildings and facilities (a "Renovation Project") within the Specific Plan is generally consistent with the Specific Plan.

- a. The property owner shall fully complete and file a request for Conformity Review describing the proposed project and identifying the rehabilitation, renovation, and remodel components and file such other information as the Planning Director may require. The filing may be schematic and conceptual; precise plans or drawings shall not be required unless the submission is processed concurrently with an entitlement provided under the City's Zoning Ordinance. The filing and

processing fees, if any, shall be assessed according to the City's resolution of fees and charges.

- b. The Planning Director shall consider the request for Conformity Review and shall prepare written findings and recommendations to the City Council. The request for Conformity Review shall be considered by the City Council at a noticed public hearing pursuant Government Code section 6061. The City Council shall approve, conditionally approve, or deny the request. The decision of the Council is final.
- c. In the review and consideration of the Conformity Request, the City Council shall consider whether the proposal reasonably furthers the goals or objectives of the Specific Plan, including without limitation Subsection C of this Section V.

B.C. Specific Plan Amendments

Interpretations of this Specific Plan Amendments required which may be needed to clarify standards, or guidelines, or the definitions of permitted uses, or may be otherwise required, and which do not change development standards, guidelines or permitted uses in this Specific Plan ; make interpretations of permitted uses, or otherwise required which do not change development standards in this Specific Plan may be made by the Director of Planning Director Services.

Any amendment which changes uses, density, maximum square footage or units, development standards or circulation within the All other changes shall be considered amendments to this Specific Plan, and shall be subject to public hearing and require review by the Planning Commission and City Council.

C.D. Phasing

In response to market conditions, implementation of the Museum Market Plaza is expected to begin with the renovation of the existing Desert Fashion Plaza Shopping Center (Phase One). The current placement of buildings, parking, and pathways at the Center may be the basis for renovation in this first phase. This phase is not required to implement certain elements of the Plan intended for subsequent phases, including the full street grid system, the removal of the existing underground parking garage, and the provision of open space within Block B. Renovation of all or a significant portion of the existing Desert Fashion Plaza Shopping Center which preserves opportunities for enhancing the connection between the Museum and the Casino/Convention Center area shall be deemed consistent with the Specific Plan. Nothing herein shall be construed as allowing or permitting any deviation from the maximum height or density requirements of the Specific Plan.

A renovation plan that is consistent with the Specific Plan's Phase One policy is the Wessman Company's proposal submitted to the City on January 13, 2009 ("Wessman Renovation Plan"), including any changes or revisions identified in the written comments of the Director of Planning Services, dated February 17, 2009.

The City specifically finds that the Wessman Renovation Plan is consistent with the Specific Plan and furthers the objectives of the Specific Plan in that the Wessman Renovation Plan will;

- a. Renovate a significant portion of the existing Desert Fashion Plaza Shopping Center for retail, office and resort uses, as provided in the Specific Plan.
- b. Facilitate the development of an east/west connection through the site to the Muscum which does not currently exist, thereby contributing to the Specific Plan's goal of restoring the visual presence for the Muscum that has been lacking since the construction of the Desert Fashion Plaza and creating the opportunity for direct access between the Museum and the Casino/Convention Center area.
- c. Create, within the new east/west connection, areas for outdoor dining and other pedestrian oriented activities to draw customers to the Center and give energy to the downtown area.
- d. Create, with the addition of the east/west connection, additional retail spaces with lively street frontages on the ground floor that do not exist within the current Desert Fashion Plaza.
- e. Provide new opportunities for high quality retail development which will contribute to realizing the Specific Plan's goal of helping to create a stable and varied economy, increase the City's tax base and act as a catalyst for further redevelopment in downtown, and

Achieve the Specific Plan goal of expanding recreational uses in the downtown which extend the hours of active use in the area, by adding a theater and additional restaurants.

Phasing-Subsequent phasing of the Museum Market Plaza will be determined by the market. Exhibit V-1 illustrates the anticipated Phasing Plan for the project, although how phasing may occur at the site, subsequent to any renovation project as allowed above (Conformity Review). It Phasing may be modified by market pressures, including changes in both the commercial and residential environments;.

~~As shown in the Phasing Plan, the first phase of development will focus on the construction of the Main Plaza; the installation of the new east-west roadway from the Museum to Palm Canyon Drive, the extension of Belardo through the site, and improvements to Palm Canyon Drive.~~

~~Block A and C, focusing on the Main Plaza, are anticipated in Phase II of the project. This phase may also include the southern portion of Block E, G & H. Depending on demonstrated parking demand, Block J may be built in this phase, or in Phase III.~~

~~Block J, Block D & F, and the northern portion of Block E, G & H are planned for Phase III. Block K and Block L would be anticipated in Phase IV, but may be moved to earlier phases, if the market allows.~~

Phase Two: Construction of the Main Plaza, the installation of the new east-west roadway from the Museum to Palm Canyon Drive, the extension of Belardo through the site, and improvements to Palm Canyon Drive.

Phase Three: Blocks A and C, focusing on the Main Plaza and Palm Canyon frontage. This phase may also include the southern portion of Block E, G & H.

Phase Four: D & F, and the northern portion of Block E, G & H.

Phase Five: Block K (Alt: including the new east-west street between Palm Canyon and Indian Canyon Drives); however, this block (Alt: and/or the new east-west street) may be developed in an earlier phase, if the market allows.

Exhibit V-1 Phasing

D. Financing

Although the Specific Plan occurs in an area in which already contains most infrastructure is generally complete, improvements and alterations will be required throughout the development of Museum Market Plaza, to allow for the intensity of use proposed and to adjust public improvements along the boundaries and edges of the Specific Plan area. Financing for these improvements is likely to come from a number of sources, both public and private. Some of the potential funding mechanisms are described briefly below. This list is not intended to be exhaustive or exclusive. The allocation of costs and the apportionment of fees pursuant to the provisions of this Subsection, including without limitation a credit on fees, may be provided in an owner's participation agreement or disposition and development agreement (DDA) between a developer and the City of Palm Springs Redevelopment Agency or a development agreement (DA) between a developer and the City.

Specific Plan Fee

To defray the cost of preparation, adoption, and administration of the specific plan, including all related studies and environmental documentation, the City Council should consider the adoption of a fee to be imposed upon all persons seeking approvals of the City or the Redevelopment Agency of the City of Palm Springs which are required to be consistent with the specific plan in the manner provided under Government Code Section 65456. A portion of any amounts collected pursuant to such fee shall be used to reimburse any person who advanced or incurred costs for the preparation of the specific plan in excess of such person's fair share of such costs as determined under the provisions of Government Code Section 65456.

Special Improvement Districts

Special Improvement or Assessment Districts may be initiated subject to the approval of property owners or voters. They allow the municipality to issue tax-exempt bonds for public infrastructure improvements. Assessments are generally accompanied by a formal lien against each property which receives the improvements. Those properties benefiting from the improvement are assessed an annual cost on their tax bill. Assessments are proportional to the amount of benefit being received by the property owner. The assessments are generally paid over up to 30 years, but may be prepaid.

Redevelopment Agency Participation

The Museum Market Plaza is the catalyst to the long term economic health of Downtown Palm Springs. The area is also within the boundaries of the City's Redevelopment Plan. As such, developers and builders may negotiate with the Redevelopment Agency for direct contributions, tax rebates or other participation from the Agency's tax increment funds.

Developer Impact Fees

Developer impact fees can be used for a variety of improvements, and require the preparation of cost estimates and fair share distribution based on a "rational nexus" that the fee being paid is equivalent to the cost which would otherwise be incurred by the developer to provide his fair share of an improvement. Existing Impact Fees may be applicable to roadway improvements on Palm Canyon or Indian Canyon, or could be created to address the project's improvements. Conversely, most of the development within the Specific Plan area has in the past contributed to Development Impact Fee and TUMF fees, which may be credited to the Museum Market Plaza construction.

Landscaping and Lighting Districts

Landscaping and Lighting Districts may be created to provide a range of infrastructure improvements. Annual assessment would be raised from properties in the district. Funds may be used for construction and maintenance of curbs, gutters, sidewalks, paving, parkway landscaping and other facilities. The long-term maintenance of the Specific Plan area's street system could be financed through this vehicle.

Mello-Roos Districts

Mello-Roos districts can be used to finance a wide range of improvements, including land purchases and maintenance. The creation of the district results in a special tax levied on the affected property owners. Mello-Roos district taxes are not tied to property value, but rather to a special tax formula based on the level of benefit received by each property.



CITY COUNCIL STAFF REPORT

DATE: May 13, 2009

PUBLIC HEARING

SUBJECT: PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES

FROM: David H. Ready, City Manager

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

SUMMARY

On April 1, 2009, the City Council conducted a public hearing, received testimony, closed the hearing and continued action on the Museum Market Plaza Specific Plan. In the discussion following the hearing, the Council covered a wide range of issues, in particular; 1) the Specific Plan's overall boundaries, 2) the treatment of existing facilities, and 3) the elements of the Plan's vision for the future. In order to provide adequate time to address these issues, staff has prepared this memo to address the Plan's boundaries and its treatment of existing facilities, as follows:

- Incorporating a Desert Fashion Plaza renovation plan into the Specific Plan;
- The treatment of the Town & Country Center by the Specific Plan; and
- The inclusion or deletion of Blocks J (Mercado parking lot) and L (vacant hotel site).

Following resolution of these issues, staff will schedule a Council discussion of the Plan's vision for the future, including setbacks, open space, and other issues.

RECOMMENDATION:

1. Direct staff to make appropriate changes to the draft Specific Plan based on the issues raised in this memo. The Council may offer other direction as appropriate.

BACKGROUND

- On April 30, 2008 Wessman Development, Inc. presented to the City a draft Specific Plan for the Museum Market Plaza.

ITEM NO. 1. B.

- On May 21, 2008, the City Council initiated a Specific Plan review process and directed staff to report on the conformance of the draft Museum Market Plaza Specific Plan with the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code.
- On June 4, 2008, staff presented to the City council an initial look at the draft Specific Plan in light of the City's existing regulations, including staff comments and recommendations for subsequent review.
- On June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan. The NOP comment period ran from June 16 to July 17, 2008.
- On July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report.
- On July 16, 2008, the City Council received the list "alternatives" to the project that would be evaluated in the Environmental Impact Report.
- On October 22, 2008, a draft Environmental Impact Report (DEIR) was released for public comment. The 45-day comment period ends on December 8, 2008.
- On December 3, 2008, the Planning Commission conducted a public hearing and directed staff to prepare a resolution recommending denial of the Specific Plan. The resolution was approved by the Commission on December 17, 2008.
- On January 14, 2009, the City Council conducted a public hearing, accepted testimony, and continued the matter.
- On April 1, 2009, the City Council continued the hearing to the meeting of May 13, 2009.

It should be noted that on February 17, 2009, the applicant completed a "pre-application" for a remodel of the existing center. No subsequent project application has been submitted.

ANALYSIS

Introduction

Following the receipt of a staff report (attached) and public testimony at the hearing of April 1, 2009, the City Council discussed the draft Specific Plan and EIR. The Council directed staff to address several issues, including the following:

1. Proposed Renovation Plan – The Council directed staff to incorporate the plan for renovating the existing Desert Fashion Plaza into the Specific Plan.
2. Town & Country Center – The Council identified the Town & Country Center is a key decision point for the plan.

3. **Specific Plan Boundaries and Blocks J and L** – The Council appeared to establish a consensus that Blocks J (Mercado parking lot) and L (vacant hotel site) be removed from the Specific Plan.

Proposed Renovation Plan – As noted above, the Wessman Development Company presented a plan to renovate the existing Desert Fashion Plaza through a City pre-application process on January 13, 2009. That review process culminated in a Planning Commission hearing on February 4, 2009 and staff letter summarizing the City's comments (see attached). Wessman Development has subsequently stated its concern that the Specific Plan may be a barrier to the renovation of the existing mall. In response, the City Council developed a consensus around modifying the Plan so that it is not an obstacle to re-use of the current buildings and site.

Staff has prepared revised language for Section V "Administration and Implementation" that, among other things, identifies the renovation plan proposed in January 2009 as expressly allowed by the Plan and also sets forth a conformity review process for other renovation plans, should they be proposed. The draft language is attached to this memo. Staff believes that this language will satisfy the consensus view stated by the Council, and also notes that it has been reviewed and accepted by Wessman Development.

In addition, staff will present the January 13, 2009 renovation plan for Council comment at the May 13, 2009 meeting. Reductions of the site plan are attached to this memo, and the City Council may offer comments at the meeting on the specifics of the renovation plan. Based on the Council's comments, revisions to the plan or the language of Section V may be appropriate.

Town & Country Center – As noted in staff reports prepared to date on the draft Specific Plan, the treatment of the Town & Country Center is a key decision. The draft Plan proposes to remove the existing buildings so that a road may connect from Indian Canyon Drive through to the Palm Springs Art Museum to the west. A multi-story hotel is also proposed on the Town & Country Center site, identified as Blocks K1 and K2 in the Plan.

The draft Environmental Impact Report notes that the Town & Country Center possesses architectural significance such that its removal would constitute a significant and unmitigatable impact to cultural resources. As a result, certification of the EIR and approval of the Specific Plan, as both documents are currently written, would also require the adoption of a Statement of Overriding Considerations, as detailed in the April 13, 2009 staff report (attached).

The Council has discussed the Town & Country Center in relation to the proposed Specific Plan, but no consensus has yet emerged. Staff believes that the Council's options are as follows:

1. Direct staff to re-write the Draft EIR to recognize that the Town & Country Center may be of architectural interest, but that its removal does not rise to a level of environmental significance. This would require recirculation of the Draft EIR. Staff does not support this option as there appears to be ample evidence to support the conclusions contained in the EIR, as written.

2. Identify that the Town & Country Center is of architectural and environmental significance, but that the goals of the project, including a direct vehicle path from Indian Canyon to the Palm Springs Art Museum, are more valuable to the community than preservation of the existing buildings. This conclusion would require the adoption of a Statement of Overriding Consideration.
3. Identify that the loss of the Town & Country Center is too great an environmental impact to be overcome by the goals of the project. This conclusion would indicate that a direct road between Indian Canyon Drive and the Palm Springs Art Museum is not as important as the preservation of the Center, or that other means of connecting the Art Museum to the downtown are available and acceptable.
4. Identify that the Town & Country Center is a significant architectural resource and that the provision of an east-west vehicle link is a critical objective of the Specific Plan. Determine that any decision on the final alignment of such access and its location relative to the Town & Country will be addressed concurrently with the consideration of a specific development project for Block K.
5. Remove the Town & Country Center from the Specific Plan. By deleting Blocks K1 and K2 from the Specific Plan, the Council would reduce the scope of the Plan to the west side of Palm Canyon Drive (primarily the Desert Fashion Plaza) and leave the fate of the Town & Country Center to a future planning decision.¹

Staff seeks a consensus from the Council on the Town & Country Center from which we will make necessary Plan or EIR revisions or prepare draft resolutions.

Specific Plan Boundaries and Blocks J and L – At the April 1, 2009 meeting, there appeared to be a consensus developing around the deletion of Blocks J and L from the draft Specific Plan. Block J contains the parking lot behind and west of the Mercado Plaza and shares no boundary with the remaining blocks of the Specific Plan. Block L is the vacant site at the southwest corner of Cahulla Road and West Tahquitz Canyon Way, and was previously the subject of the Palm Hotel development proposal.

Wessman Development Company continues to assert that these blocks – especially Block L – remain vital to the overall development of the Specific Plan. The City Council has full latitude to establish the boundaries of the Plan, including removal of these or other blocks. If the Council's desire is to delete these blocks, the Plan would be recast around a smaller area. No change to the draft EIR would be required.

CONCLUSION

The draft Specific Plan remains a work in progress, and a number of issues must yet be resolved. However, staff believes that the issues identified in this memo appear to be those which the City Council discussed most at its last meeting. Resolution of these items would

¹ The Specific Plan and EIR's treatment of the Town & Country Center are separate from any action the City may take under Municipal Code Section 8.05 (Historic Resources). Further, the City Historic Site Preservation Board has initiated the process for designating the Town & Country Center as a Class 1 historic site, but has postponed action pending the Council's decision on the Specific Plan.

allow staff to move into finalizing the future vision for development, including the issues of density and height, open space, setbacks, and street alignments.

NOTICE

This hearing is continued from the April 1, 2009 meeting and notice has been provided, as required by law. No written communications on the project have been received at the time this report was prepared. Any subsequent communications will be presented at the meeting.

ENVIRONMENTAL

A Final Environmental Impact Report (FEIR) has been prepared for the project and distributed to the City Council. The Environmental Summary Matrix (Section "M" of the DEIR) provides a brief overview of the anticipated impacts and recommended mitigation measures. Staff believes that the FEIR provides an adequate and complete description of the future environmental condition should the Specific Plan, as proposed, be implemented.

The FEIR identifies three areas in which the proposed Specific Plan would create "significant and unavoidable (i.e., unmitigatable) impacts":

- Aesthetics – Partial blockage of mountain views would be caused by the taller buildings; the Town & Country Center would be eliminated by development on Block K1 / K2.
- Air Quality – Projected levels of emissions during construction (nitrogen oxides) and during operations (carbon monoxide and nitrogen oxides) would exceed State standards.
- Cultural Resources – The Town & Country Center – a historic resource, as defined by CEQA – would be eliminated by development of Block K1 / K2.

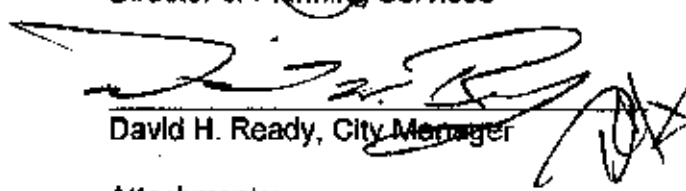
A Statement of Overriding Consideration would be required in the event that the Specific Plan was adopted with the above impacts. All other impacts can be adequately reduced to less than significant levels through mitigation measures outlined in the FEIR.



Craig A. Ewing, AICP,
Director of Planning Services



Thomas J. Wilson,
Assistant City Manager, Dev't Services



David H. Ready, City Manager

Attachments:

1. Staff Report (April 1, 2009)
2. City Council Meeting Minutes (April 1, 2009)
3. Draft Specific Plan Section V "Administration and Implementation (revised)
4. Pre-Application Letter to Wessman Development Co. (February 17, 2009)

5. Proposed Desert Fashion Plaza Renovation Plans (February 4, 2009)
6. Draft Museum Market Plaza Specific Plan (previously distributed)
7. Draft Museum Market Plaza Specific Plan EIR (previously distributed)

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES EXCERPTS
WEDNESDAY, MAY 13, 2009

1. PUBLIC HEARINGS:

1.B. PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 13, 2009, and the status of the current application of the Wessman Renovation Project.

The City Council discussed the conformity issue, and the incorporation of the Desert Fashion Plaza Renovation Plan into the Specific Plan, requested staff clarify the letter received from Wessman Development that the proposed Specific Plan will not inhibit Wessman Development with respect to the Desert Fashion Plaza renovation project.

ACTION: Incorporate the Desert Fashion Plaza Renovation Plan into the Specific Plan. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

The City Council discussed the merits of the five options presented by Staff for the final disposition of the Town and County Center.

ACTION: Incorporate Option No. 4 *Identify that the Town and Country Center is a significant architectural resource and that the provision of an east-west vehicle link is a critical objective of the Specific Plan; and Determine that any decision on the final alignment of such access and its location relative to the Town and Country Center will be addressed concurrently with the consideration of a specific development project for Block K. Motion Councilmember Foat, seconded by Mayor Pougnet and carried 3-2 on a roll call vote.*

AYES: Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnet.

NOES: Councilmember Weigel and Mayor Pro Tem Mills.

The City Council discussed the boundaries and the deletion of Blocks J and L from the Specific Plan.

ACTION: Delete Block J and Block L from the Specific Plan. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Mills, and Mayor Pougnet.

NOES: Councilmember Weigel.



CITY COUNCIL STAFF REPORT

DATE: April 1, 2009

PUBLIC HEARING

SUBJECT: PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES

FROM: David H. Ready, City Manager

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

SUMMARY

On January 14, 2009, the City Council conducted a public hearing, received testimony and continued action on the Museum Market Plaza Specific Plan. Subsequently, staff has met with each Council member to receive individual comments, which have been compiled and summarized in this memo. The Council will re-open the public hearing, take any additional testimony and, at its option, direct staff with regard to final action on the draft Specific Plan.

RECOMMENDATION:

1. Open the public hearing, accept any testimony and close the hearing.
2. Direct staff to prepare draft resolutions based on Council direction, including the certification of the Final Environmental Impact Report, adoption of Statement of Overriding Considerations, adoption of a Mitigation Monitoring Report, and approval of the Specific Plan, including any amendments, as appropriate.

BACKGROUND

- On April 30, 2008 Wessman Development, Inc. presented to the City a draft Specific Plan for the Museum Market Plaza.
- On May 21, 2008, the City Council initiated a Specific Plan review process and directed staff to report on the conformance of the draft Museum Market Plaza Specific Plan with

the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code.

- On June 4, 2008, staff presented to the City council an initial look at the draft Specific Plan in light of the City's existing regulations, including staff comments and recommendations for subsequent review.
- On June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan. The NOP comment period ran from June 16 to July 17, 2008.
- On July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report.
- On July 16, 2008, the City Council received the list "alternatives" to the project that would be evaluated in the Environmental Impact Report.
- On October 22, 2008, a draft Environmental Impact Report (DEIR) was released for public comment. The 45-day comment period ends on December 8, 2008.
- On December 3, 2008, the Planning Commission conducted a public hearing and directed staff to prepare a resolution recommending denial of the Specific Plan. The resolution was approved by the Commission on December 17, 2008.
- On January 14, 2009, the City Council conducted a public hearing, accepted testimony, and continued the matter.

It should be noted that on February 17, 2009, the applicant completed a "pre-application" for a remodel of the existing center. No subsequent project application has been submitted.

ANALYSIS

Introduction

Following the receipt of public testimony at the noticed hearing of January 14, 2009, the City Council continued action on the matter. The Council also directed staff to consolidate the comments of the City Council and develop recommendations for the Council's review (see attached meeting minutes). Additional background information is contained in the attachments.

Following the January hearing, staff met or communicated with each Council member and received individual comments, which are summarized below. From these comments, staff has identified areas where it believes there may be consensus and areas where additional discussion may be needed. By working through each of the issues discussed below, the Council may develop an overall direction for the Specific Plan and thereby identify its preferred action.

Council Comments

The following Council comments were provided to staff after the January hearing:

Councilmember Hutcheson:

Highlights:

- Reduce number of condos, hotel rooms, retail square footage and other uses from that proposed in the original plan; increase open space; preserve flexibility.
- Preserve the open space-village square concept; it is key to the whole project area, and is the one thing the City is certain to be able to deliver.
- Identify removal of blight as an important project goal.
- Set overriding objective of "great" architecture, preferably consistent with our existing architectural palette (Modern or Spanish Colonial Revival)

Changes / Amendments:

- Reduce Specific Plan boundaries; delete Blocks J, K1 / K2 and L.
- Extend Plaza shown in Block "B" through to Museum by including Block E-G-H
- Support extended Plaza with a 75% open space requirement in Block E-G-H, as well as same height restrictions as in Block "B"
- Maintain maximum height of 60 feet, with lower heights (30 to 45 feet) along project boundaries / edges.
- Modify Appendix A to accommodate the above concerns before incorporating into action findings.

Councilmember Weigel

Highlights:

- Allow variety of architectural styles, with no predetermined architecture.
- Establish street setbacks and stepping of buildings as key goals of Plan.

Changes / Amendments:

- Exclude Block J in averaging of overall heights.
- Establish setbacks and stepping of buildings in specific ways.

Councilmember Foat

Highlights:

- Preserve the Town & Country center
- Allow variety of architectural styles, with no predetermined architecture.
- Introduce more public space into the main area of Block B and surroundings.

Changes / Amendments:

- Delete Blocks J and L from Specific Plan boundaries
- Reduce maximum allowed heights
- Reduce maximum allowed densities

Mayor Pro Tem Mills

Highlights:

- Provide open space on Block B to preserve view corridor

- Allow angle parking on Belardo

Changes / Amendments:

- Consider deletion of Blocks J and L; keep Block K in Plan
- Allow 64 feet maximum height for residential buildings.
- Eliminate any enclosed floor area in Block B; allow kiosks
- Create additional street-level open space on corners.
- Allow balconies, but not enclosed spaces over right-of-way.
- Allow "contemporary" architecture – more stylistic flexibility than "modern"

Mayor Pougnet

Highlights:

- Use setbacks on Palm Canyon Drive to create welcome feeling

Changes / Amendments

- Consider deletion of Blocks L and J
- Establish height limit of 60 feet.

Based on these comments and the issues raised in the January 14, 2009 staff report and hearing, staff has identified the following issues for Council consideration. If the Council finds consensus on these issues, and any others it identifies, it may direct staff to prepare final resolutions for Council adoption

Overall Vision

The Council appears to accept the Plan's overall vision. One comment seeks to include the "removal of blight" as a project goal. Another seeks to include street setbacks and building stepping as key goals. Some modifications to Appendix A may be needed, based on final Council action.

Recommendation: Consider adding removal of blight and building setbacks to Specific Plan vision, and include Appendix A, as may be modified.

Project Scope

Council comments show an interest in reducing the project's boundaries

- Two seek to delete Block J (Mercado Parking Lot) and L (SW Cahuilla & Tahquitz); two others willing to consider their removal
- One seeks to delete Block K-1 / K-2 (Town & Country); one seeks to retain it

Deletion of the non-contiguous blocks (Blocks J, K-1 / K-2 and L) could be accomplished without undermining the overall vision. Deletion of any block from the Plan would return it to the control of the General Plan, Downtown Urban Design Plan and Zoning Code, as follows:

<u>Block</u>	<u>Current General Plan</u>	<u>Current Zoning</u>	<u>Proposed Specific Plan</u>
J	Central Bus. District	C-D-B	Multi-Level Parking
K-1 / K-2	Central Bus. District	C-D-B	Hotel
L	Small Hotel	R-3	Hi-Density Res'l / Hotel

Recommendation: Consider deletion of outlying Blocks J and L. Consider retention of Block K-1 / K-2.

Land Use

Council comments on land use tended to focus on Block B and the significance of a village square within the project:

- Three comments sought to expand the open space of Block B, either by enlarging Block B, or extending the open space into Block E-F-H, or by restricting development within Block B to kiosks.
- One comment sought to preserve the Town & Country Center.

Staff notes that a widened view corridor along the "Museum Way" street may still retain a desirable pedestrian street scale; however, larger open spaces will reduce the amount of land available for economic activity, as well as require a permanent maintenance effort to keep the space vibrant, clean and safe. Staff believes that the size of Block B is sufficient open space within the project area, especially as the nearby O'Donnell Golf Course will revert to public use in a few decades.

In the proposed Plan, the Town & Country Center would be replaced by a hotel. If Block K-1 / K-2 is deleted, the Specific Plan would not have any authority over the Center and it would be regulated by the existing General Plan and Zoning Ordinance. If these Blocks are retained in the Plan, the Plan may identify the City's policy regarding the existing buildings. The EIR identifies that demolition of the Center would have a significant impact. The Council can identify its preference in the matter and direct staff accordingly.

No Council comments were offered on the list of permitted uses (see January staff report).

Recommendation: Establish a wider promenade along Museum Way; consider reducing the development potential of Block B to unenclosed structures and kiosks; identify the City's position on the issue of the Town & Country Center; and adjust the list of permitted uses, as identified in the January 14, 2009 report.

Densities

Two comments were provided on the project's densities, both suggesting that they should be reduced. One included a recommendation for preserving flexibility. As proposed, the Plan provides some flexibility by allowing higher densities for individual uses, but anticipating that the final mix of uses will be determined by the timing of market forces – and at lower overall densities.

As noted in January, densities are affected by decisions regarding maximum height and open space. In the discussion of height (below) the final Plan could establish a lower maximum height than currently proposed; if so, less development (and density) will result. Based on the Council's apparent consensus around a height limit of about 60 feet, staff believes that the density recommendations proposed by staff in the January 2009 report – including a bias toward more hotel rooms and less residential – remain valid and viable:

Type of Use	Proposed Draft Specific Plan	Project Alternative "B"	Staff Recommendation
Residential Units	955	785	300
Commercial / Office SF	400,000	300,000	300,000
Hotel Rooms	620	255	600

Recommendation: Approve the maximum densities, as recommended by staff above.

Height

The strongest consensus was expressed around the issue of building height:

- All five Council members sought a lower maximum height: Two prefer a maximum of 60 feet; one set a height of 64 feet for residential buildings, one would delete Block J from the 60-foot averaging scheme (thereby bringing the height of other buildings closer to 60); and one gave no specific number. One comment sought to reduce the maximum height of Block E-G-H to 24 feet.

As previously stated, staff does not support the height-averaging concept, but does believe that individual blocks can have different heights appropriate to their size, location and orientation to surrounding properties and views.

The suggestion of a 64-foot limit for residential buildings would allow for higher first floors, which may be advantageous for street front retailing needs. Staff believes that hotels (instead of residential could warrant a taller building, as noted in the provisions recommended below.

Recommendation: Adopt a revised maximum building height standard as follows:

• Block A	45		
• Block B	24		
• Block C	60		
• Block D & F	60/45		
• Block E, G, H	60		
• Block J (if retained in the Plan)			34
• Block K (" " " " ")	45		
• Block L (" " " " ")		45	

Additional provisions:

- Buildings shall be lower (30 to 45 feet) as they approach the edges of the Specific Plan boundaries, especially along Tahquitz Canyon Way, east of Belardo, and along Palm Canyon Drive.
- An exception to the "edge" policy is allowed at the corner of Tahquitz and Palm Canyon to create a landmark intersection statement, subject to approval by the City Council.
- Blocks containing hotels may exceed the above height limits, subject to approval by the City Council.

Setbacks, Open Space and other Standards

A variety of comments were offered on the issues of setbacks and related standards:

- One seeks to establish setbacks and the stepping of buildings in specific ways, while another identified the setbacks on Palm Canyon as a "welcoming" feature. One comment noted that street-level open space at the corners is needed, and one supported allowing open balconies to project into the right-of-way.

The Specific Plan provides a block-by-block set of standards for setbacks, open space, maximum square footage, projections, outdoor uses, walls and fences, parking and other incidental issues (see Pages III – 10-17). Staff notes that the Plan's standards are similar or the same as the underlying C-B-D zone.

A complex "step-back" scheme for each of the streets is also proposed to replace the uniform setback standard of the "high-rise" ordinance. Staff believes the step-backs proposed in the plan allow two story buildings on most street frontages to provide a reasonable relationship between building and street.

Open space requirements are 35% minimum for all Blocks, except the open plaza on Block B. This plaza space would be 75% open space, allowing for some low-rise retail / restaurant uses. (As noted above, one Council comment recommended a 75% open space requirement for Block E-G-H.) Staff supports the open space limit on Block B, but not Block E-G-H.

Lastly, staff believes that the heights, densities, setbacks and parking requirements provide sufficient guidance to development of the site and that the building mass chart may be superfluous.

Parking is treated in the Plan at a base standard of one space for each 325 square feet of floor area for most commercial uses. This compares with the same standard for mixed use development in the Zoning Code's C-B-D zone. Hotel uses are to be parked at a slightly higher ratio than called for in the zoning code, and residential uses are generally identical.

Signage is to conform to the provisions of Section 93.20.00 et seq. of the Zoning Code ("Signs"). Street sign banners and kiosk signs would be allowed, which staff support subject to approval of a program for each defining location, size and lighting, as necessary.

Recommendation: Approve the development standards, as adjusted for the height limits sought by the Council, with the deletion of the maximum square footage table. Consider the allowance for open balconies to project into the right-of-way.

Design – Architecture and Landscaping

The Council addressed the issue of architectural and landscape design by focusing on the Plan's direction on architectural style:

- Four comments agree that concentrating on "Modern" architecture is too limiting. One sought to emphasize "great" architecture regardless of style (but preferably consistent with Modern and Spanish Colonial Revival); two preferred no

predetermined style; and one substituted "contemporary" for "Modern" to allow greater flexibility.

Staff believes that adopting an open approach to architectural design allows more variety; however, staff remains persuaded that sustainability and conservation features will lead most designers to choose modern or contemporary styles. Again, most architectural styles developed in the last century will incorporate photo-voltaics and other sustainable technologies with greater elegance and integrity.

Recommendation: Identify the primary architectural goals or theme for the Specific Plan.

Road Network

Among the Council members, only one comment was offered on the Plan's proposed road network:

- Allow angle parking on Belardo Road.

The Plan presently includes angle parking on Belardo within the project area (west of Blocks A, B and C) so this comment is satisfied. (The EIR's Traffic Study recommends deletion of the angle parking shown along Palm Canyon and Indian Canyon Drives.)

As previously noted, staff believes that the creation of an internal street grid is the best way to establish a pedestrian-oriented downtown center. Also noted is the unique situation presented by Block K1 / K2. One of the most important decisions facing the Council in this project is weighing the trade-offs between preserving the Town & Country Center and the developing Museum Way from Indian Canyon Drive to the museum.

The draft EIR fully explains the historic value of the Town & Country Center (see pages III – 61-69 of the draft EIR). In contrast, completion of the street as proposed in the Plan provides the following benefits:

- Creates a visual link to the Desert Art Museum from Indian Canyon Drive and the Spa Hotel,
- Provides a more complete street grid to facilitate traffic movement and allow more flexible access routes, and
- Fulfills one of the project's goals, as stated in the draft EIR:
"Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon."

Staff recommends that the Council carefully weigh these competing values, as well as the requirements for adopting a Statement of Overriding Consideration on the draft EIR prior to deciding its position on this issue.

Recommendation: Approve the street plan, except for deletion of angle parking from Palm Canyon and Indian Canyon Drives. Identify the Council's preference regarding the proposed street in Block K1 / K2.

Administration

No comments were offered on the Administration of the Plan; however, recommends that the City's current arrangement of AAC recommendation, Planning Commission review and City Council oversight is appropriate.

Recommendation: Delete the Museum Market Plaza Review Commission.

Phasing

No Council comments were provided regarding phasing. As previously noted, staff believes that establishment of the street grid is a key element for any "first phase". The property owner has indicated that the Plan needs to accommodate lesser renovation and remodel concepts without need for a wholesale Specific Plan amendment. Staff agrees, and notes that the scope and ambition of the Plan will likely take years to complete. Consequently, staff proposes that the Plan allow incremental improvements which move toward fulfillment of the Plan. Such projects could be reviewed by the Council and approved as conforming. If acceptable to the Council, staff will incorporate language to allow such determination.

Recommendation: Include language that allows the City Council to determine that incremental or partial renovation / remodels conform to the Specific Plan.

Plan Organization

No comments received.

Recommendation: Based on Council direction, staff will prepare the necessary ordinances and code language for final action.

NOTICE

Notice was provided to properties owners within 400 feet of the project and by advertisement in the Desert Sun. No written communications on the project have been received at the time this report was prepared. Any communications received subsequently will be presented at the meeting.

ENVIRONMENTAL:

(Note: This section is a complete reprint from the report of January 14, 2009)

A Final Environmental Impact Report (FEIR) has been prepared for the project and distributed to the City Council. The Environmental Summary Matrix (Section "M" of the DEIR) provides a brief overview of the anticipated impacts and recommended mitigation measures. Staff believes that the FEIR provides an adequate and complete description of the future environmental condition should the Specific Plan, as proposed, be implemented.

The FEIR identifies three areas in which the proposed Specific Plan would create "significant and unavoidable (i.e., unmitigatable) impacts":

- **Aesthetics** – Partial blockage of mountain views would be caused by the taller buildings; the Town & Country Center would be eliminated by development on Block K1 / K2.
- **Air Quality** – Projected levels of emissions during construction (nitrogen oxides) and during operations (carbon monoxide and nitrogen oxides) would exceed State standards.
- **Cultural Resources** – The Town & Country Center – a historic resource, as defined by CEQA – would be eliminated by development of Block K1 / K2.

All other impacts can be adequately reduced to less than significant levels through mitigation measures outlined in the FEIR.

Significant, Unavoidable Impacts and Project Alternatives

The FEIR also examines a set of Project Alternatives to see if there are other ways to implement the overall project objectives while reducing potentially significant environmental impact – especially those which are considered significant and unavoidable. An analysis of several alternatives (see section V of the FEIR) shows that all alternatives – even the No Project option (re-use of the existing center) – results in significant and unavoidable air quality impacts.

Impacts to Aesthetics and Cultural Resources are reduced by each of the alternatives, in some degrees to less than significant levels. For example, all alternatives include a reduction in maximum building height from the draft Specific Plan:

- **Draft Specific Plan:** 74 feet
- **Preserve Town & Country:** 74 feet
- **Alternative B :** 65 feet
- **Staff's Recommendation:** 60 feet
- **Alternative A:** 57 feet
- **No Project** 35 feet

Therefore, staff anticipates that as building height is reduced, there will be a reduced adverse impact on scenic views. However, except for the No Project alternative, the impact will remain significant and unavoidable; the No Project alternative will have a less than significant impact. Additionally, all projects will introduce additional light, glare, sensitive receptors into the area; again the No Project alternative will have the lowest impact.

As regards Cultural Resources, those alternatives that preserve the Town & Country Center adequately reduce the impacts to Cultural Resources. Staff believes that its set of recommendations, as contained in this report, also eliminates adverse, unavoidable impacts to Cultural Resources because it anticipates the preservation of the Town & Country Center. However, any alternative that preserves the Town & Country Center leaves one of the project objectives partially unfilled: Creation of a direct vehicular connection between Indian Canyon Drive and the Desert Art Museum. As previously noted, this is a key decision for redevelopment of the project area.

"Statement of Overriding Considerations"

In accordance with the California Environmental Quality Act (CEQA) the City may approve a project that results in significant and unavoidable impacts, including those mentioned above. CEQA is an information disclosure law, not a mandate to achieve a particular environmental outcome. Section 21002 of the State Public Resources Code identifies the Legislature's intent in adopting CEQA:

21002. The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

The City may conclude that "specific economic, social or other conditions" exist to override the concerns regarding one or more significant and unavoidable environmental impacts. If so, it must adopt a "Statement of Overriding Considerations" that identifies those conditions that warrant the acceptance of the resulting environmental impacts. The State CEQA Guidelines are more specific on the matter:

15093. Statement of Overriding Considerations

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The decision to adopt a Statement of Overriding Considerations must be founded upon "economic, legal, social, technological, or other benefits of a proposed project". In addition, they must be explicit and must be based on "substantial evidence". One area that is recognized as a basis for an override is the set of project objectives. The City may determine that the project objectives are of such importance that their benefits "outweigh the unavoidable adverse environmental effects".

As noted in Section V of the FEIR, the project objectives are as follows:

1. *Reintegrate the site into the economic, social and environmental fabric of the downtown.*
2. *Provide direct access to the Desert Art Museum from Downtown and Section 14.*
3. *Create an upscale, vibrant mixed use lifestyle center, including boutique shops, galleries, neighborhood conveniences, restaurants, residential units and boutique hotels, serving visitors and local residents.*
4. *Enhance the pedestrian environment and lower the dependence on the automobile by providing living, shopping and entertainment venues in a central location.*
5. *Encourage a variety of architectural designs, styles and heights with materials that include plaster, glass, stone, iron, masonry and concrete to create visual interest while utilizing the latest in green technology.*
6. *Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon.*

The question of an override must be addressed by the Council, because the proposed Specific Plan and all project alternatives adversely affect Air Quality. The Council may also determine that the project objectives – such as a through road from Indian Canyon Drive to the Desert Art Museum – or other factors support an override on Aesthetics (for building height and loss of the Town & Country Center) or Cultural Resources (again, the loss of the Town & Country Center). As previously noted, this is a key question raised by this project.

Staff recommends the Statement of Overriding Considerations for the issue of Air Quality and will prepare a Statement on Aesthetics and Cultural Resources, should that be the direction of the Council.

Craig A. Ewing, AICP,
Director of Planning Services

Thomas J. Wilson,
Assistant City Manager, Dev't Services

David H. Ready, City Manager

Attachments:

1. Staff Report (January 14, 2009)
2. City Council Meeting Minutes (January 14, 2009)
3. Draft Museum Market Plaza Specific Plan (previously distributed)
4. Draft Museum Market Plaza Specific Plan EIR (previously distributed)
5. Comments from January 14, 2009 public hearing (previously distributed)

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES EXCERPTS
WEDNESDAY, APRIL 1, 2009

1. PUBLIC HEARINGS:

1.C. PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 1, 2009.

Councilmember Hutcheson requested staff address the process of future City Councils to amend the Specific Plan.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

EMILY HEMPHILL, Representing Wessman Development, commented on the economic feasibility of developing the specific plan, height restrictions, and the current re-model plan by Wessman Development.

RON MARSHALL, requested the preservation of the Town and Country Center.

PETER MORUZZI, commented on the EIR and the preservation of the Town and Country Center.

CHARLES SACHS, requested the City Council look at alternatives to keep the cost down and keep the views, watch the details.

MICHAEL BRAUN, commented on the Town and Country, and the sufficiency of the EIR.

JOHN TYMON, stated he was for preservation and restoration, commented on the Town and Country Center, and stated he is opposed to angle parking.

No further speakers coming forward the public hearing was closed.

Mayor Pro Tem Mills commented on the current application and process of the current renovation project, and requested the specific plan not inhibit a renovation project.

Councilmember Foat commented on the renovation process and the late submission of testimony.

Councilmember Weigel requested staff address the responsibility of current maintenance and renovations of the building, requested the City Attorney address the disposition of the Town and Country Center, the open space requirement, and the renovation project.

Mayor Pougnet requested staff address the impact to the Town and Country Center and the level of protection of a potential significant site.

Mayor Pro Tem Mills commented on the future of the site with respect to the comments made in reference to economic feasibility, requested staff address the EIR projections, commented on the height limitations, the feasibility of the number of units, and stated the review, study, and effect the project can have on the area to the North is missing from the plan.

Councilmember Hutcheson stated the Specific Plan is one of several paths for the Downtown mall, commented on the renovation plan, stated he would like a path for the near future, a plan to remove the Fashion Plaza blight, protect the historic structures, provide flexibility to provide connectivity for the Museum and the Spa Hotel, stated his opposition to the height averaging, commented on potential uses, economic conditions, and open space.

Councilmember Foat stated she would like the City Council to review further models of the area.

ACTION: 1) Close the public testimony portion of the public hearing and continue to May 13, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

Jay Thompson

RECEIVED
PALM SPRINGS

From: Roxann Ploss [riploss@gmail.com]
Sent: Wednesday, November 11, 2009 1:42 PM
To: undisclosed-recipients@ci.palm-springs.ca.us
Subject: Letter from Michael Braun

2009 NOV 12 AM 8:07

JAYSS THOMPSON
CITY CLERK

Dear Mr. Mayor, Members of Council and City Staff,

I just received a forwarded copy of a letter from Michael Braun again threatening the proposed rehabilitation of downtown if we (i.e., the City Council) does not give him/them their own way.

I do NOT believe the east-west corridor needs to follow the proposed route through an existing property. The museum does not suffer from the lack of it; indeed, the chairman of its Board of Directors when praising the thought of upper story views of the museum, admitted he had never been upstairs at the Spa Hotel.....and therefore, did not know that that view was ALREADY available.

Whether you agree to rehab the Town Center or not does not change what I have said here. My own views on that are known and need no further exposition at this time.

I speak as a citizen who is tired of the less-than-veiled threats which continue to bring any revitalization to a standstill. The Fashion Plaza can proceed NOW. The corridor, which once existed, can be reopened. Straight-arrow access is very New York, Washington, D.C., even Los Vegas. Less grid-like perfection is far more conducive to the pedestrian traffic we SAY we want!

Thank you for your time.

Roxann Ploss

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