



## Planning Commission Staff Report

Date: July 14 2010

Case No.: 5.1162 – PD 342

Application Type: Time Extension Request for Planned Development District 342

Location: 155 South Belardo Road

Applicant: Palm Mountain Resort, L.P.

Zone: PDD 342 / R-3

General Plan: Small Hotel Resort Commercial

APNs: 513-142-001

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

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### PROJECT DESCRIPTION:

The project is a request by Fred Grand of the Pacific Hospitality Group, for a one-year time extension for a previously approved General Plan Amendment and a Planned Development District application to renovate the existing Palm Mountain Resort and Spa located on an approximately 2.77-acre site at the southwest corner of Tahquitz Canyon Way and Belardo Road. The previously entitled project includes the following key components:

- Demolishing the existing public restaurant and nightclub building on the site
- Demolishing the existing two-story guest room building along Cahuilla Road
- Increasing the number of guest rooms on the site from 120 to 193 by constructing two new three-story guest buildings along Belardo Road and Cahuilla Road

- Increasing the amount of open space on the site and providing an additional pool to serve guests
- Constructing replacement restaurant facilities limited to room and pool service
- Increase parking spaces from 82 to 100

**RECOMMENDATION:**

That the Planning Commission approve a one-year time extension for General Plan Amendment Case No. 5.1162-GPA, and Planned Development District 342 (PDD 342) from July 16, 2010 to July 15, 2011, subject to revised engineering conditions.

**PRIOR ACTIONS:**

On July 16, 2008, the City Council reviewed and approved the project with the recommended revisions as directed by the Council at its public hearing meeting of April 2, 2008, and as recommended by the Planning Commission on June 26, 2008.

On June 26, 2008, the project was reviewed by the Planning Commission and with a vote of 6-0-1 (Tracy Conrad abstained) approved the Preliminary Planned Development District application. The Planning Commission then recommended approval of Planned Development District 342 and the General Plan Amendment to the City Council

**ANALYSIS:**

The applicant submitted a letter of time extension request on June 7, 2010, before the expiration date of July 16, 2010 of the General Plan Amendment and Planned Development District Approval. According to the applicant, the extension of time for commencement of the project is necessary *“due to the recession and resulting deterioration of hotel occupancies in the greater Palm Springs area.”* The applicant further stated that a *“12-month extension would allow them the economic viability required and sufficient time to get everything needed in order to commence the redevelopment of the Palm Mountain Resort and Spa.”* Time extensions on final Planned Development Districts and Architectural Approvals are determined by the Planning Commission.

Pursuant to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant a time extension for previously entitled projects. The Municipal Code does limit all time extensions to a maximum of one-year and that requirement is being carried forward in staff's recommendation.

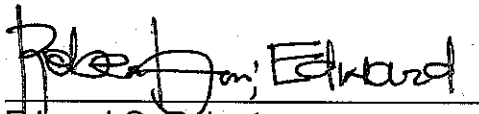
Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City's development policies.

Staff received amended conditions from the Engineering Department in response to changes in applicable engineering standards and regulations. A list of these changes to the Conditions of Approval is as follows: Engineering Conditions – Grading: ENG 61,

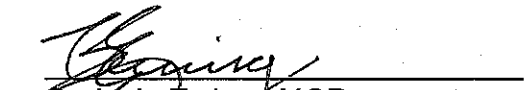
ENG 61A, ENG 61B, ENG 61C, ENG 63, ENG 63A, ENG 65A, ENG 65B, Drainage: ENG 67, Water Quality Management Plan: ENG 68, ENG 68A, ENG 68B, & Traffic: ENG 80.

**ENVIRONMENTAL DETERMINATION:**

A time extension request is considered a "project" pursuant to the guidelines of the California Environmental Quality Act (CEQA). A mitigated negative declaration and mitigation monitoring program was previously adopted by the City Council on July 16, 2008. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension request could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration.



Edward O. Robertson  
Assistant Planner

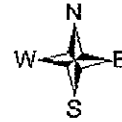
  
Craig A. Ewing, AICP  
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter from the applicant dated June 7, 2010

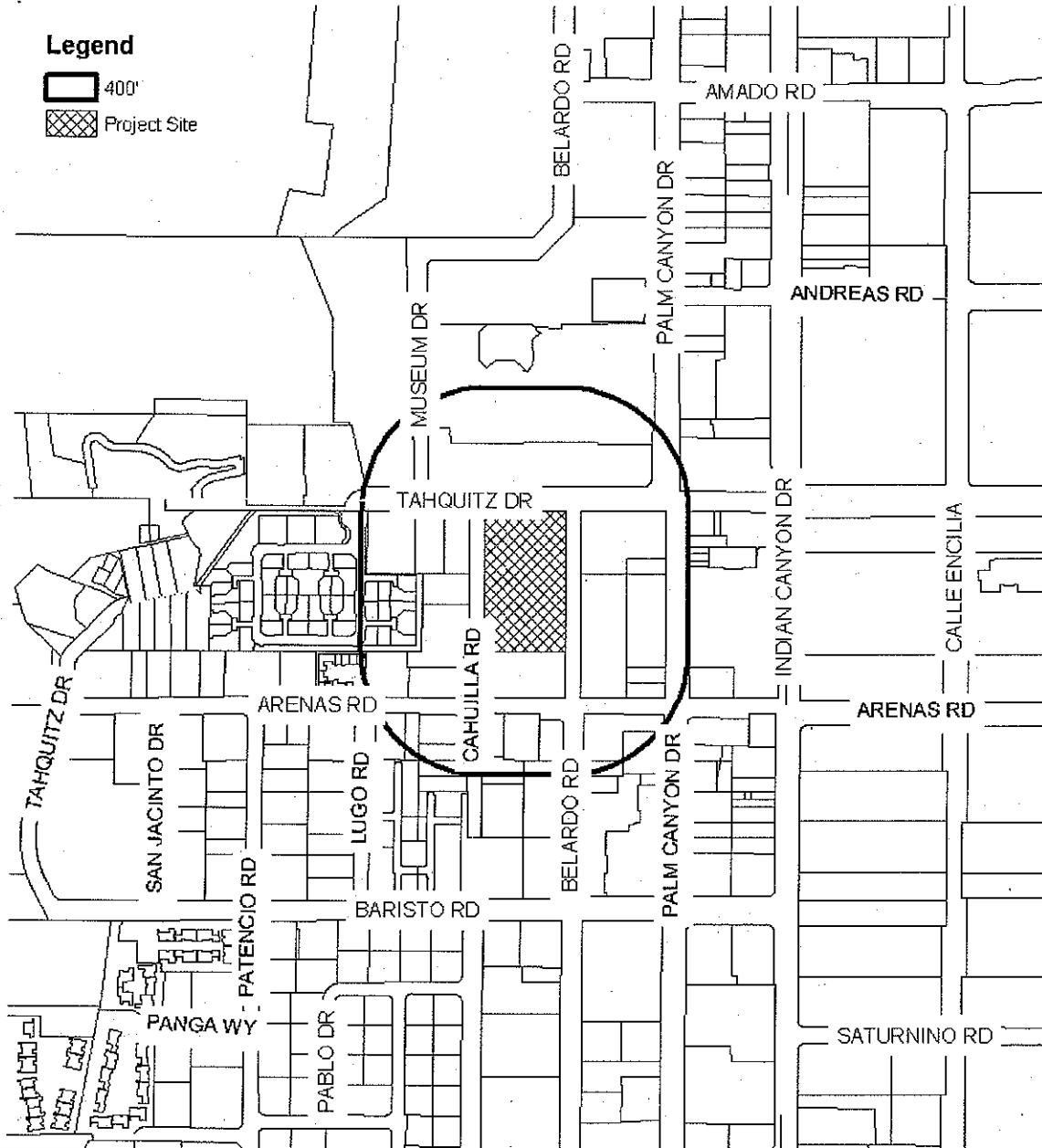


# Department of Planning Services Vicinity Map



### Legend

- 400'
- Project Site



## CITY OF PALM SPRINGS

**CASE NO:** 5.1162 PD342-TE

**APPLICANT:** Pacific Hospitality Group

**DESCRIPTION:** An application for a one-year time extension for the previously approved PDD 342 to renovate the existing Palm Mountain Resort and Spa hotel from a 120 rooms to 193 rooms on 2.80 acres at 155 South Belardo Road, Zone R3, Section 1, APN 513-142-001.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 342) TO RENOVATE THE EXISTING PALM MOUNTAIN RESORT AND SPA LOCATED AT 155 SOUTH BELARDO ROAD, ZONE PDD 342, SECTION 15

WHEREAS, Fred Grand of the Pacific Hospitality Group, ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 342 located at 155 South Belardo; and.

WHEREAS, on July 14, 2010, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS a Mitigated Negative Declaration and Mitigation Monitoring Program was previously adopted by the City Council on July 16, 2008 for this project. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration; and

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for Case 5.1162-PD 342 from July 16, 2010 to July 15, 2011, subject to revised engineering conditions.

ADOPTED this 14th day of July, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

## **EXHIBIT A**

### **Case 5.1162 - PD342 & Case 5.1162 GPA Palm Mountain Resort and Spa**

**155 South Belardo Road  
Palm Springs**

### **REVISED CONDITIONS OF APPROVAL**

July 14, 2010

1. Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Chief of Police, and the Fire Chief, or their respective designee, depending on which department recommended the condition.
2. Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

### **PROJECT SPECIFIC CONDITIONS**

1. The owner shall provide adequate parking management resources to make full and effective use of all vehicle spaces shown on the approved site plan.

### **Administrative**

3. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
4. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1162 PD342 and Case 5.1162 GPA. The City of Palm Springs will promptly notify the applicant of such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the

applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

5. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements, including and without limitation, sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable laws, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
6. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

### **Environmental Assessment**

7. The mitigation measures of the Initial Study and subsequent Mitigated Negative Declaration shall apply to the proposed project. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the Initial Study and the Mitigated Negative Declaration, and hereby incorporated into these conditions by reference.
8. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and



review of developer's operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

### **Final Design**

9. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Service, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right-of-way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
10. The final development plans shall be submitted in accordance with Section 9403.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the City Council approval of the preliminary planned development district.
11. Prior to the issuance of building permits, the applicant shall submit an exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, for review and approval by the Director of Planning Services.
  - a. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit.
  - b. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

### **General Conditions/Code Requirements**

12. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

13. Prior to the issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
14. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
15. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to the issuance of building permits.
16. All materials on the flat portions of the roofs shall be non-reflective material finish. **(Amended by CC on July 16, 2003)**
17. All roof-mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening. **(Amended by CC on July 16, 2003)**
18. No exterior downspouts shall be permitted on any façade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
19. Perimeter walls, if proposed, shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
20. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
21. The street address numbering/lettering shall not exceed eight inches in height.
22. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 24 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
23. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building(s).

24. The architectural and landscape plans for the entire site shall be submitted to the Architectural Advisory Committee (AAC) for review and approval prior to Final Planned Development approval. **(Amended by CC on July 16, 2003)**
25. The final landscaping plan and plant palette shall be submitted to the AAC for review prior to approval of the Final Planned Development permit.

### **Building and Fire Departments**

27. **Permits:** Prior to any construction on-site, all appropriate permits must be secured.
28. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel location, sprinkler riser and fire alarm locations. Large projects may require more than one page.
29. **Radio Communications:** The applicant must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications.
30. **Automatic Fire Sprinklers:** An approved, automatic Fire Sprinkler System is required.
31. **Audible Water Flow Alarms:** An approved audible sprinkler flow alarm shall be provided on the exterior of the building(s) in approved locations. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building(s) in a normally occupied location. (904.3.2.CBC.)
32. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous materials or liquid releases.

33. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760 323-8186 for a KNOX application form.
34. **Residential Smoke Detector Installation with Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX #0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
35. **Access:** Fire department access roads shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. CFC 902.2.1
36. **Mid Rise/High Rise:** High-rise and mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet (3048 mm) or more than 35 feet (10,668 mm) from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for fire fighting and rescue operations.
37. **Fire Extinguisher Requirements:** The applicant/hotel operator shall provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans (1002.1 CFC). Extinguishers shall be mounted in a visible, accessible location no more than 5 feet above floor level. Preferred location is in the path of exit travel near an exit door.
38. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
39. **Water Supply:** The water supply and location/s of fire hydrants must be approved prior to any work being performed on the job site. (903.1 CFC)
40. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site (903 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24, 1995 Edition. Prior to final approval of the installation, the

applicant's contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department, (9-2.1 NFPA 24, 195 Edition).

41. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)
42. **Knox (emergency access) Key Switch:** A Knox key operated switch shall be installed at every automatic gate, if provided. Show any such switch locations on plans. Show requirement in plan notes.
43. **Rapid Entry System Approval:** The Knox Fire/Police/Ambulance Rapid Entry System is the only Key Box, Lock Vault, Key Cabinet, Key Switch, Padlock, FDC Cap, or Decal approved for use by the City of Palm Springs Fire Department.
44. **Building or Complex Gate Locking Devices:** Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form, (902.4 CFC)
45. **Ventilating Hood & Duct System:** A ventilating hood and duct system shall be provided for commercial-type food heat-processing equipment that produces grease-laden vapors. (1005.1 CFC)
46. **Fire Extinguishing System Required:** Approved automatic fire extinguishing systems shall be provided for the protection of commercial type cooking equipment. (1005.2.1 CFC)
47. **Fire Flow:** Recommend that the hydrant system be evaluated by applicant to ensure that required fire flow is met.

#### **Police Department**

48. Developer shall comply with Article II of Chapter 8.04 of the Palm Springs Municipal Code.

**Engineering Department:**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

**STREETS**

49. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

**TAHQUITZ CANYON WAY**

50. All broken or off grade street improvements shall be repaired or replaced.

**BELARDO ROAD**

51. Dedicate an additional right-of-way for a property line - corner cut-back at the southwest corner of the intersection of Belardo Road and Tahquitz Canyon Way, in accordance with the proposed new curb ramp and City of Palm Springs Standard Drawing No. 105.
52. Remove the existing asphalt concrete pavement within the bay parking area as necessary to construct a bay parking driveway approach to accommodate bay parking stalls along the Belardo Road frontage in accordance with City of Palm Springs Standard Drawing No. 201. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
53. Remove the existing asphalt concrete pavement within the bay parking areas and replace with decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.
54. All broken or off grade street improvements shall be repaired or replaced.

**CAHUILLA ROAD**

55. Dedicate an additional right-of-way for a property line - corner cut-back at the southeast corner of the intersection of Cahuilla Road and Tahquitz Canyon Way, in accordance with the proposed new curb ramp and City of Palm Springs Standard Drawing No. 105.

56. Remove the existing street improvements along the proposed bay parking area and south to the south property line, as necessary to construct a wedge or roll curb located 18 feet east of centerline.
- 56a. Construct a 5 feet wide sidewalk behind the proposed bay parking area and replace with decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.
57. Remove the existing asphalt concrete pavement within the proposed bay parking area and replace with decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.
58. All broken or off grade street improvements shall be repaired or replaced.

#### SANITARY SEWER

59. All sanitary facilities shall be connected to the public sewer system.

#### GRADING

60. Submit a Precise Grading Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at [www.AQMD.gov](http://www.AQMD.gov). A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading Plan.

The first submittal of the Precise Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the Water Quality Management Plan.

~~61. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, Richard Begay (760-699-6907), or the Tribal Archaeologist, Patty Tuck (760-699-6907), to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.~~

ENG 61. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, Richard Begay (760-699-6907), or the Tribal Archaeologist, Patty Tuck (760-699-6907) at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 61A. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 61B. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 61C. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in



accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

62. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

~~63. A Notice of Intent to Comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the City Engineer prior to issuance of a grading permit.~~

ENG 63. A Notice of Intent to Comply with Statewide the California General Construction Stormwater Permit (Water Quality Order ~~99-08-DWQ~~ as modified December 2, 2002 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the City Engineer prior to issuance of a grading permit.

ENG 63A. This project shall comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

64. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.

65. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 65A. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

ENG 65B. The applicant shall provide pad (or finish floor) elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.

66. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

- ~~67. This project may be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, may be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. If required, such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer.~~

ENG 67. This project may will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, may will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. ~~If required, such~~ Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

#### WATER QUALITY MANAGEMENT PLAN

ENG 68. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent public streets or property is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.

ENG 68A. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in Home Owners Association or Property Owner Association Conditions, Covenants and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 68B. Prior to issuance of certificate of occupancy, the applicant shall:

- a) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- b) Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved project-specific WQMP, conditions of approval, or grading/building permit conditions: and,
- c) Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/occupants (where applicable).

~~68. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent public streets or property is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.~~

#### GENERAL

69. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
70. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic

Preservation Officer, Richard Begay (760-669-6907), or the Tribal Archaeologist, Patty Tuck (760-669-6907) for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

71. All proposed utility lines shall be installed underground.
72. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
73. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
74. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
75. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
76. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### MAP

77. The property identified by Assessor's Parcel Number 513-142-001, consisting of parcels identified as Lots 1 through 16, 23 through 28, of Block 15; and the easterly 8 feet of Cahuilla Road (vacated) adjacent to

Lots 1, and 23 through 28 of Block 15, of the Map of Palm Springs, Map Book 9, Page 432, (records of San Diego County), shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of a building permit.

#### TRAFFIC

78. The existing on-street parking restriction on the south side of Tahquitz Canyon Way extending 40 feet west of Belardo Road shall remain. On-street parking shall be prohibited on the south side of Tahquitz Canyon Way extending west of Belardo Road, as necessary to provide minimum required sight distance for northbound vehicles approaching the Tahquitz Canyon Way and Belardo Road intersection, as required by the City Engineer.
79. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
80. ~~Construction signing, lighting and barricading shall be provided for on all projects as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 2006, or subsequent additions in force at the time of construction.~~

- ENG 80. Construction signing, lighting and barricading shall be provided for on all projects during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 2006 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent additions editions in force at the time of construction.

**END OF CONDITIONS**

# PALM MOUNTAIN RESORT AND SPA

June 3, 2010

Mayor Pougnet and Council Members  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Re: PLANNED DEVELOPMENT FOR THE REDEVELOPMENT OF THE EXISTING  
PALM MOUNTAIN RESORT AND SPA LOCATED AT 155 SOUTH BELARDO ROAD**

Dear Mayor Pougnet and Council Members:

On July 16, 2008 the Palm Springs City Council voted unanimously to approve Cases 5.1162-GPA and 5.1162-PD342 with the following action as it appears in the minutes of record:

**ACTION; Adopt Resolution No. 22306, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING CASES.1162 GPA, AMENDING THE GENERAL PLAN FROM THE EXISTING DESIGNATION OF SMALL HOTELRESORT COMMERCIAL TO CENTRAL BUSINESS DISTRICT - DOWNTOWN CORE, AND APPROVING PRELIMINARY DEVELOPMENT PLANS FOR CASE 5.1162-PD342, A PLANNED DEVELOPMENT DISTRICT, TO REDEVELOP THE PALM MOUNTAIN RESORT AND SPA ON 2.77 ACRES AT 155 SOUTH BELARDO ROAD;" amending Section 4, paragraph 3 of the Resolution to read the City Council, Condition No. 16 to require non-reflective matte finish, Condition No. 17 to exclude screening from above, Condition No. 19 and Condition No. 75 to include existing or future construction, Condition No. 22 to reflect Title 24, and Condition No. 24 to require architecture and landscaping for the entire site to be reviewed by AAC.**

This approval will be set to expire on July 16, 2010. Due to the recession and resulting deterioration of hotel occupancies in the greater Palm Springs area we have been unable to justify the commencement of the redevelopment of the Palm Mountain Resort and Spa until recently.

We respectfully request an 12 month extension thru July 16, 2011. This should allow us the economic viability required and sufficient time to get everything in order that we will need to commence the redevelopment.

Thank you for your understanding and cooperation.

Sincerely,  
Palm Mountain Resort and Spa



Fred N. Grand, CHA  
President

**RECEIVED**

JUN 07 2010

PLANNING SERVICES  
DEPARTMENT

APN 513-142-001