



CITY COUNCIL STAFF REPORT

DATE: MARCH 6, 2013

NEW BUSINESS

SUBJECT: PROPOSED ACTIONS REGARDING A REFERENDUM PETITION FILED FOR RESOLUTION NO. 23270, RECONSIDERATION OF THE RESOLUTION OR CALLING AN ELECTION AND OTHER MATTERS AS REQUIRED BY LAW REGARDING THE APPROVAL OF A PRELIMINARY PLANNED DEVELOPMENT DISTRICT LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN.

FROM: David H. Ready, City Manager

BY: James Thompson, City Clerk
Douglas Holland, City Attorney

SUMMARY

The City Council will receive and file the Certificate of Sufficiency as prepared by the City Clerk for a Referendum Petition filed for Resolution No. 23270. With the determination that a sufficient number of registered voters have signed the Referendum Petition, the Council is required to take appropriate actions which could include: (1) Repeal Resolution No. 23270, approving a Preliminary Planned Development District within Block C of the Museum Market Plaza Specific Plan; (2) Submit the Resolution to the voters at a special election as early as June 4, 2013 or at the next regular municipal election on November 5, 2013; and/or (3) Determine that Resolution No. 23270 is not a legislative action of the City Council subject to the referendum and either decline to place the matter on the ballot or direct the City Attorney to secure a judicial determination of the validity of the referendum.

RECOMMENDATION:

Receive and File the Certificate of Sufficiency as prepared and executed by the City Clerk.

ALTERNATIVE ACTIONS:

1. Repeal Resolution No. 23270.

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING IN ITS ENTIRETY RESOLUTION NO. 23270 PERTAINING TO A PRELIMINARY PLANNED

ITEM NO. 5A

DEVELOPMENT DISTRICT WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN.”

2. **Submit Resolution No. 23270 to the voters at the Regular Municipal Election on November 5, 2013.**

Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING AND DIRECTING THE CITY CLERK TO PREPARE ALL NECESSARY DOCUMENTS TO SUBMIT TO THE QUALIFIED VOTERS A RESOLUTION APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE REGULAR MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2013.”

3. **Submit Resolution No. 23270 to the voters at a Special Election on June 4, 2013.**

- A. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE PURPOSE OF A SPECIAL ELECTION.”

- B. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 4, 2013, FOR THE SUBMISSION TO THE QUALIFIED VOTERS A RESOLUTION APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN.”

- C. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AT THE TUESDAY, JUNE 4, 2013, SPECIAL MUNICIPAL ELECTION AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.”

- D. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE SUBMITTED AT THE TUESDAY, JUNE 4, 2013, SPECIAL MUNICIPAL ELECTION.”

- E. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO

RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 4, 2013.”

F. Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ORDERING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION TO BE HELD TUESDAY, JUNE 4, 2013, BE MADE BY THE CITY CLERK.”

4. Determine that Resolution No. 23270 is not a legislative action of the City Council subject to the referendum and either:

- A. Decline to place the matter on the ballot, or
- B. Direct the City Attorney to secure a judicial determination of the validity of the referendum.

STAFF ANALYSIS:

Overview

On December 19, 2012, the City Council adopted Resolution No. 23270, approving a Preliminary Planned Development District within Block C of the Museum Market Plaza Specific Plan.

On January 22, 2013, Frank Tysen, a qualified registered voter of the City of Palm Springs, filed a petition for the Referendum of Resolution No. 23270, pursuant to California Elections Code (E.C.) § 9237.¹

The City Clerk issued a Certificate of Sufficiency declaring the petition for the Referendum of Resolution No. 23270 as sufficient.

E.C. § 9241 requires the City Council to take one of three actions.

1. The City Council has the option to repeal the resolution, thereby rescinding the approval of a Preliminary Planned Development District for the hotel within Block C of the Museum Market Plaza Specific Plan. The repeal of the resolution would eliminate the need to call for an election.

2. The City Council’s second option is to submit the resolution to the voters at the next regular municipal election, scheduled for Tuesday November 5, 2013.

¹ It should be noted that on December 19, 2012, the City Council adopted five (5) resolutions pertaining to the approval of Palm Springs Promenade LLC, Downtown Palm Springs Renovation Project. However, only Resolution No. 23270, approving a Preliminary Planned Development District for the within Block C of the Museum Market Plaza Specific Plan, is the subject of the filed referendum petition.

3. The City Council's third option is to submit the resolution to the voters at a special election, which could be as early as Tuesday, June 4, 2013.²

Notwithstanding E.C. § 9241, the Council also has the option of determining that Resolution No. 23270 is not a legislative action of the City Council and an improper subject for the referendum. If the Council makes this determination, the Council could either refuse to place Resolution No. 23270 on the ballot or instruct the City Attorney to initiate appropriate litigation to secure a judicial determination of the validity of the referendum.

In the event the City Council decides to place the matter on the ballot, Resolution No. 23270, and its concomitant approval of a Preliminary Planned Development District for the Kimpton Hotel within Block C of the Museum Market Plaza Specific Plan, will not become effective until a majority of the qualified electors vote in favor of it or a court declares Resolution No. 23270 is not subject to the referendum. Additionally, if the City Council repeals the resolution or the voters do not vote in favor of the resolution, the City Council will be prohibited from adopting the same resolution for a period of one-year after the date the City Council repeals the resolution or the resolution is disapproved by the voters.

Resolution No. 23270 is Not a Proper or Legal Subject for the Referendum

The City Attorney has concluded that Resolution No. 23270 is an administrative, quasi-judicial action and is not a legal subject for the referendum.

The power of the referendum applies only to acts that are legislative in character. Administrative or quasi-judicial acts are not within the scope of the referendum. There is a clearly recognized distinction between the exercise of local legislative power and acts of an administrative nature. The power is legislative in its nature if it prescribes a new policy or plan. The power is administrative in nature if it pursues or implements a plan previously adopted by the City Council. Stated another way, acts constituting a declaration of public purpose, and making provisions for ways and means of its accomplishment, are generally classified as calling for the exercise of legislative power. Such acts would be subject to the referendum. Acts which are deemed as acts of administration, and not subject to the referendum, include quasi-judicial acts necessary to carry out legislative policies and purposes already declared by the City Council. This is true even if it is the City Council that is entity taking the action. Simply stated, not all acts of the City Council are legislative in nature and subject to the referendum.

The Courts have long recognized that a measure may be kept off the ballot if it represents an effort to exercise a power which the electorate does not possess. Once the City Council, as a legislative body, has established a legislative policy, the

² The last day to call a special election for Tuesday, June 4, 2013, and submit the required documents to the Riverside County Registrar of Voters is March 8, 2013. If the City Council is to consider a Tuesday, June 4, 2013, special election, the City Council would be required to call such election at this meeting.

administrative acts of the City Council that follow its own legislative policy are not subject to referendum or initiative.

By way of example, the following acts have been held to be legislative and capable of being approved by way of initiative or subject to referendum:

Adoption and amendment of general and specific plans.

Adoption and amendment of zoning ordinances.

Adoption of city ordinances and amendments to the City's Municipal Code.

On the other hand, the following acts have been held to be administrative and, therefore, not subject to referendum:

Resolution approving a final redevelopment plan.

Resolution approving a precise plan of development made pursuant to an earlier-adopted development plan.

Resolution approving a planned unit development permit.

Approval of a conditional use permit.

All quasi-judicial land use decisions such as conditional use permits, variances, and subdivision maps are considered administrative because they involve the application of general laws to specific factual situations.

The critical question, therefore is whether Resolution No. 23270 prescribes a new policy or plan or whether it is merely necessary to carry out public purposes already adopted by the City Council. Stated another way, the question is whether the Planned Development District ("PDD") for the Kimpton Hotel is a legislative or an administrative, quasi-judicial act.

The PDD provisions of the City's Municipal Code (Section 94.03) are located adjacent to permits that are categorically quasi-judicial in nature: conditional use permits (Section 94.02), land use permits (Section 94.02.01), and architectural review (Section 94.04). The content of the Section 94.03 is further indicia that the PDD is intended to implement, not establish, preexisting policy. The PDD is used as a procedural tool that allows the City to impose specific conditions on a specific project in order to assure compatibility with surrounding uses, similar to a conditional use permit. Also bolstering this interpretation is the fact that PDDs expire after six months or an otherwise set period of time. Quasi-judicial permits approving specific projects typically expire if not used, legislative acts seldom do.

Also critical in this instance is the recognition that the policy determination to allow a hotel within the specific planning area was made with adoption of the Museum Plaza Specific Plan. The Specific Plan expressly contemplates that hotels are a permitted use within the territorial boundaries of the Plan. Under the terms of the Plan, the hotel is

automatically permitted and needs a PDD only in the event that the proposed hotel exceeds sixty feet in height. Thus, the Plan contemplates hotels in excess of sixty feet in height and the role designated for the PDD in the Plan strongly suggests that the PDD is being used as a procedural device to implement the Specific Plan to assure that the height of the hotel is compatible with the remainder of the development of the Specific Plan area. Utilizing the PDD in this manner has all the attributes of a quasi-judicial act — namely, evaluating a specific project to assure that it satisfies previously adopted standards. This conclusion is reinforced by the several references in the Specific Plan to the PDD as an "implementation tool" for the Specific Plan.

The PDD also serves to implement the Project Financing Agreement between the City and Palm Springs Promenade, LLC. The Agreement reiterates that at the time the City Council considered Resolution No. 23270, the Council had already adopted a policy and plan to allow a hotel in the Specific Plan area. The previously established policy was sufficiently specific that the Agreement included a site plan and a project description.

The substance of Resolution No. 23270 approving the PDD reinforces this conclusion. The Resolution finds that the hotel project is consistent with the Specific Plan. As required by the Specific Plan, it was utilized for the sole, narrow purpose of allowing the height of the hotel to exceed sixty feet. The City is addressing the potential impacts of that use on the City. The Resolution, like a CUP, requires the performance of mitigation measures to mitigate the impacts of the hotel, serving as a mechanism by which the City evaluated the potential impacts of the project and imposing conditions of approval. This is a traditional administrative function. The Resolution adopts specific conditions of approval applicable to just this project, assuring compatibility with the Specific Plan and surrounding uses. The PDD in all respects resembles a conditional use permit; indeed, all of the findings made in Section 2 of the Resolution are derived from Section 94.02.00 of the Zoning Code; namely, the findings required for approval of a conditional use permit as set forth in Paragraph B.6 of Section 94.02.00. Further, Paragraph A.4 of Section 64.02.00 states that a PDD may be used as a substitute for a conditional use permit, and that appears to be precisely how it was used in this instance.

The City Attorney has concluded that the Resolution No. 23270 is an administrative, quasi-judicial act and is not a proper or legal subject of the referendum.

The Call for a Special Election

As noted above, the City is a party to the Project Financing Agreement which includes a schedule of performance required for both Palm Springs Promenade LLC and the City of Palm Springs. Due to the required activities as contained in the schedule of performance, staff is recommending that if the City Council desires to place the matter on the ballot, the City Council call a special election to submit the referendum to the qualified electorate in June, 2013, rather than delay the question to the next regular municipal election in November, 2013.

By calling a special election in June, the uncertainty surrounding the project would be minimized for all parties, including the voters and the community who supported the Downtown Palm Springs Revitalization Project at the November, 2011 election with the approval of Measure "J." Additionally, calling a special election will provide more clarity to the schedule of performance as outlined in the Project Financing Agreement.

The certification of the sufficiency of the petition, calling a special election, and placing the referendum question on the ballot will satisfy the ministerial and official duties of the City Council and the City Clerk as specifically required in the E.C. Local government officials are generally required to place a duly certified referendum on the ballot unless the Council finds that Referendum is legally deficient for any reason. In the event the Council concurs with the City Attorney's conclusion that Resolution No. 23270 is not a proper or legal subject of referendum, the City Council may, in addition to submitting the matter to the voters at either a special election or the next municipal election, authorize and direct the City Attorneys Office to commence an action for writ of mandate and declaratory relief, thereby requesting judicial review of the referendum.

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and File the Certificate of Sufficiency as prepared and executed by the City Clerk;
2. Submit Resolution No. 23270 to the voters at a Special Election on June 4, 2013 (and approved the various resolutions provided in Section 3 of the Alternatives above); and
3. Determine that Resolution No. 23270 is not a legislative action of the City Council subject to the referendum and direct the City Attorney to secure a judicial determination of the validity of the referendum.

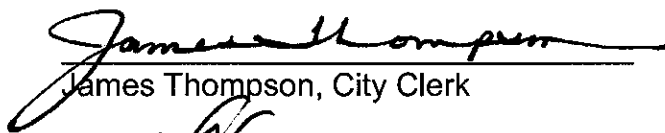
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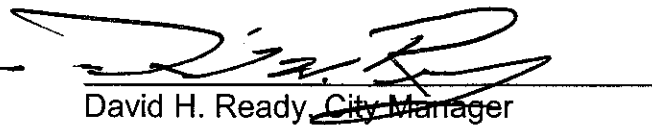
If the City Council calls a special municipal election for Tuesday, June 4, 2013, the City Clerk is requesting a budget transfer from General Fund Balance to City Clerk Elections in the amount of \$80,000, to conduct the special municipal election.

If the City Council directs the City Clerk to prepare documents to add the measure to the Tuesday, November 5, 2013, Regular Municipal Election, the estimated cost of printing and postage to add the measure is approximately \$15,000 to \$20,000. The City Clerk would incorporate this cost when preparing the 2013-14 budget.

Additionally, the above appropriation requests are to fund the estimated costs incurred by the County of Riverside for services, and do not include the cost nor any impact to the City and the City Clerk's Department. If the City Council chooses to conduct a

special election on Tuesday, June 4, 2013, the City Clerk's Department is committed to conduct the election without an additional appropriation for staff overtime or temporary employees.


James Thompson, City Clerk


David H. Ready, City Manager


Douglas C. Holland, City Attorney

Attachments:

- A. Certificate of Sufficiency
- B. Resolution Amending Budget for a Special Election
- C. Resolution Calling a Special Election
- D. Resolution for Arguments
- E. Resolution for Rebuttal Arguments
- F. Resolution for County Services
- G. Resolution for Canvass
- H. Resolution Rescinding Resolution No. 23270
- I. Resolution Ordering the City Clerk to prepare Documents for Election

CERTIFICATE OF SUFFICIENCY

State of California)
County of Riverside) ss.
City of Palm Springs)

WHEREAS, Pursuant to Article 2, of Chapter 3, of Division 9, of the California Elections Code, on January 22, 2013, Frank Tysen, a qualified registered voter of the City of Palm Springs submitted a petition for the Referendum of Resolution No. 23270 entitled:

REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR A HOTEL OF APPROXIMATELY 185 ROOMS, RESTAURANTS, MEETING ROOMS, RETAIL USES AND ANCILLARY USES, LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD (CASE 5.1290 / PDD 361 / BLOCK C-1)

WHEREAS, Election Code § 9240 requires the election official to examine the petition and certify the results.

WHEREAS, the City of Palm Springs Charter § 501(g) designates the City Clerk as the election official for the City of Palm Springs.

WHEREAS, I examined and/or caused the counting and examination by means of a 100% verification process of the signatures on said petition or until the sufficient number of requisite signatures are checked.

WHEREAS, the number of valid signatures required to qualify said petition is 2,427 and the number of valid signatures on said petition was 2,676.

NOW THEREFORE, I James Thompson, City Clerk of the City of Palm Springs, California, do hereby certify the petition for the Referendum of Resolution No. 23270 is declared sufficient.

Dated this 26th day of February, 2013.



James Thompson

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE PURPOSE OF A SPECIAL ELECTION.

WHERE AS, Resolution No. 23146 approving the Budget for the Fiscal Year 2012-2013 was adopted on June 6, 2012; and

WHERE AS, The City Manager has recommended, and the City Council desires to approve, certain amendments to said budget.

NOW, THEREFORE, THE CITY COUNCIL DETERMINE, RESOLVES AND APPROVES AS FOLLOWS:

The Director of Finance is authorized to record inter-fund cash transfers as required in accordance with this Resolution, and Resolution No. 23146, adopting the Budget for Fiscal Year 2012-13 is hereby amended as follows:

SECTION 1. ADDITIONS.

Fund	Activity	Account	Amount
001 General Fund	1150 City Clerk	43860 Elections	\$80,000

Purpose: Conduct a Special Municipal Election on Tuesday, June 4, 2013.

SECTION 2. SOURCE.

Fund	Activity	Account	Amount
General Fund		Fund Balance	\$80,000

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the city of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the city of Palm Springs on 6th day of March, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 4, 2013, FOR THE SUBMISSION TO THE QUALIFIED VOTERS A RESOLUTION APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN.

WHEREAS, the City Council on December 19, 2012, duly adopted Resolution No. 23270, approving a Preliminary Planned Development District within Block C of the Museum Market Plaza Specific Plan; and

WHEREAS, on January 22, 2013, a qualified registered voter of the City of Palm Springs filed a petition for the Referendum of Resolution No. 23270, pursuant to California Elections Code § 9237; and

WHEREAS, the City Clerk examined or caused the examination of registration and declared the filed referendum petition as sufficient and executed a Certificate of Sufficiency; and

WHEREAS, on March 6, 2013, the City Council, pursuant to California Elections Code § 9237 reconsidered Resolution No. 23270; and

WHEREAS, the City Council has not voted in favor of the repeal of the Resolution; and

WHEREAS, the City Council is required by California Elections Code § 9241 to submit the ordinance to the voters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE, DECLARE, DETERMINE AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the Charter of the City of Palm Springs and the laws of the State California pertaining to the conduct of elections, there is called and ordered to be held in the City of Palm Springs, California, on Tuesday, June 4, 2013, a Special Municipal Election for the purpose of submitting the following resolution and question:

Shall Resolution No. 23270, approving a Preliminary Planned Development District for a hotel of approximately 185 rooms, restaurants, meeting rooms, retail uses and ancillary uses, located within Block C of the Museum Market Plaza Specific Plan at the Northeast corner of West Tahquitz Canyon Way and Belardo Road, be approved?	YES
	NO

SECTION 2. The text of the resolution submitted to the voters is attached hereto as Exhibit A.

SECTION 3. The ballots to be used at the election shall be in form and content as required by law.

SECTION 4. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter, supplies, and equipment that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. The Polls for the election shall be open at seven o'clock a.m. (7:00 AM) of the day of the election and shall remain open continuously from that time until eight o'clock p.m. (8:00 PM) of the same day when the polls shall be closed, except as provided in Section 14401 of the California Elections Code.

SECTION 6. In all matters not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

EXHIBIT A

RESOLUTION NO. 23270

A RESOLUTION OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING, A PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR A HOTEL OF APPROXIMATELY 185 ROOMS, RESTAURANTS, MEETING ROOMS, RETAIL USES AND ANCILLARY USES, LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD (CASE 5.1290 / PDD 361 / BLOCK C-1).

WHEREAS, on October 31, 2012, Palm Springs Promenade, LLC, ("applicant"), filed an application with the City pursuant to the Museum Market Specific Plan, and Sections 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Code requesting approval of a Planned Development District (PDD 361 / Block C-1) for a hotel of approximately 185 rooms and various accessory and ancillary uses, and which also seeks adjustments in certain development standards of the Museum Market Plaza Specific Plan, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, APN's 513-560-008 and -009, zone Museum Market Plaza Specific Plan, Section 15/R4/T4; and

WHEREAS, on December 2, 2009, the City Council made findings, adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations, and certified the Museum Market Specific Plan Environmental Impact Report ("Specific Plan EIR") and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan which covers the design guidelines and development standards for the Specific Plan area; and

WHEREAS, on September 29, 2011, the City and Palm Springs Promenade, LLC, entered into a Project Financing Agreement applicable to the financing, development, redevelopment, creation and refurbishment of public and private improvements in downtown Palm Springs within the Specific Plan area (the "Agreement") which included, among other things, a Site Plan and Project Description depicting the proposed improvements; and

WHEREAS, on October 17, 2012, the City Council approved Amendment No. 2 to the Project Financing Agreement between the City and Palm Springs Promenade, LLC (the "Amendment") which included an Updated Site Plan and "Updates to Project Description," reflecting modifications to the proposed improvements originally approved in the Agreement, and that amended and superseded the original Site Plan and Project Description, respectively, in the Agreement; and

WHEREAS, on October 17, 2012, the City Council also conducted a conformity review of the project described in the Amendment, as allowed by the Museum Market

Specific Plan, and concluded that the project described in the Amendment conformed to the policies and objectives of the Specific Plan; and

WHEREAS, in support of its actions on October 17, 2012, the City Council adopted an Addendum to the Specific Plan EIR pursuant to the California Environmental Quality Act ("CEQA"), finding that the proposed project described in the Amendment was within the scope of the Specific Plan EIR, and, based on the Specific Plan EIR and Addendum, that no further environmental review was required. (Public Resources Code § 21166; California Code of Regulations, Title 14, §§ 15162, 15164); and

WHEREAS, the proposed Case No. 5.1290 / PDD 361 / BLOCK "C-1" implements the project approved by the City Council for CEQA purposes on October 17, 2012; and

WHEREAS, on November 13, 19, and 26, 2012, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted 6-0 to recommend denial, as presented, with comments to the Planning Commission; and

WHEREAS, on November 7, 2012, the Planning Commission conducted an orientation session on the proposed project, and on November 14 and 28, 2012, the Commission conducted a public hearing in accordance with applicable law; and

WHEREAS, on December 5, 2012, the Planning Commission by a vote of 7 to 0 adopted Resolution No. 6304 approving Case No. 5.1290 / PDD 361, as presented subject to conditions of approval, and by a separate motion adopted by a vote of 7 to 0 recommended that the applicant undertake additional design work to bring "iconic, significant architecture" to the proposed hotel; and

WHEREAS, on December 6, 2012, Mayor Pro Tem Mills notified the City Clerk that he was calling the Commission's action on Case No. 5.1290 / PDD 361 for review by the City Council, in accordance with Section 94.10.00 ("Review by councilmember") of the Palm Springs Municipal Code; and

WHEREAS, on December 19, 2012, the City Council conducted a public hearing in accordance with applicable law;

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the project description and exhibits, the staff report and memoranda, and written and oral testimony presented at the meetings.

THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY FINDS AS FOLLOWS:

SECTION 1. The City Council's approval of this Planned Development Permit is within the scope of the Addendum adopted on October 17, 2012, and none of the circumstances triggering further environmental review have occurred since the adoption of the Addendum: (i) there are no substantial changes in the project requiring major revisions of the Specific Plan EIR and Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions of the Specific Plan EIR and Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR and Addendum was certified showing that: (a) the project will have one or more significant effects not discussed in the Specific Plan EIR and Addendum; (b) significant effects previously examined will be substantially more severe than shown in the Specific Plan EIR and Addendum; (c) mitigation measures or alternatives previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Specific Plan EIR and Addendum would substantially reduce one or more significant effects on the environment, but the mitigation measures or alternatives have not been adopted. No further environmental review is required (Public Resources Code § 21166; California Code of Regulations § 15162.)

SECTION 2. Pursuant to the Museum Market Plaza Specific Plan and Palm Springs Zoning Code Section 94.02.00 (Conditional Use Permit) and Section 94.03.00 (Planned Development District), the City Council finds as follows:

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to the Museum Market Plaza Section III.C.1, hotels are permitted by right, but under Section III.D, hotels are subject to a Planned Development District permit if they are proposed at more than sixty (60) feet in height. Planned Development District permits are regulated in the Palm Springs Zoning Code under Sections 93.03, including Section 93.03.B, which states, "...the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (conditional use permit)..." Consequently, the proposed hotel, with a building height in excess of sixty

(60) feet is properly one for which a conditional use permit is authorized by the zoning code and the project conforms to this finding.

- 2. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed hotel with ancillary and accessory uses will complement the retail commercial character of the City’s downtown core and have been demonstrated to be necessary and desirable for the successful redevelopment of the site and surrounding area. The proposed development conforms to the land use plan of the Museum Market Plaza Specific Plan, which is the General Plan for the site. The proposed uses are expected to attract additional tourists, shoppers, workers and patrons such that the project will not be detrimental to, but is anticipated to enhance existing and future uses permitted in the Museum Market Plaza Specific Plan and adjacent Central Business District zone.

- 3. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The proposed project is located on the westerly half of Block C of the Museum Market Plaza Specific Plan, which is also proposed under separate permits to be developed with an open courtyard and other retail commercial buildings. The site plan proposed for the hotel provides adequate setbacks and stepbacks in conformance with the development standards of Museum Market Plaza Specific Plan Section III.D. The additional height above sixty (60) feet requested by the applicant is specifically recognized in Specific Plan Section III.D as allowable with approval of a Planned Development District permit, and this finding is met.

- 4. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The hotel development is proposed on a site that is surrounded on four sides by public streets, including two major thoroughfares, N. Palm Canyon Drive and W. Tahquitz Canyon Way. A two-lane, undivided collector (Belardo Road) is proposed along the westerly property line, and a local street (“New Main Street”) will be constructed along the north side of the site. The hotel entry will front on W. Tahquitz Canyon Way and support services will take access from Belardo Road. The traffic analysis

for the project has concluded that the street pattern will be adequate to carry the type and quantity of traffic to be generated by the proposed use and this finding is met.

5. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

Conditions have been developed for the proposed site plan to address all development issues, including public improvements, mitigation measures, building construction, design and esthetics, minor modifications of the development standards of the Museum Market Plaza Specific Plan, an increase in proposed height and all other issues related to the public health, safety and general welfare, and are attached and made a part of this resolution; this finding is met.

SECTION 3. Pursuant to Palm Springs Zoning Code Section 93.04.00 (High-rise buildings), the People of the City of Palm Springs finds as follows:

1. *That the provisions of Section 93.04.00 (High-rise buildings) may be altered by the City Council upon finding that the intent of this section is met.*

Section 93.04.00 (High-rise buildings) establishes provisions in the form of standards for landscape and open space, maximum height, setbacks and stepbacks, and conformity with the resort character of the community and the natural surroundings. No specific intent statement is included in Section 93.04.00; however, the following intent statements for the entire Palm Springs Zoning Code and for Planned Development District permits are considered applicable and appropriate to this section:

- a. The stated purpose of the Palm Springs Zoning Code, as codified in Section 91.01 is "...*promoting and protecting the public health, safety and welfare of the people of the city of Palm Springs and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.*"; and
- b. The intent of the Planned Development District permit as codified in Section 94.03.00 is, "...*to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications.*"

The provisions of Section 93.04.00 are altered for this Planned Development District permits, as allowed by Section 93.04.00.G, because the proposed development is located in the center of the most urbanized and densely developed commercial district of the City and will provide a hotel to anchor the area's retail, commercial, hotel and tourist activity, thereby improving the economic health of the City's central business district. Further, the additional height and building volume of the proposed hotel will establish a visual landmark for the downtown core without adversely affecting background views of the mountains to the west. These outcomes will meet the intent of the zoning code by promoting the rejuvenation of the City's downtown, expanding and improving retail and tourist industries, increasing social activities and encouraging new investment in surrounding properties. The proposal will also insure compliance with the General Plan and good zoning practices because it will implement the Museum Market Plaza Specific Plan, which is the General Plan for the Site, by contributing to the following Specific Plan objectives:

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. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

SECTION 4. Pursuant to the policy on public benefits for Planned Development Districts, the City Council finds that the following public benefits requested by the Planned Development District application, including deviations from the height and other development standards of the Museum Market Plaza Specific Plan, are hereby deemed proportionate to the level of zoning flexibility requested:

1. Fulfillment of the Museum Market Plaza Specific Plan objectives;
2. Redevelopment of the Desert Fashion Plaza site;
3. Revitalization of the downtown core;
4. Construction of a new, high-quality hotel; and
5. Development of public courtyards and other pedestrian-oriented spaces

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the People of the City of Palm Springs hereby approves Case 5.1290 PDD 361 / Block C-1, a preliminary Planned Development District (PDD) within Block C of the Museum Market Plaza Specific Plan area for a hotel of approximately 185 rooms and various accessory and ancillary uses, including adjustments in certain Specific Plan development standards, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, as shown in the attached Exhibit A, subject to the conditions of approval noted in the attached Exhibit B.

EXHIBIT A

RESOLUTION NO. 23270

A RESOLUTION OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING, A PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR A HOTEL OF APPROXIMATELY 185 ROOMS, RESTAURANTS, MEETING ROOMS, RETAIL USES AND ANCILLARY USES, LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD (CASE 5.1290 / PDD 361 / BLOCK C-1).

WHEREAS, on October 31, 2012, Palm Springs Promenade, LLC, ("applicant"), filed an application with the City pursuant to the Museum Market Specific Plan, and Sections 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Code requesting approval of a Planned Development District (PDD 361 / Block C-1) for a hotel of approximately 185 rooms and various accessory and ancillary uses, and which also seeks adjustments in certain development standards of the Museum Market Plaza Specific Plan, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, APN's 513-560-008 and -009, zone Museum Market Plaza Specific Plan, Section 15/R4/T4; and

WHEREAS, on December 2, 2009, the City Council made findings, adopted a Mitigation Monitoring and Reporting Program, adopted a Statement of Overriding Considerations, and certified the Museum Market Specific Plan Environmental Impact Report ("Specific Plan EIR") and adopted Ordinance 1764, thereby approving the Museum Market Plaza Specific Plan which covers the design guidelines and development standards for the Specific Plan area; and

WHEREAS, on September 29, 2011, the City and Palm Springs Promenade, LLC, entered into a Project Financing Agreement applicable to the financing, development, redevelopment, creation and refurbishment of public and private improvements in downtown Palm Springs within the Specific Plan area (the "Agreement") which included, among other things, a Site Plan and Project Description depicting the proposed improvements; and

WHEREAS, on October 17, 2012, the City Council approved Amendment No. 2 to the Project Financing Agreement between the City and Palm Springs Promenade, LLC (the "Amendment") which included an Updated Site Plan and "Updates to Project Description," reflecting modifications to the proposed improvements originally approved in the Agreement, and that amended and superseded the original Site Plan and Project Description, respectively, in the Agreement; and

WHEREAS, on October 17, 2012, the City Council also conducted a conformity review of the project described in the Amendment, as allowed by the Museum Market

Specific Plan, and concluded that the project described in the Amendment conformed to the policies and objectives of the Specific Plan; and

WHEREAS, in support of its actions on October 17, 2012, the City Council adopted an Addendum to the Specific Plan EIR pursuant to the California Environmental Quality Act ("CEQA"), finding that the proposed project described in the Amendment was within the scope of the Specific Plan EIR, and, based on the Specific Plan EIR and Addendum, that no further environmental review was required. (Public Resources Code § 21166; California Code of Regulations, Title 14, §§ 15162, 15164); and

WHEREAS, the proposed Case No. 5.1290 / PDD 361 / BLOCK "C-1" implements the project approved by the City Council for CEQA purposes on October 17, 2012; and

WHEREAS, on November 13, 19, and 26, 2012, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted 6-0 to recommend denial, as presented, with comments to the Planning Commission; and

WHEREAS, on November 7, 2012, the Planning Commission conducted an orientation session on the proposed project, and on November 14 and 28, 2012, the Commission conducted a public hearing in accordance with applicable law; and

WHEREAS, on December 5, 2012, the Planning Commission by a vote of 7 to 0 adopted Resolution No. 6304 approving Case No. 5.1290 / PDD 361, as presented subject to conditions of approval, and by a separate motion adopted by a vote of 7 to 0 recommended that the applicant undertake additional design work to bring "iconic, significant architecture" to the proposed hotel; and

WHEREAS, on December 6, 2012, Mayor Pro Tem Mills notified the City Clerk that he was calling the Commission's action on Case No. 5.1290 / PDD 361 for review by the City Council, in accordance with Section 94.10.00 ("Review by councilmember") of the Palm Springs Municipal Code; and

WHEREAS, on December 19, 2012, the City Council conducted a public hearing in accordance with applicable law;

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the project description and exhibits, the staff report and memoranda, and written and oral testimony presented at the meetings.

THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY FINDS AS FOLLOWS:

SECTION 1. The City Council's approval of this Planned Development Permit is within the scope of the Addendum adopted on October 17, 2012, and none of the circumstances triggering further environmental review have occurred since the adoption of the Addendum: (i) there are no substantial changes in the project requiring major revisions of the Specific Plan EIR and Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions of the Specific Plan EIR and Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR and Addendum was certified showing that: (a) the project will have one or more significant effects not discussed in the Specific Plan EIR and Addendum; (b) significant effects previously examined will be substantially more severe than shown in the Specific Plan EIR and Addendum; (c) mitigation measures or alternatives previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Specific Plan EIR and Addendum would substantially reduce one or more significant effects on the environment, but the mitigation measures or alternatives have not been adopted. No further environmental review is required (Public Resources Code § 21166; California Code of Regulations § 15162.)

SECTION 2. Pursuant to the Museum Market Plaza Specific Plan and Palm Springs Zoning Code Section 94.02.00 (Conditional Use Permit) and Section 94.03.00 (Planned Development District), the City Council finds as follows:

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to the Museum Market Plaza Section III.C.1, hotels are permitted by right, but under Section III.D, hotels are subject to a Planned Development District permit if they are proposed at more than sixty (60) feet in height. Planned Development District permits are regulated in the Palm Springs Zoning Code under Sections 93.03, including Section 93.03.B, which states, "...the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (conditional use permit)..." Consequently, the proposed hotel, with a building height in excess of sixty

(60) feet is properly one for which a conditional use permit is authorized by the zoning code and the project conforms to this finding.

2. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed hotel with ancillary and accessory uses will complement the retail commercial character of the City's downtown core and have been demonstrated to be necessary and desirable for the successful redevelopment of the site and surrounding area. The proposed development conforms to the land use plan of the Museum Market Plaza Specific Plan, which is the General Plan for the site. The proposed uses are expected to attract additional tourists, shoppers, workers and patrons such that the project will not be detrimental to, but is anticipated to enhance existing and future uses permitted in the Museum Market Plaza Specific Plan and adjacent Central Business District zone.

3. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The proposed project is located on the westerly half of Block C of the Museum Market Plaza Specific Plan, which is also proposed under separate permits to be developed with an open courtyard and other retail commercial buildings. The site plan proposed for the hotel provides adequate setbacks and stepbacks in conformance with the development standards of Museum Market Plaza Specific Plan Section III.D. The additional height above sixty (60) feet requested by the applicant is specifically recognized in Specific Plan Section III.D as allowable with approval of a Planned Development District permit, and this finding is met.

4. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The hotel development is proposed on a site that is surrounded on four sides by public streets, including two major thoroughfares, N. Palm Canyon Drive and W. Tahquitz Canyon Way. A two-lane, undivided collector (Belardo Road) is proposed along the westerly property line, and a local street ("New Main Street") will be constructed along the north side of the site. The hotel entry will front on W. Tahquitz Canyon Way and support services will take access from Belardo Road. The traffic analysis

for the project has concluded that the street pattern will be adequate to carry the type and quantity of traffic to be generated by the proposed use and this finding is met.

5. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

Conditions have been developed for the proposed site plan to address all development issues, including public improvements, mitigation measures, building construction, design and esthetics, minor modifications of the development standards of the Museum Market Plaza Specific Plan, an increase in proposed height and all other issues related to the public health, safety and general welfare, and are attached and made a part of this resolution; this finding is met.

SECTION 3. Pursuant to Palm Springs Zoning Code Section 93.04.00 (High-rise buildings), the People of the City of Palm Springs finds as follows:

1. *That the provisions of Section 93.04.00 (High-rise buildings) may be altered by the City Council upon finding that the intent of this section is met.*

Section 93.04.00 (High-rise buildings) establishes provisions in the form of standards for landscape and open space, maximum height, setbacks and stepbacks, and conformity with the resort character of the community and the natural surroundings. No specific intent statement is included in Section 93.04.00; however, the following intent statements for the entire Palm Springs Zoning Code and for Planned Development District permits are considered applicable and appropriate to this section:

- a. The stated purpose of the Palm Springs Zoning Code, as codified in Section 91.01 is "...*promoting and protecting the public health, safety and welfare of the people of the city of Palm Springs and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.*"; and
- b. The intent of the Planned Development District permit as codified in Section 94.03.00 is, "...*to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications.*"

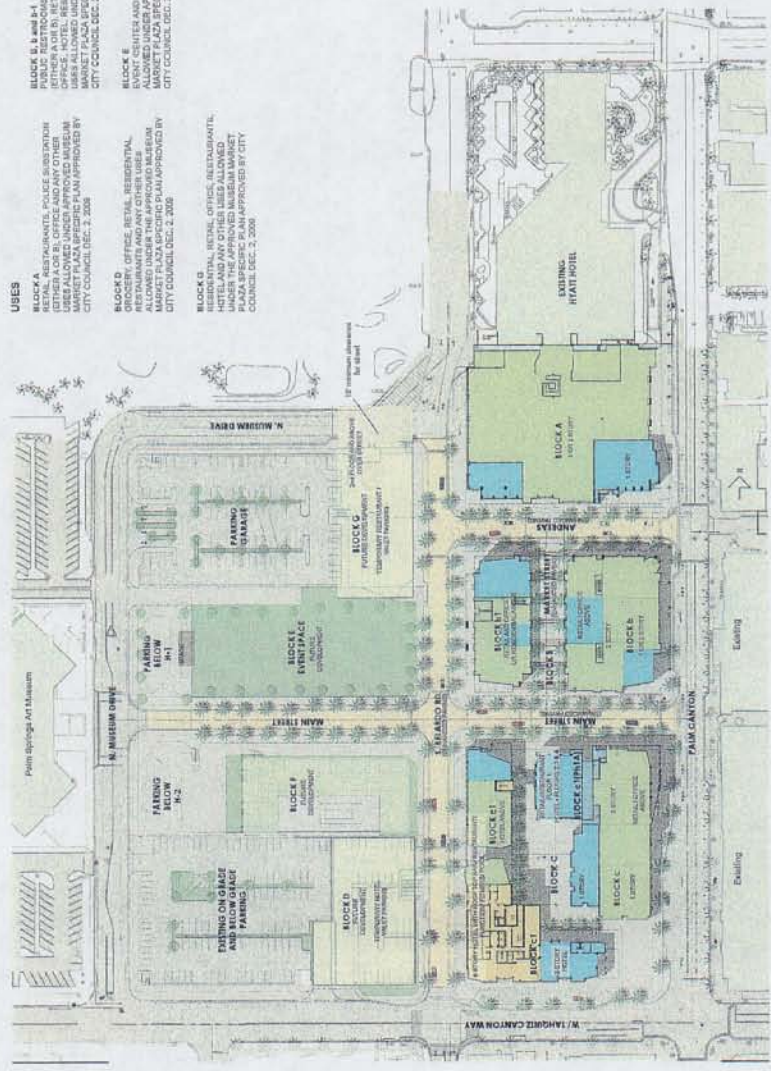
The provisions of Section 93.04.00 are altered for this Planned Development District permits, as allowed by Section 93.04.00.G, because the proposed development is located in the center of the most urbanized and densely developed commercial district of the City and will provide a hotel to anchor the area's retail, commercial, hotel and tourist activity, thereby improving the economic health of the City's central business district. Further, the additional height and building volume of the proposed hotel will establish a visual landmark for the downtown core without adversely affecting background views of the mountains to the west. These outcomes will meet the intent of the zoning code by promoting the rejuvenation of the City's downtown, expanding and improving retail and tourist industries, increasing social activities and encouraging new investment in surrounding properties. The proposal will also insure compliance with the General Plan and good zoning practices because it will implement the Museum Market Plaza Specific Plan, which is the General Plan for the Site, by contributing to the following Specific Plan objectives:

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. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

SECTION 4. Pursuant to the policy on public benefits for Planned Development Districts, the City Council finds that the following public benefits requested by the Planned Development District application, including deviations from the height and other development standards of the Museum Market Plaza Specific Plan, are hereby deemed proportionate to the level of zoning flexibility requested:

1. Fulfillment of the Museum Market Plaza Specific Plan objectives;
2. Redevelopment of the Desert Fashion Plaza site;
3. Revitalization of the downtown core;
4. Construction of a new, high-quality hotel; and
5. Development of public courtyards and other pedestrian-oriented spaces

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the People of the City of Palm Springs hereby approves Case 5.1290 PDD 361 / Block C-1, a preliminary Planned Development District (PDD) within Block C of the Museum Market Plaza Specific Plan area for a hotel of approximately 185 rooms and various accessory and ancillary uses, including adjustments in certain Specific Plan development standards, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, as shown in the attached Exhibit A, subject to the conditions of approval noted in the attached Exhibit B.



USES

- BLOCK A:** RESTAURANTS, POLICE SUBSTATION (OTHER ALLOWED: RETAIL, RESTAURANT, HOTEL, OFFICE AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008)
- BLOCK B:** OFFICE, RETAIL, RESIDENTIAL, RESTAURANTS AND ANY OTHER USES UNDER THE APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008
- BLOCK C:** RETAIL, OFFICE, RESIDENTIAL, RESTAURANTS AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008
- BLOCK D:** RETAIL, OFFICE, RESTAURANT, HOTEL AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008
- BLOCK E:** PUBLIC SUBSTATION, POLICE STATION (OTHER ALLOWED: RETAIL, RESTAURANT, HOTEL, OFFICE AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008)
- BLOCK F:** RETAIL, OFFICE, RESIDENTIAL, RESTAURANTS AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008
- BLOCK G:** HOTEL, RESTAURANT, HOTEL AND ANY OTHER USES ALLOWED UNDER APPROVED MUSEUM MARKET PLAZA SPECIFIC PLAN APPROVED BY CITY COUNCIL DEC. 2, 2008

**SPECIFIC PLAN
MAX LAND USE INTENSITIES**

PLANNING AREA #1 HOTEL / RESTAURANT / OFFICE / RESIDENTIAL	MAX LOTS PER ACRE 100 LOTS
PLANNING AREA #2 HOTEL ROOMS INCLUDED HARVARD ST. / RESIDENTIAL	411,000 SF +/- 185 ROOMS +/- 3 UNITS +/-

**DOWNTOWN PALM SPRINGS
WESSMAN DEVELOPMENT**

**MASTERPLAN / SITE PLAN
EXHIBIT I**

SCALE: 1:60
2012.12.05

RESOLUTION NO. 23270

EXHIBIT B

Case 5.1290 / PDD 360
Downtown Palm Springs / Block c-1

December 19, 2012

CONDITIONS OF APPROVAL

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 Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

PROJECT CONDITIONS (AS ADOPTED BY THE PLANNING COMMISSION)

1. Review and comment by the Planning Commission of the revised elevations and all proposed colors, materials, finishes, and building lighting, to be submitted no later than noon February 13, 2013, and submitted to the Planning Commission by February 23, 2013, prior to City Council review.
2. Review by the AAC and Planning Commission of landscape plan with AAC review of detailed plans to follow.
3. Review by the AAC of exterior elevations for all individual tenancies.
4. Review by the AAC and Planning Commission of landscape, lighting, building lighting and hardscape plans, including all street furniture, subject to the following
 - a. Use a variety of plant materials in landscape palette.
5. Review by the AAC and Planning Commission of street paving plans, and Market Street traffic movement patterns.
6. Submission and review by AAC and Planning Commission of a sign program for PDD 360 / Block c-1.
7. The applicant shall submit for review by the AAC and Planning Commission a unified landscape plan for Blocks A, B, C, and C-1 (hotel) consistent with the Project Financing Agreement, including the following elements:
 - a. Preliminary Landscape Development Plan: The applicant shall indicate, on a separate site plan or incorporated into the colored site plan, the basic

landscape concepts for the project. This should include tree and shrub grouping, groundcover areas, flatwork concepts, significant grading concepts and a written statement of the landscape development concept for the project.

- b. Project Master Streetscape Plan
 - i. Establishment of a basic design theme for street furniture and similar hardscape elements
 - ii. Proposed location of hardscape elements including planters, fountains, retaining walls, others
 - iii. Proposed location of street furniture including benches, trash receptacles, bus stops, bicycle racks
 - iv. Proposed thematic plantings
 - v. Proposed street signage and way finding
 - vi. Transitions to existing improvements
 - vii. Locations for public art
 - viii. Coordinate with the City Manager for the temporary and permanent preservation of the Palm Springs Walk of Fame
 - ix. Plans for temporary pedestrian routes during construction.
 - c. Master Pedestrian Paseo Plan. The project proposes a pedestrian promenade from Andreas Road to the new entry plaza at the corner of Tahquitz and North Palm Canyon. The promenade includes four elements from north to south:
 - i. The potential connection from the Hyatt Hotel through Block "A"
 - ii. Market street between Building "b" and "B-1"
 - iii. Pedestrian Plaza from New Main Street and to the new public square at the corner of Tahquitz and North Palm Canyon.
8. As part of the Landscape Plan, the applicant shall prepare a master plan for this promenade element including the following elements.
- a. Establishing a unified "brand" for the four elements of the Paseo to encourage pedestrians to follow the entire Paseo.
 - b. Proposed location of hardscape elements including planters, fountains, retaining walls
 - c. Proposed location of street furniture including benches, trash receptacles, bus stops, bicycle racks
 - d. Proposed thematic plantings
 - e. Proposed Paseo signage and way finding
 - f. Locations for public art
 - g. Establishing of a minimum clear width for the Paseo between New Main Street and Tahquitz in this segment.
 - h. Considerations for bicycle usage on the Paseo segment between New Main Street and Tahquitz.

- i. Establishing guidelines for business encroachment (i.e., outdoor dining) into Market Street and the pedestrian connection from New Main Street to Tahquitz.
 - j. Master Plan for the Pedestrian Square at Tahquitz and North Palm Canyon.
9. The landscape plans for the building in Block C-1 (hotel) shall be consistent with the approved Master Landscape plan
10. Applicant shall provide shade studies showing potential ways to shade pedestrians on Tahquitz Canyon Way.

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 3.3605 – MAJ, except as modified by the conditions below.

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division, except as modified by the conditions below.

ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.

ADM 5. Indemnification. 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 attack, set aside, void, or annul, and approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1290 / PDD 360. The City will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the owner will undertake the defense of the matter at the owner's sole cost and expense, including without limitation owner's attorney's fees and costs. The foregoing notwithstanding, the City shall be solely responsible for its own attorney's fees and legal costs. The City retains the right to settle or abandon the matter without the owner's consent but should it do so, the City shall completely waive the indemnification obligation of owner herein, except the City's decision to settle or abandon a matter following an adverse final judgment shall not cause a waiver of the indemnification rights herein.

ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, 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 law, 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.

ADM 7. Time Limit on Approval. Approval of the Major Architectural Application (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 9. Public Art Fees. 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 ½% for commercial projects or ¼% for residential projects 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 and Zoning 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.

ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and

approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

PLN 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.

PLN 4. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

PLN 5. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.

PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.
- ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

N. PALM CANYON DRIVE: ALL BLOCKS

- ENG 5. Dedicate public utility easements for utilities located under the existing sidewalk in areas for which public right-of-way has been abandoned by Parcel Map No. 36446 or by separate instrument.
- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match existing sidewalk) for those portions of sidewalk located outside of the public right-of-way after abandonment of right-of-way on N. Palm Canyon Drive. Any existing underground utilities under the existing sidewalk, shall not be relocated in conjunction with this project.
- ENG 7. Remove sidewalk along the entire project frontage on Palm Canyon Drive except for the sidewalk composed of city-owned pavers adjacent to the edge of pavement.
- ENG 8. All broken or off grade street improvements shall be repaired or replaced.

BELARDO ROAD (LOT "B"): BLOCK c-1; CASE NO. 5.1290/PDD-361

- ENG 9. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") and New Main Street (Lot "A"), as required by the City Engineer.
- ENG 10. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") and existing Tahquitz Canyon Way, as required by the City Engineer.

- ENG 11. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 12. Belardo Road (Lot "B") shall have one northbound and one southbound lane, as well as parallel parking on both sides of Belardo Road (except at curb returns) along the frontage of Block c-1.
- ENG 13. Construct a 25 feet radius curb return at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 14. Construct zero curb face curb along the east side of Belardo Road (Lot "B") at the pedestrian entry into Block c-1. Bollards shall be placed along the east side of Belardo Road to protect the public and buildings from accidental vehicular contact. All bollards shall be maintained by the developer. All other curb on Belardo Road (Lot "B" and "C") shall be 6 inch curb.
- ENG 15. Remove existing street improvements on existing Tahquitz Canyon Way as necessary to construct a 25 feet radius curb return at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with existing Tahquitz Canyon Way, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of Belardo Road (Lot "B" in Block c-1) as shown on approved improvement plans, in accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.
- ENG 17. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 18. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with existing Tahquitz Canyon Way, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 19. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the Belardo Road (Lot "B") frontage in Block c-1, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement

section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

- ENG 20. The intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A") and existing Tahquitz Canyon Way, shall be constructed with enhanced or decorative paving.
- ENG 21. Belardo Road (Lot "B") grades shall meet the existing grades at the existing escalator located approximately 130 feet north of the south property line of proposed Parcel 4 (after abandonment of right-of-way), on the west side of the Belardo Road (Lot "B").

NEW MAIN STREET (LOT "A"): BLOCK b/b-1, BLOCK c, AND BLOCK c-1 AND WESTERLY TO EXISTING MUSEUM DRIVE

- ENG 22. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the northwest and southwest corners of the intersection of New Main Street (Lot "A") and existing Palm Canyon Drive, as required by the City Engineer; and with property line - corner cut-backs at the northeast, northwest, southeast, and southwest corners of the intersection of New Main Street (Lot "A") and Belardo Road (Lot "C" and Lot "B", respectively).
- ENG 23. Dedicate full street right-of-way width of 41 feet from Belardo Road (Lots "C" and "B") westerly to the west site property line.
- ENG 24. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 25. New Main Street (Lot "A") shall have one eastbound and one westbound lane, as well as parking on both sides of New Main Street (except at curb returns and curb pop-outs) to the west site property line as shown on approved site plan.
- ENG 26. Remove street improvements as necessary to construct a 25 feet radius curb return at the northwest and southwest corners of the intersection of New Main Street (Lot "A") in Block c, with existing Palm Canyon Drive, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 27. Zero curb face curb shall be constructed on the south side of New Main Street from Palm Canyon Drive to proposed Belardo Road (Lot "B") in conjunction with the Downtown Palm Springs project.
- ENG 28. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of New Main Street (Lot "A") as shown on approved improvement plans, in

accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.

- ENG 29. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of New Main Street (Lot "A") in Block c-1, with existing Palm Canyon Drive, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 30. Construct a curb ramp meeting current California State Accessibility standards at the proposed entry into Block b-1.
- ENG 31. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of proposed gutters on each side of the street along the New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 32. The intersection of New Main Street (Lot "A"), with existing Palm Canyon Drive, Market Street, and Belardo Road (Lots "B" and "C"), shall be constructed with enhanced or decorative paving.
- ENG 33. At the west end of New Main Street (Lot "A"), the deck of the underground parking garage shall be removed and reconstructed in conjunction with the Downtown Palm Springs project.

TAHQUITZ CANYON WAY: BLOCK c-1

- ENG 34. Remove existing street improvements as necessary to construct a valet turn-out lane from a point approximately 70 feet west of the east site property line to a point approximately 265 feet west of the east site property line. A 4 feet wide median approximately 145 feet long shall be constructed between the valet turn-out lane and Tahquitz Canyon Way and shall be centered between the entry and exit of the valet turn-out lane at the east and west ends of the turn-out lane, respectively.
- ENG 35. Zero curb face curb shall be constructed on the north side of the valet turn-out lane in conjunction with the Downtown Palm Springs project. Bollards shall be placed along the north side of the valet turn-out lane to protect the public and buildings from accidental vehicular contact via the hotel entryway in Block c-1. All bollards shall be maintained by the developer.

ENG 36. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from the zero curb face curb at north side of valet lane to clean sawcut edge of pavement, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 36A. Dedicate pedestrian easements as necessary in order to ensure public access for pedestrians between Block c and c-1 along the Paseo southerly to the pedestrian square proposed at the intersection of N. Palm Canyon Drive and Tahquitz Canyon Way, as well as northerly to the existing building in Block A.

ENG 36B. Access from Block c-1 to the existing underground parking structure shall be from an existing escalator on the west side of Belardo Road (Lot "B") adjacent to the northwest corner of the intersection of Belardo Road (Lot "B") and Tahquitz Canyon Way.

ENG 36C. Install signage (with way finding information) along the Paseo between Block c and c-1.

SANITARY SEWER

ENG 37. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

ENG 38. All on-site sewer systems (not located in public streets) shall be privately maintained.

ENG 39. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ENG 40. Construct an 8 inch V.C.P. sewer main across the proposed Belardo Road (Lot "B" and Lot "C") frontage along Blocks b-1 and c-1, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the manhole located in Tahquitz Canyon Way at the intersection of the proposed Belardo Road (Lot "B").

ENG 41. Construct an 8 inch V.C.P. sewer main across the proposed New Main Street (Lot "A") frontage along Blocks b, b-1, c, c-1, and west to Museum Drive, located 5 feet from centerline (or as required by the City Engineer), including a sewer

lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the proposed manhole located at the intersection of Belardo Road and New Main Street (Lot "A").

ENG 42. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

ENG 43. Any sewer connection fees shall be paid at the Building Department counter at time of building permit issuance.

ENG 44. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING: BLOCK b, BLOCK b-1, BLOCK c, and BLOCK c-1

ENG 45. 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. 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 <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 Grading plan.

b. The first submittal of the 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 or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report (one hydrology study for Blocks a, b, b-1, c and c-1); and a copy of the project-specific Final Water Quality Management Plan (one WQMP for Blocks a, b, b-1, c, and c-1).

- ENG 46. Prior to approval of a Grading Plan (or issuance of a Grading Permit), 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 or the Tribal Archaeologist 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 47. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 48. Temporary dust control 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 49. 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.
- ENG 50. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 51. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. As of September 4, 2012, all SWPPPs shall include a post-construction management plan

(including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific Water Quality Management Plan 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.

- ENG 52. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 53. 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 54. 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 55. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 56. 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).

WATER QUALITY MANAGEMENT PLAN: ALL BLOCKS

- ENG 57. This project shall 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 contaminated stormwater and non-stormwater runoff, shall 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 contaminated stormwater and non-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. 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 (if any).
- ENG 58. A Final Project-Specific Water Quality Management Plan (WQMP) for Blocks A, b, b-1, c, and c-1 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 property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading Plan.
- ENG 59. 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 Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final 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 60. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), 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 Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE: ALL BLOCKS

- ENG 61. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study (for Block A, b, b-1, c, and c-1) to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
- ENG 62. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Palm Canyon Drive, Tahquitz Canyon Way, Museum Drive, existing sections of Belardo Road, proposed New Main Street (Lot A), proposed Belardo Road (Lot B and C), Andreas Road (Lot D), and Market Street (private alleyway). Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.
- ENG 63. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.
- ENG 64. All on-site storm drain systems shall be privately maintained.
- ENG 65. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for

percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.

ENG 66. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL: ALL BLOCKS

ENG 67. 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, Mission Springs Water District, 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.

ENG 68. 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 or the Tribal Archaeologist at (760) 699-6800, 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.

ENG 69. All proposed utility lines shall be installed underground.

ENG 70. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. 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.

ENG 71. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) 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.

ENG 72. 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.

ENG 73. 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.

ENG 74. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

ENG 75. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way and Museum Drive along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.

ENG 76. Note that some of the existing street lights shown on the Preliminary Grading and Drainage Plan for TPM36446, do not exist; corrections need to be made to this plan to reflect what actually exists.

MAP: ALL BLOCKS

ENG 77. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by the Project Financing Agreement signed by Palm Springs Promenade, LLC and the City of Palm Springs on September 7, 2011 (in accordance with Government Code Section 66462) as amended.

TRAFFIC: ALL BLOCKS

ENG 78. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 79. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 80. Submit traffic striping and signage plans for New Main Street (Lot "A"), Belardo Road (Lot "B" and "C"), Andreas Road (Lot "D"), existing sections of Belardo Road on the west side of the Hyatt Hotel, and Market Street, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

ENG 81. Relocate the existing traffic signal pole, conduit, pull boxes and all appurtenances located at the existing crosswalk on Palm Canyon Drive north of the intersection of New Main Street (Lot "A") and Palm Canyon Drive, in accordance with the requirements of the City of Palm Springs. The applicant shall submit traffic signal modification plans prepared by a California registered civil engineer or traffic engineer for review and approval by the City Engineer. The traffic signal shall be installed and operational prior to issuance of the Certificate of Occupancy, unless otherwise allowed by the City Engineer. The existing crosswalk shall remain in place.

ENG 82. The applicant shall install a Type R6-1 "One Way" sign at the southwest corner of Andreas Road (Lot "D") and Palm Canyon Drive, facing eastbound traffic on Andreas Road, as required by the City Engineer.

ENG 83. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the following intersections in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform

Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

- Southwest corner of New Main Street (Lot "A") and Tahquitz Canyon Way, facing eastbound traffic on New Main Street
- Northeast corner of New Main Street (Lot "A") and Museum Drive, facing westbound traffic on New Main Street
- Northeast corner of Andreas Road and proposed Belardo Road (Lot "C"), facing westbound traffic on Andreas Road
- Southwest corner of Andreas Road (Lot "D") and Palm Canyon Drive, facing eastbound traffic on Andreas Road
- Southeast corner of Market Street and Andreas Road (Lot "D"), facing northbound traffic on Market Street
- Northwest corner of Market Street and New Main Street (Lot "A"), facing southbound traffic on Market Street
- Southwest corner of existing east/west section of Belardo Road and proposed Belardo Road (Lot "C"), facing eastbound traffic on the existing east/west section of Belardo Road.

ENG 84. Install stop signs, stop bars, and "STOP" legends as necessary to create an "All-Way Stop Controlled" (AWSC) intersection, at the following intersections, in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

- All corners of intersection of New Main Street (Lot "A") and proposed Belardo Road (Lot "B" and "C")
- All corners of intersection of Tahquitz Canyon Way (existing) and proposed Belardo Road (Lot "B")

ENG 85. Install a street name sign at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 86. Construction signing, lighting and barricading shall be provided 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 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and

Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.

- ENG 87. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.
- ENG 88. No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way, without prior coordination with the Engineering Department.
- ENG 89. Parking shall be restricted along both sides of Lot "A", "B", "C", and "D" as necessary to maintain a minimum 24 feet wide clear two-way travel way, except for designated parallel parking spaces. Regulatory Type R26 "No Parking" signs shall be installed along Lot "A", Lot "B", Lot "C", and Lot "D", as necessary to enforce parking restrictions.
- ENG 90. Developer shall cooperate with any City-approved events in which public streets adjacent to the site are temporarily closed by assisting with and not interfering with said closures.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated_____. The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2010 California Fire Code as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 4. **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

- FID 5. **Aerial Fire Access Road Width (CFC Appendix D105.2):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 6. **Aerial Access Proximity to Building (CFC Appendix D105.3):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 7. **Fencing Requirements (8.04.260 PSMC):** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows.
- FID 8. **Access during Construction (CFC 503):** 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.
- FID 9. **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.
- FID 10. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities. Decomposed granite (DG), grass, dirt, sand and other materials that can wash away, develop ruts or be dug up shall not be used. Interlocking pavers, turf block or other similar materials may be allowed, subject to the provision of proper base material and compliance with City Engineering Department compaction requirements. Prior to permit sign-off, compaction test results shall be submitted to the City Engineering Department for approval.

- FID 11. **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 12. **Dead Ends (CFC 503.2.5):** Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
- FID 13. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

- FID 14. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape

file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

- FID 15. **Premises Identification (CFC 505.1):** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
- FID 16. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.
- FID 17. **Key Box Contents (CFC 506.1):** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
- FID 18. **Water Agency Construction Specifications:** All public water mains, fire hydrants and double check detector assemblies must be installed in accordance with DWA specifications and standards. Private fire hydrants shall be painted OSHA safety red. Public fire hydrants shall be painted equipment yellow.
- FID 19. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), public water mains, Double Check Detector Assembly, Fire Department Connection and associated valves.

- FID 20. **Required Water Supply (CFC 507.1):** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
- FID 21. **Fire Hydrant Flow (CFC 507.3):** Fire flow requirements for buildings or portions of buildings and facilities are shall be determined by Appendix B.
- FID 22. **Fire Hydrant Systems (CFC 507.5):** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.
- FID 23. **Operational Fire Hydrant(s) (CFC 507.1, 507.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 24. **Water Systems and Hydrants (CFC 507.1, 507.2, 507.4, 901.5 & 1412.1):** Underground private fire service 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, 2010 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (NFPA 24: 10.10, 2010 Edition).
- FID 25. **Fire Command Center (CFC 508.1):** Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code and as amended by the Palm Springs Municipal Code for buildings between 60 to 75 feet in height to the top of the structure, a fire command center for fire department operations shall be provided. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the Fire Chief.

The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed and in accordance with section 706 of the California Building Code or horizontal assembly constructed in accordance with section 711 of the California Building Code, or both.

The room shall provide direct access from the building exterior at the lowest level of fire department access and be a minimum of 96 square feet with a minimum dimension of eight feet. A layout of the fire command center and all features required by this section to be contained therein shall be submitted for approval prior to installation. The fire command center shall comply with

NFPA 72 and the applicable provisions of the Electrical Code, and shall contain the following features:

1. The emergency voice/alarm communication units shall comply with section 907.2.12.2 of the California Fire Code.
2. The fire department communication system.
3. Fire-detection and alarm system annunciator system.
4. Annunciator visually indicating the location of the elevators and whether they are operational.
5. Survivability. Interconnecting cables between the Fire Command Center and the remote control equipment within evacuation signaling zones, and notification appliance control equipment within notification zones shall be protected from attack by fire.
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking stairway doors simultaneously.
8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.
13. Work table.
14. Generator supervision devices, manual start and transfer features.
15. Public address system, where specifically required by other sections of this code.
16. Fire command centers shall not be used for the housing of any boiler, heating unit, generator, combustible storage, or similar hazardous equipment or storage.

FID 26. **Fire Command Center Identification (CFC 508.2):** The fire command center shall be identified by a permanent, easily visible sign stating "Fire Department Command Center", located on the door to the fire command center.

FID 27. **Identification (CFC 509.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

FID 28. **Radio Communications:** 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.

- FID 29. **Emergency Responder Radio Coverage in Buildings (CFC 510.1):** All buildings shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- FID 30. **Radio Signal Strength (CFC 510.2):** The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements of Sections 510.2.1 and 510.2.2.
- FID 31. **Minimum Signal Strength into the Building (CFC 510.2.1):** minimum signal strength of -95 dBm shall be receivable within the building.
- FID 32. **Minimum Signal Strength Out of the Building (CFC 510.2.2):** minimum signal strength of -100 dBm shall be received by the agency's radio system when transmitted from within the building.
- FID 33. **Elevator Recall Required (CFC 607.1):** Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. **New elevators** shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1 (*California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders*).
- FID 34. **Elevator Stretcher Requirement (CBC 3002.4):** Elevators shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position. The elevator entrance shall have a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door.

- FID 35. **Fire Dampers (CMC 606.2):** They shall be provided where air ducts penetrate fire-rated walls or ceilings.
- FID 36. **Maintenance of Fire-Resistance-Rated Construction (CFC 703.1):** The required fire-resistance rating of fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be properly repaired, restored or replaced when damaged, altered, breached or penetrated. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.
- FID 37. **Interior Finish, Decorative Materials and Furnishings (CFC 801.1):** The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Section 803 shall be applicable to existing buildings. Sections 804 through 808 shall be applicable to new and existing buildings.
- FID 38. **Decorative Materials Other Than Decorative Vegetation In New and Existing Buildings (CFC 807.1):** In occupancies in Groups A, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807.2 or be noncombustible. Provide samples and documentation to submit to the Palm Springs Fire Department to prove conformance with the above criteria above.
- FID 39. **Acceptance Criteria and Reports (CFC 807.2):** Where required to be flame resistant, decorative materials shall be tested by an approved agency and meet the flame propagation performance criteria of NFPA 701, or such materials shall be noncombustible. Reports of test results shall be prepared in accordance with NFPA 701 and furnished to the fire code official.
- FID 40. **NFPA 13 Fire Sprinkler System is Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2010 Edition and using Cp of 0.74 and I/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (NFPA 13: Figure 24.1)

- FID 41. **Floor Control Valves (CFC903.3.8 & Ordinance 1781: Item 42):** Floor control valves and waterflow detection assemblies shall be installed at each floor in buildings three or more stories in height. Valve locations will be determined and approved by the fire code official.
- FID 42. **Fire Alarm System:** Fire alarm system shall comply with the requirements of NFPA 72, 2010 Edition.
- FID 43. **Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1):** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals shall be distinctly different and shall be monitored at a UL listed central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2010 Edition. All control valves shall be locked in the open position.
- FID 44. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 45. **Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire alarm control unit. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- FID 46. **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 material or liquid releases. A field analysis of existing hydrants has not been conducted to verify hydrant location or availability. This comment is included to make you aware that additional fire hydrants may be required.
- FID 47. **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.

- FID 48. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

The address of the building served shall be clearly indicated on the Fire Department Connection (FDC). A sign with this information shall be placed on or near the FDC. The sign shall be constructed of metal. The sign face, lettering, and attachment shall be made of weather and vandal resistant materials. Sign background will be bright red. Letters will be bright white. Sign format will be substantially as follows:

F. D. C. SERVES
123 N. P. C.
ALL BLDGS. IN COMPLEX.

- FID 49. **Standpipe Systems Required (CFC 905.3):** Class I Standpipe system is required in addition to the automatic sprinkler system. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10.1 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are allowed to be combined with *automatic sprinkler systems*.
- FID 50. **Fire Extinguisher Requirements (CFC 906):** 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. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 51. **HVAC Duct Smoke Detection/Shut Down with a Fire Sprinkler Supervision & Alarm System or Fire Alarm System (CFC 907.4.1, CMC 609.0 & NFPA 72):** All HVAC systems supplying greater than 2,000 CFM shall require a duct detector and HVAC shut down when smoke is detected. HVAC shut down shall be on an individual basis, not global. These systems shall supervise the Duct Detectors and activate the notification appliances. An accessory module shall be installed for each unit, including alarm LED, pilot LED and key-operated test/reset switch.
- FID 52. **Posting of Occupant Load (CFC 1004.3):** Every room or space that is assembly occupancy shall have the occupant load of the room or space

posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

- FID 53. **Means of Egress Illumination (CFC 1006.1 & 2):** Any time a building is occupied, the means of egress shall be illuminated at an intensity of not less than 1 foot-candle at the floor level.
- FID 54. **Means of Egress Illumination Power Supply (CFC 1006.3):** The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate in defined areas listed in the CFC.
- FID 55. **Required Exit Signs (CFC 1011.1):** Exits & exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or path is not immediately visible to occupants. No point in the corridor shall be more than 100 feet or the listed viewing distance for the sign, whichever is less, from the nearest visible sign.
- FID 56. **Exit Sign Illumination (CFC 1011.2, 4 & 5):** Exit signs shall be internally or externally illuminated. When the face of an exit sign is illuminated from an external source, it shall have an intensity of not less than 5 foot-candles from either of two electric lamps. Internally illuminated signs shall provide equivalent luminance and be listed for the purpose

END OF CONDITIONS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AT THE JUNE 4, 2013 SPECIAL MUNICIPAL ELECTION AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, the City Council of the City of Palm Springs, California, called a Special Municipal Election to be held on Tuesday, June 4, 2013, at which there will be submitted to the voters the following measure:

Shall Resolution No. 23270, approving a Preliminary Planned Development District for a hotel of approximately 185 rooms, restaurants, meeting rooms, retail uses and ancillary uses, located within Block C of the Museum Market Plaza Specific Plan at the Northeast corner of West Tahquitz Canyon Way and Belardo Road, be approved?

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council authorizes any and all members of the City Council to file a written argument in Favor OR Against the City Measure, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 2. Any written argument filed with the City Clerk shall be accompanied by the Statement of the Author Form required by § 9600 of the California Elections Code. The City Clerk shall provide such form upon request.

SECTION 3. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE SUBMITTED AT THE JUNE 4, 2013 SPECIAL MUNICIPAL ELECTION.

WHEREAS, the City Council of the City of Palm Springs, California called a Special Municipal Election to be held on Tuesday, June 4, 2013; and

WHEREAS, §§ 9220 and 9285 of the Elections Code of the State of California, authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to §§ 9220 and 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10-days after the final date for filing direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. Any written rebuttal argument filed with the City Clerk shall be accompanied by the *Statement of the Author Form* required by § 9600 of the California Election Code. The City Clerk shall provide such form upon request.

SECTION 3. All previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 4. The provisions of Section 1 of this Resolution apply only to the Special Municipal Election to be held on June 4, 2013, and shall then be repealed.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 4, 2013.

WHEREAS, the City Council of the City of Palm Springs, California called a Special Municipal Election to be held on Tuesday, June 4, 2013; and

WHEREAS, in the course of conducting the election it is necessary for the City to request services of the County of Riverside; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Palm Springs.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the provisions of § 10002 of the California Elections Code, the Palm Springs City Council requests that the Riverside County Board of Supervisors permit the County Registrar of Voters to prepare and furnish any and all supplies and services in order to properly and lawfully conduct the election.

SECTION 2. The City of Palm Springs shall reimburse the County of Riverside for all services performed when the work is completed and upon presentation to the City a properly approved bill.

SECTION 3. The City Clerk is directed to forward a certified copy of this resolution to the Registrar of Voters for the County of Riverside.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION TO BE HELD TUESDAY, JUNE 4, 2013 BE MADE BY THE CITY CLERK.

WHEREAS, the City Council of the City of Palm Springs, California called a Special Municipal Election to be held on June 4, 2013; and

WHEREAS, in the course of conducting the election it is the desire of the City Council that the canvass of the election be made by the City Clerk.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to § 10263 of the California Elections Code, the canvass of the Special Municipal Election is ordered to be made by the City Clerk. The City Clerk may designate that the Registrar of Voters of the County of Riverside conduct and complete the canvass.

SECTION 2. The City Clerk or designee shall cause the canvass to be completed for the Special Municipal Election and shall certify the results to the City Council by July 3, 2013.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING IN ITS ENTIRETY ORDINANCE NO. 1689 PERTAINING TO AN EXTENSION OF THE TERM OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHADOWROCK REAL ESTATE DEVELOPMENT, LLC.

WHEREAS, the City Council on December 19, 2012, duly adopted Resolution No. 23270 duly adopted Resolution No. 23270, approving a Preliminary Planned Development District within Block C of the Museum Market Plaza Specific Plan; and

WHEREAS, on January 22, 2013, a qualified registered voter of the City of Palm Springs filed a petition for the Referendum of Resolution No. 23270, pursuant to California Elections Code Section 9237; and

WHEREAS, the City Clerk examined or caused the examination of registration and declared the filed referendum petition as sufficient and executed a Certificate of Sufficiency; and

WHEREAS, on March 6, 2013, the City Council, pursuant to California Elections Code Section 9237 reconsidered Resolution No. 23270; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE, DECLARE, DETERMINE AS FOLLOWS:

SECTION 1. Resolution No. 23270 is hereby repealed in its entirety.

SECTION 2. Pursuant to California Elections Code § 9421 the resolution shall not again be enacted by the City Council for a period of one year.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ORDERING AND DIRECTING THE CITY CLERK TO PREPARE ALL NECESSARY DOCUMENTS TO SUBMIT TO THE QUALIFIED VOTERS A RESOLUTION APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE REGULAR MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2013.

WHEREAS, the City Council on December 19, 2012, duly adopted Resolution No. 23270, approving a Preliminary Planned Development District within Block C of the Museum Market Plaza Specific Plan; and

WHEREAS, on January 22, 2013, a qualified registered voter of the City of Palm Springs filed a petition for the Referendum of Resolution No. 23270, pursuant to California Elections Code § 9237; and

WHEREAS, the City Clerk examined or caused the examination of registration and declared the filed referendum petition as sufficient and executed a Certificate of Sufficiency; and

WHEREAS, on March 6, 2013, the City Council, pursuant to California Elections Code § 9237 reconsidered Resolution No. 23270; and

WHEREAS, the City Council has not voted in favor of the repeal of the Resolution.

WHEREAS, the City Council is required by California Elections Code Section § 9241 to submit the resolution to the voters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Clerk is authorized, instructed and directed to prepare all necessary documents to submit to the qualified voters, Resolution No. 23270, approving a Preliminary Planned Development District for a hotel of approximately 185 rooms, restaurants, meeting rooms, retail uses and ancillary uses, located within Block C of the Museum Market Plaza Specific Plan at the Northeast corner of West Tahquitz Canyon

Way and Belardo Road, at the Regular Municipal election to be held Tuesday, November 5, 2013.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on March 6, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California