



## Planning Commission Staff Report

DATE: OCTOBER 23, 2013

SUBJECT: PRAETOR INVESTMENT, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE PARCEL MAP (TPM 35236) FOR THE DEVELOPMENT OF A 200-ROOM HOTEL, 50 RESIDENTIAL UNITS AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD.

FROM: DEPARTMENT OF PLANNING SERVICES

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### SUMMARY

On June 12, 2013, the Planning Commission considered and approved the proposed amendment to the project and directed that the applicant consider incorporating the AAC's recommendations into the project design. On October 2, 2013, the proposal was on the City Council's agenda but was continued with the direction to take it back to the Planning Commission and re-noticed for public hearing. The previously approved Planned Development District (PD 333) and Tentative Parcel Map 35236, are for the construction of a 200-room hotel, 50 residential units and a parking structure on approximately 10.47 acres located at the northwest corner of Avenida Caballeros and Amado Road. As previously determined, the amendment will not affect the intent of the previously established Planned Development District design standards but will modify the configuration of Tentative Tract Map 35236. The project site is within the boundaries of the Section 14 Master Plan Area.

### RECOMMENDATION:

Find the previously adopted Mitigated Negative Declaration (MND No. 200700845) sufficient; approve the proposed amendment and recommend approval of the amended Tentative Parcel Map to the City Council.

### ISSUES:

The City Council directed staff to bring the project back to the Planning Commission for a public hearing consistent with the Code.

## **BACKGROUND:**

Since the last time the Commission considered the proposed amendment, the applicant has made some changes to the project. Some of the changes include recommendations from the AAC to the Planning Commission. Other changes were made at the initiation of the applicant after meeting with surrounding property owners. Below are some of the actions that have taken place since the Commission last saw this project.

### Meetings:

On September 30, 2013, the applicant held a neighborhood meeting and made a presentation on the project and discussed their concerns and issues.


The applicant is also meeting with the residents of Alejo Vista and Deauville Communities on October 16, 2013, to present the project for input.

### Changes Made to the Project:

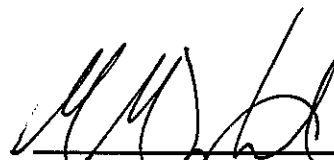
- Residential component has been fully developed.
- Service areas have now been moved into the main building.
- Hotel structure is now more compact by decreasing the length of the curvature.
- Photo simulations prepared to properly analyze concerns of the neighborhood.
- Additional walkways have been provided to the project site.
- New circulation diagrams have also been added for clarity.
- A new restaurant pad has been added to the front of the project.
- A small retail space has been created on the interior of hotel area.
- The annex building at the front has been reduced from 4 to one story.
- A stacking lane for limousines has been created along Amado Road to prevent backup on the street.
- The underground driveway has been increased from two to three lanes to allow additional traffic flow in and out at peak hours.

## **NOTIFICATION:**

A public hearing notice was advertised and was mailed to all property owners within 400 feet radius of the subject property. As of the writing of this report, staff has received phone calls and visits from property owners to express concerns and thoughts regarding the project (attached).



Edward Robertson  
Principal Planner



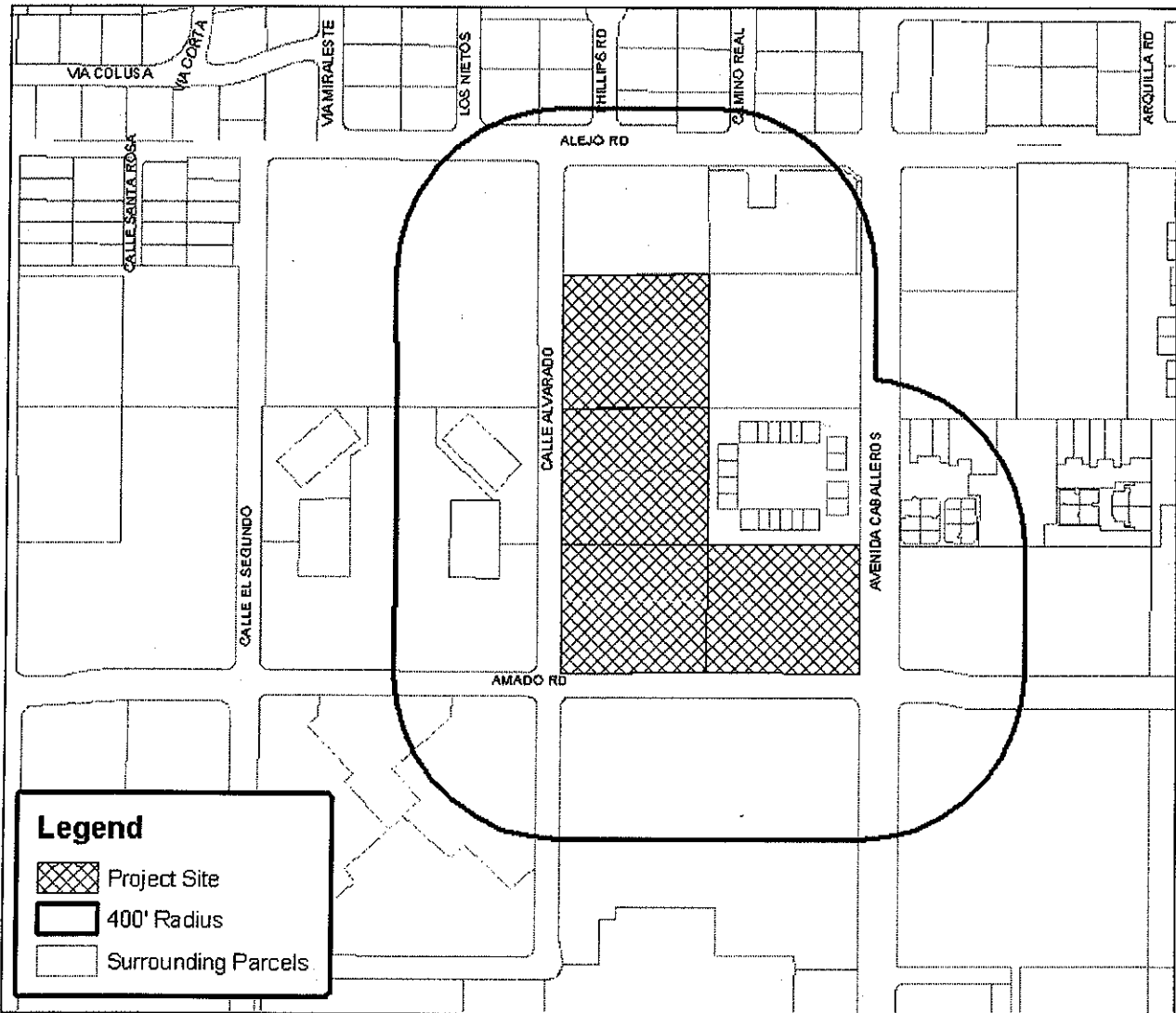
M. Margo Wheeler, AICP  
Director of Planning Services

### Attachments:




1. Vicinity Map
2. Draft Resolutions and Conditions of Approval
3. Planning Commission Staff Report & Minutes from the meeting of 6.12.13
4. Letters and correspondence from neighbors.
5. New 11"X17" Booklet containing reduced site plans and elevations



# Department of Planning Services Vicinity Map



**Legend**

-  Project Site
-  400' Radius
-  Surrounding Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1132 PD-333 AMND /  
TTM 35236

**APPLICANT:** Praetor Investment, LLC

**DESCRIPTION:** Amendment to an approved Planned Development for hotel and condominiums by Praetor Investment, LLC, located at the northeast corner of Amado Road and Calle Alvarado, Zone PD 333, Section 14, (IL).

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION NO. 200700845 AS SUFFICIENT ENVIRONMENTAL DOCUMENT, AND HEREBY APPROVES A PROPOSAL TO AMEND PLANNED DEVELOPMENT DISTRICT 333, AND TENTATIVE PARCEL MAP 35236, BY PRAETOR INVESTMENT, LLC, TO DEVELOP A PROPOSED 200-ROOM HOTEL, 50 HIGH-END RESIDENTIAL UNITS AND A PARKING STRUCTURE ON APPROXIMATELY 10.7 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD

WHEREAS, the Praetor Investments, LLC, (the "Applicant") has filed an application with the City to amend the previously approved Planned Development District 333 and Tentative Parcel Map 35236 pursuant to the provisions of Section 94.02.00 (B) of the Palm Springs Zoning Code; and

WHEREAS, the City Council of the City of Palm Springs originally approved Planned Development District 333 (PDD 333), on July 18, 2007, for a 200-room hotel and 143-unit condominium units; and

WHEREAS, on April 22, 2013, the proposed amendment to PDD 333, was reviewed by the Architectural Advisory Committee (AAC), and recommended approval to the Planning Commission with a unanimous vote; and

WHEREAS, on June 12, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on October 2, 2013, the City Council directed staff to re-notice the proposal for a public hearing by the Planning Commission, and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and a Mitigated Negative Declaration has been previously prepared for this project and was distributed for public review and comment in accordance with CEQA; and

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

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a proposed amendment of Planned Development District 333 and Tentative Parcel Map 35236, was given in accordance with applicable law; and

WHEREAS, on October 23, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to Section 66412.3 of the Subdivision Map Act, the Planning Commission has considered the effect of the proposed project on the housing needs of the region, and has balanced these needs against the public service needs of residents and available fiscal and environmental resources; and

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

THE PLANNING COMMISSION FINDS AS FOLLOWS:

Section 1:

A Mitigated Negative Declaration (MND) has been previously completed for this proposed project under the provisions of the California Environmental Quality Act (CEQA). A determination was made that the overall project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications and mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. Pursuant to Section 15162 of the California Environmental Act (CEQA), the preparation of further environmental assessment for the proposed amendment is not necessary since the circumstances of the project have not changed or intensified. The present amendment could not therefore, result in any new environmental impacts beyond those already assessed in the adopted Mitigated Negative Declaration (MND No. 200700845).

Section 2:

Pursuant to Section 94.03.00 of the Palm Springs Zoning Code, the City Council makes the following findings:

- a. *The proposed planned development amendment is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed amendment to Planned Development District 333 is consistent with the General Plan, which includes policies specifically relating to the expansion of the City's tourism base. The project is also consistent with the Section 14 Master Plan, as amended, which represents the General Plan and Zoning for the property on which the project is located.

- b. *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The project, as planned, designed and conditioned, is consistent with the Section 14 Master Plan and the City of Palm Springs vision of the area for the future. The site is physically suitable and appropriate for the proposed project given its close proximity to the Convention Center and the downtown area. The location provides sufficient access points for all uses proposed.

- c. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Amended Planned Development District modifies development of the project while maintaining the original development envisioned for the site; upon completion of the project, the development will still reflect a manner that is conducive with the urban development sought for in the area. The project adds to the Section 14 Master Plan facilities which are complementary to the Convention Center and the nearby downtown area.

Section 3:

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing, the Planning Commission approves the proposed amendment to Planned Development District 333 and recommends approval of modified Tentative Parcel Map 35236 to the City Council, for the development of a 200-room hotel, 50 high-end residential units and a parking structure on an approximately 10.47 acres of vacant lands located at the northwest corner of Avenida Caballeros and Amado Road subject to the Conditions of Approval attached hereto as Exhibit A.

ADOPTED THIS 23<sup>rd</sup> day of October 2013.

CITY OF PALM SPRINGS, CALIFORNIA

ATTEST:

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M. Margo Wheeler, AICP  
Director of Planning Services

## EXHIBIT A

Case No. 5.1132 – PD 333 AMND & Tentative Parcel Map 35236  
Praetor Investments, LLC

Northwest corner of Avenida Caballeros and Amado Road  
(Dolce Palm Springs Hotel)

### CONDITIONS OF APPROVAL

October 23, 2013

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Chief of Police, 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 SPECIFIC CONDITIONS

##### **Administrative**

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1132-PD-333 AMND and Tentative Tract Map 35236. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable 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.
4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.

### **Environmental Assessment**

6. The mitigation measures of the Initial Study shall apply to the proposed project. Mitigation measures are included in the Initial Study, and hereby incorporated into these conditions by reference.
7. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is



supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

### **CC&R's**

9. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.
10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

### **Final Design**

11. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
12. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

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

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

14. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
15. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
16. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
17. All materials on the flat portions of the roofs shall be earth tone in color, **unless landscaped.**
18. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
19. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
20. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
21. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
22. The street address numbering/lettering shall not exceed eight inches in height.
23. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
24. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened or located in the interior of the building.

25. Parking for the hotel shall be valet-only. Such a requirement shall be recorded concurrent with the recordation of the Final Map on lots 1 and 2 as depicted on Tentative Tract Map 35236.
26. Parking for condominium guests shall meet Zoning Ordinance requirements. The parking, if gated, shall include an intercom system to the units, and adequate turn-around area for guests unable to contact the resident they are seeking.
27. Avenida Caballeros shall have minimum 8' sidewalks with shade trees on private property pursuant to Fig. 5-7 in Section 14 Specific Plan. (Added by PC on 6.12.13)
28. Amado Road shall have a minimum 5' sidewalk, 4' parkway and shade trees spacing out 30' or less per Section Specific Plan. (Added by PC on 6.12.13)
29. On Amado Road and Avenida Caballeros, the planting materials along the street frontages shall be pursuant to Tables 5-5 and 5-6 of Section 14 Specific Plan. (Added by PC on 6.12.13)
30. Streetscape furniture shall be provided along Avenida Caballeros subject to the approval of Director of Public Works pursuant to Section 14 Specific Plan. (Added by PC on 6.12.13)
31. Crosswalks at Avenida Caballeros and Calle Alvarado shall meet paving requirements of Section 14 Specific Plan. (Added by PC on 6.12.13)

## Engineering Department

### 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 plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. Master planned roadways (Avenida Caballeros, Amado Road, and Calle Alvarado) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.

### AVENIDA CABALLEROS

- ENG 4. Remove the existing driveway approach and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.

- ENG 5. Remove the existing street improvements as necessary to construct a minimum 24 feet wide driveway approach located approximately 160 feet north of the centerline of Amado Road. The driveway approach shall be constructed in accordance with City of Palm Springs Standard Drawing No. 205.
- ENG 6. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 7. Avenida Caballeros street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a landscaped private setback of variable width and an 8 feet wide pedestrian sidewalk with double palm trees planted approximately 60 feet apart. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 8. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

#### AMADO ROAD

- ENG 9. Dedicate additional right-of-way of 15 feet to provide the ultimate half street right-of-way width of 40 feet along the entire frontage, together with a property line - corner cut-back at the northwest corner of the intersection of Amado Road and Avenida Caballeros, and at the northeast corner of the intersection of Amado Road and Calle Alvarado, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 10. Dedicate additional right-of-way concentric with the back of the proposed vehicle turn-out bay, with the back of right-of-way located at the back of sidewalk.
- ENG 11. Remove the existing driveway approach and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
- ENG 12. Remove the existing street improvements as necessary to construct the proposed driveway approach to and from the proposed turn-out bay at a minimum of 24 feet wide in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 270 feet east of the centerline of Calle Alvarado. Access limitations, configuration, width, and location of the driveway approach to and from the proposed turn-out bay are subject to further evaluation by the City Engineer.

- ENG 13. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 14. Construct the proposed vehicle turn-out bay in accordance with applicable City standards. The vehicle turn-out bay shall be a minimum of 12 feet wide where there is no parallel parking allowed and a minimum of 20 feet wide when there is one traffic lane with parallel parking on the north side of the turn-out. The vehicle turn-out bay shall be constructed with new curb, gutter, and sidewalk to match existing improvements, in accordance with applicable City standards.
- ENG 15. Amado Road street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a 4 feet wide landscaped parkway that includes shade trees in an informal pattern at a spacing of 30 feet or less and a 4 feet wide pedestrian sidewalk. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 16. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

#### CALLE ALVARADO

- ENG 17. Dedicate additional right-of-way concentric with the back of the existing vehicle turn-out bay, with the back of right-of-way located at the back of sidewalk.
- ENG 18. Remove the existing driveway approaches as necessary and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
- ENG 19. Remove the existing street improvements as necessary to construct two minimum 24 feet wide driveway approaches located approximately 415 feet north and 960 feet north of the centerline of Amado Road, respectively. The driveway approaches shall be constructed in accordance with City of Palm Springs Standard Drawing No. 205. Note that the most southern driveway is shown as being only 20 feet wide on the current site plan.
- ENG 20. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approaches in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of

travel, meeting ADA guidelines, is provided across the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

- ENG 21. Construct an 8 feet wide sidewalk behind the curb along the entire frontage (where not already existing) in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 22. Calle Alvarado street improvements shall be installed consistent with the streetscape standards and guidelines in the *Section 14 Master Development Plan/Specific Plan (November 2004)*, which includes a 5 feet wide landscaped parkway and a 5 feet wide pedestrian sidewalk. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 23. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

#### ON-SITE

- ENG 24. A reciprocal access easement shall be reserved on the Final Map or shall be done by separate instrument prepared in a form acceptable to the City Engineer providing unlimited and unrestricted access across all of the lots for access through the on-site private street. The reciprocal access easement shall be executed by the appropriate parties prior to issuance of a building permit, and shall be recorded, and copy of same provided to the City Engineer, prior to issuance of a certificate of occupancy.
- ENG 25. The applicant shall provide a copy of an executed and recorded reciprocal parking agreement for all lots, prior to approval of a grading plan.
- ENG 26. The on-site private street shall have a minimum travel way width of 24 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, or other approved curbs along both sides of the street, as necessary to accept and convey on-site stormwater runoff to the on-site drainage system, in accordance with applicable City standards. Note that one-way sections of the roadway (including ramps) shall be a minimum of 16 feet wide.
- ENG 27. The on-site private street shall have a minimum centerline radius of 50 feet.
- ENG 28. The on-site private street and service loading dock intersection shall be subject to further evaluation by the City Engineer. Detailed analysis shall be provided in final design to demonstrate that sufficient maneuvering area is provided for delivery trucks accessing the loading dock.
- ENG 29. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum

subgrade of 24 inches at 95% relative compaction, or equal. 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 30. Parking shall be restricted along the two-way drive aisle as necessary to maintain a 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisle as necessary to enforce parking restrictions. A Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.
- ENG 31. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

#### SANITARY SEWER

- ENG 32. All sanitary facilities shall be connected to the public sewer system via the on-site private sewer system. Existing sewer service laterals to the property may be used for new sanitary facilities. New laterals shall not be connected at manholes.
- ENG 33. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 34. The project is subject to the Section 14 Sewer Impact Fee. The sewer impact fee at the present time is \$696.00 per acre. The fee shall be paid prior to, or concurrently with issuance of building permits.

#### GRADING

- ENG 35. Submit a Precise Grading & Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading & Paving 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 Tentative Tract Map; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan.

ENG 36. Prior to approval of a Grading Plan or issuance of any 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 37. 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; 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 38. 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 39. 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 40. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 41. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 42. 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 43. This project requires the preparation and implementation of a stormwater pollution prevention plan (SWPPP). 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 approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the 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 44. 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 45. 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 46. 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. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 47. 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 48. 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. 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

- ENG 49. 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&Rs) required for the development.
- ENG 50. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 51. 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&Rs); 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 52. Prior to issuance of certificate of occupancy or final City approvals, 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

ENG 53. 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 hydrology study 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. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. 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 54. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.

ENG 55. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site private street and underground parking garages into the on-site underground retention system, as described in the Preliminary Drainage Study for Tentative Tract Map No. 35236, prepared by Fomotor Engineering, dated December 2006. The hydrology study for Tentative Tract Map 35236 shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.

ENG 56. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&Rs) required for this project.

ENG 57. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

## GENERAL

ENG 58. 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 59. All proposed utility lines shall be installed underground.

ENG 60. All existing utilities shall be shown on the improvement plans for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 61. 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 by the City Engineer.

ENG 62. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 63. 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 64. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### MAP

ENG 65. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

ENG 66. A copy of draft Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&Rs shall be approved by the City Attorney prior to approval of the Final Map, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

ENG 67. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

#### TRAFFIC

ENG 68. As determined by the Westin Hotel and Residences Traffic Impact Study prepared by Endo Engineering (as revised March 5, 2007), the following mitigation measures will be required:

- a) Pay a fair share contribution determined as 6.71% (or \$11,742.50) for the future installation of a traffic signal, as well as the striping of a northbound, southbound, westbound, and eastbound left-turn lane at the intersection of Calle El Segundo and Amado Road. The applicant shall pay the fair share contribution prior to approval of a final map.

- b) Pay a fair share contribution determined as 13.91% (or \$20,865) for the future installation of a traffic signal at the intersection of Avenida Caballeros and Amado Road. The applicant shall pay the fair share contribution prior to approval of a final map.
- c) Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at all project egress points, in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
- d) A clear unobstructed sight distance shall be provided at all project access points; a clear sight triangle inside the property measuring 8 feet by 8 feet shall be provided at each access driveway, with screening fences or landscaping restricted to maintain the require sight distance.

ENG 69. Submit traffic striping plans for Amado Road, 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 70. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Avenida Caballeros, Amado Road, and Calle Alvarado frontages of the subject property.

ENG 71. 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 72. 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 73. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

#### **Waste Disposal**

1. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

### **Police Department**

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

### **Building Department**

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

### **Fire Department**

- 1 **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
2. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
3. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
4. **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.

5. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
6. **Automatic Fire Sprinklers:** An approved, automatic Fire Sprinkler System is required.
7. **Audible water flow alarms:** An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
8. **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.\
9. **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.
10. **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  
425  
S. SUNRISE WAY  
ALL BLDGS. IN COMPLEX

11. **Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the number of sprinklers is one hundred or more. (Twenty or more in Group I,



Divisions 1.1 and 1.2 occupancies.) All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station. (1003.3.1 CFC)

12. **Trash Container Protection:** If trash container space is within 5 feet of a building wall provide information on the type and size of trash container to be stored there. If it is a dumpster with a capacity of 1.5 cubic yards or greater, then the container must be protected by an approved automatic fire sprinkler. (1103.2.2 CFC)
13. **Class 1 Standpipe:** A Class 1 Standpipe system is required and shall be installed in accordance with the 98 CFC, Art. 10, Sec. 1004, and 98 CBC, Ch. 9, Std. 9-2 and Sec. 903. Standpipes will be required at every level in the stairwells.
14. **Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
15. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

**Minimum Access Road Dimensions:**

Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 **however**, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The **Palm Springs Fire Department requirements** for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

16. **Access:** Fire department access roads shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. CFC 902.2.1 Applicant must add required access routes to the existing plans to meet code requirements and submit changes to the fire department for approval.
17. **Road Design:** Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.

## **2. NEW BUSINESS:**

- 2A. Case 5.1132-PD 333 AMND (Dolce Palm Springs) - A proposal by CDI Ventures, LLC, to amend a previously approved PDD for a 200-room hotel, 50-unit condominium complex and a parking structure to be located at the northeast corner of Amado Road and Calle Alvarado, Zone PDD 333, Section 14.**

Principal Planner Robertson presented the staff report dated June 12, 2013.

LAURIE KIBBY, applicant, described the same drawings that went before the AAC and noted that the sidewalks were not shown and provided details on the proposed project and green initiatives that will be incorporated into the development.

MARK PHILP, project architect, provided a presentation of the project site, conceptual plan, connecting streets, meandering sidewalks and the modified plan.

Vice-Chair Hudson noted the significant size of the building and wants to see more 3D images that include looking down at the building, eye-level view points and a shade and shadow study. He spoke in favor of the aesthetics and simple colors, however, noted that the project lacked commercial/retail components and the massing of the building is directed towards the neighborhood.

A recess was taken at 2:49 pm.

The meeting resumed at 3:00 pm.

The Commission made the following comments:

Commissioner Roberts said that he was not concerned with the commercial/retail components of the project; the hotel and restaurant will hopefully attract the general public.

Commissioner Klatchko saw significant interest in pedestrian public and private sphere linking to convention center.

Commissioner Weremiuk is not convinced retail component is important; stressed importance of shade and street trees.

Commissioner Munger believes retail enhances resort/convention center.

Vice-Chair Hudson said they should provide bikes for guests.

Bill Fauber, AAC Vice-Chair, provided comments that were made during the AAC meeting of April 22, 2013.

John Raymond, Economic Development Director, provided background information on the site and addressed the parking scheme proposed for the project.

The Commission requested these comments be forwarded to the City Council.

Commissioner Calderine suggested curvilinear connection to Alvarado and median consideration on Avenida Caballeros.

Vice-Chair Hudson requested studies (shade and shadow / photographic for the increasing distance to the adjacent residential properties).

Commissioner Roberts suggested clearer and more developed streetscape plan; a better connection to the convention center.

Commissioner Weremiuk requested a streetscape plan that includes sidewalk and bike and a clearer review of sustainable features.

**ACTION:** Approve, based upon the Mitigated Negative Declaration No. 200700845, subject to the attached conditions of approval, as amended:

- Avenida Caballeros shall have minimum 8' sidewalks w/ shade trees on private property pursuant to fig. 5-6 and 5-7 in Section 14 Specific Plan.
- Amado Road shall have a minimum 5' sidewalk, 4' parkway and shade trees spacing out 30' or less per Section 14 Specific Plan.
- For Amado Road and Avenida Caballeros the planting material along the street frontages shall be pursuant to Table 5-5 and 5-6 within Section 14 Specific Plan.
- Streetscape furniture shall be provided along Avenida Caballeros subject to approval of Director of Public Works pursuant to Section 14 Specific Plan.
- Crosswalks at Avenida Caballeros and Calle Amado shall meet paving requirements of Section 14 Specific Plan 5.2.13.

**Motion:** Commissioner Calderine, seconded by Commissioner Roberts and unanimously carried on a roll call vote.

**AYES:** Commissioner Calderine, Commissioner Klatchko, Commissioner Munger, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld



# Planning Commission Staff Report

**MEETING DATE:** JUNE 12, 2013  
**DEPARTMENT:** PLANNING  
**ITEM DESCRIPTION:** PDD AMND BY CDI VENTURES, LLC, FOR DOLCE HOTEL  
**OWNER:** CDI VENTURES, LLC

## STAFF RECOMMENDATIONS

CASE NUMBER	RECOMMENDATION
5.1132-PD 333 AMND	APPROVAL: Based upon MND No. 200700845 and subject to attached conditions

### PROJECT DESCRIPTION:

The applicant, CDI Ventures, LLC, is proposing to amend a previously approved Planned Development District application for the development of a 200-room hotel, 143 condominium units and a parking structure on an approximately 10.47-acre site. The site is located at the northwest corner of Amado Road and Avenida Caballeros. The subject site is within the boundaries of the Section 14 Master Plan. The amendment proposes a significant change to the site plan, elevations and the overall mass compared to the original entitlement. The project will have the same components consisting of the hotel which will now be called the "Dolce Palm Springs"; an urban resort hotel with indoor, outdoor and event spaces. The new proposal will also include high-end residential use.

### ISSUES:

- The lack of a commercial/retail space within the proposed amended project.
- Site plan lacks visible and stronger pedestrian connection to the Convention Center.

### BACKGROUND INFORMATION:

<i>Related Relevant Prior City Actions</i>	
11.20.06	The Architectural Advisory Committee (AAC), reviewed a hotel and condominium project and recommended approval, with changes made by the applicant to the Planning Commission
06.13.07	The Planning Commission approved Planned Development District 333 for a hotel and condominium project, and also recommended approval of the associated tentative tract map to the City Council.

07.18.07	The City Council approved Planned Development District (PDD 333) for a 200-room hotel, a 143-unit condominium development and Tentative Tract Map 35236
11.10.08	An application was submitted by the Oasi Group for the Mondrian Hotel to amend the previously approved PDD 333
11.24.08	The AAC reviewed the architecture and landscaping of the proposed project amendment and recommended a restudy with comments
03.09.09	The AAC reviewed a revised the building exterior and landscaping based on comments from the previous meeting.
05.22.09	Following incorporation of the AAC recommendations, the Planning Commission reviewed the proposed amendment and approved the project as submitted.
06.03.09	The City Council approved the amendment to reconfigure portions of the site plan and building elevations, and allow development of the project in phases.
04.27.11	The Planning Commission granted a one-year extension to the Planned Development District (PDD 333). The tentative map is valid for five years from its original approval date.
05.23.12	The Planning Commission granted another one-year extension to the Planned Development District (PDD 333, expiring April 21, 2013).
02.25.13	At the request of the project development team, a preliminary meeting with the AAC was held to introduce the proposed project; comments provided.
03.06.13	The Planning Commission conducted a preliminary meeting on the future amendment to PDD 333 and provided comments
04.11.13	An application was submitted by CDI Ventures, LLC, to amend the previously approved Mondrian Hotel
04.22.13	The AAC reviewed the proposed preliminary PDD amendment and recommended approval to the Planning Commission with comments.

***Most Recent Change of Ownership***

03.06.13	A purchase agreement between the City and CDI Ventures, LLC, completed
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***Related Building Permits/Business Licenses***

N/A	None
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***Pre-Application Meeting***

02.25.13	A preliminary meeting with AAC and staff to introduce the new project
03.06.13	An introductory preliminary meeting with the Planning Commission was held

***Neighborhood Meeting***

N/A	None
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***Field Check***

02.19.13	The L-shaped vacant project site is bounded on three sides by City Streets
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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	10.47 acres

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Proposed/Existing Land Use Stds.</b>	<b>Existing Zoning Designations</b>
Subject Property	HR (Residential High), 43 Units per acre	PDD 333,200-Unit Hotel & Residential	R4; Hotel & RGA-8. 43 hotel rooms/acre
North	HR (Residential High), 43 Units per acre	Residential Units	RGA-8, 8 Units/acre
South	RA (Resort Attraction)	Convention Center	PD 164, Convention
East	HR (Residential High), 43 Units per acre	Residential Units	R4, 29 Units/acre, 43 Hotel rooms/acre
West	HR (Residential High), 43 Units per acre	Residential Units	R4; Hotel & RGA-8. 43 hotel rooms/acre

<b>Specific Plan Area</b>	<b>Compliance</b>
Section 14 Master Plan Area	Compliance
Section 14 Open Space Requirements	Compliance
Section 14 Landscape Plans	Compliance
Other Plans or Special Requirements	N/A
Access; two points provided; Amado Rd. & Calle Alvarado	Compliance

**DEVELOPMENT STANDARDS:**

<b>Street Name</b>	<b>Classification</b>	<b>Document</b>	<b>Street Width</b>	<b>Compliance</b>
Amado Road	Collector	General Plan	60 feet	Compliance
Calle Alvarado	Collector	General Plan	60 feet	Compliance

<b>Use</b>	<b>Parking Requirement</b>		<b>Compliance</b>
	<b>Required</b>	<b>Provided</b>	
Main Hotel	163	224	Compliance
Event Spaces	38	40	Compliance
Residential Uses	63	65	Compliance
<b>Total Parking Required</b>	<b>264</b>	<b>329</b>	<b>Compliance</b>

Comparison of Approved Project and Proposed PD-333 Amendment		
Type of Standard	Approved Project	Proposed PD-333 Amendment
General Plan Density	43 units per acre	Conforms
Zoning Ordinance Density	Hotel: 54 units/acre Residential: 29 units/acre	Conforms Conforms
Architecture	Contemporary	Mid-Century Modern / International
Phasing	3	N/A
Coverage	48%	43%
Front Setbacks	Amado Road: 30 feet Calle Alvarado: 30 feet	45 feet 30 feet
Side Setbacks	Avenida Caballeros: 30 feet	30 feet
Rear Setbacks	18 feet Avenida Caballeros: 20 feet	20 feet 20 feet
Stories	5	5
Height	64 feet	53 feet
Hotel Units	200	200
Restaurant	One	Two
Fitness Facility	None	Yes
Event Spaces	Yes	Yes
Swimming Pools	1	2
Roof Top Terrace	None	Yes
Residential Units	50	42
Parking; Hotel	Surface Parking	Underground Parking Structure
Parking; Residential	Surface Parking	Underground/Surface Parking
Total Parking Spaces	228	329
Access into hotel	Street Level Entry Point	Below Grade Entry Lobby
Common Open Space	52%	49% excluding patios & balconies

**ANALYSIS:**

Planned Development District 333 was approved under the provisions of Section 94.02.00.B of the Palm Springs Zoning Code. The original project design and development standards contained in PDD 333 will remain in effect; the applicant is not seeking for any new deviations from the development standards. The project site is L-shaped, and is bounded on three sides by City streets: Avenida Caballeros on the east, Amado Road on the south, and Calle Alvarado on the west. The northern portion of the L-shape is bounded on the north by vacant land and on the east by existing condominiums. The developed two-thirds of the site is currently the Palm Springs Convention Center's north parking lot. The site is partially developed with asphalt, curb and gutter, and planters with landscaping in its southern two thirds. The northern third of the site, fronting on Calle Alvarado, is currently vacant but disturbed land.

Overall, the proposed amendment varies to some degree from the original entitlement; the new site plan, the project massing, the architecture and the residential component have changed substantially. There has been a reduction in the number of high density structures, the orientation and location of the main hotel structure on the property, a

reduction of hotel height, spatial use at the corner of Amado Road and Calle Alvarado have all changed. However, the project is still in keeping with the intent of the original PDD and requirements of Section 14 Specific Plan. Section 94.03.00(G) of the Zoning Ordinance allows the Planning Commission to modify Final Development Plans of Planned Developments. According to the Ordinance, the Commission may approve minor architectural or site changes that do not affect the intent of the PD. In this case, staff believes that the intent of the Planned Development was to establish a mixed-use project consisting of a hotel, condominium units and adequate open space within the site with variations to certain development standards.

**Issues:**

As proposed, the hotel and residential development does not include any commercial/retail space; secondly, the site plan does not have a visible pedestrian connection to the Convention Center. Because the proposed project is surrounded by well-established residential communities, and that the subject site is within a very close proximity to the Convention Center, Staff believes that the incorporation of a small scale commercial/retail space will enhance community activities within the proposed development. Finally, Staff believes that a strong pedestrian linkage to the Convention Center will be an added benefit to the overall project.

Public Benefits shall be at least one of the following:		Conforms? What the Applicant is proposing:
1	The project itself  (Fulfilling GP objectives, economic development, community beautification, added parking, improved circulation, blight removal, etc).	In 2007, the City Council determined that the proposed parking structure which will be opened to the public was a benefit.
2	Key project features: (Through streets, interior parks, community opens space, community meeting rooms, entry features, preservation of important buildings or natural features, daycare facility, etc.)	Organic Garden
3	Sustainable Features: (Features that measurably achieve the City's sustainability goals including water, energy or other resource conservation, (e.g. LEED certification) active and/or passive solar features, California Green Building Code features, etc.)	None
4	Off-site Improvements: (Off-site dedications, such as widened thoroughfares with meandering bikeways, public park lands, hiking trails, recreational facilities, decorative medians or other public improvements located off the project site).	None

**ENVIRONMENTAL ASSESSMENT**

Pursuant to Section 15162 of the California Environmental Act (CEQA), the preparation of further environmental assessment for the proposed amendment is not necessary since the circumstances of the project have not changed. The present request could not therefore, result in any new environmental impacts beyond those already assessed in the adopted Mitigated Negative Declaration (MND No. 200700845).



**FINDINGS:**

Findings can be made in support of amending the proposed Planned Development District as follows:

- a. *The proposed planned development amendment is consistent and in conformity with the general plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed amendment to Planned Development District 333 is consistent with the General Plan, which includes policies specifically relating to the expansion of the City's tourism base. The project is also consistent with the Section 14 Master Plan, as amended, which represents the General Plan and Zoning for the property on which the project is located.

- b. *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

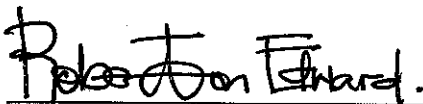
The project, as planned, designed and conditioned, is consistent with the Section 14 Master Plan and the City of Palm Springs vision of the area for the future. The site is physically suitable and appropriate for the proposed project given its close proximity to the Convention Center and the downtown area. The location provides sufficient access points for all uses proposed.

- c. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

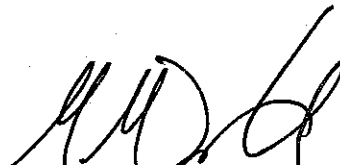
The Amended Planned Development District modifies development of the project while maintaining the original development envisioned for the site. Upon completion of the project, the development will still reflect a manner that is conducive with the urban development sought for in the area. The project adds to the Section 14 Master Plan facilities which are complementary to the Convention Center and the nearby downtown area.

**NOTIFICATION**

Pursuant to Section 94.03.00(G) of the Zoning Code, the proposed amendment to PDD 333 will not change the intent of the previously approved project; therefore, this amendment is regarded as minor changes to a Final Development Plan which does not require public notice.



Edward O. Robertson  
Principal Planner



M. Margo Wheeler, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. AAC Minutes from the meeting of 4.22.13
5. Planning Commission Minutes from the meeting of 3.6.13
6. 11"X17" Booklet containing reduced site plans and elevations

~~Committee had questions regarding lights and stucco colors.~~

Applicant Thomas Doczi responded that the color sample was wall color and two paving samples submitted. Lighting was for fountain jets.

**ACTION:** M/S/C (Fredricks / Fauber, 5-0) To recommend approval with condition. Approved changing Washingtonia palms to 15' to 20'. Others mixed 24" - 36" box, more than half 36".

**3. Case 3:2432 MAA – Restudy** A request by Marquee Academy proposing to repaint the stucco trim of a commercial building to "Benjamin Moore Red" color; stone veneer body to remain white at 441 South Palm Canyon Drive, Zone CBD, Section 15. (GM)

Applicant Matt Naylor apologized for missing previous meeting. Clarified red paint chosen not as bright as it looks as it is going over existing green.

Chair Kleindienst indicated paint should be primed so that accurate color can be determined.

Return with new color sample to be used for canopies (including underside) mullions, columns, trim and sign trim. All existing paint areas to be primed before painting new color.

~~ACTION: M/S/C (Fredricks / Fauber) To restudy the proposal based upon comments.~~

**4. Case CDI Ventures LLC**, proposal to amend a previously approved PDD for a 200-room hotel and condominium complex located at the northeast corner of Amado Road and Calle Alvarado, Zone PD 333, Section 14 (ER)

Applicant Lauri Kibby explained project is reduced height and density from previous approval. Residential not part of review at this time.

Applicant's architect, Mark Phillips reviewed project.

Member Secoy-Jensen asked applicant to confirm use of cable railing and review skylight for appropriateness in desert climate.

Chair Kleindienst – residential component needs to be as well designed as hotel. Hotel itself needs refinement detail on curved building face and covered pathway.

Member Fredricks – plant palette good. Questions succulent garden location and efficacy of rooftop vegetable garden. Palm tree groupings effective and could be expanded.

**ACTION:** M/S/C (Kleindienst / Fauber, 4-0-3, Harlan and Purnel absent, Kleindienst abstain with changes to pp 1 & 2.) To move forward to Planning Commission.

- ~~Steven Sims, Casa De Oro, spoke about problems with the irrigation for the landscape.~~
- Don Rice, Casa De Oro, questioned approval of the landscape plan for the homeowners association.

There being no further appearances public comments was closed.

## 1. CONSENT CALENDAR:

ACTION: To approve Item 1A and 1B, as amended.

Motion Philip Klatchko, seconded by Kathy Weremiuk and unanimously carried 6-0 on a roll call vote.

AYES: Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson,  
Lyn Calderine, Kathy Weremiuk

ABSENT: Leslie Munger

### 1A. Minutes of December 5, 2012 and December 12, 2012.

Approved, with two corrections on the minutes of December 5, 2012 (p. 4).

1B. Case 3.3610 SFR An application by Mario Berardi for a roughly 5,631 square foot single family residence with casita on a roughly 17,861 square foot lot at 3151 Casa Bonita, "Estancias Tract", Canyon South Specific Plan, Zone R-1-A. (Project Planner: Ken Lyon, RA, Associate Planner) That the Planning Commission approve Case 3.3610 SFR subject to the conditions of approval in Exhibit A.

~~Approved as submitted~~

**2. STUDY SESSION ORIENTATION:** Case 5.1132 PD 333 Preliminary discussion of future amendment to an approved Planned Development for hotel and condominiums by CDI Ventures LLC, located at northeast corner of Amada Road and Calle Alvarado, Zone HR, Section 14. (Project Planner: Craig Ewing, AICP, Director of Planning Services)

Director Ewing summarized the entitlements for the previously approved Planned Development and noted that the development team will be filing an amendment to revise the site and elevations plans.

John Raymond, Director Community & Economic Development, provided historical background of the project.

Laurie Kibby, CDI Ventures, LLC, provided information about their objectives and vision for the redesign of the project.

The Commission requested clarification on the height, setbacks, location of condominium units and pedestrian access to the Convention Center.

The Commission discussed the preliminary project including:

- Stronger pedestrian linkage to the Convention Center.
- 4-way stop sign and crosswalk.
- The architecture of the Convention Center is taken into consideration.
- Entry location.
- Pedestrian circulation.
- Location of the restaurant and views.

Chair Donenfeld thanked the development team for bringing forward the preliminary materials for review and comment.

#### **PLANNING COMMISSION COMMENTS:**

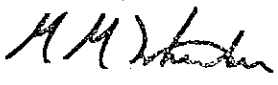
- \*Commissioner Calderine will be absent for the 2nd meeting in March.
- \*An update on the interview process for the new Planning Director.
- \*The status of the landscape plan for Casa de Oro.

#### **PLANNING DIRECTOR'S REPORT:**

No comments:

#### **ADJOURNMENT:**

There being no further comments the Planning Commission adjourned at 2:38 pm to Wednesday, March 13, 2013, at 1:30 pm at City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.

  
\_\_\_\_\_  
M. Margo Wheeler, AICP  
Director of Planning Services



October 1, 2013

Mr. David H. Ready, Esp., Ph.D.  
City Manager  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Dear Mr. Ready,

The Greater Palm Springs Convention & Visitors Bureau (CVB) is the regional organization dedicated to marketing the Coachella Valley's nine cities as one destination, generating economic impact, incremental tax revenue and long-term strategies.

As you know, tourism is the leading industry in the Coachella Valley. In 2011, Greater Palm Springs welcomed an estimated 11.5 million domestic and international travelers and generated over \$5 billion in sales. Tourism is responsible for one out of every four jobs in the region and saves each household an estimated \$3,100 each year in local taxes.

The Dolce hotel is an exciting new brand for the destination. The Dolce brand speaks to the modern traveler who seeks creative, unique experiences that inspire. We believe the brand compliments our overall brand strategy and compliments the existing mix of brands in the City of Palm Springs.

The Dolce brand will generate new demand and assist Palm Springs with greater market share and awareness on both a domestic and international level.

This project is estimated to create 135 permanent new jobs for the industry. With a brand that is unique and new to the marketplace, we expect it will generate new visitors with purchasing power to shop, dine and entertain downtown. The overall result will provide Palm Springs with additional tax revenue, greater exposure and market share benefiting all businesses in the city.

It is a "Brand New Day" in our oasis, and we welcome this exciting new property to the destination.

Sincerely,

Scott White  
President & CEO

## Edward Robertson

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**From:** David Powell <dbpowellwc@gmail.com>  
**Sent:** Wednesday, October 16, 2013 2:29 PM  
**To:** Jay Thompson; CityClerk  
**Cc:** David Ready; Margo Wheeler; Steve Pougnet; Edward Robertson; Skip Descant PS; Aamer Mumtaz PS; Chris Mills; Ginny Foat; Rick Hutcheson; Paul Lewin  
**Subject:** DOLCE PROJECT - Public Hearing Notification Process and Ordinance No. 1829 Adherence

MR. JAMES THOMPSON, CITY CLERK  
CITY OF PALM SPRINGS

Dear Mr. Thompson,

Earlier this month, the neighbors at Center Court Condominiums and other condo developments in the area of the Dolce Project contacted the City about improper notification of the City Council public hearing on October 2, 2013. The hearing, at the recommendation of the City Clerk and the City Attorney was postponed to November 6, 2013, and was referred by Council back to Planning Commission for action.

I emailed the city's planner, Edward Robertson, on Thursday, October 10, 2013, at 11:04 am, asking when the project was going to be heard by Planning Commission. Hearing nothing back, I called the planner and left a voicemail message yesterday (Tuesday), October 15, 2013, at 1:58 pm, asking for a response. I received an email this morning, October 16, 2013, at 8:57 am letting me know that this item will be heard by the Planning Commission on October 23, 2013, one week from today. I believe this delay in a response to my inquiry is outside of the expectations of the city leadership, as well as the expectations of the public.

Further, mailed notification was received on Tuesday, October 15, 2013, 8 days prior to the public hearing date, with a postmark date of 10/12/13. Yes, this was mailed 10 days prior to the public hearing, but the US Postal Service does not deliver on holidays, and Monday was a holiday for them. This mailing 10 days prior, on a Saturday and with an upcoming holiday, both of which would delay receipt, may meet the "letter of the law," but not quite the "spirit of the law."

I went to City Hall this morning at 10 am wishing to see and get a copy of the notification mailing list. I was told that the list was being checked to ensure it is correct by the planner, Mr. Robertson, and that I could contact him for a copy of the list this afternoon or Thursday morning. I asked if I could speak to Mr. Robertson, but was told he was unavailable. I again asked for just the copy of the list, and was told that Mr. Robertson is the correct person to request this. I would believe the city's process is to check the list *prior to* the mailing to the appropriate property owners.

**Finally, I would like to inquire about City Council Ordinance No. 1829**, adopted on September 18, 2013, and effective 30 days after, titled *Public Hearing Notification and Noticing Signage*. As this ordinance was effective on October 18, 2013, is it not applicable to all public hearings held after that date? This ordinance was well known by the planning counter staff when I was in City Hall on September 24, 2013. There has been no public signage of the public hearing, nor adherence to other items adopted by Council. Again, this goes back to the conflicts between the "letter" and "spirit" of the law.

Please let me know about my questions. A few neighbors intend to attend tonight's (10/16/13) City Council meeting and make comments during Public Communications.

Thank you for your attention. Feel free to call me at 925-788-3801 any time if you have any questions or comments.

David Powell  
355 N Avenida Caballeros  
Palm Springs, CA 92262  
925-788-3801

c: Mayor Pougnet and City Council  
Chair Donenfeld and Planning Commissioners  
City Manager Ready  
Planning Director Wheeler  
Principal Planner Robertson  
Skip Descant, Desert Sun  
Adjacent Neighbors to Project Site



## URGENT

### NEIGHBORHOOD MEETING REGARDING NEIGHBORING DEVELOPMENT MONDAY, SEPTEMBER 30TH AT 7 pm.

#### **To all Homeowners and Residents in the area of the Planned Development on Amado Road between Avenida Caballeros and Alejo:**

As you may know, a Dolce Hotel and Conference Center is proposed on the current Convention Center parking lot on Amado Road, extending from Avenida Caballeros to Calle Alvarado and Alejo Road. The ten-acre property will include condominiums, high-end luxury villas, and a hotel, in the shape of a half-circle, reaching 52 to 57 feet in height.

This project will greatly impact our neighborhood and particularly our properties – both in value and aesthetic benefits.

The following is information you should know:

- The hotel at the height of 54-57 feet will impede, and for many, totally block, mountain views on the South, West, and Southwest sides of adjacent properties.
- The planned condo building to the East of the hotel, extending to the corner of Amado and Avenida Caballeros, will also impact views from the adjacent property.
- The development plan includes a number of high-end villas that may impede the views of other complexes on Avenida Caballeros that extend to Alejo Road.
- The hotel and the condo buildings will block sunlight for a significant portion of adjacent properties during a majority of the day, particularly in the Winter season when the maximum number of residents spend time in the area specifically to enjoy the sunlight.
- Many residents of adjacent properties will experience an earlier sunset as the sun goes behind the high development sooner than behind the mountains.

In addition to the previous concerns, there are also a number of other issues:

- The original study in 2007 could not have anticipated all the new construction that has happened, and continues to happen, within the immediate area. This includes the Sol Development on the NE corner of Amado and Avenida Caballeros, as well as the development of The Morrison project. As such, we are unaware of any new EIR study or study of impacts on the surrounding areas. Each of these added projects would affect potential traffic, noise and other environmental issues. The planning department is still working off of a draft "Mitigated Negative Declaration" that states that a full EIR is not required under CEQA and that any issues are minimal and can be mitigated by the developer and/or the city.
- Since this complex is being built on top of the current convention center parking lot, parking for events must be redirected to either another site not yet disclosed, or on the surrounding streets, which also will impact both residents and through-traffic. This is a definite environmental impact.

*Continued on back*

The Palm Springs Planning Department stated that neighborhood notifications were sent numerous times to all residents/homeowners in the surrounding area notifying us of the development and public hearings that were held by the Planning Commission and the City Council. No owners or residents of Center Court received such notification of the projects or any meetings by the Planning Commission or the City Council. Upon questioning the city, it appears that if notifications were sent, the addresses for many of the recipients in the surrounding area may be incorrect. Further, the mailing list obtained listed NONE of the Center Court homeowners or residents, the most adjacent and most impacted of all units.

The last impact study for this project was done in 2007 under another project name, with approval to proceed with plans received by the city council in 2007. Since then, to our knowledge, no residents were notified of project status or any changes. There has been significant turnover in home ownership in this area since 2007, and the developers have done a poor job of communicating the project's scope and impact to local residents having had no proactive community meetings or outreach.

**THE ABOVE LISTED ISSUES HAVE THE POTENTIAL TO SIGNIFICANTLY REDUCE THE VALUES OF OUR HOMES.** As such, it is important for us to review the project's scope and to voice our concerns and questions to the city and the developers.

There is a City Council meeting on October 2, 2013, at 6 pm at Palm Springs City Hall for the council to give the project a final green light to proceed. Since most, if not all, residents most impacted by this project were not informed of any public hearings or meetings regarding this project in the past 6 years, it is crucial that our voices be heard, and that we develop a strategy to provide comment to the City, as well as better understand the potential impacts this project will have on our neighborhood.

We have approached the City Council and the Planning Department to postpone the Public Hearing scheduled for October 2<sup>nd</sup>, but it is not assured to happen. Thus, we must all attend the Council meeting on October 2<sup>nd</sup>.

**To prepare for this meeting, we will have a residents' meeting on Monday, September 30th at 7pm at the Center Court Clubhouse, 355 N Avenida Caballeros.** We welcome and encourage your attendance and participation at this meeting so that we can summarize and consolidate all perspectives.

**Further, your presence at the City Council meeting on October 2<sup>nd</sup> would show that the neighborhood is concerned about potential development and impacts in our area.**

Don't let the Dolce Hotel, or any other development, impact our area without an opportunity to be heard.

We hope to see you on Monday, September 30th at 7pm at the Center Court Clubhouse.

Please contact either of us if you have any questions.  
Your Neighbors,

Steve Harris  
760-399-0580

Dave Powell - Center Court HOA  
760-322-3205

September 25, 2013

**CITY OF PALM SPRINGS**

**Honorable Mayor and City Council**

**Planning Commission**

**City Clerk**

**Director of Planning Services**

**Director of Community and Economic Development**

**Re: Dolce Palm Springs/Praetor Investments**

**Cases 5.1132, Planned Development District 333 and Tentative Tract Map 35236**

Dear City Officials,

A planned development to include the Dolce Hotel and Conference Center, 50 residential units and a parking structure is proposed for the current Convention Center parking lot on Amado Road, extending from Avenida Caballeros to Calle Alvarado and Alejo Road. The hotel is to reach 52 to 55 feet in height.

We would like to request the City Council POSTPONE their public hearing and any further decisions on this matter until further studies can be performed and presented in a study session. Past studies were completed in 2007 when the original plan was submitted and apparently approved by City Council. Much has changed since 2007, including much development in the surrounding area, which could have environmental impacts when combined with any proposed project at this site.

We, as neighbors immediately adjacent to the project site, would like an opportunity to view plans, talk with the developer, and provide meaningful input as to the projects design and the potential impacts it will have on views, daylight and traffic.

Further, sufficient notification of this public hearing, nor earlier public hearings since 2007, has been provided to the neighbors – and definitely not to the residents of Center Court Club, which abuts the project.

Impacts to Adjacent Properties and Neighborhood: This project will greatly impact our neighborhood and particularly our property – both in value and aesthetic benefits. Following are some of our items of concern:

- The hotel at the height of 52-55 feet will impede, and for many, totally block, mountain views on the South, West, and Southwest sides of adjacent properties. The planned condo building to the East of the hotel, extending to the corner of Amado and Avenida Caballeros, will also greatly impact views from the adjacent property. In talking to the developer representative, Lauri Kibbe, there have not been current view studies submitted prior to the council or the planning commission.
- The hotel and the condo buildings will presumably block sunlight for a significant portion of adjacent properties during a majority of the day, particularly in the Winter season when the maximum number of residents spend time in the area specifically to enjoy the sunlight. Many residents of adjacent properties will experience an earlier sunset as the sun goes behind the high development sooner than behind the mountains. Again, we have not seen prior or current sun and shade studies to determine potential impacts. These were requested by the Planning Commission at their June 12, 2013, meeting.

In addition, there are a number of environmental impacts that, to our knowledge, have not been studied since 2007:

- The original study in 2007 could not have anticipated all the new construction that has happened, and continues to happen, within the immediate area. This includes the Sol Development on the NE corner of Amado and Avenida Caballeros, as well as the development of The Morrison project. As such, we are unaware of any new EIR study or study of impacts on the surrounding areas. Each of these added projects would affect potential traffic, noise and other environmental issues.
- Since this complex is being built on top of the current convention center parking lot, parking for events must be redirected to either another site not yet disclosed, or on the surrounding streets, which also will impact both residents and through-traffic. This is a definite environmental impact.

Notifications to Neighbors: The Palm Springs Planning Department stated that letters were sent numerous times to all residents/homeowners in the surrounding area notifying us of the development and public hearings that were held by the Planning Commission and the City Council. No owners or residents of Center Court received such notification of the projects or any meetings by the Planning Commission or the City Council. Upon questioning the city, it appears that if notifications were sent, the addresses for many of the recipients in the surrounding area may be incorrect. Further, the mailing list obtained from the most recent mailing for the October 2, 2013, Council Public Hearing listed NONE of the Center Court homeowners or residents, the most adjacent and most impacted of all complexes.

Impact Studies: The last impact study for this project was done in 2007 under another project name, with approval to proceed with plans received by the city council in 2007. Since then, to our knowledge, no residents were notified of project status or any changes. There has been significant turnover in home ownership in this area since 2007, and the developers have done a poor job of proactively communicating the project's scope and impact to local residents having had no community meetings or outreach – during this most recent project proposal, nor any changes within my ownership of the past three years.

The above listed issues have the potential to significantly affect the enjoyment of our residences, as well as potentially the value of our properties. As such, it is important for us to review the project's scope and to voice our concerns and questions to the city and the developers.

**To prepare for this meeting, we will have a residents' meeting on Monday, September 30th at 7pm at the Center Court Clubhouse, 355 N Avenida Caballeros.** We welcome and encourage your attendance at this meeting to understand concerns of the neighbors.

Thank you for your attention, and please contact me if you have any questions or concerns.

Sincerely,

David Powell  
355 N Avenida Caballeros, #14  
Palm Springs, CA 92262  
[dbpowellwc@gmail.com](mailto:dbpowellwc@gmail.com)  
760-322-3205

cc: Lauri Kibbe via email  
Desert Sun and various other media

Good afternoon. Thank you Mr. Chair and Commissioners.

My name is David Powell. I live at 355 N Avenida Caballeros, on the corner of Amado. In front of you is a letter that I directed to the City Council, the commissions and other persons in the city, to request to postpone the public hearing that is occurring at the City Council on October 2<sup>nd</sup> and/or any action on the proposed development of the Dolce Hotel on the site of the parking lot of the Convention Center until neighbors can see updated plans, studies, and understand the potential environmental impacts to the neighborhood, and particularly on our development which abuts the property.

There has been no proactive communications by the developer on this project since approval in 2007, and definitely none since September 2010 when I bought my premises here. Nor have neighbors been provided notice of any public hearings or other meetings of this project, including the City Council meeting next week.

There will be great impacts to both the view and sound levels created by this development. It will completely block any view as the 55 foot building will be approximately 40 feet from our front door.

No current views studies have been taken since 2007, nor any other environmental impact studies after the addition of the Palomino, Alejo Vista, Sol, and The Morrison developments. The developers explain the project is scaled down and the impacts will be less than before.

At the June 12<sup>th</sup> Planning Commission meeting, which is noted in the Council proclamation as a public hearing, two commissioners, Hudson and Roberts, asked to understand the impacts of the view, and for sun/shade studies on the neighbors immediately adjacent, which is us at Center Court. Fourteen (14) weeks later, the developer says that view studies are being completed and will be presented at the council meeting. Sun and shade studies are not done as it will be better than it was before with the drop of height.

Obviously, if these are presented at council meeting, we wont have opportunity to review it prior and provide comment.

Finally, I have been told twice by the developer that the initial project has been approved and that tomorrow they could start building from that original plan, where impacts were even greater.

The neighbors want an opportunity to have a voice. If, as it states outside, The People Are The City, then these people would like an opportunity to be heard and hopefully have positive impact on the process.

Thank you.

Doug H.

September 25, 2013

Submitted to  
Planning Commission

SEP 25 2013

**CITY OF PALM SPRINGS**

**Honorable Mayor and City Council**

**Planning Commission**

**City Clerk**

**Director of Planning Services**

**Director of Community and Economic Development**

Case # \_\_\_\_\_

**Re: Dolce Palm Springs/Praetor Investments**

**Cases 5.1132, Planned Development District 333 and Tentative Tract Map 35236**

Dear City Officials,

A planned development to include the Dolce Hotel and Conference Center, 50 residential units and a parking structure is proposed for the current Convention Center parking lot on Amado Road, extending from Avenida Caballeros to Calle Alvarado and Alejo Road. The hotel is to reach 52 to 55 feet in height.

We would like to request the City Council POSTPONE their public hearing and any further decisions on this matter until further studies can be performed and presented in a study session. Past studies were completed in 2007 when the original plan was submitted and apparently approved by City Council. Much has changed since 2007, including much development in the surrounding area, which could have environmental impacts when combined with any proposed project at this site.

We, as neighbors immediately adjacent to the project site, would like an opportunity to view plans, talk with the developer, and provide meaningful input as to the projects design and the potential impacts it will have on views, daylight and traffic.

Further, sufficient notification of this public hearing, nor earlier public hearings since 2007, has been provided to the neighbors – and definitely not to the residents of Center Court Club, which abuts the project.

Impacts to Adjacent Properties and Neighborhood: This project will greatly impact our neighborhood and particularly our property – both in value and aesthetic benefits. Following are some of our items of concern:

- The hotel at the height of 52-55 feet will impede, and for many, totally block, mountain views on the South, West, and Southwest sides of adjacent properties. The planned condo building to the East of the hotel, extending to the corner of Amado and Avenida Caballeros, will also greatly impact views from the adjacent property. In talking to the developer representative, Lauri Kibbe, there have not been current view studies submitted prior to the council or the planning commission.
- The hotel and the condo buildings will presumably block sunlight for a significant portion of adjacent properties during a majority of the day, particularly in the Winter season when the maximum number of residents spend time in the area specifically to enjoy the sunlight. Many residents of adjacent properties will experience an earlier sunset as the sun goes behind the high development sooner than behind the mountains. Again, we have not seen prior or current sun and shade studies to determine potential impacts. These were requested by the Planning Commission at their June 12, 2013, meeting.

In addition, there are a number of environmental impacts that, to our knowledge, have not been studied since 2007:

- The original study in 2007 could not have anticipated all the new construction that has happened, and continues to happen, within the immediate area. This includes the Sol Development on the NE corner of Amado and Avenida Caballeros, as well as the development of The Morrison project. As such, we are unaware of any new EIR study or study of impacts on the surrounding areas. Each of these added projects would affect potential traffic, noise and other environmental issues.
- Since this complex is being built on top of the current convention center parking lot, parking for events must be redirected to either another site not yet disclosed, or on the surrounding streets, which also will impact both residents and through-traffic. This is a definite environmental impact.

Notifications to Neighbors: The Palm Springs Planning Department stated that letters were sent numerous times to all residents/homeowners in the surrounding area notifying us of the development and public hearings that were held by the Planning Commission and the City Council. No owners or residents of Center Court received such notification of the projects or any meetings by the Planning Commission or the City Council. Upon questioning the city, it appears that if notifications were sent, the addresses for many of the recipients in the surrounding area may be incorrect. Further, the mailing list obtained from the most recent mailing for the October 2, 2013, Council Public Hearing listed NONE of the Center Court homeowners or residents, the most adjacent and most impacted of all complexes.

Impact Studies: The last impact study for this project was done in 2007 under another project name, with approval to proceed with plans received by the city council in 2007. Since then, to our knowledge, no residents were notified of project status or any changes. There has been significant turnover in home ownership in this area since 2007, and the developers have done a poor job of proactively communicating the project's scope and impact to local residents having had no community meetings or outreach – during this most recent project proposal, nor any changes within my ownership of the past three years.

The above listed issues have the potential to significantly affect the enjoyment of our residences, as well as potentially the value of our properties. As such, it is important for us to review the project's scope and to voice our concerns and questions to the city and the developers.

**To prepare for this meeting, we will have a residents' meeting on Monday, September 30th at 7pm at the Center Court Clubhouse, 355 N Avenida Caballeros.** We welcome and encourage your attendance at this meeting to understand concerns of the neighbors.

Thank you for your attention, and please contact me if you have any questions or concerns.

Sincerely,

David Powell  
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cc: Lauri Kibbe via email  
Desert Sun and various other media