

## EXHIBIT A

### RESOLUTION NO. 23270

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

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

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

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

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reflecting modifications to the proposed improvements originally approved in the Agreement, and that amended and superseded the original Site Plan and Project Description, respectively, in the Agreement; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. *The highest quality development which provides an exciting and safe living, working and shopping experience for all.*
2. *The creation of a pedestrian and vehicular connection from the Palm Springs Art Museum, through Palm Canyon and Indian Canyon Drives, to the Resort/Convention Center District.*
3. *The development of retail commercial development which successfully mixes national and regional chain stores with local businesses, focused on the major roadways which bound the site, including North Palm Canyon, Indian Canyon, Tahquitz Canyon and Belardo.*
4. *The development of additional resort hotels which provide luxury accommodations and increase the visitors to the City's downtown.*

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

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

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