



City Council Staff Report

DATE: July 16, 2014

Public Hearing

SUBJECT: THE AGUA CALIENTE BAND OF CAHUILLA INDIANS (THE TRIBE), PROPOSAL FOR THE SECTION 14 MASTER DEVELOPMENT PLAN/ SPECIFIC PLAN COMPREHENSIVE UPDATE ORIGINALLY APPROVED BY THE CITY COUNCIL IN 2004 (5.1318-SPU).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council to consider a request by the Agua Caliente Band of Cahuilla Indians (The Tribe) for the review, processing and adoption of a comprehensive update to the original Section 14 Master Development Plan/ Specific Plan approved by the City Council in 2004. The Specific Plan update includes a Mitigated Negative Declaration prepared under the Guidelines of the California Environmental Quality Act (CEQA).

RECOMMENDATION:

1. Open the public hearing and receive public testimony
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING THE SECTION 14 SPECIFIC PLAN COMPREHENSIVE UPDATE; SECTION 14 IS THE APPROXIMATELY 640 ACRES OF LAND BOUNDED BY ALEJO ROAD TO THE NORTH, SUNRISE WAY TO THE EAST, RAMON ROAD TO THE SOUTH, AND INDIAN CANYON DRIVE TO THE WEST".

PRIOR ACTIONS:

On June 11, and June 25, 2014, the Planning Commission held public hearing meetings to consider this application. The Commission adopted the Mitigated Negative Declaration and voted unanimously to recommend approval to the City Council.

ITEM NO. 1.F.

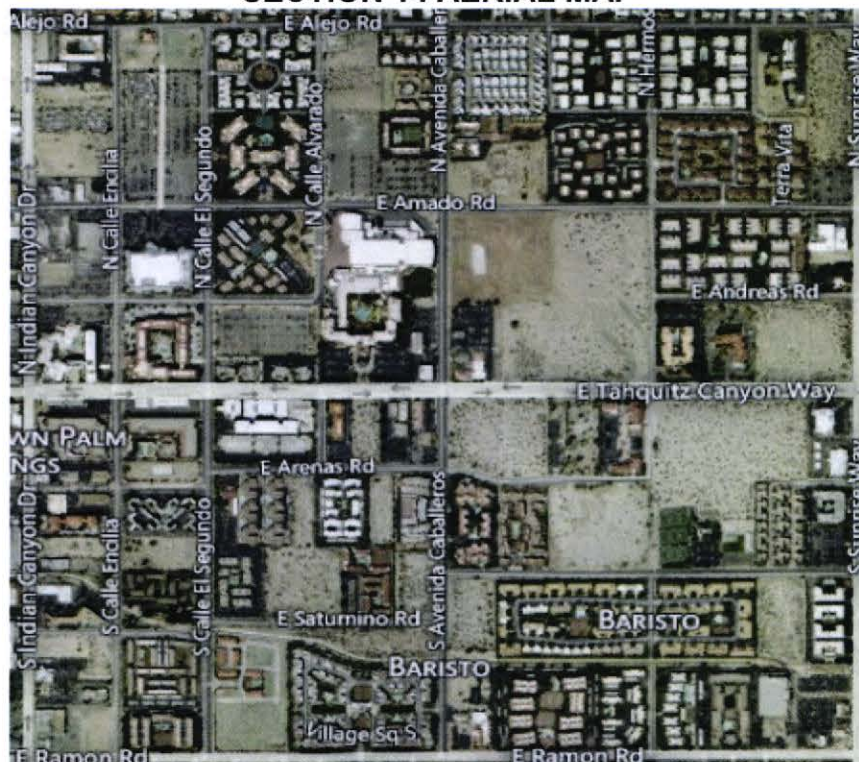
PRIOR ACTIONS / APPROVALS:

Related Relevant City Actions	
01.24.04	The Planning Commission Certified an EIR and recommended that the City Council adopt a Statement of Facts and Findings and Statement of Overriding Considerations and certify the Final EIR for the Section 14 Master Development Plan / Specific Plan
3.31.04	The City Council adopted a Statement of Facts and Findings and Statement of Overriding Considerations and certified a Final EIR and approved the Section 14 Master Development Plan / Specific Plan.
12.6.05	The Desert Water Agency (DWA) which supplies water to the Section 14 area adopted an Urban Water Management Plan 2005 (2005 UWMP). The UWMP provides updated information on the ability of DWA to supply water to future development within its service area including Section 14 and almost the entire City of Palm Springs.
11.2012	The Tribe conducted a public workshop and walking tour of Section 14 for public input
6.05.13	A Joint Indian/City Planning Commission meeting was held; the Specific Plan update was discussed at the meeting.
12.3.13	The Tribal Council reviewed the Draft Specific Plan Update and authorized submittal of the document to the City for entitlement processing

BACKGROUND:

Section 14 Area of the Agua Caliente Reservation is located on approximately 640 acres of land bounded by Alejo Road to the north, Ramon Road to the south, Indian Canyon Drive to the west, and Sunrise Way to the east. Section 14 currently has approximately 123 acres of vacant land and approximately 517 acres of residential, hotel, retail, office, restaurant, open space, and institutional land. The primary purpose of the Specific Plan is to provide a cohesive and coordinated framework to guide future development of Section 14. At the time the reservation was formed in 1876, all land within its boundaries was owned by the Tribe. Currently, three different types of ownership exist: Tribal, allotted, and fee lands.

SECTION 14 AERIAL MAP



Allotted and Leased parcels are those owned by individual Allottees, but have been leased on a long-term basis to other entities. The Palm Springs Convention Center and Renaissance Hotel are located on Allotted Trust parcels under a unitized or master lease, where various Allottees have joined together to establish a single lease and share the proceeds. Fee parcels are those that were allotted to a Tribal Member, but have since been sold out of Trust to another entity. Allotted and Not Leased parcels are those that have been retained by individual Allottees and are generally undeveloped. Allotted Trust parcels include those that were apportioned to individual Members of the Agua Caliente Band of Cahuilla Indians as part of the Equalization Act of 1959. Tribal lands consist of the Tribal Cemetery, Spa Hotel, Spa Resort Casino, Village Traditions residential development, the parking lots on Calle Encilia between Andreas and Alejo Roads, several vacant parcels along Tahquitz Canyon Way, Indian Canyon Drive and Alejo Road, and the U.S. Post Office which is subject to a ground lease between the Tribe and the Federal Government. The Tribe is responsible for the management of these lands.

Specific Plan:

Local jurisdictions are authorized to adopt Specific Plans as a tool in the implementation of their General Plan through California Government Code Section 65450 through 65457. Minimum requirements for the contents of a Specific Plan are set forth in California Government Code, which allows local jurisdictions to adopt Specific Plans either by resolution or ordinance. The Agua Caliente Band of Cahuilla Indians has initiated a request for approval of the Section 14 Master Development Plan/Specific Plan on the Agua Caliente Indian Reservation for the 640 acres bound by Alejo Road to the north, Ramon Road to the south, Indian Canyon Drive to the west, and Sunrise Way to the east. The request also includes a Mitigated Negative Declaration (MND), prepared under the Guidelines of the California Environmental Quality Act (CEQA).

Government Code 65450:

According to the State Government Code, Specific Plans are to be adopted in the same procedure as a General Plan. For the City of Palm Springs, this means review and recommendation by the Planning Commission at a noticed public hearing followed by review and possible approval by the City Council at a noticed public hearing. There are basic components that are required by State Code to be in a Specific Plan. They include:

1. The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.
2. The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.
5. The plan shall include a statement of the relationship of the Specific Plan to the General Plan.

Purpose of the Specific Plan:

The main purpose of the original Specific Plan was to unify Section 14 through design consistency based on well thought-out land use practices and historical architectural styles and philosophies that is typical of Palm Springs. The proposed Specific Plan update is intended to build upon the original Master Development/Specific Plan which was approved by the City Council in 2004. Prior to the adoption of the Specific Plan, fragmented land ownership resulted in piecemeal, discontinuous development. With the Section 14 Specific Plan, the highest and best uses of Indian Trust lands are being achieved. Secondly, the Specific Plan has helped to maximize and coordinate the development potential of the Indian Trust and fee lands in Section 14. The Specific Plan has ensured compatibility with existing, proposed, and planned development in the downtown area. It is anticipated that these goals will continued to be guided by a comprehensive vision that recognizes Section 14's key role in energizing downtown Palm Springs. The proposed Specific Plan update includes recommended changes to the following Sections:

- Land Use Designations
- Circulation and Streetscape
- Base Development Standards
- Consolidated Development Incentives

Detailed information of these changes is provided in the Analysis section of this report. In addition to those recommended changes above, the draft Specific Plan update also made changes to the review process of projects, land use regulations and development standards. At the recommendation of the Planning Department, the references to Planned Development District applications as a process to facilitate approval of projects that are not in conformance with the Specific Plan or the City's Zoning Ordinance have been removed from the Specific Plan.

Reviewing the Specific Plan:

Staffs from Planning, Engineering/Public Works and Fire Departments have all reviewed the proposed Section 14 Master Plan Update for internal consistency. Comments and recommendations were made and appropriate revisions have been made to areas of concern. There are no substantial departures from the current Specific Plan and therefore an amendment to the City's General Plan is not required at this time. The City of Palm Springs Municipal Code provides for adoption by ordinance, and as stated earlier, the Planning Commission reviewed the proposed update and recommended approval to the City Council for a final action. At the public hearing, the Commission asked for further clarifications on the following:

- Diagonal on-street parking with Class III Sharrows/Shared Lane Markings for Bicycles on Calle Encilla and Calle El Segundo.
- Setbacks for high-rise developments.
- High Density Residential.
- Designated Land Use Acreages.
- Maximum development potential of the undeveloped acreage in Section 14.
- In a letter dated June 19, 2014, the Tribe responded and provided additional clarifications to all the above questions from the Planning Commission. (Attachment #3: response letter from the Tribe)

ANALYSIS:

Existing Zoning & General Plan Land Use Designations & Uses:

The Section 14 Specific Plan's land use designations, which are referenced in various chapters of the document, include the following:

Specialty Retail-Entertainment-Office (REO)

This designation allows for the integration and concentration of large-scale specialty retail, restaurant, entertainment and office development along portions of Tahquitz Canyon Way and Indian Canyon Drive and emphasizes a pedestrian-transit focus.

Resort-Attraction (RA)

This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.

Local Serving Commercial (LSC)

This designation allows for smaller-scale retail and service activities, and emphasizes varied uses that will serve the needs of residents and visitors in a pedestrian-attractive environment.

Neighborhood Commercial (NC)

This designation allows for neighborhood convenience commercial uses that serve the daily needs of local residents in a complex or center that is primarily accessed by automobile.

High Density Residential (HR)

This designation encourages multiple-family residential development up to 30 dwelling units per acre, and allows hotel uses in a private and exclusive setting.

Medium Density Residential (MR)

This designation allows for multiple-family development of up to 15 dwelling units per acre.

Medium Density Residential Buffer (MBR)

This designation allows for multiple-family development of up to 8 dwelling units per acre, designed to create a buffer between the higher density development in Section 14 and the estate homes north of Alejo Road.

Cemetery (C)

This designation allows for the protection and perpetuation of the Tribal cemetery as a cemetery and recognized cultural resource.

The Section 14 Specific Plan update is consistent with applicable City's General Plan, Municipal Code and the California Government Code. The Specific Plan update will provide flexibility in processing single-family residential development in existing residential zones in Section 14. The proposed update will provide additional clarifications on Base Development Standards and make consolidated development incentives more attainable by reducing required acreage for consolidated development projects to five from ten. These incentives will enhance development opportunities in the Section 14 planning area and surrounding neighborhoods.

Table 2: Showing proposed changes from the current Specific Plan

Subject Area	Current Plan	2014 Update	Supporting Information
<i>Circulation & Streetscape – Complete Streets Plan</i>			
Roadway Classifications			
Avenida Caballeros	Secondary Thoroughfare	Modified Secondary Thoroughfare	These roadways have been reduced from 4-lane planned roadways, to 2-lanes. Surplus roadway space reallocated to other modes/uses (bike lanes/sharrows, parking; curb bump-outs, etc.). No changes made to designated R/O/W widths.
Amado Road	Major & Secondary Thoroughfare	Modified Secondary Thoroughfare	
Arenas Road	Secondary Thoroughfare	Modified Secondary Thoroughfare	
Baristo Road	Secondary Thoroughfare	Modified Secondary Thoroughfare	
Satrunino Road	Secondary Thoroughfare	Modified Secondary Thoroughfare	
New Street Section(s)			
Hermosa Drive	Street not planned for between Arenas & Baristo Roads, or across the Baristo Channel	Extended as a planned through street between Arenas and Ramon Roads	Change made to be consistent with the General Plan
<i>Zoning/Land Use</i>			
Land Use Plan			
Parcels north of the Spa Resort Casino Parking Lot between Calle Encilia & Calle El Segundo	MBR – Medium Density Residential Buffer (8 du/ac)	RA – Resort Attraction	The RA land use designation is more compatible with the existing/planned uses to the south & west.
Parcels along the north side of Arenas Road between Indian Canyon Drive & Calle Encilia	RA – Resort Attraction	LSC – Local Service Commercial	The LSC land use designation is more consistent with and better supports the existing uses in the area.
Residential development along the northern boundary of Section 14	MBR – Medium Density Residential Buffer (8 du/ac) HR – High Density Residential (30 du/ac)	MBR – Medium Density Residential Buffer (8 du/ac)	MBR boundary realigned to match existing development patterns.
Parcels at the north- & southwest corners of Tahquitz Canyon Way and Sunrise Way	RA – Resort Attraction	NC – Neighborhood Commercial	The NC land use designation is more consistent with existing & surrounding uses
General Land Use Regulations			
Permitted/Prohibited Uses	Detailed laundry list of specific uses provided for each land use	Consolidated and simplified the list of uses for all land use	The current list of uses is too detailed and not easy to follow. The new

	designation	designations into 1 table	table makes it easier to find and compare permitted/prohibited uses across all land use designations
Single-Family Residences (SFR)	Not permitted	Permitted by right in the MR and MBR Zone, and with a CUP in the HR Zone. The provisions of the R-1-D Zone of the City Zoning Ordinance shall apply.	Recently permitted projects show that dense SFR development is compatible in Section 14. Certain setback & height exceptions allowed subject to a CUP.
Base Development Standards			
Floor Area Ratio (FAR)	0.38 in all commercial land use designations	1.0 in the RA, REO, & LSA Zone 0.5 in the NC Zone	The updated FARs are consistent with the FARs for the Central Business District and Mixed-use/Multi-use General Plan land use designations.
High-rise Buildings	Only permitted in the RA Zone, unless part of a Consolidated Development	Permitted in the RA and REO Zones	The RA and REO Zones are very similar and both front portions of Indian Canyon Dr. & Tahquitz Canyon Way.
Open Space Requirements for High-rise Buildings	60 percent	40 percent	Sixty percent open space is too suburban for a downtown/urban setting.
Setback Requirements for High-rise Buildings	Minimum setback of one (1) foot of horizontal setback distance from the short dimension of the lot and one and one-half (1.5) feet of horizontal setback distance from the long dimension of the lot for each one (1) foot of vertical rise of building.	Standard PSZC building setbacks apply. No additional setback requirements for high-rise buildings; however, additional site specific setbacks may be imposed through the PDD process based on the relationship of the high-rise building to its surroundings.	The current setback requirements for high-rise buildings are not compatible with a downtown/urban setting.
Consolidated Development Incentives			
Development Incentive Threshold	Greater than 10 acres consolidated for one planned project	Greater than 5 acres and two or more parcels consolidated for one planned development	The 10-acre threshold is too difficult to reach given that most parcels in Section 14 are less than 5 acres.
Additional Requirements	Numerous site specific development requirements	None	In some cases, the additional requirements were more restrictive than the Base Development Standards
Flexible Zoning	N/A	The RA or REO Zones can be developed under	Provides maximum flexibility to encourage

		either the RA or REO land use designations. LSC or NC Zones can be developed under those designations, or either the RA or REO land use designation, or any combination thereof.	not only new development, but the redevelopment of underutilized properties.
Floor Area Ratio	1.0	3.0	The updated FAR is consistent with the 3.5 to 4.0 FARs allowed in the Central Business District General Plan land use designation
Residential Density	30 du/ac	60 du/ac	The updated du/ac is consistent with the 70 du/ac allowed in the Central Business District General Plan land use designation

Land Use Designations:

- Single-Family Residential (SFR) uses are now permitted by right in the MR and MBR (Medium Density Residential) Zones. Single-Family Residential will be subject to a Conditional Use Permit (CUP) in the High Density Residential (HR) Zone.
- The List of Permitted Uses by Zone has been converted to a single table for easier use.
- Land Use designations for the following parcels have been changed (See Figure 4-1 of the Specific Plan).
 - a. Parcels north of the Spa Resort Casino Parking lot were re-designated RA (Resort Attraction) from MBR (Medium Density Residential Buffer);
 - b. Parcels north of Arenas Road between Indian Canyon Drive and Calle Encilla were re-designated LSC (Local Servicing Commercial) from RA;
 - c. MBR boundary along the northern edge of the Specific Plan area was realigned to match existing development patterns;
 - d. Allotments at the northwest and southwest corners of Tahquitz Canyon Way and Sunrise Way were re-designated NC (Neighborhood Commercial) from RA.

Circulation and Streetscape:

- Complete Streets Plan has been incorporated; all existing right-of-way widths remain unchanged,
- New modified Secondary Thoroughfare Classification introduced where excess roadway space has been reallocated to other/modes uses such as bike lanes/sharrows, parking and curb bump-outs, etc.
- Hermosa Drive now proposed to be extended through to Ramon Road which is consistent the City's General Plan.

Base Development Standards:

- Maximum floor-area-ratio (FAR) was increased from 0.38 in all commercial zones to 0.50 in the NC (Neighborhood Commercial) Zone, and to 1.0 RA, LSA and REO (Retail-Entertainment-Office) Zone, similar to what is permitted in the CBD (Central Business District).
- Setback exceptions have been included for SRF development subject to CUP review and findings.
- High-rise buildings now permitted in the REO Zone in addition to the RA Zone.
- Open Space requirement for high-rise buildings reduced from 60% to 40%, similar to requirements in the CBD.
- No minimum setback requirements for high-rise buildings. Site specific setbacks will be established through a required development application review process.

Consolidated Development Incentives:

- The development incentive threshold was reduced from greater than ten (10) acres consolidated for one planned project, to greater than five (5) acres, and two or more parcels consolidated for one planned project.
- All additional Consolidated Development requirements were removed.
- Flexible zoning is now introduced as a development incentive.
- Maximum FAR incentive increased from 1.0 to 3.0, similar to what is permitted in the CBD.
- Maximum residential density increased from 30 dwelling units per acre (du/ac) to 60 du/ac, similar to what is permitted in the CBD.
- Expedited application review process was added for Consolidated Development projects that conform to the Section 14 Specific Plan requirements.

General Plan & Zoning Consistency:

An analysis of consistency with the General Plan was addressed in the proposed Specific Plan Update. The proposed changes do not represent a radical departure from the current land use designations contained in the current Specific Plan and as such, it will not require a General Plan Amendment. In most part, development standards for the Section 14 Specific Plan are based on the City of Palm Springs Zoning Ordinance.

The Specific Plan amends zoning assignments and to a limited extent allows permitted uses and applicable development standards in existing designations. The purpose of these changes is to better recognize and remove existing development constraints in Section 14 planning area. The changes also address existing and possible future land use compatibility issues, and facilitate development that meets the objectives of Section 14 Specific Plan.

Land Use Summary:

Land Use Designation	Gross Acres	Percent of Total Land	Development Potential
Commercial	95.3	15.0%	1,377,169 Sq.

Retail-Entertainment-Office	56.9	8.9%	
Local Serving Commercial	22.0	3.5%	
Neighborhood Commercial	16.4	2.6%	
Resort Attraction	124.4	19.5%	2,867 Rooms
Residential	316.4	49.7%	5,504 Units
High Density Residential	259.2	40.7%	
Medium Density Residential	12.6	2.0%	
Medium Density Residential Buffer	44.6	7.0%	
Subtotal:	536.1	84.2%	
Other	100.6	15.8%	
TOTAL	637.7	100.0%	

Table 3 above summarizes the land use distribution and buildout density for the Section 14 Specific Plan. Anticipated growth of residential units within Section 14 over the next 20 years is expected to be well below the projected buildout number calculated in Table above. As stated earlier, there were some significant changes in the proposed update of the Section 14 Specific Plan.

REQUIRED FINDINGS:

Approval of Specific Plan is regulated by Section 65450 et seq of the California Government Code. According to Section 65451, a specific plan must contain the following in text, diagrams or both:

(a). A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.*
- (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.*
- (3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.*
- (4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).*

- (b) *The specific plan shall include a statement of the relationship of the specific plan to the general plan.*

Staff has determined that all required topics noted above are found in the draft Section 14 Specific Plan Update, as summarized in this staff report. Section 65454 of the California Government Code states: *No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.*

The General Plan includes numerous policies about the future development and redevelopment of the city, and staff has determined that the proposed draft Specific Plan Update is consistent with the overall vision of the General Plan as well as with all the goals and policies which can be applied to the Section 14 Specific Plan planning area. The draft Specific Plan update does not include a General Plan Amendment.

ENVIRONMENTAL ASSESSMENT AND DETERMINATION:

The Section 14 Specific Plan update has been determined to be a "project", as defined by the California Environmental Quality Act (CEQA). The City has evaluated the project under CEQA Guidelines and a Mitigated Negative Declaration (MND), has been prepared and circulated for public comments. Staff believes the analysis contained in the MND is a complete evaluation of the project. Recommended Mitigation Measures incorporated into the MND will address any potential significant impacts and thus will reduce impacts to less than significant levels. In addition, any future development project within the Specific Plan area will be required to complete a project-specific environmental analysis per CEQA Guidelines.

NOTIFICATION

A public hearing notice of this meeting was advertised in a local newspaper. The neighborhood organizations within one half mile of the project site were notified of the public hearing meeting date. As of the writing of this report, no correspondence from the public has been received by staff.

FISCAL IMPACT:

None


M. Margo Wheeler, FAICP
Director of Planning Services


David H. Ready
City Manager

Attachments:

1. Draft Resolution
2. Planning Commission Minutes from the meetings of June 11 & 25, 2014
3. Letter dated 6.19.14 from the Tribe in response to Planning Commission's questions.
4. Final Draft Section 14 Specific Plan Update
5. Environmental Assessment

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING THE SECTION 14 SPECIFIC PLAN COMPREHENSIVE UPDATE; SECTION 14 IS THE APPROXIMATELY 640 ACRES OF LAND BOUNDED BY ALEJO ROAD TO THE NORTH, SUNRISE WAY TO THE EAST, RAMON ROAD TO THE SOUTH, AND INDIAN CANYON DRIVE TO THE WEST.

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the "Applicant") has filed an application with the City of Palm Springs for the Section 14 Master Development Plan/Specific Plan comprehensive update for the approximately 640 acres of land bounded by Alejo Road, Sunrise Way, Ramon Road, and Indian Canyon Drive, Zone, Section 14; and

WHEREAS, the City Council of the City of Palm Springs adopted a Statement of Facts and Findings and Statement of Overriding Considerations and certified a Final EIR and approved the Section 14 Master Development Plan / Specific on March 31, 2004; and

WHEREAS, on December 3, 2013, the Tribal Council reviewed the Draft Specific Plan Update and authorized the submittal of the document to the City of Palm Springs for entitlement; and

WHEREAS, on June 11, and 25, 2014, public hearing meetings on the application were held by the Planning Commission in accordance with applicable law; and

WHEREAS, on June 25, 2014, the Planning Commission adopted Resolution No. 6409, recommending approval of the Specific Plan Update to the City Council; and

WHEREAS, notice of the public hearing of the City Council of the City of Palm Springs to consider Section 14 Specific Plan Comprehensive Update, was given in accordance with applicable law; and

WHEREAS, on July 16, 2014, a public hearing on the application was held by the City Council in accordance with applicable law; and

WHEREAS, the proposed Section 14 Specific Plan comprehensive update is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and a Mitigated Negative Declaration (MND) has been prepared for this project and was distributed for public review and comments in accordance with CEQA; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meeting on the Specific Plan Update, including but not limited to the staff report, and all written and oral testimony presented.

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

Section 1:

Pursuant to the California Environmental Quality Act (CEQA), the City Council finds that a Mitigated Negative Declaration (MND) has been completed for the Section 14 Master Development Plan/Specific Plan Update and is in compliance with the State CEQA Guidelines, and the City's CEQA Guidelines. The MND adequately addresses the general environmental setting of the proposed update, its significant environmental impacts, and mitigation measures related to each significant environmental effect for the proposed Specific Plan Update. The City Council has independently reviewed and considered the Specific Plan update and determined that it is in conformance with the information contained in the MND. The City Council further finds that with the incorporation of proposed mitigation measures any potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance and thereby adopts the MND.

Section 2:

Although there are no specific findings outlined in the State of California Government Code, Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:

- (a) *A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:*
- (1) *The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.*
 - (2) *The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.*
 - (3) *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.*

- (4) *A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).*
- (b) *The specific plan shall include a statement of the relationship of the specific plan to the general plan.*

Staff has determined that all required topics noted above are found in the draft Section 14 Specific Plan Update, as summarized in this staff report. Section 65454 of the California Government Code states: *No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.*

The General Plan includes numerous policies about the future development and redevelopment of the city, and staff has determined that the proposed draft Specific Plan Update is consistent with the overall vision of the General Plan as well as with all the goals and policies which can be applied to the Section 14 Specific Plan planning area. The draft Specific Plan update does not include a General Plan Amendment.

Section 3:

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby adopts the Mitigated Negative Declaration (MND), and approve the Section 14 Master Development Plan/Specific Plan Comprehensive Update.

ADOPTED this 16th day of July 2014.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

~~1. CONSENT CALENDAR:~~

1A. APPROVAL OF MINUTES: JUNE 11, 2014 REGULAR AND SPECIAL JOINT MEETING MINUTES Approve the June 11, 2014 Regular and Joint Meeting Minutes.

ACTION: Approve the June 11, 2014 Regular and Joint Meeting Minutes with amendments.

Motion: Commissioner Lowe, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

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

2. CONT'D PUBLIC HEARING: 2A AGUA CALIENTE BAND OF CAHUILLA INDIANS (THE TRIBE) FOR THE SECTION 14 SPECIFIC PLAN COMPREHENSIVE UPDATE (CASE 5.1318-SPU) (ER)

COMMISSIONER ROBERTS said that Calle Alvarado should be considered for opening up to go from the airport using Tahquitz Canyon to the Convention Center. This needs to be examined.

COMMISSIONER CALERDINE commented that he is concerned with expanding the density. He asked if staff can explain the traffic engineering.

CHAIR DONENFELD called upon Margaret Park.

MARGARET PARK, DIRECTOR OF PLANNING & NATURAL RESOURCES, TRIBE, she addressed Item #4 of their letter included the staff report saying that it shows the original Specific Plan. The high density residential has dropped considerably and Item #5 shows anticipated slightly less density than 2007.

DAN MALCOLM, SENIOR PLANNER, ACBCI, addressed the bike lanes.

COMMISSIONER CALERDINE wants to look at the whole bike lane system.

COMMISSIONER ROBERTS asked about extending Calle Alvarado to Tahquitz Canyon.

DAN MALCOLM said they reached out to the landowner and he is not open to traffic but ok with pedestrian access.

VICE-CHAIR HUDSON said he would like to see taking a more comprehensive look at Indian Canyon Way. He supports a 2-way street and would like to see this important edge studied by the Tribe and City.

COMMISSIONER WEREMIUK commented that the City will review against adopted guidelines.

ACTION: Recommend adoption of the MND and approval of the proposed Section 14 Specific Plan Update to the City Council.

Motion: Chair Donenfeld, seconded by Commissioner Klatchko and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Klatchko, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld

COMMISSIONER CALERDINE proposed further study of a potential road Calle Alvarado to Tahquitz Canyon with non-standard width on 1-way and have that brought back to the Planning Commission prior to future development.

CHAIR DONENFELD AND COMMISSIONER KLATCHKO accepted the amendment.

~~3A. KEITH ZIMMERMAN FOR A TENTATIVE PARCEL MAP, VARIANCE AND ADMINISTRATIVE MINOR MODIFICATION TO SUBDIVIDE A 0.62-ACRE LOT INTO THREE RESIDENTIAL LOTS WITH REDUCED LOT WIDTHS; LOCATED ADJACENT TO ORANGE AVENUE, SOUTH OF SUNNY DUNES ROAD AND NORTH OF MESQUITE AVENUE, ZONE R-1-D (CASE NOS. TPM 36562, 6.539 VAR AND 7.1427 AMM). (DN)~~

~~**ACTION:** Continue to July 9, 2014.~~

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

~~**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Hudson and Chair Donenfeld~~

~~3B. NORTHWOOD-PALM SPRINGS, LLC FOR A TENTATIVE TRACT MAP CONVERT 104 APARTMENTS TO FOR-SALE CONDOMINIUMS AND CREATE A ONE-LOT CONDOMINIUM MAP ON A ROUGHLY 5.28-ACRE PARCEL LOCATED AT 1700 SOUTH ARABY DRIVE, ZONE R-3. (CASE NO. TTM 36756) (DN)~~

2F. AGUA CALIENTE BAND OF CAHUILLA INDIANS (THE TRIBE) FOR THE SECTION 14 SPECIFIC PLAN COMPREHENSIVE UPDATE (CASE 5.1318-SPU) (ER).

DIRECTOR WHEELER presented the proposed project as outlined in the staff report and recommended the Commission take testimony and continue to the next meeting.

CHAIR DONENFELD opened the public hearing:

MARGARET PARK, Director of Planning, provided a presentation showing a timelines of the actions taken, circulation element, bike path, proposed land use changes, noteworthy changes to permitted uses, development standards revisions, new consolidated development incentives.

There being no further appearances the public hearing was closed.

BILL DELOFROM, Tribe Consultant, provided details regarding the streets.

DANIEL MALCOLM, Tribe Senior Planner, addressed questions from the Commission.

COMMISSIONER CALERDINE questioned the road standards and angled parking on Calle Encilia and El Segundo. Have slower speed so appropriate for use of sharrows. He asked about the traffic implications and density.

COMMISSIONER KLATCKO asked questions regarding the streets.

DANIEL MALCOLM responded Hermosa Drive extension to match the city.

COMMISSIONER ROBERTS commented on the great map and questioned if the bike lane is angled. He noted that the use of PDD to establish setbacks is not the best.

COMMISSIONER KLATCHKO concurred.

VICE-CHAIR HUDSON commented on protecting the bike lanes.

COMMISSIONER CALERDINE does not like the bike lanes outside the parking.

CHAIR DONENFELD thanked Margaret Park for the informative presentation.

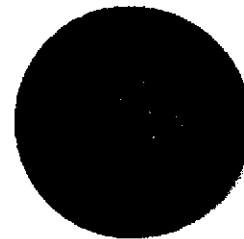
ACTION: Continue to June 25, 2014.

MOTION: Chair Donenfeld, seconded by Commissioner Lowe and unanimously carried 7-0 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and Chair Donenfeld

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



June 19, 2014

M. Margo Wheeler, FAICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED

JUN 19 2014

PLANNING SERVICES
DEPARTMENT

Re: Planning Commission Comments on the Section 14 Specific Plan Update

Dear Ms. Wheeler:

During last week's Planning Commission several questions/concerns were raised regarding the Section 14 Specific Plan Update that Tribal Staff would like to address before next week's meeting. The following are Tribal Staff's responses to some of the issues raised by the Planning Commission:

1. **Diagonal on-street parking with Class III Sharrows/Shared Lane Markings for Bicycles on Calle Encilia and Calle El Segundo.** Per the 2012 California Manual on Uniform Traffic Control Devices, sharrows are permitted on public roadways with speed limits below 35 miles per hour. Both Calle Encilia and Calle El Segundo fit this criterion. Additionally, both roadways serve relatively low volumes of automobile traffic and they do not extend beyond Section 14 as a thoroughfare, creating an environment where sharrows or shared lane markings are an appropriate treatment. Introducing diagonal parking on these two streets is also intended to reduce roadway/lane widths, which would encourage slower travel speeds creating a more inviting environment for pedestrians and bicyclists.

Diagonal parking has already been introduced on the west side of Calle Encilia at the intersection of Arenas Road, and diagonal parking would increase the supply of the already well-utilized on-street parking within this portion of Section 14, which is adjacent to Downtown Palm Springs. However, Tribal Staff can see the need for design flexibility on these two streets and are proposing adding language that would permit the installation of 5' Class II bike lanes with 12' travel lanes, 9' parallel on-street parking areas, and a 12' center turn lane as an alternative design for these two streets (see Exhibit A).

2. **Setbacks for high-rise development.** In addition to the standard setbacks that apply to all development within Section 14, the current Specific Plan identifies additional setback requirements for high-rise development. The additional requirement is that "[a] high-rise building shall have a minimum setback of one (1) foot of horizontal setback distance from the short dimension of the lot and one

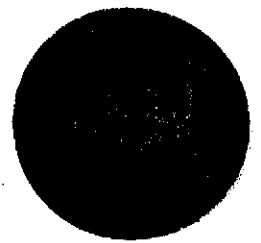
and one-half (1.5) feet of horizontal setback distance from the long dimension of the lot for each one (1) foot of vertical rise of building,” and that “[a]ll setbacks shall be measured from property lines.” The Specific Plan Update proposed to eliminate these suburban setback requirements in favor of imposing site-specific high-rise setbacks through the PDD process based on the relationship of the high-rise building to its surroundings; however, the Planning Commission did not feel comfortable having no established high-rise setbacks.

To resolve this concern, Tribal Staff are proposing to keep the one (1) foot of horizontal setback distance for each one (1) foot of vertical rise of building; however, this additional setback requirement would only apply between high-rise buildings and any adjacent residential districts. Tribal Staff are also proposing that high-rise buildings be subject to the approval of a CUP, rather than a PDD, which is currently allowed under the Palm Springs Zoning Ordinance. See Exhibit B for the proposed text revisions to the Specific Plan.

3. **High Density Residential (HR).** Under this land use designation the current Specific Plan allows up to 30 dwelling units per acre, which remains unchanged in the Update. As a development incentive, however, consolidated projects would be allowed to reach a density of 60 dwelling units per acre if two or more parcels/allotments totaling five (5) or more acres were combined as part of one planned project. There are limited opportunities in Section 14 (mainly in the southwest quarter) to take advantage of this development incentive and high-rise development is not permitted in the HR Zone.
4. **Designated Land Use Acreages.** The following table compares the total acreages of each designated land use in the original Specific Plan and the proposed Update.

Land Use Designation	Original Specific Plan		Proposed Update		
	Acres	Percent of Total	Acres	Percent of Total	Acreage Change
Retail Entertainment Office (REO)	57.0	9.0%	56.9	8.9%	-0.1
Resort Attraction (RA)	132.1	20.7%	124.4	19.5%	-7.6
Local Service Commercial (LSC)	20.2	3.2%	22.0	3.5%	+1.7
Neighborhood Commercial (NC)	8.1	1.3%	16.4	2.6%	+8.4
High Density Residential (HR)	282.6	44.4%	259.2	40.7%	-23.5
Medium Density Residential (MR)	12.7	2.0%	12.7	2.0%	0.0
Medium Density Residential Buffer (MBR)	25.4	4.0%	44.6	7.0%	+19.2
Other (parks, cemetery, roads, etc.)	98.6	15.4%	100.6	15.8%	+2.3
TOTAL	636.7	100.0%	636.7	100.0%	N/A

AGUA CALIENTE BAND OF CAHUILLA INDIANS



TRIBAL PLANNING & DEVELOPMENT

5. **Maximum development potential of the undeveloped acreage in Section 14.**
For reference, the following table is a summary comparison of the maximum development potential of the undeveloped acreage in Section 14 under the original Specific Plan and the proposed Update.

Original Specific Plan Year 2002	Proposed Update Year 2014	Developed/Entitled Projects Years 2002-2014
222.8 undeveloped acres	114.3 undeveloped acres	108.5 acres developed/entitled
3,275 dwelling units	1,817 dwelling units	174 dwelling units
2,060,082 sq ft commercial	1,121,670 sq ft commercial	227,103 sq ft commercial
2,001 hotel rooms	1,703 hotel rooms	304 hotel rooms

We would appreciate if you would share this letter with your Planning Commission prior to next week's meeting. Feel free to contact me at 760-883-1326 or via email at mpark@aguacaliente-nsn.gov if you have any questions.

Very truly yours,

Margaret E. Park, AICP
Director of Planning & Natural Resources
**AGUA CALIENTE BAND
OF CAHUILLA INDIANS**

EXHIBITS

- Exhibit A – Calle Encilia and Calle El Segundo Text Changes
- Exhibit B – High-Rise Setbacks Text Changes

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**

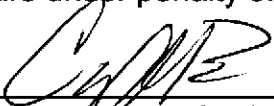


Date: July 16, 2014
Subject: Case 5.1318-SP-A Specific Plan Amendment

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that the attached Resolutions were published in the Desert Sun on July 5, 2014.

I declare under penalty of perjury that the foregoing is true and correct.




Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that the attached Resolutions were posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on July 5, 2014.

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1318-SP-A APPLICATION BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR
A SPECIFIC PLAN AMENDMENT AND A COMPREHENSIVE UPDATE TO THE SECTION 14
MASTER DEVELOPMENT PLAN/SPECIFIC PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of July 16, 2014. The City Council meeting begins at 6:00 p.m., in the Council Chambers at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider a Specific Plan Amendment for a Comprehensive Update to the Section 14 Master Development/Specific Plan. The proposal by the Agua Caliente Band of Cahuilla Indians will include changes to Circulation and Streetscape, Land Use, Base Development Standards and Consolidated Development Incentives. The Section 14 Master Development Plan/Specific Plan Area is bounded by Alejo Road to the north, Ramon Road to the south, Sunrise Way to the east and Indian Canyon Drive to the west. The proposed amendment involves a comprehensive review and update to the original Master Development Plan/Specific Plan approved by the City Council in 2004.

ENVIRONMENTAL DETERMINATION: The proposal has been deemed "a project"; an Initial Study was prepared under the provisions of the California Environmental Quality Act (CEQA) Guidelines, a Draft Mitigated Negative Declaration (MND) will be reviewed by the City Council at the hearing. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday and submit written comments at, or prior to, the City Council meeting.

REVIEW OF PROJECT INFORMATION: The Draft Specific Plan, Initial Study/Environmental Assessment and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. to 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009(b)(2)).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Edward Robertson, Principal Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk