



PLANNING COMMISSION STAFF REPORT

DATE: April 22, 2015

SUBJECT: NEW CHURCH II, LLC FOR A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT, CONDITIONAL USE PERMIT AND ARCHITECTURAL REVIEW APPLICATION TO RENOVATE EXISTING HISTORIC STRUCTURES AND CONSTRUCT A BANQUET SPACE AND THREE-STORY HOTEL TO OPERATE A 93-ROOM HOTEL WITH RESTAURANT AND ACCESSORY COMMERCIAL USES ON 3.1-ACRES LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, ZONE R-3 (CASE 5.1345 GPA, PD-372, CUP AND 3.0678 MAJ). (DN)

FROM: Department of Planning Services

SUMMARY

The Planning Commission will review a proposal for the repurposing, partial demolition of Class 1 historic sites and the construction of a banquet hall and three-story hotel on a roughly 3.1-acre site located at the northwest corner of Baristo Road and Belardo Road. The applications include the following

1. **General Plan Amendment** to modify the existing land use designation from Small Hotel to Tourist Resort Commercial.
2. **Planned Development District** to establish project site plan and development standards, including implementation of the high-rise ordinance for the project. The applicant proposes a 93-room resort hotel of about 78,605 square feet in size, a spa of approximately 6,671-square feet, a banquet hall of roughly 6,133-square feet and a restaurant of about 9,252-square feet. The proposal includes preliminary and final development plans.
3. **Conditional Use Permit** to allow restaurant and spa uses as a part of a hotel within the R-3 zone.
4. **Certificates of Approval** to renovate eight bungalows at the southeast quadrant of the site and repurpose the church building at the southwest quadrant. Relocation and demolition of certain structures will occur as described in this report.

5. Major Architectural Application to review the proposed hotel building, banquet hall and other exterior modifications.

RECOMMENDATION:

Recommend the City Council adopt the mitigated negative declaration and approve the project, subject to conditions.

ISSUES:

- Downtown Urban Design Plan provides guidance for development downtown, including a "view corridor" through the project site.
- Building too close to property lines for proposed height of 33 feet.
- Wheel stops prohibited (unless approved by Planning Director) pursuant to Section 93.06.00(E)(12) of the Zoning Code.
- Most of off-street parking proposed as tandem parking, which is prohibited (unless approved by Planning Director) pursuant to Section 93.06.00(C)(11). Applicant states guest parking will be valet.
- Bay parking includes tandem vehicle maneuvering along Belardo Road.
- Proposed driveway for underground parking does not meet minimum width requirements.

BACKGROUND:

TABLE 1: Most Recent Change of Ownership	
March 2010	New Church II LLC purchased the parcels

TABLE 2: Planning Areas		
Specific Plan	None	
Design Plan	Yes	Downtown Urban Design Plan - Appendix A of 2007 Palm Springs General Plan.
Overlay Zone(s)	"R"	Resort Overlay zone, subject to the requirements of Section 92.25.00 of the Zoning Code.
Indian Land	None	

TABLE 3: Sign Posting of Pending Project	
N/a	Not required

TABLE 4: Neighborhood Meeting	
	None, but the applicant has met with Tennis Club Neighborhood Organization representatives.

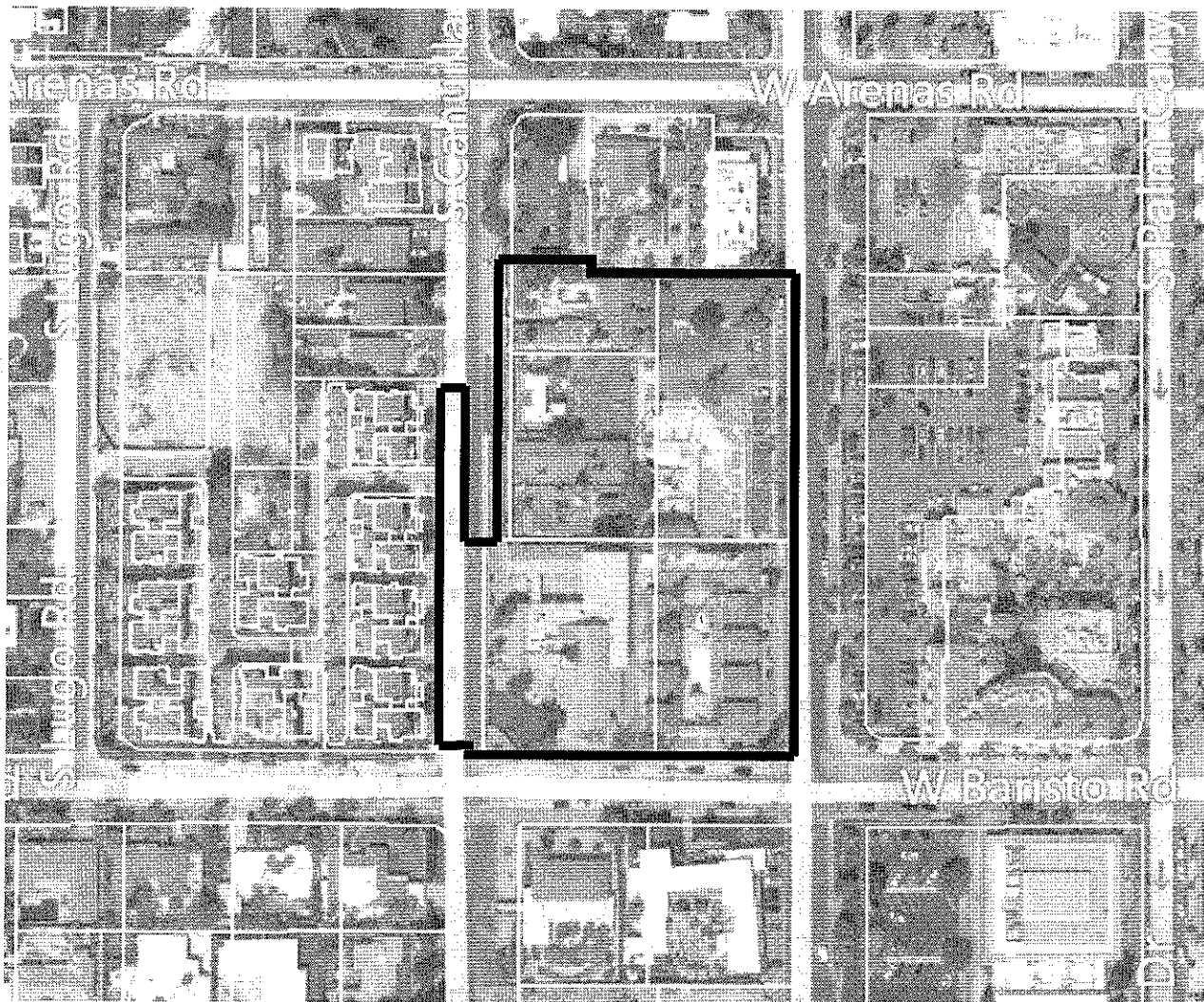
TABLE 5: Site Area	
Net Area	3.1 acres

TABLE 6: Related Relevant City Actions by Planning, Fire, Building, etc...

August 11, 2014	The Architectural Advisory Committee (AAC) reviewed a proposal to construct a five-story hotel and banquet building, and renovate the existing church and bungalow buildings for the operation of a 98-room hotel, restaurant and accessory uses. The AAC recommended approval of the project with minor revisions to the project.
October 15, 2014	The Historic Site Preservation Board (HSPB) received a presentation on the project from the applicant and continued the item to the next regular meeting.
November 18, 2014	<p>The HSPB tabled the project and directed the applicant to study the following:</p> <ol style="list-style-type: none"> 1. That the size, bulk and scale be diminished. 2. That the spa area be relocated elsewhere on the site, to not be over the existing nave or near the tower. 3. That views of the tower from the southeast not be impaired. 4. That the applicant produces a three-dimensional massing study / rendering / model of the project to include human scale and demonstrate how it fits into the neighborhood. 5. That the 1940's addition be considered "expendable" to better arrange the uses on the site and avoid adverse impacts on the nave, sanctuary, perimeter site wall, and bell tower. 6. Review the mitigation measures as they relate to the historic resources and clarify or expand upon the mitigation measures regarding aspects of the project that may materially impair the historic resources on the site. 7. To study and enhance the spatial relationships created between the historic resources and the proposed new structures, such as the bungalow courtyard, open space around the church, viewsheds and the project's integration into the neighborhood. 8. That the bay parking along Belardo should be re-studied to be less of an adverse impact at a pedestrian level, perhaps locating it below grade. 9. That the applicant considers stepping back the taller portions of the project from Cahuilla Road to better relate to the scale of the adjacent neighborhood. 10. That the roof of the nave be reconstructed / restored to its pre-fire appearance.
March 10, 2015	The HSPB issued certificates of approval to modify and build the project as currently proposed.
April 6, 2015	<p>The AAC recommended approval of the project, subject to the following:</p> <ol style="list-style-type: none"> 1. Parking and circulation 2. Additional details on integration of spa on church 3. Further architectural articulation of site entry 4. Submitted landscape plan showing details, noting a concern of too many hedges 5. Privacy and light spill to the north to be addressed in final design 6. No mechanical equipment on roof

TABLE 7: General Plan, Zoning and Land Uses of Site & Surrounding Areas

	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Site	Existing :SH (Small Hotel) Proposed: TRC (Tourist Resort Commercial)	Existing: R-2 (Multiple-family and Hotel) Proposed: PD-372	Historic Community Church and Orchid Tree Inn
North	SH	R-3	2-story Apartment Building 1-story Hotels
South	SH	R-3	2-story Hotel (Del Marcos) Private Club
East	CBD (Central Business District)	CBD (Central Business District)	1- to 2- story commercial retail (The Vineyard)
West	SH	R-3	1- to 3-story residential



PROJECT DESCRIPTION:

The 3.1-acre site involves six parcels of land inclusive of a portion of Cahuilla Road. The proposal consists of the renovation and reuse of certain historic structures as well as the construction of new buildings for a unified operation as a typical resort hotel with a portion of the parking underground. There will be a total of 93-rooms amongst the remodeled bungalows (8-rooms) and the new U-shaped hotel building (85-rooms).

The church will be renovated with floor space added on the northerly side of the building. The layout includes a first floor lobby, gift shop, restaurant, kitchen, lounge and restrooms; second floor spa and terrace; and third floor exercise deck, juice bar and treatment rooms.

To the north of the church, a newly built banquet hall of approx. 6,671-square feet is proposed. The first floor includes a kitchen, bar, restroom, storage space and guest facility. A stairwell and elevator provide access to the second floor with an additional bar.

Outdoor ground floor amenities include dining adjacent to the restaurant, an expansive pool area with loungers and private cabanas and an event lawn next to the banquet building. The applicant states the event area may accommodate up to 400 guests.

ANALYSIS:

TABLE 8: General Plan

Land Use: The current General Plan Land Use of the project site is Small Hotel, which is described as follows:

***Small Hotel Resort Commercial (15 hotel rooms per net acre; 10 dwelling units per acre).** This designation applies to areas with smaller-scale, boutique type hotels that are typically found in Warm Sands and Tennis Club neighborhoods. It is intended that the tourist resort character of these neighborhoods be preserved; as a result, new residential uses or conversion of small hotels to residential uses are permitted as long as they comply with the conversion requirements outlined within the City's Zoning Code. Stand-alone retail and commercial uses are not permitted in this land use designation. Ancillary commercial uses such as a gift shop associated with a small hotel use are allowed.*

An amendment to change the land use designation from Small Hotel to Tourist Resort Commercial is proposed for the project site. The General Plan describes this designation as follows:

Tourist Resort Commercial (0.35 FAR for stand-alone commercial uses; 43 hotel rooms per net acre; 86 rooms per net acre on Indian Land). This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial area shall be hotel/tourist-related uses; if residential uses are proposed within the Tourist Commercial Designation (timeshares, condominiums, etc.) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 dwelling units per acre. Permanent residential uses and commercial activities are allowed subject to approval of a planned development district.

With a total of 93-rooms over 2.75 net acres, the density is roughly 34 rooms per acre. The hotel room density is consistent with the proposed Tourist Resort Commercial designation.

Downtown Urban Design Plan: Appendix A of the 2007 Palm Springs General Plan is a workbook that was produced to serve as design guidelines for future downtown development. Staff notes the following as it relates to the project:

Building Height:

- The site is located within the Tennis Club District of the Plan, which states "*building heights should be consistent with current heights and zoning restrictions.*"
- "*Building heights should result in a varied skyline. Taller buildings, if properly designed, will create dramatic view corridors that will add to the vitality of downtown.*"
- "*Taller buildings (in excess of three stories) should compensate for their height through the provision of grade level public open space, preservation of views, superior design, and quality construction.*"

Orientation & Massing:

- "*An east-west orientation of taller buildings will reduce the bulk facing the mountains, which will help create/ preserve view corridors in the downtown area. The east-west orientation of taller buildings is recommended when appropriate.*"
- "*Building massing should step back above the ground floor to maintain and protect public view corridors along streets.*"
- "*Buildings should have variable roof lines.*"

Architecture & Architectural Detailing

- "*It is important that the rich architectural heritage of Palm Springs be protected. The City urges property owners to preserve, restore and productively use Class I and Class II*

historical buildings whenever practical."

- *"New buildings should be sensitive to the architectural styles and detailing of surrounding buildings while adding to the architectural quality and eclectic nature of downtown."*

The largest building of the new construction is a three-story modern hotel building with simple rhythmic patterns and textures around all four facades. The building is configured in a U-shaped layout surrounding the pool area. The building does not step back above the ground floor. The AAC recommended conditional approval on April 6, 2015.

The project incorporates preserving and re-use of historical structures on-site. Some Class I structures are proposed to be demolished. However, the proposed demolition of two of the ten bungalows was deemed to not have a significant impact by a preservation consultant with the project as proposed. Further, the Historic Site Preservation Board reviewed the proposal and approved the project on March 10, 2015.

TABLE 9: Zoning

The project site is zoned "R-3" (Multiple-family and Hotel) with an overlay zone of "R" (Resort).

Permitted Uses:

The proposed hotel use is permitted within the "R-3" zone, pursuant to Section 92.04.01(A)(1) of the Zoning Code. The accessory commercial uses that are part of the hotel are permitted with the approval of a Conditional Use Permit.

The Resort Overlay zone requires the approval of a Conditional Use Permit when a residential use is proposed.

Development Standards:

	R-3 Requirements	Proposed Project	Comply
A. Lot Area	20,000 sq. ft.	105,145 sq. ft.	Yes
B. Lot Dimension			
Min. Width	145 feet	265 feet	Yes
Min. Depth	150 feet	450 feet	Yes
C. Density	1,000 sq. ft. of net lot area for each unit of a hotel with surface parking	119,000 sq. ft. of lot area allows 119 rooms. Project proposes 93 rooms	Yes
D. Building Height	Hotels: 30 feet, except as allowed by high rise building ordinance: 60 feet	33 feet	No, unless approved as high-rise building

E. Yard Setbacks			
1. General Provisions	Front of garages / carports shall be located not less than 25 feet from property line abutting the street from which such garage has access.	10 feet from east property line	No, per PD
2. Front Yard	25 feet	Existing	No, per PD
3. Side Yards	20 feet from Belardo and Cahuilla	West property line: 10 feet East property line: 10 feet	No, per PD
4. Rear Yard	Equal to building height (33 feet to hotel building)	0 feet for trash / storage building 24 feet to hotel building	No, per PD
Add. Requirements	High Rise Ordinance	See table below	
F. Distance Between Buildings	15 feet minimum 30 feet minimum for interior court	20 feet (church and banquet hall) 80+ feet (pool area)	Yes
G. Walls, Fences and Landscaping	Refers to Section 93.02.00	Walls exceed height allowed at street corners.	No, per PD
H. Access.	Required per to Section 93.05.00	Provided from Belardo Rd	Yes
I. Off-street Parking	1 space per room for first 50 rooms 0.75 space per room exceeding 50 Public assembly space credited 30 sq. ft. per guest room. Additional parking required at ratio of 1 space per 30 sq. ft. Tandem parking is proposed, which is prohibited unless approved by the Planning Director	93 rooms require 82 spaces 3,480 sq. ft. Banquet Hall (93 rooms credit = 2,790 sq. ft.) 690 sq. ft. = 23 spaces. Total required: 105 spaces Total provided: 106 spaces	Yes
J. Off-street Loading and Trash Areas.	1 loading space required Trash enclosure required	Loading to occur in driveways or drop-off along street. Trash enclosure located at NW corner of site	Yes
Performance Standards	Minimum of 45 percent landscape open space	36% open space	No, per PD

Building Height:

	93.04.00 High Rise Ordinance	Proposed Project	Comply
A. Coverage	60% of site shall be developed as usable landscape open space / outdoor living. 40% for building and parking	36.6% open space 28.4% paving / parking / driveway 35% building coverage	No, per PD
B. Height	60 feet. Additional 15 feet may be allowed for stairways, elevators and mechanical equipment if not adding to building bulk	33 feet	Yes, with approval of PD
C. Height Setback	3 feet of horizontal setback for each 1 foot of vertical rise, as measured from property lines except street property lines which	North property line: - Required 99 feet - Proposed 24 feet to hotel	No, per PD

	require measurement from opposite side of right-of-way	Belardo Rd: - Required: 99 feet - Proposed: 76 feet to hotel Baristo Rd: - Existing. No change Cahuilla Rd: - Required: 99 feet - Proposed: 70 feet	
D. Proximity to Low Density Residential	6 feet of horizontal setback for each 1 foot of vertical rise as measured above.	Building required to be 198 feet setback from R-1 zone located southwest of project site. Building setback 280 feet.	Yes
G. City Council	Council may alter these provisions upon finding that the intent of this section is met.	-	-

Off-street Parking:

The site plan includes a total of 119 parking spaces in the overall parking calculation with most configured in a tandem layout. Staff has excluded 12 parking spaces in the analysis above (showing the project is providing 107 parking spaces). This is due to the inadequate driveway width of the underground parking area as proposed. The zoning code requires a 26-foot wide driveway when both sides of it include parking spaces and the current layout is configured with less than 20-feet of driveway clearance. Thus, with the elimination of the 12 stalls on the north side of the driveway, the underground parking will have an adequate driveway at 24-feet in width.

The applicant states the site will be valet parking only at all times and noted other projects where the proposed layout is functional with valet. While staff does not recommend the layout as presented, the Planning Commission may wish to consider if the additional spaces are acceptable when the site is operating at full capacity.

AAC Review:

On April 6, 2015, the Architectural Advisory Committee reviewed and recommended approval of the project, subject to the following:

1. Parking and circulation should be carefully evaluated
2. Additional details on integration of spa on church
3. Further architectural articulation of site entry
4. Submitted landscape plan showing details, noting a concern of too many hedges
5. Privacy and light spill to the north to be addressed in final design
6. No mechanical equipment on roof

In response to each of the above, the applicant has made revisions to the project as follows:

1. The underground parking spaces include additional parallel and perpendicular stalls with a driveway width of less than 20 feet – see sheet A3.00. (Staff notes the zoning code requirement is 26 feet wide driveways, and would recommend eliminating these stalls or expanding the overall width of the subterranean parking to meet the driveway width requirements. It should be noted that the parking calculations in the analysis above reflect the number of stalls without twelve of these spaces.)
2. The material of the spa addition above the church has been revised to a travertine consistent with the material used on portions of the hotel façade – see renderings.
3. Proposed glazing and an expanded overhang along Belardo Road – see renderings.
4. (No landscape plan proposed at this time. Staff conditioned the project for further review of this item.)
5. (No further details on lighting or privacy towards the north are proposed at this time. Staff conditioned the project for further review of this item.)
6. Mechanical equipment is proposed on the roof towards the center and behind parapet screens. The applicant submitted a site line diagram showing that the parapet will have only limited visibility from adjacent streets – see sheet A9.07.

Discussion of Public Benefit:

Pursuant the City Council 2008 policy on Public Benefit on Planned Developments, the applicant is to propose some form of public benefit *"proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code"* and may only be considered a public benefit *"when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects such as Quimby Act, public art fees, utility undergrounding, etc."*

The applicant is seeking the following relief via the Planned Development District:

- Reduced building setbacks from the east, north and west property lines
- Modified wall heights at street corners
- Modification of requirements of High Rise Ordinance, including:
 - Reduced building height setback from Belardo, Cahuilla and the north property line
 - Reduced amount of open space

In response to the 2008 City Council policy on public benefits, the applicant has submitted a summary of how the proposal meets three of the acceptable criteria, including the project as a benefit, key features of the project and sustainable features

(see attached summary from the applicant). Staff believes the most beneficial component of those stated by the applicant is the renovation and adaptive re-use of two historic sites, which justify greater intensity proposed on the other areas of the site.

REQUIRED FINDINGS:

General Plan Amendment: The State of California Governmental Code Sections 65350 – 65362 outlines the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment (GPA). Staff reviewed the proposed GPA and identified the following aspects of compatibility for the Planning Commission and City Council to use in considering the GPA request:

- Compatibility of the proposed TRC (Tourist Resort Commercial) land use designation with adjacent land uses and development patterns.
- Consistency of the proposed designation and development with Appendix "A" of the General Plan, "*The Downtown Urban Design Guidelines*".
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed TRC land use designation with existing adjacent land uses and development patterns.

The subject site is currently designated SH (Small Hotel) by the General Plan Land Use map, which allows hotels with up to 15 rooms per acre and residential with up to 10 units per acre. The site borders streets on three sides and abuts a hotel and residential to the north. The site is between residential to the west and commercial to the east. With a density of up to 43 rooms per acre, the proposed TRC land use designation is a logical transition from a lesser density / intensity land use, SH (Small Hotel), to the west and a similar density / intensity land use, CBD (Central Business District), to the east. This is consistent with a transition of land use intensities and good planning practices.

*Findings of consistency of the proposed designation with Appendix "A" of the General Plan, "*The Downtown Urban Design Guidelines*".*

The Downtown Urban Design Guidelines provides ideas and strategies on "Land Use and Development / Districts." The goal is to have, "*More downtown residential uses; More mixed-use; More cohesive, compact, and vibrant "core" of downtown; Strengthen the identity of the existing districts; Create new districts or recognizable neighborhoods.*" In order to obtain this goal, the recommended action is to "*Create more residential and mixed use developments in downtown; Take advantage of the development opportunities provided by vacant stores and lots; Find short and long term uses for the Desert Fashion Plaza site; Develop Indian Canyon Drive to create a more pedestrian friendly street; Create an "events/entertainment center"; Use specialized landscaping, signage, lighting, flags, banners, and street furniture to differentiate between the various districts.*" The proposed TRC land use designation will enable additional development

opportunities for a vacant, underutilized site with existing structures that contribute to the adjacent Historic Tennis Club neighborhood. Therefore, the proposed land use amendment is consistent with the Downtown Urban Design Guidelines.

Finding that there are no potential adverse impacts to existing or future development in the area.

The proposed General Plan Amendment would allow an increase in density, however it is in a transitional area between the higher intensity area of downtown Palm Spring and the moderate density character of residential to the west. Through the environmental review and hearing processes, it is anticipated that potential adverse impacts to existing or future developments in the area will be reduced to less than significant levels.

Planned Development District / Conditional Use Permit: A Planned Development District is subject to the requirements of Zoning Code Section 94.02.00, including required findings contained therein. An analysis is provided below:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

a. 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;

The proposed hotel use is permitted in the R-3 zone and the accessory commercial uses are permitted by Conditional Use Permit. High-rise buildings are permitted in the R-3 zone subject to the standards of Zoning Code 93.04 (high-rise buildings) and the findings of 94.02 (Conditional Use Permit). The applicant is seeking relief from the following high-rise development standards:

- Usable open space: Proposed at 36% which is less than the minimum 60% required.
- High-rise setbacks: Since the hotel building is a high-rise building, the structure should have 3 feet of horizontal setback for each 1 foot of vertical rise, as measured from property lines except street property lines which require measurement from opposite side of right-of-way. In this case, the hotel is setback 24 feet from the north property line, 76 feet from the opposite side of Belardo Road, 70 feet from the opposite side of Cahuilla Road. Required setbacks are 99 feet from the north property line, 99 feet from the opposite side of Belardo Road and 99 feet from the opposite side of Cahuilla Road.

The applicant is seeking deviation from the underlying R-3 zone in terms of:

- Height: R-3 maximum height is 30 feet;

- Setbacks: Proposed at 24 feet from the north property line, 10 feet from the east property line (Belardo Road) and 10 feet from the west property line (Cahuilla Road). The R-3 requirements are 20 feet for street side setbacks and 33 feet from the north property line.
- Wall heights: The walls / landscaping exceed thirty-inches within the corner cutback areas. From Section 93.02.00, subsection D: *"There shall be no visual obstructions as defined in this Zoning Code within the corner cutback area. The corner cutback area is defined as the triangular area created by a forty-five (45) degree angle line on a horizontal plane connecting two (2) points on intersecting property lines. In residential zones, the corner cutback area shall consist of a triangular area created by the diagonal connection of two (2) points measured thirty (30) feet back from the intersection of the prolongation of the front and side front property lines."*

With approval of the PD, the project is consistent with this finding.

b. 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;

Development of the subject site with a hotel use, including the adaptive re-use of historic structures, is desirable as a means of retaining history and revitalizing a site that has been unused for many years. The project is consistent with the proposed General Plan Tourist Resort Commercial land use designation, providing an additional facility for tourists visiting Palm Springs. The site proposes amenities of similar to larger-scale resorts. The site will be developed and utilized as a hotel with accessory commercial uses, which is consistent with development along Belardo Road and not detrimental to existing or future uses in the zone. Therefore, the project conforms to this finding.

c. 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 project consists of a grouping of parcels to form the overall 3.1-acre 93-room hotel site with parking, landscaping and outdoor recreation. With the approval of the PD, the City will provide relief from certain development standards and the project would be deemed in conformance with this finding. As noted above, the applicant is seeking relief from the height, setbacks, open space and wall height standards. The setbacks proposed are consistent with existing development patterns in the vicinity, the open space proposed is less than the minimum required by the zone and high rise ordinance; however, usable outdoor space is proposed at the ground level and upper floor balconies. The high-rise proposed has many forms of usable outdoor space and a

significant amount given the urban nature of the location in which it is proposed. Therefore, the project would be deemed in conformance with this finding.

d. 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 project is surrounded by streets on three sides. Vehicular access to the site is provided from Belardo Road, which is improved to handle the proposed uses as determined in the environmental assessment. Additionally, Baristo Road and Cahuilla Road are improved with adequate road width to accommodate the type and quantity of traffic expected by the proposed uses. Thus, the project conforms to this finding.

e. 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.

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

ENVIRONMENTAL ANALYSIS:

The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An initial study was conducted which considered all required CEQA issues, including but not limited to air quality, cultural resources, land use, hydrology and traffic. Potential significant adverse impacts were identified along with Mitigation Measures that would reduce the potential adverse impacts to less than significant levels. The following mitigation measures are included in the recommended conditions of approval for the project:

MM III-1. SCAQMD Rule 403 (403.1 specific to the Coachella Valley): A dust control Plan shall be prepared and implemented during all construction activities, include ground disturbance, grubbing, grading, and soil export. Said plan shall include but not be limited to the following best management practices:

- Chemically treat soil where activity will cease for at least four consecutive days;
- All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;
- Water site and equipment morning and evening and during all earth-moving operations;
- Operate street-sweepers on paved roads adjacent to site;

- Establish and strictly enforce limits of grading for each phase of development; and/or
- Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.
- Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
- Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.
- Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.

MM V-1 Periodic Construction Monitoring: The developer shall obtain a qualified consultant meeting the Secretary of the Interior's Professional Qualifications Standards in Architectural History of Historic Architecture. That consultant shall provide periodic construction monitoring to ensure the project is implemented in a manner that is sensitive to the treatment of the identified historical resources. This includes evaluating the manner in which historic features, spaces, and materials of the Orchid Tree Inn bungalows, the stone arch, and the Palm Springs Community Church are impacted by implementation of the work. If reinstallation of the stone arch is not possible, the consultant will monitor implementation of accurate reconstruction. The work should be planned and executed by a qualified masonry restoration specialist. Work will include careful crating and salvage prior to demolition and site clearing, secure storage, and reinstallation/reconstruction with construction monitoring.

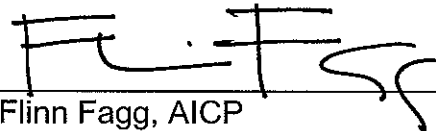
MM V-2 Interpretation: The developer shall obtain a qualified consultant meeting the Secretary of the Interior's Professional Qualifications Standards in Architectural History or Historic Architecture. That consultant shall evaluate and approve a plan to install an interpretive display that provides information about the history of the property, especially the Class 2 Historic Sites that have been demolished: the fire-destroyed Craftsman bungalow, located at 262 S. Cahuilla Road, and the Premiere Apartments building designed by noted architect Albert Frey, located at 292 S. Belardo Road. The histories of the other historical resources, including the Orchid Tree Inn bungalows, historic arch, and Palm Springs Community Church, should be interpreted as well. Potential acceptable forms of interpretation may include plaques, historic photographs, or other informational displays visible to the public.

MM VII-1: Prior to the issuance of demolition permits, an asbestos and lead survey shall be conducted by a certified asbestos and lead consultant, and a report shall be provided to the City Building Official. Should asbestos- and/or lead-containing materials be found, the project proponent shall submit to the Building Official a remediation and disposal plan to be conducted by a qualified, licensed specialist in the disposal of hazardous materials. The plan shall include specifics regarding the method of removal, transport, and disposal for all such materials.

MM VII-2: Should septic tanks, pipes, cesspools, and/or other system components be encountered during project development, the project proponent shall assure that they are properly disconnected, abandoned, and/or removed in accordance with the requirements of the City's Building Department and the Riverside County Department of Environmental Health.



David A. Newell
Associate Planner



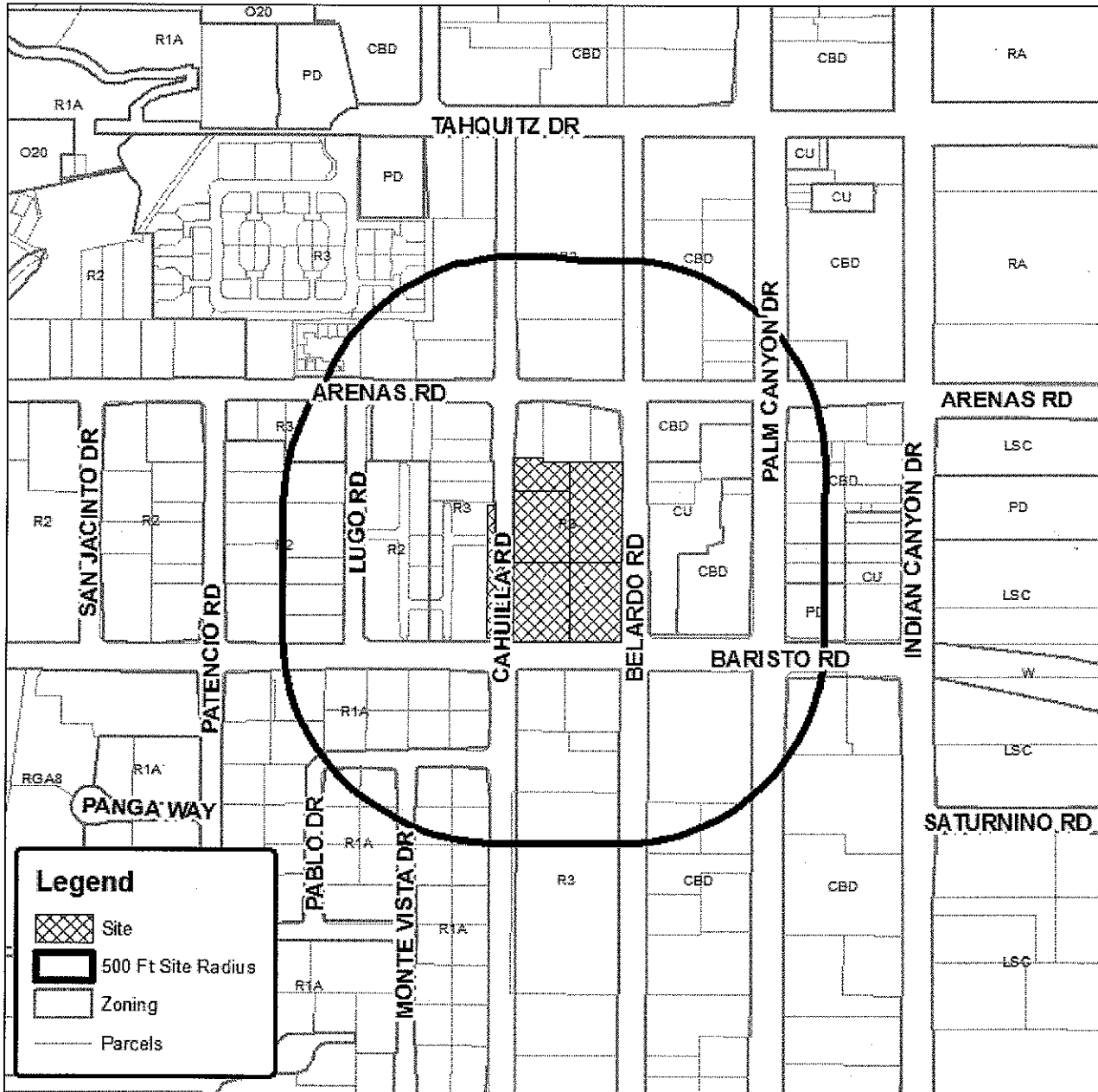
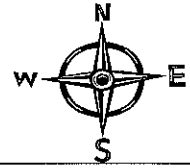
Flinn Fagg, AICP
Director of Planning Services

Attachments:





1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Downtown Urban Design Plan (excerpts)
4. Applicant Public Benefit Letter
5. Public Comment Letters
6. AAC Minutes, 04/06/2015
7. HSPB Minutes, 03/10/2015
8. Plan Exhibits



Department of Planning Services Vicinity Map



Legend

-  Site
-  500 Ft Site Radius
-  Zoning
-  Parcels

CITY OF PALM SPRINGS

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION UNDER CEQA AND OF FOUR APPLICATIONS (CASE NOS. 5.1345 GPA, PD-372, CUP AND 3.0678 MAJ) FOR THE RENOVATION OF EXISTING HISTORIC STRUCTURES AND THE CONSTRUCTION OF A BANQUET SPACE AND THREE-STORY HOTEL TO OPERATE A 93-ROOM HOTEL WITH RESTAURANT AND ACCESSORY COMMERCIAL USES ON 3.1-ACRES LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD.

WHEREAS, New Church II, LLC ("Applicant") submitted applications pursuant to Palm Springs Zoning Code Section 94.03 (Planned Development District) Section 94.04 (Architectural Review), Section 94.02 (Conditional Use Permit) and State of California Governmental Code 65350 – 65362 pertaining to the procedures for jurisdictions to amend their General Plan, seeking approval of a Planned Development District, a Major Architectural Application, a Conditional Use Permit and a General Plan Amendment for a 93-room hotel with accessory uses, off-street parking and open space on a roughly 3.1-acre site located at the northwest corner of Baristo Road and Belardo Road (Case Nos. 5.1345 GPA, PD 372, CUP and 3.0678 MAJ); and

WHEREAS, on March 10, 2015, the subject project was reviewed by the City's Historic Site Preservation Board, which voted 6-1 to issue certificates of approval to modify the Class 1 historic sites (Nos. 23 and 72) under certain conditions; and

WHEREAS, on April 6, 2015, the subject project was reviewed by the City's Architectural Advisory Committee, which voted 6-0 (1absent) to recommend conditional approval of project; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider Case 5.1345 GPA, PD 372, CUP and 3.0678 MAJ was given in accordance with applicable law; and

WHEREAS, on April 22, 2015, a public hearing of the Planning Commission of the City of Palm Springs, California was held in accordance with applicable law, and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed development has been determined to be a project subject to environmental analysis under guidelines of CEQA.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: CEQA.

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited to air quality, cultural resources, land use, hydrology and traffic. Mitigation Measures have been proposed to reduce the project's significant impacts to a less than significant level.

The Planning Commission independently reviewed and considered the information contained in the draft MND and the draft MND reflects the City's independent judgment and analysis. The Planning Commission finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the Planning Commission recommends the City Council adopt the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

Section 2: Findings for a General Plan Amendment.

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. The Planning Commission has evaluated the requested GPA based upon the following:

- Compatibility of the proposed TRC (Tourist Resort Commercial) land use designation with adjacent land uses and development patterns.
- Consistency of the proposed designation and development with Appendix "A" of the General Plan, "*The Downtown Urban Design Guidelines*".
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed TRC land use designation with existing adjacent land uses and development patterns.

The subject site is currently designated SH (Small Hotel) by the General Plan Land Use map, which allows hotels with up to 15 rooms per acre and residential with up to 10 units per acre. The site borders streets on three sides and abuts a hotel and residential to the north. The site is between residential to the west and commercial to the east. With a density of up to 43 rooms per acre, the proposed TRC land use designation is a logical transition from a lesser density / intensity land use, SH (Small Hotel), to the west

and a similar density / intensity land use, CBD (Central Business District), to the east. This is consistent with a transition of land use intensities and good planning practices.

Findings of consistency of the proposed designation with Appendix “A” of the General Plan, “*The Downtown Urban Design Guidelines*”.

The Downtown Urban Design Guidelines provides ideas and strategies on “Land Use and Development / Districts.” The goal is to have, “*More downtown residential uses; More mixed-use; More cohesive, compact, and vibrant “core” of downtown; Strengthen the identity of the existing districts; Create new districts or recognizable neighborhoods.*” In order to obtain this goal, the recommended action is to “*Create more residential and mixed use developments in downtown; Take advantage of the development opportunities provided by vacant stores and lots; Find short and long term uses for the Desert Fashion Plaza site; Develop Indian Canyon Drive to create a more pedestrian friendly street; Create an “events/entertainment center”; Use specialized landscaping, signage, lighting, flags, banners, and street furniture to differentiate between the various districts.*” The proposed TRC land use designation will enable additional development opportunities for a vacant, underutilized site with existing structures that contribute to the adjacent Historic Tennis Club neighborhood. Therefore, the proposed land use amendment is consistent with the Downtown Urban Design Guidelines.

Finding that there are no potential adverse impacts to existing or future development in the area.

The proposed General Plan Amendment would allow a significant increase in density, however it is in a transitional area between the higher intensity area of downtown Palm Spring and the moderate density character of residential to the west. Through the environmental review and hearing processes, it is anticipated that potential adverse impacts to existing or future developments in the area will be reduced to less than significant levels.

Section 3: Findings for a Planned Development District.

A Planned Development District is subject to the requirements of Zoning Code Section 94.02.00 *Conditional Use Permit*, including required findings contained therein. A response to each finding is provided:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

- a. *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;*

The proposed hotel use is permitted in the R-3 zone and the accessory commercial uses are permitted by Conditional Use Permit. High-rise buildings are permitted in the

R-3 zone subject to the standards of Zoning Code 93.04 (high-rise buildings) and the findings of 94.02 (Conditional Use Permit). The applicant is seeking relief from the following high-rise development standards:

- Usable open space: Proposed at 36% which is less than the minimum 60% required.
- High-rise setbacks: Since the hotel building is a high-rise building, the structure should have 3 feet of horizontal setback for each 1 foot of vertical rise, as measured from property lines except street property lines which require measurement from opposite side of right-of-way. In this case, the hotel is setback 24 feet from the north property line, 76 feet from the opposite side of Belardo Road, 70 feet from the opposite side of Cahuilla Road. Required setbacks are 99 feet from the north property line, 99 feet from the opposite side of Belardo Road and 99 feet from the opposite side of Cahuilla Road.

The applicant is seeking deviation from the underlying R-3 zone in terms of:

- Height: R-3 maximum height is 30 feet;
- Setbacks: Proposed at 24 feet from the north property line, 10 feet from the east property line (Belardo Road) and 10 feet from the west property line (Cahuilla Road). The R-3 requirements are 20 feet for street side setbacks and 33 feet from the north property line.
- Wall heights: The walls / landscaping exceed thirty-inches within the corner cutback areas. From Section 93.02.00, subsection D: "*There shall be no visual obstructions as defined in this Zoning Code within the corner cutback area. The corner cutback area is defined as the triangular area created by a forty-five (45) degree angle line on a horizontal plane connecting two (2) points on intersecting property lines. In residential zones, the corner cutback area shall consist of a triangular area created by the diagonal connection of two (2) points measured thirty (30) feet back from the intersection of the prolongation of the front and side front property lines.*"

With approval of the PD, the project is consistent with this finding.

b. 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;

Development of the subject site with a hotel use, including the adaptive re-use of historic structures, is desirable as a means of retaining history and revitalizing a site that has been unused for many years. The project is consistent with the proposed General Plan Tourist Resort Commercial land use designation, providing an additional facility for tourists visiting Palm Springs. The site proposes amenities of similar to

larger-scale resorts. The site will be developed and utilized as a hotel with accessory commercial uses, which is consistent with development along Belardo Road and not detrimental to existing or future uses in the zone. Therefore, the project conforms to this finding.

c. 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 project consists of a grouping of parcels to form the overall 3.1-acre 93-room hotel site with parking, landscaping and outdoor recreation. With the approval of the PD, the City will provide relief from certain development standards and the project would be deemed in conformance with this finding. As noted above, the applicant is seeking relief from the height, setbacks, open space and wall height standards. The setbacks proposed are consistent with existing development patterns in the vicinity, the open space proposed is less than the minimum required by the zone and high rise ordinance; however, usable outdoor space is proposed at the ground level and upper floor balconies. The high-rise proposed has many forms of usable outdoor space and a significant amount given the urban nature of the location in which it is proposed. Therefore, the project would be deemed in conformance with this finding.

d. 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 project is surrounded by streets on three sides. Vehicular access to the site is provided from Belardo Road, which is improved to handle the proposed uses as determined in the environmental assessment. Additionally, Baristo Road and Cahuilla Road are improved with adequate road width to accommodate the type and quantity of traffic expected by the proposed uses. Thus, the project conforms to this finding.

e. 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.

A set of conditions of approval are proposed and attached to this resolution as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves and recommends the City Council adopt the Mitigated Negative Declaration under CEQA and approve Case Nos. 5.1345 GPA, PD 372, CUP and 3.0678 MAJ; for a General Plan Amendment from Small Hotel to Tourist Resort Commercial; and for a Planned Development District, a Conditional Use Permit and a Major Architectural Application for the renovation of existing historic sites and

construction of a banquet space and hotel building with subterranean parking for the operation of a 93-room hotel with accessory commercial space, outdoor open space on a 3.1-acre site located at the northwest corner of Belardo Road and Baristo Road, subject to the conditions set forth in Exhibit A.

ADOPTED this 22th day of April, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case Nos. 5.1345 GPA, PD 372 GPA, CUP and 3.0678 MAJ

"Orchid Tree Resort and Spa"
Northwest corner of Belardo Road and Baristo Road

April 22, 2015

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case Nos. 5.1345 GPA, PD 372, CUP and 3.0678 MAJ; except as modified with the approved Mitigation Monitoring Program and the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1345 GPA, PD 372, CUP and 3.0678 MAJ. 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.

ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

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

Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

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

ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant

to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ADM 10. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution

ADM 11. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.

ADM 12. Comply with City Noise Ordinance. The uses associated with this approval shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code (PSMC). Violations by any of the individual uses permitted under this CUP / PD may result in revocation or revision of the Conditional Use Permit / PD associated with that particular use at the site pursuant to the procedures outlined in PSZC 94.02.00.(I).

The Noise level limits are as set forth below from PSMC Section 11.74.031:

11.74.031 Noise level limit.

The noise level or sound level referred to in this section shall mean the higher of the following:

- (1) Actual measured ambient noise level; or

- (2) That noise level limit as determined from the table in this subsection:

Zone	Time	Sound Level (A-weighted) Decibels
Residential High Density	7 a.m. to 6 p.m.	60
	6 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
Commercial	7 a.m. to 6 p.m.	60
	6 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50

- ADM 13. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of

the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:

- SCAQMD Rule 403 (403.1 specific to the Coachella Valley): A dust control Plan shall be prepared and implemented during all construction activities, include ground disturbance, grubbing, grading, and soil export. Said plan shall include but not be limited to the following best management practices:
- Chemically treat soil where activity will cease for at least four consecutive days;
- All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;
- Water site and equipment morning and evening and during all earth-moving operations;
- Operate street-sweepers on paved roads adjacent to site;
- Establish and strictly enforce limits of grading for each phase of development; and/or
- Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.
- Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
- Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.
- Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.

MM V-1 Periodic Construction Monitoring: The developer shall obtain a qualified consultant meeting the Secretary of the Interior's Professional Qualifications Standards in Architectural History of Historic Architecture. That consultant shall provide periodic construction monitoring to ensure the project is implemented in a manner that is sensitive to the treatment of the identified historical resources. This includes evaluating the manner in which historic features, spaces, and materials of the Orchid Tree Inn bungalows, the stone arch, and the Palm Springs Community Church are impacted by implementation of the work. If reinstallation of the stone arch is not possible, the consultant will monitor implementation of accurate reconstruction. The work should be planned and executed by a qualified masonry restoration specialist. Work will include careful crating and salvage prior to demolition

and site clearing, secure storage, and reinstallation/reconstruction with construction monitoring.

MM V-2 Interpretation: The developer shall obtain a qualified consultant meeting the Secretary of the Interior's Professional Qualifications Standards in Architectural History or Historic Architecture. That consultant shall evaluate and approve a plan to install an interpretive display that provides information about the history of the property, especially the Class 2 Historic Sites that have been demolished: the fire-destroyed Craftsman bungalow, located at 262 S. Cahuilla Road, and the Premiere Apartments building designed by noted architect Albert Frey, located at 292 S. Belardo Road. The histories of the other historical resources, including the Orchid Tree Inn bungalows, historic arch, and Palm Springs Community Church, should be interpreted as well. Potential acceptable forms of interpretation may include plaques, historic photographs, or other informational displays visible to the public.

MM VII-1: Prior to the issuance of demolition permits, an asbestos and lead survey shall be conducted by a certified asbestos and lead consultant, and a report shall be provided to the City Building Official. Should asbestos- and/or lead-containing materials be found, the project proponent shall submit to the Building Official a remediation and disposal plan to be conducted by a qualified, licensed specialist in the disposal of hazardous materials. The plan shall include specifics regarding the method of removal, transport, and disposal for all such materials.

MM VII-2: Should septic tanks, pipes, cesspools, and/or other system components be encountered during project development, the project proponent shall assure that they are properly disconnected, abandoned, and/or removed in accordance with the requirements of the City's Building Department and the Riverside County Department of Environmental Health.

ENV 4. **Cultural Resource Survey Required.** Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 5. **Cultural Resource Site Monitoring.** There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.

a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation

monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.

- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. Additional details on integration of spa on church
 - b. Further architectural articulation of site entry
 - c. Submitted landscape plan showing details, noting a concern of too many hedges
 - d. Privacy and light spill to the north to be addressed in final design
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

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- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning Services.
- PLN 15. Photovoltaic Panels. Provide photovoltaic panels in the general locations shown on the roof plan as part of the public benefits for this project.
- PLN 16. Valet Parking Service Required. The applicant shall provide a valet parking service at the site at all times. A site plan showing circulation plan shall be submitted to the City Planning Department demonstrating the maximum additional parking spaces that could be accommodated in the drive aisles of the parking lot by using the valet parking service.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

APPLICATION FOR APPROVAL OF A RESORT AND SPA LOCATED AT 222 S. CAHUILLA ROAD, (APN 513-151-037, 41, 42, 43 AND 44), SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., CASE NO. 5.1345, ENG. FILE NO. 4021.

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

BELARDO ROAD

- ENG 3. Remove the existing curb and bay parking approach located 28 feet west of centerline and replace with a 6 inch curb and gutter located 20 feet west of centerline along the frontage with curb located at 28 feet from centerline in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 4. Construct driveway approaches to accommodate bay parking stalls along the Belardo Road frontage in accordance with City of Palm Springs Standard Drawing No. 201. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 5. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 6. 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.
- ENG 7. Remove and replace the existing curb ramp at the Northwest corner of Belardo Road and Baristo Road, Construct a Type A curb ramp meeting current California State Accessibility standard 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.

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ENG 8. The minimum pavement section shall be 2½ inches of asphalt concrete pavement over 4 inches of crushed miscellaneous base.

ENG 9. Remove and replace existing asphalt concrete pavement where required, in accordance with applicable City standards.

BARISTO ROAD

ENG 10. Remove the existing curb located 20 feet south of centerline to accommodate the proposed valet turnout and replace with an 8 inch curb and gutter located 30 feet south of centerline in accordance with City of Palm Springs Standard Drawing No. 200.

a. Dedicate additional right-of-way concentric with the back of sidewalk adjacent to the proposed valet turn-out.

ENG 11. Construct a 5 feet wide sidewalk behind the curb along the proposed valet turnout frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 12. 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.

ENG 13. Remove and replace the existing curb ramp at the Northeast corner of Baristo road and Cahuilla Road, and construct a Type A curb ramp meeting current California State Accessibility standards in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 14. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

CAHUILLA ROAD

ENG 15. Construct a 6 inch curb and gutter, 18 feet east of centerline along the entire frontage, with a 25 feet radius curb return at the northeast corner of the intersection of Cahuilla Road and Belardo Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

ENG 16. Dedicate additional right-of-way concentric with the back of sidewalk adjacent to the proposed Valet turn-out.

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- ENG 17. Construct driveway approach(es) to accommodate bay parking stalls along the Cahuilla Road frontage(s) in accordance with City of Palm Springs Standard Drawing No. 201. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 18. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 19. 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.
- ENG 20. The minimum pavement section shall be 2½ inches of asphalt concrete pavement over 4 inches of crushed miscellaneous base.
- ENG 21. Remove and replace existing asphalt concrete pavement where required, in accordance with applicable City standards.
- ENG 22. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE PARKING

- ENG 23. Construct a 25 feet wide driveway approach to accommodate access to the on-site bay parking, proposed driveway locations are on Cahuilla Road and Belardo Road in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 24. The minimum pavement section for all on-site pavement (drive aisles, parking spaces) shall be 2-1/2 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.

SANITARY SEWER

- ENG 25. All sanitary facilities shall be connected to the public sewer system (via the proposed on-site private sewer system). New laterals shall not be connected at manholes.

GRADING

ENG 26. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of the Soils Report.

ENG 27. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. 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 28. (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 29. 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 30. 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 31. 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 (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 32. 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 33. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 34. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer

system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

ENG 35. 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 within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

- a. 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 Water Quality Management Plan (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 issuance of any grading or building permits.
- b. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 36. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to adjacent streets. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys

nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

ENG 37. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$ 9212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

ENG 38. 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 39. All proposed utility lines shall be installed underground.

ENG 40. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the west property line meet the requirement to be installed underground. The applicant is advised to investigate the nature of these utilities, the availability of undergrounding these utilities with respect to adjacent and off-site properties, and to present its case for a waiver of the Municipal Code requirement, if appropriate, to the Planning Commission and/or City Council as part of its review and approval of this project.

a. If utility undergrounding is deferred in accordance with specific direction by the Planning Commission and/or City Council, the record property owner shall

enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the developer prior to issuance of any grading or building permits.

- ENG 41. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 42. Upon approval of any improvement plan (if required) 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 43. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 44. 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 45. The existing parcels identified as Lots 7,8,9,10,11,12,13,14,15,20,21,22,23,24 and portion of Lots 1 and 2 of the Townsite of Palm Springs map, Map Book 9, Page 432 and that portion of Lot 9 of Tract 31887, Map Book 364, Pages 66-69, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

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TRAFFIC

- ENG 46. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 47. 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 48. 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 (MUTCD), dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 49. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined from un-stamped, electronic plans received 4/14/15. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3 **Plans and Permits (CFC 105.1):**
- Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals (four sets). All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

- FID 4 **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 5 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 6 **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- **Aerial Fire Access Road Width (CFC Appendix D105.2):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.
 - **Aerial Access Proximity to Building (CFC Appendix D105.3):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet

from the building and shall be positioned parallel to one entire side of the building.

- **Project Notes:** Provide detailed drawings showing compliance with the above code requirements for the east and west fire department access points to the hotel roof.

FID 7

Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID 8

Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.

- **Key Box Contents (CFC 506.1):** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

FID 9 **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13, 2013 Edition, as modified by local ordinance.

- Subterranean Parking – Fire sprinklers required

FID 10 **Fire Alarm System Group R-1 (CFC 907.2.8):** Fire alarm systems and smoke alarms shall be installed in Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3.

907.2.8.1 Manual fire alarm system. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.

Exceptions:

1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by at least 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.

- **907.2.8.2 Automatic smoke detection system.** An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors serving sleeping units.

Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.

- **907.2.8.3 Smoke alarms.** Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11.

FID 11 **Residential Smoke and Carbon Monoxide Alarms Installation (CFC 907.2.11.2/3/4; CRC R314 & R315; and California Health & Safety Code**

17926): Provide and install Residential Smoke and Carbon Monoxide Alarms. Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alterations, repairs and additions, smoke and carbon monoxide alarms shall be interconnected. The operation of any smoke alarm will cause all smoke alarms within the dwelling to sound. The operation of any carbon monoxide alarm will cause all carbon monoxide alarms within the dwelling to sound.

FID 12 Fire Extinguisher Requirements (CFC 906): Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.

- **Portable Fire Extinguishers for Food Processing Equipment (CFC 906.1 & 4):** In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.

FID 13 Elevator Emergency Operation (CFC 607.1): Existing elevators with a travel distance of 25 feet or more shall comply with the requirements in Chapter 46. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders and NFPA 72.

- **Elevator Keys (CFC 607.4):** Keys for the elevator car doors and fire-fighter service keys shall be kept in an approved location for immediate use by the fire department.
- **Elevator System Shunt Trip (CFC 607.5):** Where elevator hoistways or elevator machine rooms containing elevator control equipment are protected with automatic sprinklers, a means installed in accordance with NFPA 72, Section 21.4, Elevator Shutdown, shall be provided to disconnect automatically the main line power supply to the affected elevator prior to the application of water. This means shall not be self-resetting. The activation of sprinklers outside the hoistway or machine room shall not disconnect the main line power supply.
- **Fire Sprinklers at Bottom of Elevator Pit (NFPA 13: 8.15.5.1):** Sidewall spray sprinklers shall be installed at the bottom of each elevator hoistway not more than 2 feet above the floor of the pit.

- **Elevator Hoistways and Machine Rooms (NFPA 13: 8.15.5.3):** Automatic fire sprinklers shall be required in elevator machine rooms, elevator machinery spaces, control spaces, or hoistways of traction elevators.
- **Fire Sprinklers at the Top of Elevator Hoistways (NFPA 13: 8.15.5.6):** The sprinkler required at the top of the elevator hoistway by 8.15.5.5 shall not be required where the hoistway for passenger elevators is noncombustible or limited-combustible and the car enclosure materials meet the requirements of ASME A17.1, Safety Code for Elevators and Escalators.
- **Elevator Recall for Fire Fighters' Service with Automatic Fire Detection (NFPA 72: 21.3.3):** Unless otherwise required by the authority having jurisdiction, only the elevator lobby, elevator hoistway, and elevator machine room smoke detectors, or other automatic fire detection as permitted by 21.3.9, shall be used to recall elevators for fire fighters' service.
- **Exception:** A water-flow switch shall be permitted to initiate elevator recall upon activation of a sprinkler installed at the bottom of the elevator hoistway (the elevator pit), provided the water-flow switch and pit sprinkler are installed on a separately valved sprinkler line dedicated solely for protecting the elevator pit, and the water-flow switch is provided without time-delay capability.
- **Elevator Recall with Fire Sprinkler in Elevator Pit (NFPA 72: 21.3.7):** When sprinklers are installed in elevator pits, automatic fire detection shall be installed to initiate elevator recall in accordance with 2.27.3.2.1(c) of ANSI/ASME A.17.1/CSA B44, Safety Code for Elevators and Escalators, and the following shall apply:
 - Where sprinklers are located above the lowest level of recall, the fire detection device shall be located at the top of the hoistway.
 - (2) Where sprinklers are located in the bottom of the hoistway (the pit), fire detection device(s) shall be installed in the pit in accordance with Chapter 17.
 - (3) Outputs to the elevator controller(s) shall comply with 21.3.14.
- **Elevator Systems Automatic Detection (NFPA 72: 21.3.9):** If ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be permitted.

- **Detector Annunciation at the Building Fire Alarm Control Unit (NFPA 72: 21.3.10):** When actuated, any detector that has initiated fire fighters' recall shall also be annunciated at the building fire alarm control unit, or other fire alarm control unit as described in 21.3.2, and at required remote annunciators.

FID 14 **Elevator Stretcher Requirement (CBC 3002.4):** Elevators shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position. The elevator entrance shall have a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door.

FID 15 **Hazardous Materials (CFC 5004.1):** Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003 and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and noncombustible liquid hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

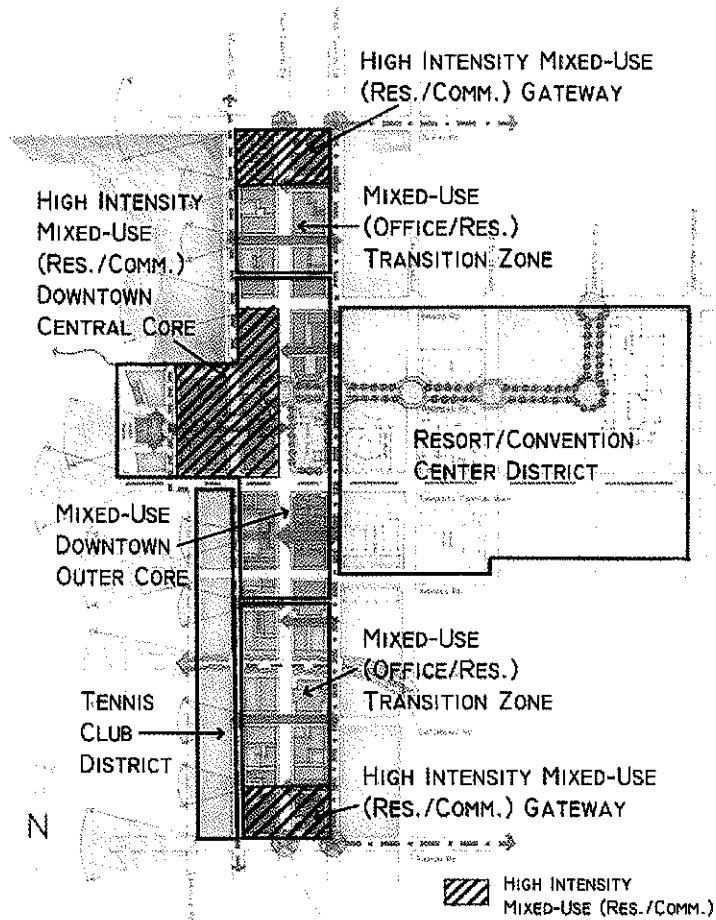
- Pool Chemicals – dedicated, compliant storage cabinets, rooms, or areas required
- Liquid Petroleum Gas (LPG) – dedicated, compliant storage cabinets, rooms, or areas required

END OF CONDITIONS

land use & develop- ment / districts

Currently, the majority of downtown Palm Springs is used primarily during the daytime. However, there is potential to extend the hours of use and to create a more exciting and lively atmosphere in downtown Palm Springs through the introduction of mixed-use residential developments and the expansion of nighttime commercial/retail uses. People create a sense of vitality through activity and use of the streets and sidewalks. Downtown residents would enliven the area by using downtown areas when others have left and by creating a new nighttime market for activities, stores, and restaurants. Therefore, downtown Palm Springs would benefit from downtown residents and those new residents would benefit from the exciting and lively atmosphere of the area.

To achieve the desired mix of vitality and activity, downtown Palm Springs should be comprised of a number of different zones distinguished by land use and height. These zones include: the core (comprised of a high intensity mixed-use center with taller buildings surrounded by a vibrant mixed-use area); two shorter, less intense mixed-use transition zones to the north and south of the core; taller, more intense north and south gateway areas; the Resort/Convention Center District; and the Tennis Club District (see map to the right). Further defined theme based districts (areas identified by specialized uses, such as cultural and art uses, restaurant uses, nightlife uses, etc.) within these larger districts are encouraged and should be strengthened where they already exist when possible.



Above: A map of zones in downtown Palm Springs. (For building heights for the various zones see the "Building Height, Orientation, Massing, & Design" section starting on page thirty-six.) These zones should be further subdivided into theme based districts to create areas with separate and unique identities within the downtown.

Land Use & Development / Districts

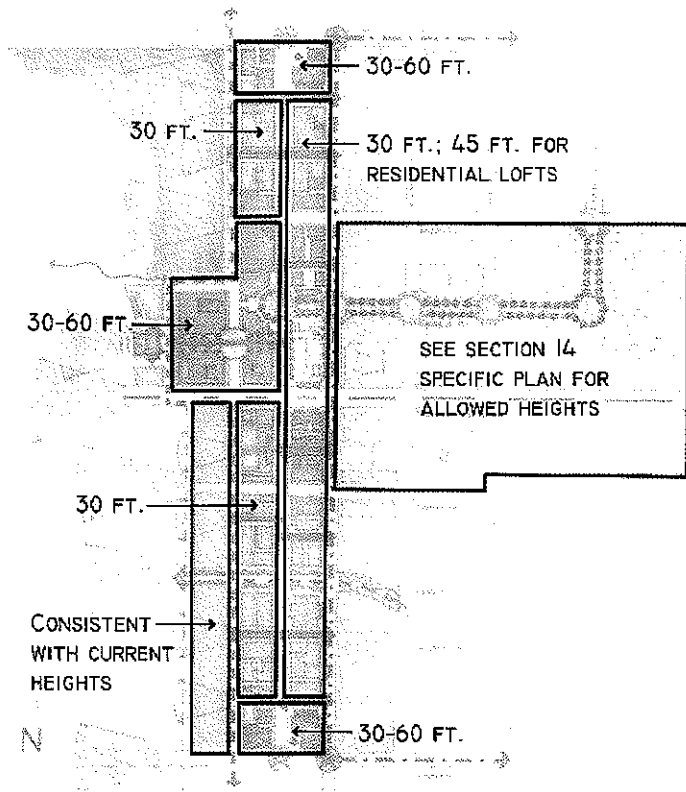
- **Downtown Core:** The downtown core (approximate area bounded by Amado Road and Arenas Road and Museum Drive and Indian Canyon Drive) should be a vibrant, compact, and walkable center of activity in the downtown area. The core should be comprised of a central core area consisting of taller (max. 60 ft; see "Building Height, Orientation, Massing, & Design" section starting on the next page for more detail on allowed building heights in the downtown), high intensity mixed-use (residential/commercial) buildings surrounded by an equally vibrant, but shorter (max. 30 to 45 ft.) mixed-use (commercial/office/residential) outer core area.
- **Transition Zones:** The transition zones should serve as less intense connector areas between the high intensity downtown core and north and south gateways to help create a varied downtown experience. These areas are ideal for theme based districts (areas with similar or complementary uses such as restaurants, art galleries, etc.) and should consist primarily of shorter, one to two story (max. 30 ft.) commercial/office mixed-use buildings. Slightly taller mixed-use buildings with ground floor retail/office and residential lofts above (max. 45 ft.) are permitted on the east side of Palm Canyon Drive.
- **Gateways:** The north and south entrances to the downtown (along Alejo Road and Ramon Road between Belardo Road and Indian Canyon Drive) should be well defined areas that make one's entrance into the downtown a memorable experience. They should be taller (max. 60 ft.), high intensity mixed-use (residential/commercial) areas with distinctive landscaping and signage marking the entrance to downtown.
- **The Resort/Convention Center District:** This district is completely contained within the Section 14 area and its land uses are defined by the Section 14 Specific Plan. The district's location adjacent to the downtown core makes it an integral part of the downtown. It should be well connected with the rest of the downtown to ensure the success of the entire downtown area.
- **The Tennis Club District:** The Tennis Club district is an important historic area in downtown Palm Springs. It contains many architecturally, socially, and culturally important hotels, small resorts, and residences. This district should continue to retain the current land uses, sense of place, and character that currently exists.
- Within all of the downtown zones (especially in the core and transition areas) theme based villages or districts are encouraged. These districts should be lively, walkable areas with similar or complementary uses that create a sense of district identity. These areas should be connected with each other and the central downtown core to create a dynamic and pedestrian friendly downtown. Existing theme based districts should be strengthened and new ones created when possible.

land use & develop- ment / districts

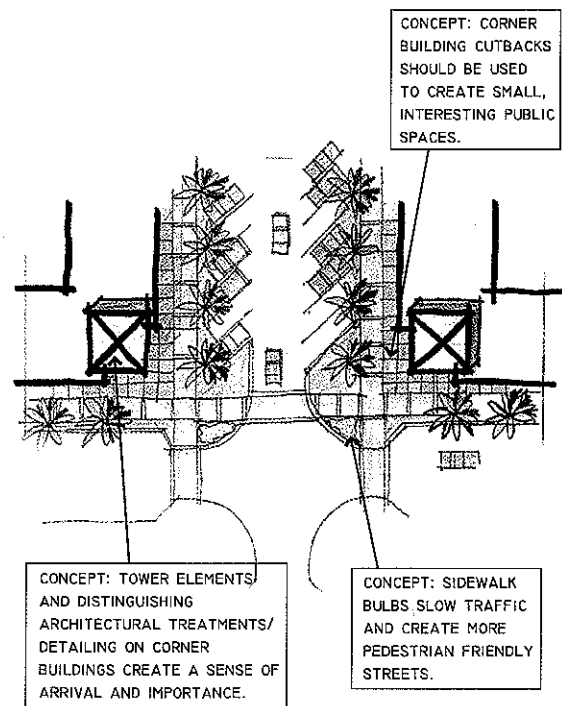
building height, orientation, massing, & design

Building height, orientation, and massing all affect the character of a downtown. Currently, the majority of buildings in downtown Palm Springs are low-rise structures facing onto the street. These building types help create the pedestrian friendly village character of downtown. If the correct techniques are used, taller buildings can produce the same effect while allowing for increased residential and retail uses in the downtown area. However, care must be taken to protect existing public view corridors along streets, and when possible, to create new ones.

Another defining feature of the village atmosphere of downtown Palm Springs is its eclectic architecture. Early homes were constructed primarily in Spanish Colonial and Mediterranean styles. Mid-century and post-World War II buildings and homes were designed by an array of well-known Modern architects. The result is an architecturally rich and varied downtown. New buildings should be sensitive to the historic context and complement the unique mix of architectural styles. In addition, new projects should strive for excellence in architectural design.



Above: A map of building heights by zone in downtown Palm Springs. (For more detail on the characteristics of the zones see the "Land Use & Development/Districts" section starting on page thirty-four.)



Above: Gateway corners, which have distinguishing buildings set back from the corner, should be used at entrances to the downtown area.

Building Height

- **Downtown Core:** Building height in the central core area should be a maximum of 30 feet on the street front stepping back to 60 feet in height with minor intrusions for architectural features. The surrounding mixed-use areas in the downtown outer core should be a maximum of 30 feet with intrusion areas for architectural features on the west side of Palm Canyon Drive and a maximum of 30 feet for office/retail mixed-use and 45 feet for buildings with ground floor office/commercial uses and second story residential lofts with intrusion areas for architectural features on the east side of Palm Canyon Drive.
- **Transition Zones:** Building height in transition areas should be a maximum of 30 feet with intrusion areas for architectural features. On the east side of Palm Canyon Drive mixed-use buildings with residential lofts are exempted from the 30 foot restriction. They should be a maximum of 45 feet (18 feet on street front stepping back to 45 feet on the second floor) to accommodate the residential lofts.
- **Gateways:** Building height in the north and south gateway areas should be a maximum of 30 feet on the street front stepping back to 60 feet in height with minor intrusions for architectural features.
- **The Resort/Convention Center District:** Allowed building heights can be found in the Section 14 Specific Plan.
- **The Tennis Club District:** Building heights should be consistent with current heights and zoning restrictions.
- Building heights should result in a varied skyline. Taller buildings, if properly designed, will create dramatic view corridors that will add to the vitality of downtown.
- Taller buildings (in excess of three stories) should compensate for their height through the provision of grade level public open space, preservation of views, superior design, and quality construction.
- First and second floors of taller buildings should be pedestrian friendly through the use of large display windows, awnings or other shade covers, architectural detailing, etc. They should contain elements at a pedestrian scale and provide pedestrian uses, such as retail, restaurant, and office spaces.

Orientation & Massing

- An east-west orientation of taller buildings will reduce the bulk facing the mountains, which will help create/preserve view corridors in the downtown area. The east-west orientation of taller buildings is recommended when appropriate.
- Building massing should step back above the ground floor to maintain and protect public view corridors along streets. (See the bottom of page twenty-four for a graphic representation of a building step back.)
- Buildings should have variable roof lines.

*building height,
orientation, massing,
& design*

Architecture & Architectural Detailing

- It is important that the rich architectural heritage of Palm Springs be protected. The City urges property owners to preserve, restore, and productively use class I and class II historical buildings whenever practical. An appropriate high level of maintenance is also an important prerequisite to the preservation of historic buildings as well as the ambiance of downtown. (See the historic sites map on page forty-one.) Listings of historical buildings can be found in the Historic Site Preservation Board 30-June-03 List of Class I and Class II Historic Sites and the June 2004 *City of Palm Springs Department of Planning and Zoning Citywide Historic Resources Survey*.

- New buildings should be sensitive to the architectural styles and detailing of surrounding buildings while adding to the architectural quality and eclectic nature of downtown.

- Detailed architectural treatment should be integrated and consistent on all of a building's exteriors (360 degree architecture). Provide the same level of detail on rear-facing building facades as on front and side elevations.

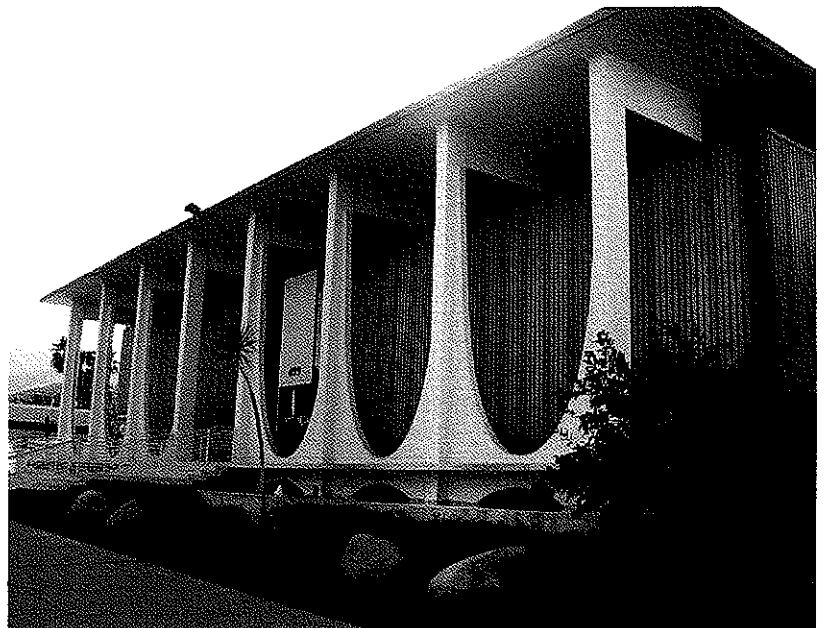


Top & Left: Arcades, such as those at Santana Row (above) and La Plaza (left), add character to the streetscape and provide shade for pedestrians. They are recommended in areas of pedestrian oriented retail.



- Storefronts are the most important component of commercial architecture. They should have appropriate decorative trim, ample window exposure, and clearly marked entrances.
- Distinctive architectural treatments should be incorporated into building design when appropriate to the architectural style of the building.
- Buildings placed on street corners define the street edge and create visual and pedestrian interest. These buildings should contain special design features and architectural detailing.
- Arcades, colonnades, overhangs, and awnings can add to the character of a building as well as provide pedestrians with protection from the hot desert sun. They are all encouraged when appropriate to the architectural style of the building.
- Building colors and materials should be consistent with downtown architectural styles and landscaping themes. They should complement surrounding buildings and public spaces while retaining a sense of uniqueness and individual building identity.

Top & Bottom: The eclectic collection of Spanish Colonial, Mediterranean, and Modern architectural styles in downtown Palm Springs is a valuable asset. New buildings should strive for excellence in architectural design while preserving or adding to the eclectic nature of downtown.





New Church II, LLC

April 15, 2015

Mr. David Newell
Associate Planner
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED
APRIL 15, 2015
PLANNING SERVICES
DEPARTMENT

RE: **Orchid Tree Resort & Spa**

Dear David,

In support of our Application for a Planned Development District for our project, please see our Public Benefits listing in accordance with the provisions below:

5. An approved public benefit shall be one of the following types:
 - a. The project as Public Benefit - The project fulfills key General Plan objectives for land use (such as "mixed-use"), economic development, community beautification, additional parking, improved Circulation, blight removal or the like.
 - + **The project is a new and significant Mixed-Use venue added to the Palm Springs community. Weddings, Mitzvahs, Quincineras, and other large ceremonies can be handled entirely within the grounds with both outdoor and indoor locations, catering as needed can be provided by the on-site Restaurant, and hotel accommodations for all associated parties in a variety of guestroom options, with extensive Spa and Fitness Facility access.**
 - + **A dilapidated site will be transformed into a new destination gathering place for social functions, meetings, dining, and physical rejuvenation.**
 - + **Venue will be a source of attracting higher wage employment through onsite facility employment opportunities in the Restaurant, Spa, and Hotel functions.**
 - b. Key Features of the Project - The project includes features such as; through-streets not indicated on the General Plan, interior parks, community open space, community meeting rooms, entry features, preservation of important buildings; preservation of natural features. daycare facility or other similar amenities.
 - + **The primary driving factor in redevelopment of the Site is the Adaptive reuse through rehabilitation of the Historic Community Church and Steeple, that was recently devastated by fire. The Church will be the focal point of the project housing the Restaurant and Spa, while also providing the Main Lobby for the Hotel component.**
 - + **The 1,470 sf Main Lobby will be available as a primary location for local artists to display their Art in a constantly rotated schedule.**



New Church II, LLC

- + **With extensive onsite possible locations for the display of Public Art, it is fully anticipated that the Contributions to Art in Public Spaces will be well in excess of City requirements.**
 - + **With the proposed alteration of the existing site, the project land disturbance is fully expected to be held to a minimum.**
- c. Sustainable Features - The project includes features which measurably aid achievement of the City's sustainability goals, including water conservation, energy conservation (e.g .. LEED certified), active and passive solar features, California Green Building techniques, and other sustainable features.
- + **The project is anticipating a Rainwater Harvesting design that is anticipated to meet 50% of Landscaping needs.**
 - + **The project is anticipating extensive Solar Panel arrays at the roof of all the Hotel wing buildings.**
 - + **The project is targeting a minimum LEED Silver Building classification.**

Regards,

Bruce McBride.

Bruce McBride
For New Church II, LLC

Terri Hintz

From: David Newell
Sent: Monday, March 16, 2015 7:34 AM
To: Terri Hintz
Cc: Flinn Fagg
Subject: FW: Proposed Orchid Tree Project.
Attachments: Orchid Tree-parking.pdf; Parking solution Cahuilla.pdf

Additional correspondence for AAC next week.

From: Ron Kasper [<mailto:rkasper33@gmail.com>]
Sent: Saturday, March 14, 2015 5:38 PM
To: Steve.pougnet@plamspringsca.gov; David Newell; jjesson@weintraubre.com; rweintraub@weintraubre.com; Larry Kramer
Subject: Proposed Orchid Tree Project.

I would like to thank the City of Palm springs for inviting me to last week city council meeting and for allowing me to speak in regards to what I and many other owners in the Tennis Club area business area, and St Baristo condos consider to be a major unresolved issue with the development, which is ample parking for not only the hotel but for the spa, restaurant ,bar and meeting center.

We own a condo directly across the street from the burnt church. We want to see the development proceed. But we want the city and Weintraub development to listen to our concerns and come up with compromises so we all are pleased.

I have attached a letter addressing these concerns and have also attached a rough drawing with some ideas for street parking along Cahuilla. I don't believe my proposal is the only answer but it should help establish some dialog to resolve our concerns with parking and its associated noise.

Ron Kasper
285 Cahuilla

March 15,2015

City of Palm Springs

3200 E. Tahquitz Canyon Way

Palm Springs, Ca 92262

Attn: Steve Pougnet Mayor

Attn: David Newell Associate Planner

cc: Richard Weintraub

cc: Jake Jesson

Dear Mayor

Subject: Parking challenges on Cahuilla with the proposed Orchid Tree Hotel project

I did a quick walk of the area after the meeting held in the city's chamber on March 10th. The over all width including the parking along the west side is approximately 62 feet wide not including the sidewalk and planter space on the west side of Cahuilla (St. Baristo side) which adds an additional 6 to 7 feet to the total.

My suggestion would be to look at the possibility of using 45-degree angle parking on both sides of the street, which would take up 30 feet of the total width. It would require redoing the St Baristo side from a 90-degree parking space to 45 degree parking. By doing so a pedestrian walkway or just a planter box 6 to 10 feet wide could be put into the middle of Cahuilla helping to soften the look and to absorb some of the sound coming from the new proposed spa, bar, restaurant and hotel. This would still allow for both lanes to be approximately 14 feet wide, which would easily allow for valet attendants to back out any and all parked cars. See attached drawing of proposed Cahuilla parking. I'm not advocating this be done along the total width of the hotel but as parking slots to be surrounded with landscaping.

Another solution would also be to make Cahuilla between Arenas and Baristo a one-way road allowing for a very wide meandering pedestrian and bike path with planting down the middle to buffer the sound and soften the look of the hotel complex.

I also want to inform the City of Palm Springs again, that when I bought this property in late 2011 285 Cahuilla, I was not informed the parking along the west side of Cahuilla adjacent to St. Baristo condos was not owned by the HOA. It is landscaped and paved to look like it is part of our complex. We the St. Baristo HOA to the best of my knowledge provide the sprinkler system and water for irrigation and we maintain the gardening also. We also have been using the parking and the egress to reach the inner streets of the complex for at least 10 years. I believe the continued use of the parking and roadways gives us the HOA what might be called an easement or ingress to continued use. The signs that are facing the parking were installed by the St. Baristo complex and can be interpreted if you are not an owner of a St. Baristo condominium than you can park but you have no rights. NOTE: St Baristo not Weintraub Development

So in conclusion, we the Kaspers the owners of 285 Cahuilla want the Orchid Tree project to be approved. It is presently and eyesore looking at the burnt church and run down buildings. It is also a gathering place for homeless making the neighborhood less safe. The existing conditions make our units facing Cahuilla less valuable than the other units on Lugo.

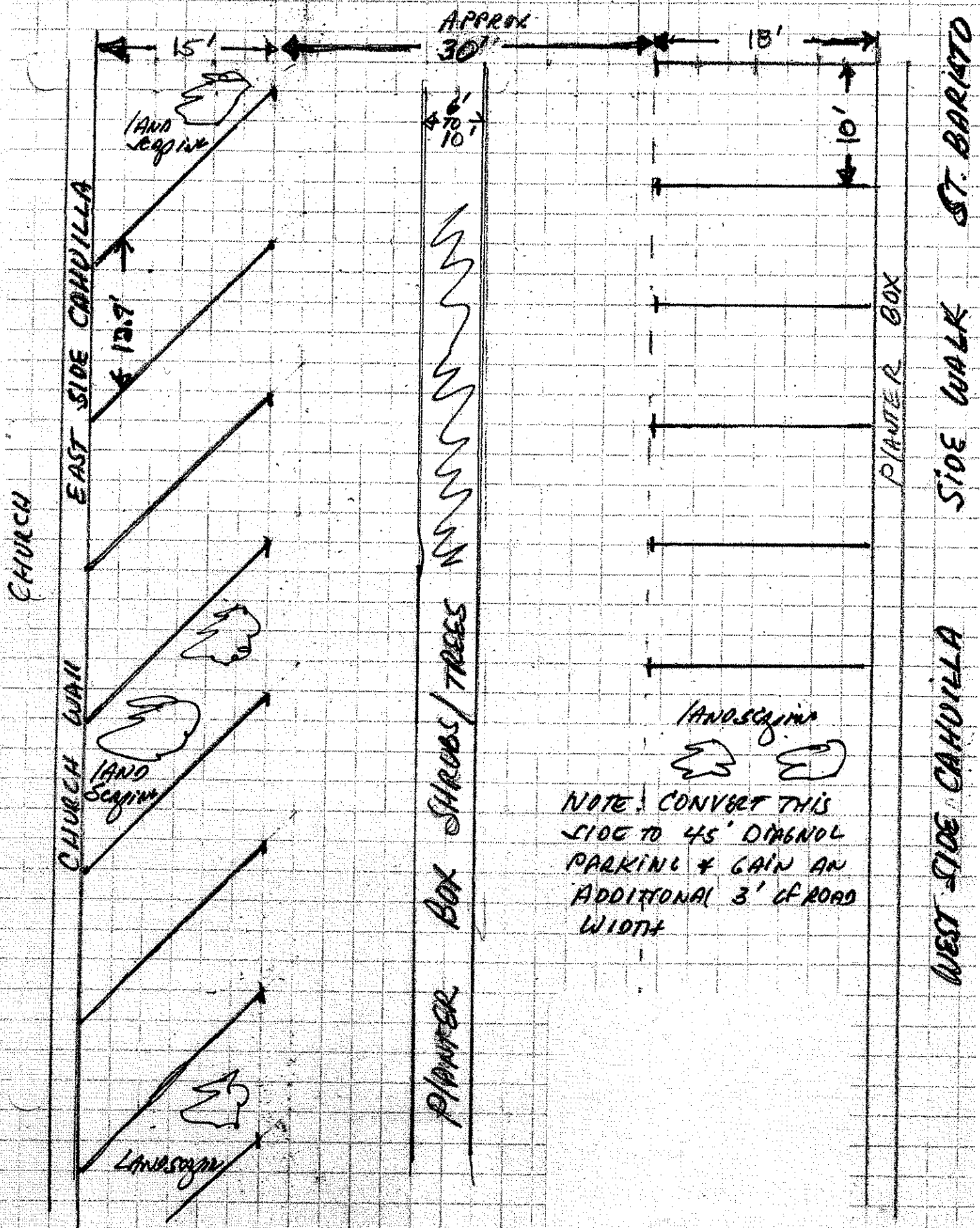
We would like for some compromises from the developer. One is to consider modifying the type of parking provided by converting the spaces to angle parking on possibly both sides of the street, and installing a buffer zone by putting in a central planting strip down the middle of the street. Secondly we would like for the developer to gift 3 spaces along the St. Baristo side of the existing 23 spaces to St. Baristo as guest parking, and third to only allow Valet and only Valet parking between the hours of 6:30AM and 9:00PM on Cahuilla. These spaces would be for long term or overnight guests of the hotel and not to be used for restaurant and bar patrons.

Best regards,

A handwritten signature in black ink, appearing to read "R. Kasper". The signature is stylized with a large, looping initial "R" and a long, sweeping underline.

Ron Kasper

1" = 10'



6' / 10'

13.7'

LANDSCAPING

NOTE: CONVERT THIS SIDE TO 45° DIAGONAL PARKING & GAIN AN ADDITIONAL 3' OF ROAD WIDTH

...

Today at 8:13 AM

Good morning.

I own the property at 200 S Cahuilla, in the Historic Tennis Club District.

It is a 50's Vintage Spanish motel in all appearances. Kept as a family compound.

We were enthusiastic and supportive of the development to our south, until it went back to a three story building.

The *modern element* on the property seems incongruent with both the neighborhood, as well as other elements on the same site.

But, we have tried to embrace it, as anything would be a drastic improvement.

I am pleased to hear that the developer, Richard Weintraub, is generally genuinely concerned about the neighborhoods.

As such I am sure he will see the disconnect with a three story building, trying to fit in on this property.

Orchard Tree has some responsibility, as the the **gateway** to the Historic Tennis Club Neighborhood. It very much introduces, as well as sets the place....

We have tried to be supportive. At the 5 story stage, I assumed Mr Wintraub was *negotiating*.

When It went back to two stories we were fairly much in line.

Three, would dominate our property and give a dramatically different presence and feel to those neighboring blocks.

We would have specific issues with parking and *back of house* items on a project of this magnitude. i.e. Trash enclosures/ pickup and noise generated from them.....

Thank you. more to follow.

Sincerely mike sullivan

LACarGUY - Where We've Got Your Car!

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

Hide message history

On Tuesday, March 10, 2015 7:09 AM, Lars Viklund <lv90266@gmail.com> wrote:

Hi there

I was planning on attending the meeting today but a family matter came up and I'm not able to drive out.

I think this new plan is terrible and will ruin the integrity of the HTCN. The size is overwhelming, and the design does not fit in at all with our charming neighborhood. I have spent millions of dollars restoring the Del Marcos Hotel and am planning on a \$5M plus investment on the La Serena Villas. I chose these hotels because of the charm of the area.

For the Orchid Tree, I would like them to keep the existing bungalows (especially the ones on the corner of Baristo and Belardo), as this will also complement and not overwhelm the architecture of the Church, and the HTCN. And if they add any new buildings along Cahuilla or Belardo, they must keep to a 2 story minimum.

Also the design of this building does not fit the HTCNO. It's really beautiful but looks more like Las Vegas than Palm Springs. I would prefer they keep the Spanish Colonial feel to this project.

Lars Viklund
Owner
Del Marcos Hotel
La Serena Villas

Sent from my iPhone

I do not think a three story hotel would fit well in the tennis club neighborhood. It would commercialize the neighborhood even more than it is presently.

J. Einer In a message dated 3/8/2015 5:24:28

Hide message history

On Monday, March 9, 2015 8:42 AM, Cristina Van Dyck <cristinacvd@me.com> wrote:

Dear Frank Tysen and fellow HTCNO members,

Good morning! I'm resending this, as I am not sure if my previous email was delivered to all HTCNO members...In attempting to "Reply to All", there does not appear to be "Undisclosed Recipients".

I intend to attend the meeting tomorrow, and feel that it is very important that as many of us participate.

1. What happened to the 2-3 story height restriction? In looking at past articles about the proposed project; a fourth story was questioned, yet now I see that recent plans indicate FIVE stories!
2. Where is the parking located? What is the number of parking spaces?

I'm all for developing the property, yet cringe at the thought of a five story, behemoth structure that looks, in the renderings, more like prison housing than a spa resort.

Sincerely,

Cristina Van Dyc _____

Mar 8 at 10:19 PM

If neighborhoods had been only concerned with keeping the 'look' of Palm Springs historical in nature, the the mid century modern houses would have never been allowed, and yet they now sit gracefully by the 'original' houses...

Only diminished by faux regurgitative styles... On my street - Santa Rosa there is a rich mix of styles, the least successful are the faux Mexican haciendas ... Building of our own time should be a priority...

Regurgitating some other time, is weak design at best. Mid century modern was 'of it's time'.
Let this project be 'of it's time' and frame the simple elegant church.

Sent from my iPhone
Show message history

To
me

Mar 8 at 8:53 PM

As a neighbor and one who bought property in the HTCN because of the low profile of the existing buildings, I find the Orchid Tree plan of three stories unacceptable.
It's quite possible to imagine the successful architectural marriage of the old church and a contemporary building, but the new structure must not exceed two stories.

Tangie Abercrombie
400 W. Arenas Road

To
me
CC

Mark Miller (C+E)

Mar 8 at 5:23 PM

Hi Sammy,

Thanks for the update and your efforts to keep the Tennis Club neighborhood one of the most desirable neighborhoods in Palm Springs.

Our only real concern is the increased traffic on Baristo (especially after the Buzz Bus addition) and the woeful state of parking in the neighborhood. The hotel should NOT be able to rely at all on on-street parking and be required to have at least 2 parking spaces (preferably 3) per room.

Kind regards,

Matt & Mark
310 S. Patencio Rd.

Sent from my Windows Phone

To me

Mar 8 at 5:44 PM

Frank and/ or Sammy,

Thank you for bringing this to our attention.

We live on Patencio several block away from the site. This project does seem a too tall commercial incursion into our little area. As much as we would like to stop the clock, the church and those cottages are not now, and perhaps never were, very attractive. Realistically the builder is under a handicap because of the historic preservation rulings. He does however have to make some dough. Thus the height.

In my opinion this is a case against the historic preservation of a white elephant. Now the neighborhood will bear the result.

Pam Lyford

We are just passing through, so why not enjoy the scenery?

Show message history

To me

Mar 8 at 7:45 PM

We are flying down to attend the meeting. We are concerned about the city's potential abating normal parking standards for this development at the expense of 12 long time businesses at the vineyard that are already starved for parking see you Tuesday thanks for update

Sent from my iPhone

To

me

Mar 8 at 5:14 PM

Hello Sammy,

Thank you for the email. I think that the plans look great. I think that it will enhance the existing area.

Many thanks,

Kathy

Sent from my iPhone

To me

Mar 7 at 5:01 PM

It certainly does not fit architecturally with church??. Are the carports on Baristo? too busy for that

<Orchid Tree.jpg><Orchid Tree 2.jpg><Orchid Tree 3.jpg><Orchid Tree 4.jpg>

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

To me

Mar 7 at 5:14 PM

Beautifully done, I am an architect myself, found my house in HTCNO while in Palm Springs for a client nearly 8 years ago

I admire the restraint that the architects have shown, they have designed a beautifully proportioned building, a building that respects both the modern vocabulary of Palm Springs and avoids the temptation to regurgitate the picturesque architecture of the church.

Well done ...extremely well done !

I am so appalled by so much new work that is overwrought and stylistically confused.

These architects have chosen elegance over imitation.

I am impressed and will take great pleasure in watching this project proceed.

Roxanne Williams

Subject: Orchid Tree Resort & Spa on S. Cahuilla, Palm Springs

January 5, 2015

I wanted to inform all of the owners of condos in St. Baristo of the status of the development across the street from us on S. Cahuilla including the burnt church or meeting hall. Mike Guerra and Joan Forrer who live on Arenas have been in touch with the City of Palm Springs and the owner/developer of the property Richard Weintraub and his Assistant Project Manager Jake Jesson to attempt to have an open dialog with the City and the developer so that we who own in the area have a "say" in how the project will be accomplished. Mike Guerra is a retired attorney.

A little background history.

Initially the proposed project was to be a 5-story hotel along with single story adobe units of approximately 98 rooms. Included was a restaurant and lounge, meeting hall, spa and the church building was to have a patio where the existing roof was located. I can confirm this with Jake Jesson when I/we talk to him. The Historic Site Preservation Board opposed this plan and the complex was lowered to a 4-story hotel, but the Board also opposed this proposal and was concerned about the design for the church.

In the time all of this was being discussed the owner/developer of the Orchid Tree, Richard Weintraub believed the Project would receive rebates from the City's Hotel incentive Program which gives TOT rebates to new and remodeled hotels.

The City told Weintraub that his Orchid Tree Project was not eligible

for TOT rebates. He told the City he would not proceed with the development and put the project on hold. After discussions between Weintraub and the City the City agreed to review the project again in regards to providing financial incentives to Weintraub to proceed. Joni and Mike wrote a letter to City Council and the City Manager in support of the Orchid Tree receiving TOT rebates.

The City Council voted to extend the sunset date for the TOT program for the Orchid Tree and one other hotel in town until December 31, 2015.

Prior to all this Weintraub had reduced the hotel to 3 stories and approximately 80 rooms. I understand he is also adding some underground parking.

By agreeing to make Orchid Tree eligible for the TOT rebates for an 80 room hotel over 30 years if the project is permitted etc. by Dec. 31, 2015 and the Orchid Tree makes applications for the TOT rebates and complies with that TOT agreement the Projects gains an economic boost and is more competitive with other big hotels who receive the TOT rebate. It is a substantial sum. The Kimpton Hotel (Wessman project) received a \$50 million rebate for 155 rooms for 30 yrs...the formula for the Kimpton is they pay only 25% of the normal TOT. (TOT= transit occupancy tax)

So the Project Orchid Tree did get a 1-year extension. The Project is back on track. The Project will be on the Feb 10, 2015 agenda (9:00 a.m. meeting) for the Historic Site Preservation Board. At this meeting Weintraub will present a 3D model of the proposed changes to the project. Mike and Joni are supporting the new project proposal and are writing a letter of support to the Historic Site Preservation Board.

If the Project gets approval from the Preservation Board then Planning Commission is next.

The Project needs to have their permitting/approvals done by Dec 31, 2015 to be eligible for the TOT rebate recently granted by the City of Palm springs.

Now that the structure has been reduced to a 3-story hotel and the room count has been decreased to a total of 80 rooms. The developers have agreed to excavate to allow for under ground parking also. The church re-development plans are not complete but we have been told the roof patio will be not be included in the new design. When we talk to Richard Weintraub and or Jake Jesson we can reconfirm what I believe is the current proposed project to make sure I got all the facts correct. I/we can also just send emails or call to Jake with questions on a particular project item or proposal.

One major remaining item for the Developer to resolve is the parking that is in front of the St. Baristo units on S. Cahuilla. Weintraub (as New Church II, LLC) is aware that he owns the 23 spaces but are also aware we the St. Baristo condo owners have been using them including street access into the complex for the past 8 or 9 years. In fact we have been maintaining the landscaping and the cleaning of the spaces. The spaces also look as if they were part of St, Barsito.

My major concern for the 6 units which have living areas facing S. Cahuilla is the noise and disruptions that might be caused by hotel guests and guests to the restaurant and bar located in this new

development. I have attached pictures so you may see how close we are to these parking spaces. I do believe most of us want to see this project proceed, as it should over all enhance the value of our properties and eliminate the numerous homeless encounters along Baristo and Cahuilla.

Richard and his Assistant Project Manager, Jake Jesson, would like to discuss this parking potential issue.

I have their contact information I would like to respond with a unanimous position from the HOA. I know we do not have the money to suggest buying the 23 spaces. With underground parking, hotel entrance to now be located on Belardo, hotel employees probably parking underground if there is enough room (or maybe in the City lot on Baristo and Indian Canyon if need be --we can confirm all this with Richard and Jake) this will alleviate some concerns regarding ample parking, but not all of them.

What we the 6 units facing Cahuilla do not want is loud and raucous behavior from patrons coming to their parked cars after the restaurant and bar closes.

Mike Guerra has indicated to me that in his emails and phone calls with Jake that he has been told by Jake that Richard and he want to talk to us about the parking issue.

My suggestion is that when the time comes, to let Richard and/or Jake talk first and let them describe their position and interests with regard to the 23 parking spaces on Cahuilla and what they can offer us.

One possible suggestion I have for a proposal to Weintraub would

be to grant us 3 of the spaces for our own guest parking and to only allow hotel valet parking on the remaining 20 spaces between the hours of 6:30AM to 9:00PM on a daily basis.

I'm prepared to make the call once I hear back from the HOA members.

Thanks, Ron Kasper







November 8, 2014

City of Palm Springs Department of Planning Services

3200 E. Tahquitz Canyon Way

Palm Springs, CA 92262

Subject: Planned Orchid tree project/parking issues

Attn: David Newell Planner City of Palm Springs

Dear David,

I would like to address the issue regarding parking for the proposed Orchid Tree development and the on street parking on S. Cahuilla directly across the street from the proposed development.

A little background history will help you in understanding our concerns. We purchased the unit at 285 Cahuilla in December of 2102. We never were made aware that the St. Baristo HOA did not own the common parking spaces directly in front of our units and the other units on S. Cahuilla.

The parking spaces are paved in identical stone pavers as used through out the complex and the grounds were landscaped to match the décor of the St. Baristo condominiums.

It was only after the fact that we were casually told that these 24 parking spaces were granted back to the church facility across the street by the developer Wessman and not owned by us the HOA of St. Baristo.

I doubt if we would have bought the unit if we had known that the grounds across the street, which includes the church, were part of a much larger planned development. I am all for something being done with the burnt church and have made numerous inquiries of why it has taken so long to demolish or repair this structure. But now we have been informed that the new proposed Orchid Tree hotel and spa includes the church and will also have its main entrance on S. Cahuilla. As we have become more familiar with the overall plans, it is become very apparent that there is not sufficient parking to accommodate all of the proposed guests of the Hotel let alone any additional visitors to the restaurant, bar and spa.

Even if valet parking is part of the solution, we the owners of condos facing S. Cahuilla can expect cars, visitors, and valet attendants to park cars directly in our front area, at all times of day and night. Our bedrooms and balconies overlook these parking spaces and all our privacy and quiet nights will go by the wayside.

I would like answers to the following questions:

1. Did the Developer use the 24 common spaces which also have 2 clearly defined spaces marked as handicap to get the town's approval for the development of St. Baristo?

2. Did the Developer of the St, Baristo Condos also own the Church property while the developments of the condos were occurring?
3. Were the 24 spaces granted back to the Church property, or is this only rumor?
4. The parking limitations are not defined on the set of drawings I was given during the close of escrow. Reference Document # 2005-0957406 nor are they defined in a plan of the condo ownership on document # 2005-0957407 both filed 11/17/2005 with the County of Riverside.
5. This above statement brings up the following questions:
 - a. Why do the parking spaces have a sign " St. Baristo with our condo logo" stating " No Parking" with a horizontal arrow below the words " No Parking"? We the condo owners have been parking here since the units were completed to my knowledge.
 - b. In close proximity to and close behind the "No Parking" signs, we have other signs stating " Right to park by permission and subject to control of owner: section 1008 civil code? Who is granting this right?
 - c. The two most southern parking spots are designated and marked in blue pavers as Handicap spots... for whom? Does that mean only St, Baristo handicap owners or any handicap visitors we may have?
 - d. What city parking ordinance allows the developer of Orchid Tree to park vehicles related to a commercial hotel in use in such close proximity to the condominiums? My understanding from the city documents is that the parking for a hotel must be within 150 feet from the buildings they are to service.
 - e. Does the Orchid Tree project propose to park vehicles in these 24 spots in front of and in close proximity to the gate/door entrances to these condominiums along S. Cahuilla on a 24-hour basis?
 - f. Will the project exclude the condo owners from parking in these spaces?
 - g. Has the developer of the Orchid Tree project addressed this parking issue with the owners of the St. Baristo condominiums?

Again, buying without knowing all of the facts is my mistake. But the environment, landscaping, decorative nature of the parking spaces and surroundings were conducive to me believing what I was shown was part of my purchase, something in tune with imminent domain. If you have been using the space as yours for many years, than you have rights to continue to use the space.

A couple of possible suggestions to resolve or to mitigate the possible damages to my self and other St. Baristo condominium owners could be:

1. Give St. Baristo HOA the opportunity to purchase the 24 spaces at a fair price set by a neutral arbitrator.

2. The best solution would be to change the entrance to the Hotel and Spa to the Belardo Road side. This front location would be facing an existing City parking lot and has no residential units in front of the entrance.
3. Prohibit any movement of cars in the spaces after 10:30PM by the hotel and spa.

In conclusion when we purchased this unit at 285 S. Cahuilla, we were never informed the parking in front of our units was not owned by the HOA. We have only learned of this after our purchase and through the Orchid tree project approval process. So I leave you and the town council with the question...are we now to have parking at all hours of the night with guest coming and going while we are trying to enjoy the existing peace and quite of our neighborhood? It is one thing to have a larger complex across the street but for their parking to be directly under our windows and balcony leaves me very upset over the proposed plan and my purchase.

Best regards,

A handwritten signature in black ink, appearing to read "R. Kasper", written in a cursive style.

Ronald C. Kasper

531 Santa Rosa Drive

Los Gatos, CA 95032

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November 13, 2014

Hand Delivered

Historic Site Preservation Board
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED

NOV 13 2014

PLANNING SERVICES
DEPARTMENT

RE: Case No. 5.1345 PD 372 CZ - Orchid Tree Resort & Spa Project

Dear Honorable Chair and Members of the Historic Site Preservation Board:

The Orchid Tree Resort & Spa project ("Project") proposes renovation and adaptive reuse of the Community Church at South Cahuilla Road and the Orchid Tree Inn "Bungalow Court Cottages" on West Baristo Road. The original Project application also proposed a 4 and 5-story "L" shaped hotel. The Historic Church and Bungalows are Class 1 historic sites.

The City of Palm Springs General Plan and Downtown Urban Design Plan (DUDP) recognize the Tennis Club District and the Historic Tennis Club Neighborhood as of historic significance and important areas in the City of Palm Springs. The Church and Bungalows both lie within the Tennis Club District and Tennis Club Neighborhood, as the Tennis Club District is within the boundaries of the Neighborhood.¹

In the sections relevant to the Tennis Club District and Neighborhood, the General Plan and Downtown Urban Design Plan by their clear language were drafted by the City of Palm Springs to protect the historical development patterns in the Tennis Club District and Neighborhood, and to preserve their historic character, sense of place, style and charm by specifically limiting land use, building height, mass, orientation and design. (See, Attachment 2, General Plan, Community Design Element, pp. 9-44; Attachment 4, Downtown Urban Design Plan, pp. 24, 35, 37; Attachment 5, General Plan, Land Use Element, pp. 2-6, 2-28, 2-40, 2-41; Attachment 6, General Plan, Administration Element, pp. 1-10, 1-11.)

Joni Forrer and I are writing to voice our opposition to a Project hotel height greater than 3 stories. A hotel whose height and mass are greater than 3-stories would fail to comply with those standards in the General Plan and Downtown Urban Design

¹ The Tennis Club District was established by the DUDP. (Attachment 3, Map excerpt from page 34 of the DUDP; Attachment 4, DUDP, pp. 34-37.) The Historic Tennis Club Neighborhood is a registered Neighborhood with the City of Palm Springs Office of Neighborhood Involvement, established in 2005. (Attachment 1, General Plan Map of Neighborhoods; Attachment 2, General Plan, Community Design Element, p. 9-45.)

Plan meant to protect the historic character, sense of place, style and charm of the Tennis Club District and Neighborhood.²

Further, within the context of these standards in the General Plan and Downtown Urban Design Plan, when analyzed under the guidance provided by Palm Springs Municipal Code, Section 8.05.190, subdivisions (1) and (2), if the Project's hotel height was over 3-stories with the accompanying mass, the Project would fail to achieve an appropriate level of integration with the historic value, significance and nature of the Church and Bungalows, as well as Tennis Club District and Neighborhood. A hotel greater than 3-stories would fail the balancing of factors required under Section 8.05.190, subdivisions (1) and (2). Thus, a Project proposal of a hotel height greater than 3-stories is not entitled to a Certificate of Approval from the Board.

The Tennis Club District and Historic Tennis Club Neighborhood

We live at 457 West Arenas Road in Palm Springs. Joni purchased the property in the late 1990's. Our home lies between Lugo Rd. and Patencio Rd. within the Historic Tennis Club Neighborhood. (Attachment 1, Maps of Historic Tennis Club Neighborhood, excerpt from City of Palm Springs General Plan Maps, Neighborhoods, 09-03.) Our home lies one and a half blocks to the west of Cahuilla, which is the western border of the Tennis Club District and the proposed Project.

The Tennis Club District runs three blocks north to south, bordered by Tahquitz Canyon to the north, Ramon to the south, Belardo to the east and Cahuilla to the west. The southern most city block of the Tennis Club District consists of 1 and 2-story buildings: Ingleside Inn (1 and 2-story), Michael's House (1 and 2-story), Viceroy Hotel (1 and 2-stories), former La Serena (1-story), Del Marcos Hotel (1 and 2-story), Women's Club (1-story).

The next block north again consists of 1 and 2-story buildings, except for the 3-story Historic Church steeple: Community Church (1 and 2-stories with 3-story steeple), Orchid Tree Inn (1 and 2-stories), apartment building (2-stories), buildings at 239 Arenas Rd. (1-story), Desert House Inn (1-story). The most northerly block of the District consists of 1, 2 and 3-story buildings: Chase Hotel (1 and 2-stories), Palm Mountain Resort and Spa Hotel (2 and 3-stories).

The proposed Orchid Tree Hotel & Spa Project is bordered by South Cahuilla Rd. to the west and S. Belardo Rd. to the east, and the Project is within the Downtown Urban Design Plan's designated Tennis Club District. (Attachment 3, Map.)

² This letter was submitted before publication of: (1) the HSPB Agenda for the November 18, 2014 meeting; and, (2) the accompanying documents for this Project. Accordingly, we have not reviewed the current submitted Project hotel height proposal, but have reviewed the proposal submitted for the October 14, 2014, HSPB meeting.

The Tennis Club District is designated Small Hotel under the General Plan, and is zoned R-3. Both the General Plan and Downtown Urban Design Plan recognize that the Tennis Club District requires special protection, direction and guidance for future development, in the context of its historical development patterns. The overriding standard applicable to the Orchid Tree Project, which lies within the District, is stated simply and directly in the Downtown Urban Design Plan:

"The Tennis Club district is an important historic area in downtown Palm Springs. It contains many architecturally, socially, and culturally important hotels, small resorts, and residences. **This district should continue to retain the current land uses, sense of place, and character that currently exists.** [emphasis added.]" (Attachment 4, DUDP, p. 37.)

The DUDP further states: "**The Tennis Club District:** Building heights should be consistent with current heights and zoning restrictions." [emphasis in original.] (Attachment 4, DUDP, p. 37.)

"Consistent" means: "2a: marked by harmony, regularity, or steady continuity: free from variation or contradiction <a consistent style in painting>." (*Merriam-Webster.com*. Merriam-Webster, n.d. Web. 6 Nov. 2014.)

The General Plan's GOAL CD30 for the Downtown area is to - "Support and sustain a vibrant and active Downtown," with one policy to achieve that goal as:

"Require new development in the Downtown area to conform to the Downtown Urban Design Plan for design guidelines. New development applications in the Downtown area shall include an analysis of a project's compliance with the provisions of the Downtown Urban Design Plan. (Attachment 2, General Plan, Community Design Element, Policy CD30.1, p. 9-64.)

Further, the General Plan cautions:

"Maintaining its status as a premier resort destination is a primary priority for the City. ...The small-scale boutique hotels that are found among the residential neighborhoods in the Warm Sands and Tennis Club areas also contribute to the City's charm and its appeal to resort visitors. Development within these areas must be carefully designed and planned to ensure that it continues to reflect the City's vision of being a "world class desert community." (Attachment 5, General Plan, Land Use Element, 'Resort Destination Image', p. 2-28.)

As described in detail above, the majority of buildings in the three block long one block wide Tennis Club District are 1 and 2-stories with some 3-story.

Analysis Under Municipal Code Section 8.05.190, Subdivisions (1) and (2)

A Project hotel height greater than 3-stories would not comply with the Downtown Urban Design Plan or the General Plan's vision and standards for protecting the Tennis Club District and Neighborhood, in which the Historic Church and Orchid Tree Bungalows lie.

Applying the various factors under Section 8.05.190, subdivisions (1) and (2) to the hotel, Church, Bungalows, Tennis Club District and Neighborhood in the context of the standards in the DUDP, a Certificate of Approval should be denied to a hotel height proposal greater than 3-stories.

Pursuant to Section 8.05.180, subdivisions (1) and (2) of the Municipal Code: "No person may undertake any of the following within or upon a Class 1 historic site without a certificate of approval from the historic site preservation board:[para.] (1) Construction of a new structure; [para.] (2) The moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure;...."

As the October 14, 2014, Historic Site Preservation Board Staff Report states: "There are no specific findings required for Certificate of Approval, however, pursuant to Municipal Code Section 8.05.190, the Board shall consider the following in reviewing and acting upon a certificate of approval application:

- (1) The historic value and significance, or the architectural value and significance or both, of the structure and its relation to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of any structure to the rest of the structure itself and to the surrounding area;
- (3) The general compatibility of exterior design, arrangement, texture and material which is proposed by the applicant;
- (4) Archaeological or ecological significance of the area."

Weighing the factors under Section 8.05.190(1), a Project hotel height greater than 3-stories, by its height and mass, is not consistent with the "historic value of the surrounding area."

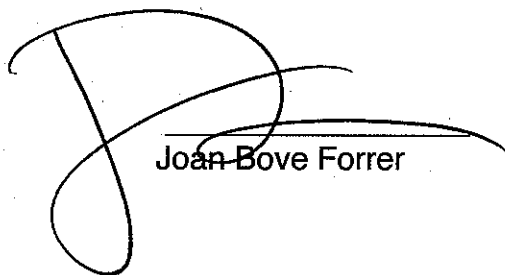
The "historic value of the surrounding area", includes the Community Church and Old Orchid Tree Inn, which are defined as Class 1 Historic Sites. It also includes the Tennis Club District and Neighborhood which contain "architecturally, socially, and culturally important' smaller scale boutique type hotels as well as residences. (See, General Plan, pp. 2-6 & 2-28; DUDP p. 37). These give the District and Neighborhood

their historic value, significance, character, sense of place, style and charm as discussed in the General Plan and Downtown Urban Design Plan.

Next, weighing the factors under Section 8.05.190(2) and considering "the relationship of the exterior architectural features of any structure to the rest of the structure itself and to the surrounding area," with an "L" shaped hotel height greater than 3-stories again under this criterion, its height and mass would be greater than any other building in the District and Neighborhood. Thus, the hotel would not conform to the historic character, design, sense of place, style and charm of the historic Church, Orchid Tree Inn, Tennis Club District or Historic Tennis Club Neighborhood. (Section 8.05.190(2).)

For all the above reasons, a Project hotel height greater than 3-stories should be denied a Certificate of Approval from the Board.

Thank you for your attention to this matter. If you have any questions please feel free to contact us at anytime.



Joan Bove Forrer

Sincerely,



Michael E. Guerra, Esq.

Attachments (6):

1. 2007 General Plan Map 09-03 Neighborhoods, Historic Tennis Club Neighborhood
2. 2007 General Plan Community Design Element, selected pages.
3. Map Except, Zones of Downtown Palm Springs, Downtown Urban Design Plan, p. 34.
4. 2005 Downtown Urban Design Plan, selected pages.
5. 2007 General Plan, Land Use Element, selected pages.
6. 2007 General Plan, Administrative Element, selected pages.

Cc:

Ken Lyon, Associate Planner
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David Newell, Associate Planner
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2. NEW CHURCH II, LLC. FOR RENOVATING THE EXISTING HISTORIC CHURCH AND ORCHID TREE BUNGALOWS FOR ADAPTIVE RE-USE AND DEMOLISHING PORTIONS OF THE SITE FOR THE CONSTRUCTION OF A NEW BANQUET HALL AND THREE-STORY HOTEL ON A ROUGHLY 3.1-ACRE SITE LOCATED AT 222 S. CAHUILLA ROAD (CASE 5.1345 PD-372 / CUP / HSPB 23 / HSPB 72 / 3.0678 MAJ). (DN)

Associate Planner Newell presented the proposed project.

Member Hirschbein asked if discussion could include historic structures.

Member Secoy-Jenson inquired if there is support from the Tennis Club Neighborhood Association for this project.

Chair Fauber requested an explanation of the diagram submitted with letter from Mr. Kasper (dated 3/15/15).

RICHARD WEINTRAUB, applicant, provided details in reference to feedback from the neighborhood, visibility of the steeple, parking exposure, hotel entrance, cottages, facade material and density.

Member Hirschbein requested the applicant describe the relation of functions on the ground floor of the site; and had questions about the spa space.

Chair Fauber asked about the size of the banquet space. (100 - 125 people)

Member Hirschbein inquired about the travertine on the Cahuilla elevation.

Member Song asked for further clarification on:

1. The hedges and enclosure from neighborhood;
2. Use of trees along Belardo;
3. Elevation at parking spaces;
4. Hardscape materials;
5. Design of courtyard of cottages;
6. Screening of mechanical equipment. (No equipment on roof - ground mounted.)

Chair Hudson asked the applicant to provide colored site plan to show functions on ground floor.

Member Purnel asked how will the hotel guest know to use the Belardo entrance? (Through signage and promotional materials.) He requested greater description of how the modern addition will fit with historic church.

Member Hirschbein questioned the screening of the exterior walkways on the north side of the building and lighting spillover to the abutting property.

Chair Fauber asked about the hardscape material, size of pavers and the landscape plan.

Member Secoy-Jensen had questions about the glass enclosed area at church lobby and spa facilities on 2nd floor.

Member Cassady questioned the traffic patterns from the valet areas to the underground parking.

Public Comment:

TIME ERKINS said the project has come a long way from 5-stories to 33 feet; however, he's concerned about the valet parking on Cahuilla.

ROD CALLAHAN, Desert House Inn (Cahuilla and Arenas) said owner is unhappy with 3-stories adjacent to him; concerned about the shading and project is still too big.

MARIO URSESEU, concerned that the height will block the view to the mountains and with the parking.

JOHN NANOS, concerned about the entry and valet on Cahuilla Rd.

SAMMY RAFAEL, concerned about staff parking in addition to the banquet, restaurant and spa uses.

LARRY KRAMER (Vineyard) said the project is beautiful, but parking and circulation is a concern.

FRANK TYSEN said that the developer has worked with the neighborhood; however, concerned with parking, height (relative to 1-story properties in the neighborhood) and how modern meshes with historic.

Member Secoy-Jensen said she is struggling with 2 distinct forms and styles coming together (where spa meets church). She would like to see additional study of this area; and needs more information on the plans.

Member Purnel said the scale is now more appropriate. He likes the combination of architectural styles; however, is concerned with the integration of spa and church. He suggested the entries need to be better defined. He is looking forward to seeing a more detailed landscape plan that includes gray water usage. He expressed concern with the hedges obscuring the historic building on the Cahuilla elevation.

Member Hirschbein said the spa element is awkward. He asked how much roof is exposed versus new volume - the westerly portion needs additional attention and detailing. He said the entry on the west side needs to be more significant architecturally and noted concern with privacy and lighting spillover from the exterior walkways on the north side.

Member Cassady concurs with comments about integration of spa and church. He appreciates the input of residents and how developer has worked with the neighborhood. He said additional parking is needed.

Member Song said more site sections are needed to understand how buildings integrate. She suggested Planning Commission should consider parking plan for the neighborhood.

Chair Fauber encouraged the use of recycling and gray water. He said the city should assist in solving parking concerns.

M/S/C (Secoy-Jensen/Fauber, 6-1 absent Fredricks) Approve with conditions:

- Parking and circulation issues;
- How spa meets with church - additional details are needed;
- Entries need to be better defined; especially architectural detail at Belardo entry;
- Detailed landscape/gray water plan prior to building permit;
- Concern with hedges obscuring historic building;
- Privacy/lighting spillover on north side;
- No equipment on rooftops.

S. FRANK M. HOMES, INC., REQUESTING A MAJOR ARCHITECTURAL APPROVAL FOR A 2,913-SQUARE FOOT HOUSE ALONG A MAJOR THOROUGHFARE AT 2700 NORTH SUNRISE WAY, ZONE R-1-C (CASE 3.3849 MAJ). (GM)

Assistant Planner Mlaker presented the proposed project.

Member Purnel questioned if this will require DWA approval. He asked if the AAC should review the interior landscape or only the landscape outside of wall.

Member Secoy-Jensen asked if any responses from the neighbors were received.

FRANK MOAYEDI, applicant, provided additional details for the proposed project.

Member Hirschbein asked which wall will align with adjacent properties.

Member Secoy-Jensen asked what materials will be used for the vehicular and

M/S/C La Voie / Ploss (6-1) (Williamson opposed) to recommend the City Council approve the historic district designation for the Pompeii de las Palmas Condominium Association with the following conditions:

1. That the recommendation include the clarifications on the details of contributing elements #2 (eight foot high sliding glass doors), #8 (the bougainvillea plants are added to the landscape as contributing elements), #10 (that the curvilinear roof edge be identified as a contributing element of the structure).
2. That a copy of historic resources report and staff report be provided to all unit owners.
3. That any Mills Act contracts be conditioned to identify capital improvements and schedule for removal of non-contributing elements associated with the unit that is the subject of any such contract.

3. UNFINISHED BUSINESS:

- 3.A CERTIFICATE OF APPROVAL REQUEST BY RICHARD WEINTRAUB OF NEW CHURCH II, LLC, FOR CASE 5.1345 PDD 372 CZ; THE ORCHID TREE RESORT AND SPA; ADAPTIVE REUSE OF THE COMMUNITY CHURCH, A CLASS 1 HISTORIC SITE (HSPB 23) LOCATED AT 284 SOUTH CAHUILLA ROAD AND THE ORCHID TREE INN, A CLASS 1 HISTORIC SITE (HSPB 72) LOCATED AT 226 W. BARISTO ROAD, ZONE R-3 (HSPB 23, HSPB 72 AND CASE 5.1345 PDD 372 CZ).**

Staff member NEWELL summarized the staff report and the revisions in the project reducing its height, overall massing, reconfiguration of elements relative to the historic structures on the site.

Board Chair JOHNS asked about the changes in parking plan (NEWELL stated there were 111 spaces before and roughly 103 spaces now proposed. He explained that historic sites are exempt from requirements to provide more parking based on contemporary parking standards).

Board Chair JOHNS asked for clarification on the total height (portions are 3 stories and roughly 33 feet; others are one and two story)

The applicant RICHARD WEINTRAUB provided further summary of the revisions to the project.

Board member PLOSS expressed concern about the proposed placement of new building elements on the historic buildings and asked about the exterior stone cladding (applicant WEINTRAUB noted it is proposed as unfilled Turkish Travertine).

Board member DIXON asked about the capacity of the banquet hall (150 persons).

Board member LA VOIE noted the proposed building is very large and recommended visual relief is needed in the long planar wall.

Chair JOHNS expressed concern about potential glare off the flat stone west façade (Applicant WEINTRAUB noted it is proposed as a matte-finished unfilled travertine and thus will not be reflective).

M/S/C Williamson / Johns (6-1) (Ploss opposed) to approve as recommended by staff but noting the Board's concern about the adequacy of off-street parking.

3.B. HSPB / CC STUDY SESSION - 8.05 ORDINANCE REVISIONS

Staff requested this item be continued to the April 2015 HSPB meeting.

4. NEW BUSINESS:

4.A. REQUEST BY PAUL TRAVIS & MARK FICHLANDER, OWNERS, FOR APPROVAL TO DEMOLISH A CLASS 3 HISTORIC SITE LOCATED AT 584 WEST PANGA WAY; ZONE R-1-A.

Staff member LYON summarized the staff report.

JEFF BICKELL, representing the owner, further summarized the project.

Board Member PLOSS inquired whether the owner had considered recycling materials from the demolition of the site (Mr. Bickell stated the intent was to recycle where possible.)

M/S/C Ploss / Dixon (7-0) to take no action and allow demolition of the structure.

5. DISCUSSIONS:

5.A. Update Citywide Historic Resource Survey (Christine Lazzaretto, HRG Associates, subcommittee Johns, Hays)

CHRISTINE LAZZARETTO of Historic Resources Group (HRG) summarized their work effort to date.

JOHN VOSS of History Pin summarized the integration of the Historypin.com website with the Citywide historic resource inventory to encourage participation by members of the community.