



**CITY OF PALM SPRINGS**  
**DEPARTMENT OF PLANNING SERVICES**  
**MEMORANDUM**

**Date:** May 13, 2015  
**To:** Planning Commission  
**From:** Department of Planning Services  
**Subject:** Item 2C. New Church II LLC for Orchid Tree Resort

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SUMMARY

At its meeting of April 22, 2015, the Planning Commission continued the subject item to the next regular meeting of May 13, 2015. The continuance was to allow staff additional time to prepare responses to the comments received on the project's Initial Study and to provide further clarification on Commissioner's questions, including details on parking and nearby structure heights.

CEQA RESPONSE TO COMMENTS:

Staff evaluated all comments related to environmental impacts and prepared responses to each. See attached CEQA Response Letter.

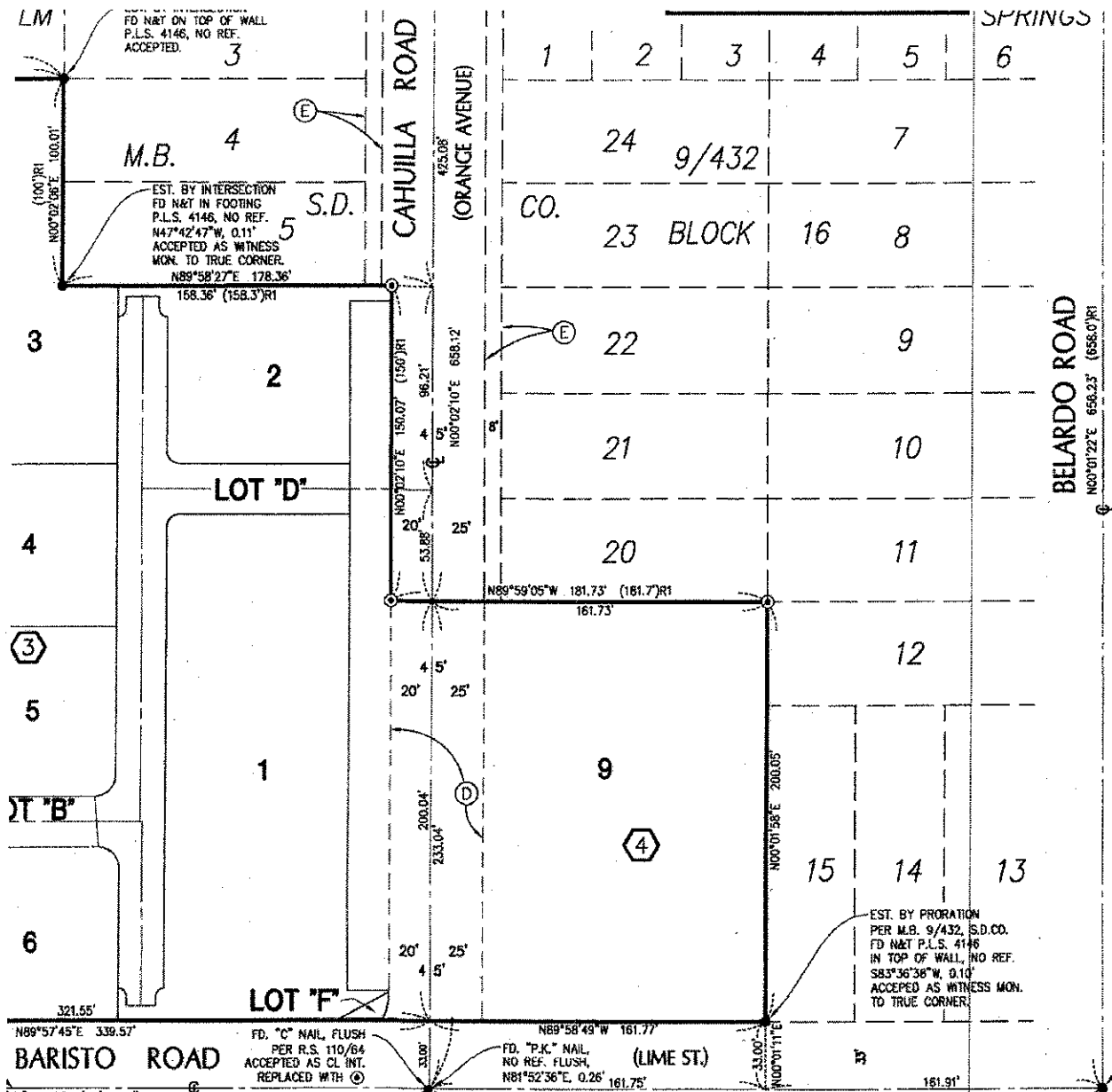
PARKING ON WEST SIDE OF CAHUILLA:

At the last meeting many questions were raised about existing parking conditions and the number of parking spaces required. Since that time, the applicant has expanded the underground parking garage to accommodate more parking spaces. A total of 154 parking spaces are proposed for the project. The revised site plan reflects this change.

The existing parking along Cahuilla Road is located on the west side of the street next to the St. Baristo condominium project. These parking stalls were constructed at the same time St. Baristo was built; however, the approved tract map shows these parking spaces as a part of the Community Church property and it was indicated in previous staff reports that they were reserved for the church.

An excerpt of the St. Baristo tract map (Tract 31887) is shown below. The church property (Lot "9") includes Cahuilla Road (identified as the circled "D" which indicates

this as "Right-of-Way of Cahuilla Road") and the bay parking adjacent to the roadway. St. Baristo includes parcels 1 through 8 and the internal roadways shown as "Lot 'D'" and "Lot 'B'" below.



**DETAILED PARKING ANALYSIS:**

The Commission requested further information related to code requirements for parking, specifically the number of spaces required for each of the respective uses onsite. Section 93.06.00(D)(16) of the Palm Springs Zoning Code (PSZC) specifies off-street parking requirements for hotels and resort hotels. Staff has prepared the following

analysis to show number of spaces required for all uses if this was proposed as a new hotel facility:

|  | Requirement  | Required                  |
|--|--|---------------------------|
| <b>Hotel Rooms</b>   |  |                           |
| • 1 – 50 rooms   | 1 space per 1 room   | 50                        |
| • 50 – 93 rooms  | 1 space per 0.75 rooms   | 32                        |
|  |  | <b>Subtotal: 82</b>       |
| <b>Accessory Commercial</b>  |  |                           |
| • Main Restaurant<br>○ 4,185 sq. ft. where public is served        | 1 space per 60 sq. ft.   | 20                        |
| • Pool Café / Restaurant<br>○ 612 sq. ft. where public is served   | 1 space per 60 sq. ft.   | 10                        |
| • Guest Lounge (Lobby Bar)<br>○ 532 sq. ft. where public is served | 1 space per 60 sq. ft.   | 9                         |
| • Employees of Restaurant / Bar                                    | 20% of above   | 8                         |
| • Employees of Spa   | 1 space per employee   | 5 on-site at any one time |
|  |  | <b>Subtotal: 47</b>       |
| <b>Largest Assembly Space</b>                                      |  |                           |
| • Banquet Hall<br>○ 3,480 sq. ft.                                  | Up to 30 sq. ft. per room allowed w/o providing additional parking (30 x 93 rooms = 2,790 s.f. credit).<br>1 space per 690 sq. ft. | 23                        |
|  |  | <b>Subtotal: 23</b>       |
| <b>Total Required: 152</b>   |  |                           |
| <b>Total Provided: 134</b>   |  |                           |

Related to the above calculations, the following should be noted:

1. These calculations are based on a "ground up" resort hotel. As noted at the previous Commission meeting, the PSZC exempts Class 1 historic structures from the requirement to provide additional parking for any new use allowed by the Code in which the historic structure is located (93.06.00.B.3.e). Since hotels and resort hotels are permitted in the R-3 zone, the adaptive re-use of the church property and bungalows are not required to provide additional parking spaces. An analysis based on the allowed exemption is provided in the table below.

|  | Requirement  | Required                  |
|--|--|---------------------------|
| <b>Hotel Rooms</b>   |  |                           |
| • 1 – 50 rooms   | 1 space per 1 room   | 50                        |
| • 50 – 85 rooms (new, excluding 8 bungalows)                       | 1 space per 0.75 rooms   | 26                        |
| <b>Subtotal: 76</b>  |  |                           |
| <b>Accessory Commercial</b>  |  |                           |
| • Main Restaurant<br>○ 4,185 sq. ft. where public is served        | 1 space per 60 sq. ft.   | Exempt                    |
| • Pool Café / Restaurant<br>○ 612 sq. ft. where public is served   | 1 space per 60 sq. ft.   | 10                        |
| • Guest Lounge (Lobby Bar)<br>○ 532 sq. ft. where public is served | 1 space per 60 sq. ft.   | Exempt                    |
| • Employees of Restaurant / Bar                                    | 20% of above   | 2                         |
| • Employees of Spa   | 1 space per employee   | 5 on-site at any one time |
| <b>Subtotal: 12</b>  |  |                           |
| <b>Largest Assembly Space</b>                                      |  |                           |
| • Banquet Hall<br>○ 3,480 sq. ft.                                  | Up to 30 sq. ft. per room allowed w/o providing additional parking (30 x 93 rooms = 2,790 s.f. credit).<br>1 space per 690 sq. ft. | 23                        |
| <b>Subtotal: 23</b>  |  |                           |
| <b>Total Required: 111</b>   |  |                           |
| <b>Total Provided: 134</b>   |  |                           |

2. Main restaurant calculation includes all dining areas east of kitchen and south of hostess stand and restrooms. The private meeting space west of the kitchen was not included in the calculation. Additional parking is not required for meeting space outside of the single largest place of assembly, pursuant to Section 93.06.0(D)(16)(e) of PSZC.
3. The PSZC alternatively allows total number of seats for calculating the parking requirements; however, a seating plan is not available at this time to determine parking based on this calculation.
4. The event lawn and second floor banquet deck is not floor area and is not part of the parking calculations.
5. Outside dining was not included in any of the above calculations.

**STRUCTURE HEIGHTS:**

The Planning Commission requested some additional information related to surrounding heights of two and three-story structures. The structure immediately northeast of the subject site is two-stories and 22 feet in height. The St. Baristo condominiums are two- and three-stories and 34½ feet in height. The proposed hotel building is three-stories

and 33 feet in height. Mechanical equipment with screening will be installed in centrally located areas on the roof to minimize visibility.

RECOMMENDATION:

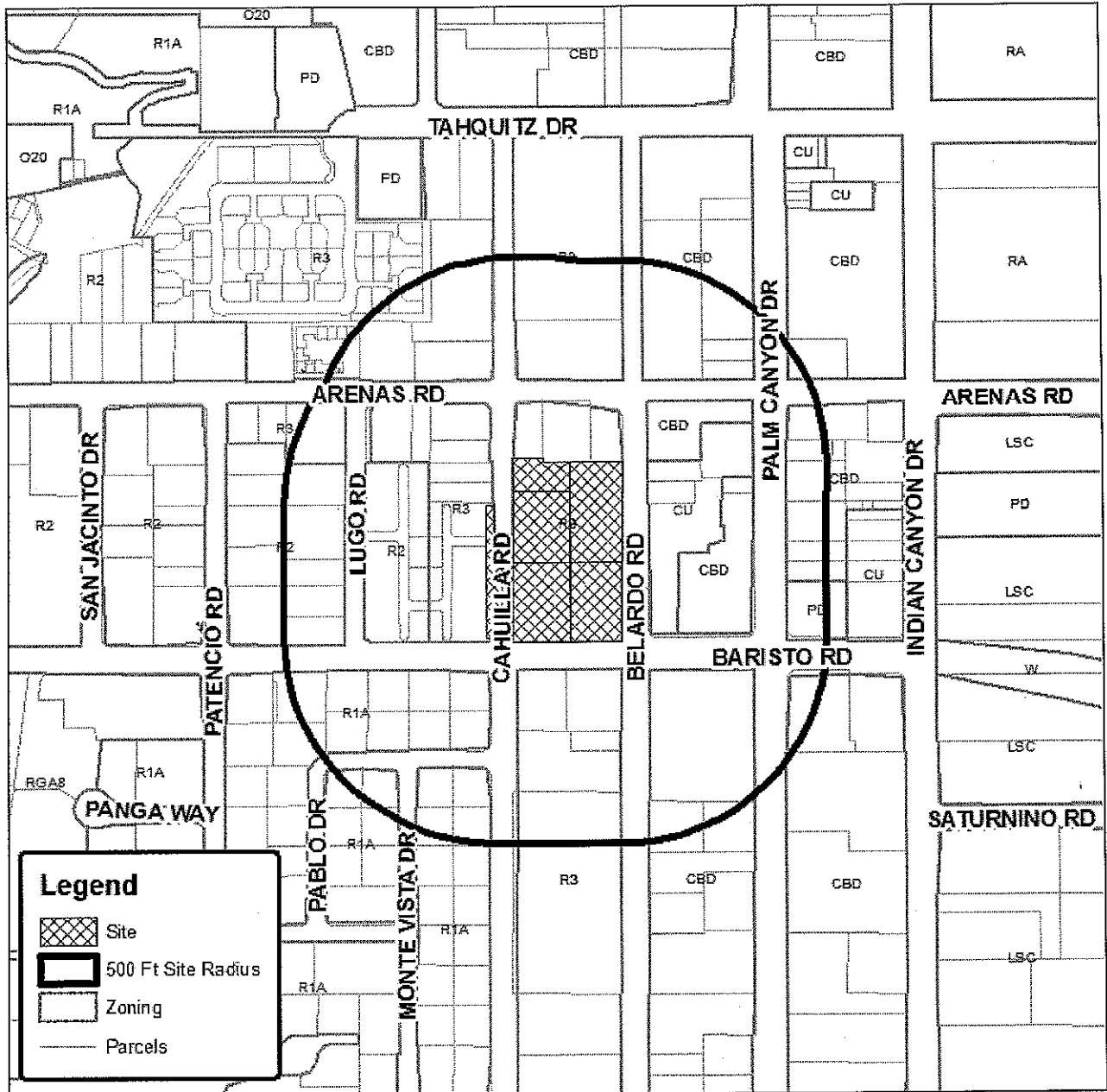
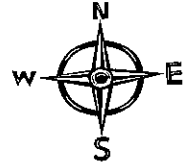
Recommend the City Council adopt the mitigated negative declaration and approve the project applications, subject to conditions.

Attachments:





1. Vicinity Map
2. CEQA Responses Letter
3. Draft Resolution with Conditions of Approval
4. 4/22/2015 Draft Planning Commission Meeting Minutes
5. 4/22/2015 Planning Commission Staff Report w/o Attachments
6. Initial Study
7. Revised Site Plan



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  500 Ft Site Radius
-  Zoning
-  Parcels

CITY OF PALM SPRINGS

# CEQA Response to Comments:

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The City received two letters commenting on the Initial Study prepared for Case No. 5.1345, the Orchid Tree Inn Resort and Spa. The following represents the City's response to these comments.

## Miller, Starr, Regalia

The commenter represents the land owner of the Vineyard shopping center, which is located east of the proposed project, beyond the City parking lot on the east side of Belardo Road. Please note that the commenter's statements regarding parking have been addressed separately in the supplemental staff analysis regarding parking for this project.

The letter's relevant sections are provided verbatim below, except that the case law citations have been removed, in order to make the comment clearer to the reader. The full text of the letter is attached to this response. The comments are shown in *italics*, while the responses are provided in plain text.

- 1. This firm represents Larry and Sharon Kramer and Larry Kramer Vineyard Property LLC ("collectively "Kramer"). Kramer owns the Vineyard Shopping Center property located to the east of and directly across South Belardo Road from the 3.1-acre site of the above-referenced Orchid Tree Inn Resort and Spa project (the "Project"). As will other of the Project's neighbors, Kramer's tenants and their patrons will be directly and adversely impacted by the Project's adverse environmental and planning impacts. The IS/MND does not adequately investigate, analyze or mitigate these impacts. Accordingly, and because substantial evidence supports a "fair argument" that the Project as proposed to be approved may have significant unmitigated environmental effects, the IS/MND is legally deficient under the California Environmental Quality Act ("CEQA"; Pub. Resources Code § 21000 et seq.). Pursuant to State law, the Planning Commission acts as an advisory body to the City Council with respect to projects like the instant one for which legislative approvals are required; it should therefore recommend that the City Council not adopt the MND or approve the Project as presently proposed.<sup>1</sup> The Council may not lawfully do so unless and until a legally-adequate Environmental Impact Report ("EIR") is first prepared and certified by the Council in compliance with CEQA, and all significant adverse impacts of the Project identified in such an EIR are mitigated through binding mitigation measures to the extent feasible.*

*As discussed in detail below, the Project as currently designed and proposed will have significant unanalyzed and unmitigated environmental impacts in numerous areas including, inter alia: historic resources, aesthetics, air quality, greenhouse gas (GHG) emissions, hazardous materials, noise, land use,*

parking and circulation, water supply, wastewater disposal and capacity, energy usage, and police services. In addition to failing to adequately study, analyze, quantify and mitigate the Project's significant impacts in these areas, the IS/MND's analysis violates CEQA in numerous instances by measuring impacts against an improper and inaccurate environmental "baseline," improperly deferring analysis and mitigation, and failing to identify thresholds of significance against which to measure impacts in many areas. The Project is also inconsistent with the City's General Plan policies and Zoning Ordinance regulations, and should not be recommended for approval for those reasons as well.

Comment noted.

2. The general plan is the fundamental, controlling and comprehensive source of local land use law and policy which sits atop the hierarchy of local land use regulation as the "constitution" for all future development. Zoning ordinances regulate the use of specific parcels of land and establish development restrictions in accordance with the specific zoning designation; such ordinances must also be consistent with the general plan. (Gov. Code, § 65454.) Special or conditional use permits must also be consistent with applicable general and specific plans and zoning ordinances.

Comment noted.

3. Under CEQA's well-established standards, an agency is required to prepare an Environmental Impact Report (EIR), rather than a Negative Declaration, whenever substantial evidence in the record supports a "fair argument" that a project may have a significant effect on the environment. Courts apply the "fair argument" test as a standard of judicial review for agency decisions to adopt a Negative Declaration. The "fair argument" standard of review applies to mitigated negative declarations.

In other words, if a non-exempt project may cause a significant effect on the environment, the lead agency must prepare an EIR. (Pub. Resources Code, §§ 21100, 21151; 14 Cal. Code Regs., § 15064(a)(1)(f)(1).) An EIR may be avoided only if the lead agency properly finds no substantial evidence in the initial study or elsewhere in the record that the project may significantly affect the environment. A project "may" have a significant effect on the environment if there is a "reasonable possibility" that it will result in a significant impact. A "significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." (Pub. Resources Code, § 21068; 14 Cal. Code Regs., § 15382.) If any aspect of the project may result in a significant environmental impact, an EIR must be prepared even if the overall effect of the project is beneficial.

As is evident from the above-cited legal authorities, CEQA sets a very "low



*threshold" for requiring preparation of an EIR, such that if any substantial evidence supports the requisite "fair argument" that a project may have a significant environmental effect, the lead agency must prepare an EIR - even if it is also presented with other substantial evidence indicating that the project will have no significant effect. Under the "fair argument" test, the lead agency may not weigh the competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environment impact, but must direct the preparation of an EIR to resolve the issue. "Substantial evidence" is evidence that has ponderable legal significance, i.e., evidence that is reasonable, credible and of solid value, and has been defined in the CEQA context as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." "Substantial evidence" is defined by the CEQA Guidelines to include, inter alia, "expert opinion supported by facts." Opinion evidence submitted by a qualified expert, showing that significant impacts may occur from a project, is normally conclusive, and requires preparation of an EIR under the "fair argument" standard. "Statements by members of the public may [also] constitute substantial evidence that a project may have a significant effect on the environment."*

Comment noted. The City correctly relied §15064(f)(2) in this case:

"If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared."

In writing the Initial Study, the City weighed the evidence provided by the whole of the record in this case, including expert documentation prepared by a fully qualified historic resource specialist, who performed multiple surveys on the historic structures within the project; expert review and approval by the Historic Site Preservation Board (HSPB); expert documentation from the project architect, who prepared accurate scaled visual simulations for the project; expert technical analysis of the air quality impacts of the project; and properly conducted research, analysis and preparation of the Initial Study. As a result of this analysis, the City found that all the impacts associated with the proposed project could be mitigated to a less than significant level, and consistent with the requirements of § 15064(f)(2), determined that a mitigated negative declaration should be prepared.

4. *The Project site contains numerous structures designated as Class I City*

*Historic Sites. (IS/MND 27-28.) The Orchid Tree Inn was originally built in 1934 as a 10-unit bungalow court motel. In 2010, both (1) the bungalow court inclusive of its 10 buildings, and (2) a handcrafted onsite stone archway were designated Class I City Historic Sites. (IS/MND 27.) Additionally, the Palm Springs Community Church, built in 1936 on the Project site and damaged by a recent fire, "was designated a Class I City Historic Site in 1989 based on its notable architectural characteristics and value as a neighborhood institution and landmark." (IS/MND 28)*

*The most recent version of the Project proposes to (1) entirely demolish the two northernmost bungalows, (2) demolish some structures on the church site and substantially alter others, and (3) "relocate" the stone arch -while explicitly acknowledging that this last effort may result in the arch's destruction insofar as the contemplated "reinstallation of the stone arch [may] not [be] possible." (IS/MND 28-29.) The IS/MND concedes that "one of the character-defining features of the Orchid Tree Inn was determined to be the presence of all ten lodging units" and that demolition of two of the designated 10 bungalows "will affect the site's historic integrity . . . ." (IS/MND 29.)*

*Physical demolition or destruction of historic structures is per se a significant adverse environmental impact under CEQA. The historic significance of the bungalows, arch, and church structures is confirmed by their formal local Class I Historic Site designations and other expert evidence. (IS/MND, Appdx. 8 ["Historical Resources Impacts Evaluation, Orchid Tree Report & Spa Project," Chattel, Inc., June 6, 2014].)*

*Where, as here, a project will have a significant impact by virtue of demolishing historic resources, a mitigated negative declaration is not appropriate. CEQA provides that a mitigated negative declaration can validly be used only where "(1) the proposed [mitigating] conditions "avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment."*

*Two mitigation measures are proposed by the IS/MND here to mitigate the adverse impact of the Project's demolition, alteration and relocation of Class I historic resources: (1) obtain a qualified consultant to "provide periodic construction monitoring to ensure [the work] ... is sensitive to the treatment of the identified historical resources"; and (2) have a qualified consultant "evaluate and approve a plan to install an interpretive display that provides information about the history of the property [and its various demolished and altered resources]", which display "may include plaques, historic photographs, or other informational displays visible to the public." (IS/MND 29 [MM V-1 & V-2].)*

*Such mitigation measures do not mitigate the Project's adverse effects to a point where clearly no significant effect would occur. Periodic monitoring of Project construction obviously does nothing at all to mitigate the complete demolition of historic resources that preceded it. Moreover, plaques, photos and informational displays, unlike other mitigation alternatives such as preservation in place, sensitive relocation, and rehabilitation of historic resources, do not avoid the total destruction and loss of the historic structures which are demolished. Indeed, California courts have routinely found such measures do "not reduce the effects of the demolition to less than a level of significance." In the Court's words: "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers. Nor, we think, are the effects of the demolition reduced to a level of insignificance by a proposed new building with unspecified design elements which may incorporate features of the original architecture .... " A full EIR should therefore be prepared to investigate alternatives to the demolition proposed by the Project.*

The commenter incorrectly characterizes the actions to be taken on the site regarding historic structures. As stated and referenced in the Initial Study, the City relied on the research and documentation provided by Chattel, Inc., a firm of historic preservation experts. The analysis from Chattel is provided as an Appendix to the Initial Study, and summarized in the document. The findings and conclusions regarding the Church and Hotel properties are discussed individually below.

#### Community Church

The Chattel analysis correctly and accurately identified that the Church has been significantly damaged by fire, and that substantial reconstruction and rehabilitation will be necessary to make it habitable. The analysis also describes the additions, both vertically and horizontally, proposed for the site in terms of their compatibility with the Church building itself. The findings of that analysis included:

- A determination that the proposed alterations to the perimeter wall were appropriate, because the area of wall to be demolished was an addition, and not part of the character-defining wall feature.
- The addition of a second story to the Church building is appropriate because the gable shape of the roof will be maintained; the new second story will be juxtaposed rather than blended into the original structure; and the new second story will pick up some of the architectural vocabulary, including slit windows. The restoration of the Church and the addition represent, according to the expert, "careful detailing further highlight(ing) the addition as a necessary intervention to a historic structure previously damaged by fire."

- The preservation of the original doorway on Baristo.
- The rehabilitation or reconstruction of existing wood doors and windows.
- The re-partitioning of existing interior spaces will not significantly affect the sanctuary space, which remains essentially the same with the proposed project.
- The determination that the demolition of the stair on the east side will not impact the structure, as the stair is not a character-defining feature.

#### Orchid Tree Inn

The analyses conducted by Chattel found that:

- The stone arch appears to have recently been reconstructed, but is still part of the Class 1 listing for the property. Its relocation or reconstruction within the circulation paths on the property is appropriate in the historic context of the arch.
- The original bungalows, around a central courtyard, will be rehabilitated, and important features such as doors and windows will either be rehabilitated or reconstructed. The two northernmost bungalows, which have undergone the most inappropriate alterations over time, will be removed.
- The pool located in the bungalow courtyard will be removed and replaced with a water feature. Since the pool is neither original nor character-defining, its replacement with a water feature is appropriate.
- The use of contemporary architecture for the new structures on the site is an appropriate juxtaposition of style that will highlight the historic features of the preserved and rehabilitated buildings.

As stated in the historic analysis and the Initial Study, the use of juxtaposed styles is appropriate, as is the reconstruction and rehabilitation of existing buildings, and is consistent with the federal Secretary of State standards for historic buildings. The mitigation measures proposed assure that the project's design and construction are monitored, and that the historic expert can continue to advise the development team on appropriate changes and alterations to the plans. The impacts to historic structures have been mitigated to a less than significant level, and an Environmental Impact Report (EIR) is not required.

#### 5. *The IS/MND states that:*

*Build out of the proposed project will primarily affect scenic mountain views as seen from properties immediately east and north of the subject site.*

*(IS/MND 11.) The Project will thus concededly block scenic views of the San Jacinto mountains from many locations in the vicinity. (IS/MND 11.)*

*Further:*

*Building heights will increase to 33 feet on the new 3-story hotel structure, and 36 feet on the 2-story church addition. The applicant prepared three visual simulations to show the scale and mass of building on the property. These simulations are provided in Exhibits 5, 6 and 7[.]*

*Contrary to the MND's conclusion of "some impact ... to views of scenic vistas from surrounding properties [that will] be less than significant" (IS/MND 12), IS/MND Exhibits 5, 6, and 7 clearly show that significant existing scenic views will be substantially adversely affected. These simulations plainly show that views of large expanses of mountains previously visible will simply be obliterated, and no mitigation for such impacts is discussed or required. Both public citizens and planning staff have raised aesthetic issues due to the extreme height and density that the Project proposes in the historic Tennis Club District. (See Planning Commission Staff Report for 4/22/15 meeting, at pp. 2, 6, and attachments to Report.) The visual simulation evidence contained in the MND itself, as well as evidence contained in the Staff Report, support a "fair argument" that the Project's aesthetic impacts will be significant, thereby requiring an EIR rather than a negative declaration.*

The Initial study correctly states that views from surrounding properties will be impacted by the proposed project. However, as stated in the Initial Study, the views along Belardo Road are already significantly impacted by one, two and three story structures. The views through the existing Orchid Tree property include single story buildings in disrepair, a wind fence, and deteriorating improvements. The proposed project will block foreground views, but the mountain tops will still be visible from, for example, the shops in the Vineyard shopping center, as distance will provide additional perspective. The character of this area of the City is urban, and the proposed project is not inconsistent with this character. The Initial Study appropriately characterizes the impacts, determines that the project will have less than significant impacts on aesthetic resources, and determines that mitigation measures are not necessary. An EIR is not required.

6. *The IS/MND acknowledges that the City of Palm Springs, and hence the Project site, is located in "the Coachella Valley [which] is classified as being in nonattainment [i.e., failing to meet state and federal air quality standards] for both ozone (O<sub>3</sub>) and PM 10." (IS/MND 18.) The IS/MND shows the Project's air emissions during the construction phase will exceed localized thresholds of significance for PM<sub>10</sub> and PM 2.5 even "after enforcement of standard dust control measures." (IS/MND 22 [Table 111-5], emphasis added.) The relevant figures provided are derived from CalEEMod Version 2013.2.2, the calculations from which modeling program are attached to the IS/MND as its Appendix A. (See IS/MND [Table 111-5 "Source"], 57 [listing Appendices].) IS/MND Table 111-5 shows that daily PM 10 emissions from Project construction- even after mitigation is applied- will be approximately 147% of*

the applicable local significance threshold, and that mitigated PM 2.5 emissions will similarly about be 135% of the applicable threshold of significance.

Comment noted.

7. While the MND fails to specifically define the "standard dust control measures" which are taken into account by the CalEEMod version 2013.2.2 program in calculating the various PM (particulate matter) emissions after mitigation, there exists evidence that the City of Palm Springs has had a Fugitive Dust Control Ordinance in place for decades - since at least 1993, when it was enacted by Ordinance No. 1439 (4/21/93)- and that Ordinance's latest 2003 version can be found at Chapter 8.50 of the City's Municipal Code. (See attached Exhibit A [Chapter 8.50 of Palm Springs Municipal Code]; see also Planning Comm. Staff Report, Exhibit A [proposed Conditions of Approval] at p. 13 [referencing Chapter 8.50].) The City's applicable ordinance is substantially similar to the South Coast Air Quality Management District's ("SCAQMD") Rule 403.1 (Supplemental Fugitive Dust Control Requirements For Coachella Valley Sources), which also has also been in existence for decades, having been adopted in 1993 and amended in 2000 and 2004. (See attached Exhibit B [SCAQMD Rule 403.1].) Both of these long standing laws constitute "standard dust control measures" which were applicable to the Project at the time the IS/MND's air emissions analysis was performed, and were thus presumably part of the mitigating environmental regulations taken into account in calculating the "mitigated" PM 10 and PM 2.5 totals shown in the IS/MND and its attached Cal EEMod version 2013.2.2 calculations. (See Exhibit C [Page 6 of 29 from IS/MND Appendix A showing overall daily unmitigated and mitigated construction emissions of Project...])

Given that the only evidence relied on by the IS/MND shows that Project's daily construction emissions of PM 10 and PM 2.5 will substantially exceed local thresholds of significance even after the application of the standard mitigation measures, one would expect the City's Initial Study to acknowledge potentially significant adverse air quality impacts requiring further analysis and mitigation in a full EIR. Instead, the IS/MND states: "A Dust Control Plan per SCAQMD Rule 403.1 will be required prior to construction to ensure impacts related to PM emissions are reduced to less than significant levels.~ (IS/MND 22.) The MND then proceeds to "impose" MM III-1 -merely requiring the already-required Rule 403.1 dust control plan (IS/MND 22) - and to "recommend" (though not require) additional measures MM 111-2 through MM 111-8 relating to exhaust emissions. The MND makes no effort to quantify the anticipated PM 10 or PM 2.5 reductions from any of the required or recommended measures, and it makes no effort to show any of the "recommended" (but not mandated) exhaust measures (e.g., use of aqueous diesel fuels, diesel particulate filters, diesel oxidation catalyst, etc.) are

*feasible, will actually be used, or would be effective in reducing impacts to a less than significant level.*

*The MND's conclusion that impacts will be mitigated to less than significant levels is thus unsupported by any substantial evidence, and, in fact, is contradicted by the evidence that is in the record. The MND does not explain or substantiate how application of standard fugitive dust control regulations that have been in force for decades, and were thus already presumably accounted for in the analysis that showed the Project's construction emissions exceeded PM 10 and PM 2.5 significance thresholds, will supposedly further reduce the significant post-mitigation impacts documented in Table 111-5 (IS/MND 22) and its CalEEMod outputs (Exhibit C) to levels of insignificance. These failures render the MND's air quality analysis deficient under CEQA since it shows significant impacts will continue to exist after mitigation, and in any event fails to show "the proposed [mitigating] conditions 'avoid the effects to a point where clearly no significant effect on the environment would occur[.]'" An EIR is thus required to further analyze and mitigate, if feasible, the Project's significant air quality impacts in the area of construction phase particulate matter emissions.*

The commenter's assumptions relating to PM10 and PM2.5 mitigation measures are incorrect. The air quality model only allows for very limited mitigation measures to be considered. In this case, only watering of the site 3 times per day was assumed. Other available mitigation in the model, including the paving of unpaved roads were not considered appropriate. The Initial Study and the City rely on the requirements of the Coachella Valley PM10 State Implementation Plan (SIP), which was developed in close coordination with the SCAQMD, and approved by that responsible agency, to mitigate particulates in the Valley. The approval and implementation of the SIP by each Valley City, including Palm Springs, represented mitigation for the Valley's particulate emissions, recognized as sufficient for CEQA purposes by SCAQMD. The SIP sets forth specific and prescriptive requirements, which begin with the preparation and implementation of a Fugitive Dust Control Plan for every project. The SIP further prescribes best management practices and techniques for reducing dust emissions on construction sites. In order to secure a demolition permit, the project proponent will first need to secure approval of their dust control plan. This standard requirement is correctly cited in the Initial Study, and represents appropriate mitigation for localized significance thresholds. No additional analysis is necessary, and no further mitigation is required.

8. *The MND's less-than-one page analysis in this area is cursory and wholly deficient GHG emissions causing global warming and climate change represent significant cumulative impacts requiring CEQA analysis. A project's incremental effect, though individually limited, may be cumulatively considerable, meaning "that the incremental effects of an individual project*

are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 Cal. Code Regs., § 15064(h)(1).) An individual project's GHG emissions must therefore be analyzed to determine whether they make a "cumulatively considerable~ contribution to climate change/global warming and should thus be considered a significant project effect requiring analysis and mitigation to the extent feasible. (14 Cal. Code Regs. § 15064.4(a), 15064(h)(1 ),(3),(4).) A project's GHG emissions are typically measured in terms of metric tons of "carbon dioxide equivalent" (MTC02 Eq) -a standard metric used to compare emissions from various GHGs based on their global warming potential.

A lead agency must exercise careful judgment in determining the significance of a project's GHG emissions consistent with CEQA's usual rules (14 Cal. Code Regs., § 15064.4(a), citing *id.* at § 15064), and when assessing the significance of GHG impacts should consider various factors, including: (1) the extent to which the project increases or reduces GHG emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (3) the extent to which the project complies with regulations or requirements adopted to implement statewide, regional or local plans for GHG reduction or mitigation. (14 Cal. Code Regs., § 15064.4(b)(1)-(3).) A lead agency may adopt a threshold of significance adopted or recommended by another public agency or recommended by experts if its decision to do so is supported by substantial evidence. (14 Cal. Code Regs., § 15064.7(c).) A lead agency may determine a project's incremental contribution to GHG impacts is not cumulatively considerable if it will comply with regulations or requirements in, or adopted to implement, a statewide, regional or local plan for the reduction of GHG emissions. (14 Cal. Code Regs., §§ 15064.4(b)(3), 15064(h)(3).) However, in order for a lead agency to rely on such requirements (i) they must be adopted by the relevant public agency through a public review process to implement, interpret, or make specific the law enforced by two (*sic*) public agency and must reduce or mitigate the project's incremental contribution of GHG emissions; and (2) the lead agency relying on the plan, regulation or program should explain how implementing its particular requirements ensures that the project's incremental contribution is not cumulatively considerable. (14 Cal. Code Regs., § 15064(b)(3) .) Moreover, if there is substantial evidence that the project's possible effects are still cumulatively considerable notwithstanding its compliance with the adopted mitigation plan, program, regulations, or requirements, then CEQA requires that an EIR must be prepared for the project, (14 Cal. Code Regs., §§ 15064.4(b)(3), 15064(h)(3).)

While the IS/MND purports to quantify construction and operational GHG emissions (IS/MND 33 [Table VII-6]), the CalEEMod calculations relied on appear to include only "hotel" and "parking lot" as relevant land uses. (IS/MND, Appendix A, *passim*.) It is thus unclear whether the 9,252-square



foot restaurant, 6, 133-square foot banquet hall, 6,671-square foot spa, and pool- which will all have their own operational GHG emissions - have even been accounted for in the GHG analysis for Project operations, and it appears highly doubtful that they have been.

Further, the MND's quantified GHG emissions of 373.98 metric tons of CO<sub>2</sub> equivalent for 1 year of construction and 1,003.76 metric tons of CO<sub>2</sub> equivalent annually for Project operation are not compared to either the Project's environmental baseline (i.e., the vacant Project site's current emissions) or to any adopted threshold of significance to determine their significance. Rather, the MND makes no attempt to adopt or derive a threshold of significance to give any meaning to these numbers, and states its entire GHG impacts "analysis" in the following four (4) sentences:

*There are currently no adopted thresholds of significance for GHG emissions for construction or operation of projects of this nature. It is recognized that GHG impacts are intrinsically cumulative. As such, project construction will be conducted in a manner that is consistent with applicable rules and regulation pertaining to the release and generation of GHG's. The proposed project will have a less than significant impact on the environment from the emission of GHG's and will not conflict with any applicable GHG plans, policies or regulations.(IS/MND 33.)"*

*This sparse and cursory "analysis" is patently inadequate under the CEQA requirements stated above. The City has shown no exercise of "careful judgment" in determining the significance of the Projects' GHG impacts; it has not compared the Project's GHG impacts to the existing environmental setting; it has not considered whether the Project's emissions exceed any significance threshold which it has determined applies to the Project; and it has not considered the extent to which the Project complies with regulations or requirements adopted to implement statewide, regional or local plans for GHG reduction or mitigation. (14 Cal. Code Regs., § 15064.4(b)(1)-(3).) For example, it has not considered the Project's consistency or compliance with the goals of AB 32 (the Global Warming Solutions Act of 2006), the Palm Springs 2013 Climate Action Plan, or the Sustainability Plan for Palm Springs. It has not cited, identified or explained the operation of the "applicable rules and regulation pertaining to the release and generation of GHG's" with which it has purportedly determined Project construction will be consistent. It has not cited, identified or explained the operation or requirements of the "applicable GHG plans, policies or regulations" with which it has purportedly determined the Project will not conflict.*

*To lawfully rely on a Project's purported compliance with GHG reduction plans, requirements or regulations as demonstrating adequate mitigation of cumulative GHG impacts, the lead agency must show the regulations' public process of adoption and purpose, and explain how implementing their*

*requirements assures the project's incremental contribution to GHG impacts will not be cumulatively considerable. (14 Cal. Code Regs., § 15064(b)(3).) The MND here does none of these things. It is thus wholly unknown whether the Project's GHG emissions are accurately calculated, and even if so whether they comply with the City's own goals of 1% or 7% reduction of GHG emissions as stated in its Climate Action Plan, especially given that the project site is currently vacant (as it has been for several years), and is even currently zoned for a much less intensive level of development than that proposed by the Project. It is impossible for a reader of the IS/MND to see how the GHG emissions found in the IS/MND could possibly comply with any relevant GHG reduction goals. In short, the IS/MND fails to comply with the CEQA statutes and Guidelines in its analysis, fails to support its cursory conclusions with any substantial evidence, fails to discuss the Project's compliance with its own relevant plan's GHG goals, and fails even to compare the Project's emissions to a relevant (or any) environmental baseline. The MND must not be approved, and an EIR should be required to analyze this impact area as well.*

The Initial Study correctly characterizes the GHG emissions during construction and operation of the project. The use of the model definition of "hotel" is appropriate, insofar as a hotel is expected to include ancillary facilities such as restaurants and spas. Further, GHG emissions relate to energy use, off-gassing of paint and similar substances, and are therefore similar within an enclosed building or group of buildings. The use of the category was appropriate for the site.

By not reducing the emissions by any current emissions from the existing buildings, the information within the Initial Study represents a conservative (more emissions than actually are likely) representation of the proposed project's impacts on the environment. In addition, the City is implementing a number of documents and techniques to reduce GHG emissions, which will be implemented for this project.

The City did adopt, through a public hearing held before the City Council in 2013, a Climate Action Plan. That Plan's implementation measures will be incorporated, where appropriate, by the project proponent. It should also be noted that the Climate Action Plan demonstrates that the City has already implemented strategies that will result in its meeting its SB 32 requirements. Further, the construction of the proposed project must conform to Title 24 of the California Building Code, and will therefore be 30% more energy efficient than buildings built prior to 2013. The resulting reductions in GHG emissions are therefore consistent with the City's goals and policies relating to GHGs, and no mitigation measures are necessary.

9. *CEQA requires adequate Project impact analysis and formulation and adoption of effective and binding mitigation measures before project approval,*

not after. The formulation of binding mitigation measures required by an MND to address a project's significant adverse environmental impacts may not legally be deferred to the future. The IS/MND improperly evaluates hazards and hazardous materials impacts and improperly defers critical studies and mitigation. For example, the IS/MND recognizes that structures more than 80 years old are proposed for demolition and that these structures likely are comprised of asbestos containing materials ("ACM") such as pre-1970s tiles, linoleum and construction materials. (IS/MND 35.) It acknowledges that an asbestos survey has never been performed, that a prior phase I ESA noted the potential for asbestos, and that to avoid potentially significant impacts from asbestos and lead mitigation is required to assure "proper handling, transport, and disposal of such materials(.)"

Yet, despite the frequently high winds at the Project's location and the fact that it is so near to numerous sensitive receptors (including the adjacent residences and the patrons of Kramer's tenants' property) the City and developer have continued to defer any asbestos study and have proposed a Project requiring demolition of historic structures that likely contain ACMs while providing no details showing how the asbestos will be handled or even demonstrating the feasibility of its safe handling in connection with demolition. Instead, the only proposed "mitigation" (MM VII-1) is wholly deferred, i.e., to be based on further study to be conducted in the future and a plan whose details are to be developed in the future and outside of any public review process:

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.(IS/MND 35) [MM VII-1].)

Left unstated are what authority will certify the consultant, what standards the City Building Official will apply in reviewing the future plans for approval, and what feasible options the future plan may employ regarding its "specifics" concerning the removal, transport and disposal of ACMs.

Among other deficiencies, the IS/MND fails to discuss that asbestos is regulated as a hazardous air pollutant under the Clean Air Act (see Exhibit D [12/90 US EPA, Region 5, Asbestos NESHAP Regulated Asbestos-Containing Materials Guidance, EPA-340/1-90-018]), and fails to disclose that whole-building demolitions, while perhaps less expensive than other means, pose significant hazards of releasing airborne ACMs and may require large quantities of water as part of proper mitigation, which may have its own

significant impacts. (See Exhibit E [12/4/01 Abstract from J. Occup. Environ Hyg.]). The MND also fails to disclose that the SCAQMD regulates demolitions including ACMs through its Rule 1403. (See Exhibit F [Rule 1403, Asbestos Emissions from Demolition/Reproduction Activities].) Despite the SCAQMD's regulation of and approval authority over the proposed demolitions, the IS/MND, does not require compliance with- or even mention – Rule 1403, or that the SCAQMD apparently has not even been notified of the MND or the Project. (E.g., IS/MND, pp. 2 [stating no other public agency approvals are required], 35].)

The MND thus fails to discuss potentially required removal, remediation and disposal activities, whether they are technically or economically feasible at the Project site, and whether they will have significant environmental impacts of their own (e.g., release of some amounts of airborne friable asbestos, on-site storage of ACMs, use of excessive quantities of water for demolition during a statewide drought, etc.). CEQA requires not only an adequate analysis of the impacts of the proposed Project itself, but also a discussion of the significant adverse effects of any required mitigation measures. Where, as here, formulation of mitigation measures has been unlawfully deferred, such an analysis becomes impossible and the public is also deprived of any opportunity to comment on the efficacy or impacts of the mitigation measures. The formulation of binding mitigation measures must occur during the CEQA review process and before project approval to allow intelligent decision making and public comment on such measures and their efficacy and impacts. The MND is legally inadequate under CEQA because it improperly defers mitigation.

The commenter is incorrect. The Initial Study properly discloses that lead and asbestos are likely to occur on the subject property, and that mitigation is necessary in order to ensure that impacts are reduced to less than significant levels. The imposed mitigation measure is appropriate, and fully enforceable. The removal and disposal of lead and asbestos from any site are highly regulated. Whole building demolition is not permitted without first disposing or isolating the materials. The project proponent will be subject to existing local, regional, state and federal requirements relating to the removal and disposal of lead and asbestos on the property. These standard requirements will assure that the method and technology used in their removal and disposal do not impact surrounding properties. The mitigation measure is wholly enforceable, is appropriate, and does not defer mitigation. No further analysis is required.

10. The IS/MND concedes demolition and construction will occur only 15 feet from sensitive receptors (i.e., residences) to the north and 60 feet from such receptors to the west, and that "[s]hort-term [construction noise] impacts could temporarily exceed acceptable noise thresholds." (IS/MND 43.) Based on the City's Municipal Code's exemption of construction activities from short-term,

*short-duration noise standards when conducted during permitted time frames, the MND imposes no mitigation measures for construction noise impacts and simply relies on assumed compliance with the requirements of Section 8.04.220 of the Municipal Code to conclude "short term construction noise impacts will be less than significant." (IS/MND 43-44.) There are several problems with the MND's conclusion. First, it fails to quantify Project construction noise or discuss its impacts on sensitive receptors or state any threshold of significance. Second, rather than adopting a binding mitigation measure as a condition of Project approval, the City relies on Code enforcement which effectively has no teeth. (See City Mun. Code, § 8.04.220 [subd. (b) states person working outside of permitted hours must be informed orally or in writing that noise is disturbing peace before being required to stop].) Finally, there are significant exceptions to required compliance with the Code that may well apply to this Project, meaning there will, in fact, be significant unmitigated construction noise impacts. (See City Mun. Code, [§ 8.04, 220(b)(2), (5) [stating exceptions for early permit work, and for activities conducted as part of fugitive dust control program].)*

As is typical with any construction project, the proposed project will require the use of loaders, scrapers, bulldozers and other heavy equipment during the construction process. Generally, this type of equipment generates noise levels as high as 95 dB. However, as stated in the Initial Study, the use of this equipment will be inconsistent and temporary. The City's noise ordinance is an enforceable and efficacious mitigation, insofar as it includes procedures and penalties for noise exceedances. The commenter's statement that code enforcement "has no teeth" and that "significant exceptions...may well apply" to the project are not supported by evidence either in the record or provided by the commenter. The City has the power to stop construction activities under its Municipal Code, for noise violations or other reasons affecting the public health and safety. The mitigation measure is enforceable and effective.

11. *Moreover, the IS/MND's operational noise analysis is wholly inadequate, violates CEQA and is unsupported by substantial evidence. First, the analysis violates CEQA's "baseline" rules by characterizing the "93-room hotel with a restaurant and spa" as merely "an expanded version of the site's historic ... use as a hotel, [such that] noise impacts to adjacent properties will be similar to previous levels, although more intense due to the increase in hotel size." (IS/MND 44.) Contrary to this method of analysis, except where unique circumstances exist, the environmental "baseline" required by CEQA and against which Project impacts must be measured must reflect the actual, physical conditions in the vicinity of a project "as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis commences .... " (14 Cal. Code Regs., § 15125(a).) As the MND acknowledges, the Project site "is currently developed but unoccupied[.]" containing "vacant bungalows and 4- and 5- unit buildings associated with the former Orchid Tree Inn hotel, the partially burned*

remnants of the Palm Springs Community Church, and open space .... " (IS/MND 2.) In other words, there is no hotel use; rather, "[t]he subject property is currently unoccupied and has been for several years." (/d. at 43.) Thus, it is wholly improper and misleading to compare the intensity of the proposed Project's operational noise with that of the historic hotel use. Absent unusual conditions- i.e., where its use would be misleading or completely uninformative to the decisionmakers and public – departing from use of an "existing conditions" baseline is a clear failure to proceed in the manner required by law and a violation of CEQA. Where, as here, there exists no justification for doing so, departing from an existing conditions baseline has the effect of materially distorting a project's environmental review. Any noise baseline that accounts for operation of the former hotel is flawed and misleading because, by "building into" the baseline the activity levels associated with the former use and then assessing Project impacts by comparing Project activities against this contrived, hypothetical scenario, the CEQA analysis artificially reduces, masks or down plays the actual magnitude of the Project's impacts. The MND here has committed precisely this prejudicial, legal error. This "past baseline" approach is clearly legally improper, confusing, and misleading.

The Initial Study does not compare the noise levels on the site currently to those of the project. It merely references the previous hotel and adjacent hotels to characterize the noise environment in the area. The Initial Study correctly characterizes the noise to be generated by the proposed project as typical of the resort environment in which the site is located, and correctly states that the noise levels will be more intense than they were in the past.

The City's General Plan EIR, referenced throughout the Initial Study, characterized the noise levels in the City, including the area of the proposed project. The Initial Study correctly identifies the threshold of significance in this case as 65 dBA CNEL. Noise levels in the vicinity of the proposed project fall well below the standard of 65 dBA CNEL, and as stated in the Initial Study, operational noise is not expected to exceed these standards.

12. *Second, the operational noise analysis fails to mention or account for the spa, "expansive pool area," banquet hall, outdoor ground floor dining, and restaurant, not to mention the outdoor "event lawn" or "event area [which the applicant states] may accommodate up to 400 guests." (Planning Comm. Staff Report, p. 5.) Finally, the noise analysis makes no attempt to quantify any noise levels at (or beyond) property boundaries or their effects on nearby sensitive receptors including residents across South Cahuilla Street who have already expressed to the City their serious concerns about the impacts that noise from the Project will have on them. (See Planning Comm. Staff Report [numerous attached emails].) In short, there is no substantial evidence to support the MND's conclusory statement that "operational noise impacts are not expected to exceed acceptable noise standards" (IS/MND 44), the MND*

*does not clearly demonstrate there will be no significant noise impacts, and there is substantial record evidence supporting a "fair argument" that the Project will have such impacts.*

Noise thresholds, particularly operational noise thresholds, are analyzed on the basis of Community Noise Exposure Level (CNEL) as stated in the Initial Study. This method of analysis averages noise levels over a 24 hour period, while weighting noise levels in more sensitive evening and night-time hours. There is no question that an event at the project site or at any site within the City may increase noise levels for a time. The operation of the hotel, including special events, outdoor dining and similar activities, is typical of resort development that occurs immediately north and south of the project, and to the west in various inns and hotels in the area. These temporary noise levels are calculated into the CNEL model, and represented in maximum acceptable noise levels. As stated in the Initial Study, the maximum acceptable noise level for the project is 65 dBA CNEL, and that noise level will not be exceeded by the proposed project, nor will the proposed project experience elevated noise levels beyond the acceptable 65dBA CNEL threshold.

13. *The MND states: "project-related impacts to police services are anticipated to be comparable to those required by the previous Orchid Tree Inn and will be less than significant." (IS/MND 47.) Again, this comparison to a no longer existing use violates CEQA's "baseline" rules discussed above, and defies logic even if it were a proper comparison, given the level of intensification of development and use on the site sought here. The MND's less-than-significant conclusion is unsupported by substantial evidence especially given the ample record evidence of neighbor concerns with parking conflicts and late night noise and rowdy behavior that the Project will introduce. Further analysis of police services impacts in an EIR is thus required.*

The Initial Study correctly characterized the land use as similar to the previous use. The proposed project is located in an area dominated by resort development, and immediately west of the City's downtown core. The area is patrolled regularly and intensely by the Palm Springs Police Department, and as such, the addition of the proposed project will not change the patrol routes currently implemented by the Department. The commenter's characterization of "late night noise and rowdy behavior" is unsupported, beyond that which could be expected in any resort core. The analysis in the Initial Study is appropriate, and an EIR is not required.

14. *There is no analysis whatsoever of the energy impacts of the proposed Project, another glaring deficiency of the MND. And while the Project's developer, New Church II, LLC, claims in its April 15, 2015 letter attached to the Planning Commission Staff Report that it is "anticipating" rainwater harvesting and "extensive Solar Panels" and "targeting" a LEED Silver certified classification for some unidentified component or components of the*

*Project, there are no binding mitigation measures assuring that this will actually occur, or that the Project's unanalyzed energy impacts will be mitigated in the "anticipated" or "targeted" manner.*

The proposed project is required to comply with Title 24 of the California Building Code. That Code, adopted in 2013, is 30% more energy efficient than previous requirements. Therefore, the proposed project will be more efficient than existing buildings throughout the City constructed prior to 2013, regardless of whether the project proponent adheres to LEED standards, or implements solar panels and other techniques. The proposed project will not use more energy than other similar projects on a similar site, and will rehabilitate buildings that, if operating now, would be consuming much larger quantities of energy than they will be after rehabilitation. No further analysis is necessary.

15. *Ignoring Governor Brown's recent Executive Order B-29-15 (the "EO") addressing California's continuing state of emergency due to the drought and ordering statewide potable urban water usage reduction of 25% from 2013 levels to be achieved (Exhibit H, EO, p. 2, ~ 2), and also ignoring the potential impacts of climate change, the MND fails to qualify the Project's anticipated water use or the supply available to it. (IS/MND 53, 54.) The IS/MND simply concludes- without any supporting analysis or evidence- that a draft Integrated Regional Water Management Plan (IRWMP) prepared by the Desert Water Agency (DWA) in 2013 "analyzes the region's water needs and indicates that the long-term demand for domestic water will increase throughout the region, but conservation measures and replenishment programs will make it possible for DWA to meet increasing demand." (IS/MND 54.) The MND's cursory treatment does not state whether the "draft" plan ever became final, whether it accounted for a project of this type at the Project site, or what the necessary "conservation measures and replenishment programs" are and whether they have actually been implemented.*

*Perhaps most importantly, however, reliance on a draft 2013 water plan cannot support a conclusion of adequate potable urban water supply in the face of unanalyzed climate change, ongoing drought, and EO B-29-15's express directive that water usage must be cut back by 25% on a statewide basis from 2013 levels by water suppliers to California cities and towns. (EO, p. 2, 1f 2.) The situation appears to be even more dire in Palm Springs and other cities supplied by the Desert Water Agency, as pursuant to the EO the State Water Resources Control Board has released proposed emergency regulations which would require the Desert Water Agency to reduce its total potable water production by a staggering 36% -- the maximum level of mandatory reduction contemplated for any tier of water provider in the State. (See Group Exhibit I [proposed text of SWRCB emergency regulations, followed by spreadsheet with provisional urban water supplier reductions; DWA 36% reduction is shown at p. 11 of spreadsheet].) No substantial*



*evidence supports the MND's conclusion that a major resort hotel and spa with an expansive pool, restaurant, massive outdoor event lawn, and banquet hall will have less than significant water use or supply impacts under the current continuing drought conditions and the supply reductions mandated through the EO's restrictions. An EIR must be prepared to analyze the Project's potentially significant water use and supply impacts.*

The Initial Study was drafted prior to the Governor's current Executive Order. However, the Initial Study appropriately and correctly analyzes the water use for the proposed project based on approved documents from the appropriate responsible agency, in this case the Desert Water Agency. The use of the Urban Water Management Plan is absolutely appropriate in this case. Urban Water Management Plans are required by law for all water purveyors in the State. Their content and analysis is strictly prescribed by law. The DWA prepared its current Plan in conformance with the law, and analyzed water supplies and demand in the long term, including the analysis of multiple dry years, as is currently the case. These Plans are specifically designed to consider the changes and cycles that California experiences. Even in multiple dry years, the Plan demonstrates that the DWA can supply water to the proposed project and its service area. This is the appropriate tool to use in the analysis of water use, and the Initial Study correctly employed it.

In addition, the proposed project will be subject to a number of standard requirements designed to curtail water use. First, the requirements of the 2013 Building Code will be implemented with project construction. Second, the project will be required to comply with all emergency provisions implemented by DWA in response to the Governor's order. These requirements will be applicable to all development within DWA's service area, including the proposed project. The proposed project will be required to demonstrate to DWA and the City that it is meeting requirements of law and of the Executive Order during construction and operation of the facility.

*16. The MND's wastewater treatment capacity "analysis" is similarly cursory and unsupported. There is no quantification of the wastewater that will be produced by this Project, and no analysis of the cumulative wastewater capacity demand of other proposed or foreseeable projects that may consume capacity in the City's Wastewater Treatment Plant (WTP). (IS/MND 53.) Without providing such relevant facts, the IS/MND's conclusions lack evidentiary support and fail to allow meaningful public review.*

As correctly stated in the Initial Study, the City's wastewater treatment plant currently has capacity for an additional 4.9 million gallons per day, over the 6 million gallons per day currently treated. Since the 6 million gallons per day represents all existing development in the City of Palm Springs, the addition of the proposed project, plus any other recently approved projects, will not exceed the plant's capacity. No additional analysis is required.

Ms. Roxanne Ploss

1. *Page 7: It is curious that none of the boxes are checked, tho' surely, Aesthetics, Noise, Population/housing, Transportation/Traffic should have been.*

The boxes referenced address "Potentially Significant Impacts" as defined by CEQA. In this case, because all impacts can be mitigated to less than significant levels, it is indeed appropriate that none of the boxes be checked.

2. *Page 11: 1c referring to the degradation of the existing character....of its surroundings, certainly has the potential for significant impact. The bulkiness, the height, the density of the project is in direct opposition to the majority of the surrounding small hotels which celebrate open space, low building height and mountain views. It is not in keeping with the existing properties and seriously encroaches upon the privacy of same. Guests will be looking into adjoining pool areas and patios.*

*The new buildings crowd the old, historic ones and evoke a sense of claustrophobia. They actually appear contrived rather than blending with the surroundings.*

As stated in the Initial Study, the proposed project will impact scenic vistas of the mountains, but is consistent with the development that occurs in the area. The current Orchid Tree property is the only one in the area that does not fully cover its frontage on Belardo, for example. Although the proposed project will increase the intensity of development in the area, it is not inconsistent with it.

3. *1d: referring to light or glare. The building of a platform on what used to be the roof of the church will surely add lights higher than existing ones in the neighborhood and intrusive vis a vis evening views.*

The character of the area is urban, and as such, existing light sources from residential and resort development currently impacts the night sky. Although the addition of the space on the second story of the church will add to the light levels in the area, the additional light will be limited by operating hours, and does not represent a significant impact.

4. *To say that adding an extra story will not have visual impact or disrupt mountain views is to disregard the intrinsic beauty of the foothills which makes the rapid rise of Mt. San Jacinto even more impressive. This is one of only three places IN THE WORLD where the land rises from sea level to alpine in less than two miles. It is one of the major draws for tourism. The people with third story rooms will have the advantage over anyone else in the area.*

*The two story addition to the church will rise to 36'....or almost four stories. This is significant.*

*Page 12: Line 4 "The mass of the building will be somewhat greater" is a serious understatement. It will be considerably greater than the original Orchid Tree Inn.*

*Third paragraph: "Upper stories ....will not dominate the views". Simply not true. Significant impact. For instance, a beloved local landmark (the steeple) will be seriously obscured.*

Comments noted. Please see response Miller, Starr Regalia #5. As described in the historic resource survey, the redesign of the project to lessen the bulk and mass around the church steeple will serve to provide a greater focus to this structure. Also, as shown in Exhibit 6 of the Initial Study, the steeple will be clearly visible from Cahuilla Road.

5. *b) While technically, legally true, stating that the property is not located within "a locally designated scenic corridor" neglects a basic premise of the resort-town mentality. Residents tend to think of the whole town as "a scenic corridor"; otherwise, why would people come here?*

Comment noted.

6. *c) Of course new building will improve the "site compared to existing conditions". Most things would. But 'most things' are not a 'fit' with the neighborhood. The state of disrepair is not a criterion for a CEQA study which this property demands.*

Comment noted. The Initial Study characterizes the current conditions of the site, as is appropriate for a project proposed on land that is not vacant. The Initial Study, however, goes on to analyze the impacts of the proposed project in their own right on a categorical basis.

7. *Page 13 c, con't: "The visual character of Belardo Road is consistent with the hotel proposed". Nothing else on Belardo is that tall or as close to the street (the overhangs of the second story providing covered parking). This is a significant visual change.*

Comment noted. The adjacency of the hotel to the street is closer than other development immediately adjacent. However, the development in the area is as close as 7 feet from the right of way further north and south. Large setbacks are not currently part of the fabric of this area.

8. *d) The previous buildings (including the Frey and the Craftsman) used muted tones and finishes which did not add to glare or refracted light. The materials used in the proposal do in fact seem to add to the glare. And there will be more outdoor lighting from ground level on up.*

The proposed project will be white in color. The finishes may seem brighter than current development in the area, but are not of a type that will result in added glare. Lighting will be required for safety, but the City requires that all projects submit lighting plans that demonstrate that light levels do not extend beyond the property line or spill onto adjacent properties. These standard requirements will assure that lighting levels do not significantly impact the area.

9. *Exhibit 5: The original Orchid Tree had a wall separating its property from that of the neighbor. The bungalows had back patios. The depiction provided shows a building which comes up to the property line with a bit of an overhang plus two stories above the wall. It is easily seen that the mountain views are interrupted, the two-story solid flat walls of the building are white and glaring, the mature, native palms are gone and the unbroken density of the building is truly significant.*

Comment noted. As stated in the Initial Study, the proposed project will block the lower hillsides from view immediately adjacent to Belardo Road. The palms which currently occur at this location block those views currently. Although the palms will be removed, the project will be landscaped with palm trees when completed.

10. *Exhibit 6: The long, unbroken line running east-west is a serious impact on the neighborhood aesthetic. Again, apparently only one non-native palm will be saved while the other mature trees will be gone. The setback from the street seems to be truncated and off-street parking lost. You'll note that only the very top of the steeple is visible and no longer serves as a neighborhood focal point.*

Comment noted. Please note that with the exception of *Washingtonia filifera*, palm trees are not native to the desert. The Mexican fan palms that line Cahuilla are non-native, and will be replaced. The *Washingtonia* that occurs on the north property line, and is shown in the Exhibit, will be removed.

11. *Exhibit 7: The massive white plinth-like wall again dominates and appears, even in a graphic, to be hot and glaring. You'll note the loss of any visual connection with the foothills.*

Comment noted. As discussed in the Initial Study, the proposed project will block views in this location. A view corridor is shown, however, in the left side of the photograph.

12. *Page 17: (Just a note for the preparer: "The PS area does not contain land suitable for agriculture" shows an overwhelming lack of research on his/her part and should be rephrased.*

Comment noted. Palm Springs has not been the site of significant agricultural activities. Agricultural activity occurs east and south of La Quinta, in the eastern Coachella Valley.

13. *Page 18: Fortunately for the developer, he need only be held to the letter of the law. And, accordingly, the information provided on these few pages is ostensibly correct. However, science over the past decade has greatly challenged PM10 as being the level of concern; in fact, depending upon the expert consulted, the levels of particulate matter considered problematic go down to .25 or even .10. This City, which lies in the corner of a huge box canyon, can choose to impose stricter standards. Respiratory ailments in the Valley have been on the increase throughout that decade.*

Comment noted. The project proponent will be required to comply with all standards regarding particulate matter. With the imposition of these standard requirements, the project will result in less than significant impacts associated with particulates, as measured by current applicable standards.

14. *Page 20: An increase of about 60 rooms over what had previously existed is indeed 'significant', especially to the immediate neighbors.*

Comment noted. As this comment relates to air quality, it is unclear what further response could be provided.

15. *Demolition has always been expected but that plus building will take at least a year. Noise, dust and other pollutants for that length of time and so close to the mountains pose a serious health risk.*

Comment noted. Please see response Miller Starr Regalia #9.

16. *Page 22: MMIII-1 bullet point one: "Chemically treat". Is there a corresponding test for the quality of groundwater? Bullet point 3: who will oversee the stoppage when 25 mph winds are reported?*

As stated in the Initial Study, the proposed project will be required to formulate and implement a Fugitive Dust Management Plan. These plans, required for all construction sites, contain specific best management practices designed specifically to reduce dust in the Palm Springs environment. The contractor is required to abide by the Plan, and can be penalized if the best practices are not properly implemented.

As relates to chemical stabilizers. They are by their nature stable, and create a "glue" on the bare surface. They are approved products sanctioned by the SCAQMD for their stated purpose, and their application does not require CEQA review.

17. *Page 23 Additional Control Measures: it is worrisome that the language allows for a lot of "wiggle room" when the phrase "should be" is used instead of "will be". Is there a regulatory structure in place? Fines? Is there a code compliance immediate-action plan in place? (Typically, with problems on a job site, once reported it takes days for an actual action to be researched, cited and then corrected; by that time, the development has moved on and nothing in reality has changed.)*

Please see response Ploss #6. The City and SCAQMD enforce dust control in the City and region. Please also note that the Additional Control Measures are provided to supplement requirements, and are not required to reduce impacts to less than significant levels.

18. *MMIII-8: "Construction equipment....shall be sited as far away from residential uses as practicable". In this neighborhood, that translates to either off site (e.g., Ramon Road) or in full-sight. Again, this will be for at least a full year.*

Comment noted. The likely location for construction equipment is on the Belardo Road frontage, or on the southern portion of the site, near the church and bungalows. Construction equipment storage along the north and east property lines will not be permitted.

19. *The same applies to "objectionable odors". The residents of St. Baristo and most of the nearby small-hotel pool-users will be subjected to the diesel fumes, etc. for at least a year.*

Comment noted. There will be increases in odors during the construction period. However, these odors will be intermittent, and will be blocked by existing development walls and structures.

20. *Page 25 e: Whether an ordinance exists or not, the drawings indicate that a lot (15 or more) mature palms with over 20 years' growth will be destroyed. Has this been fully investigated?*

Comment noted. The City does not currently have a tree preservation ordinance, and as such the Initial Study correctly states that no standards or requirements relating to a tree ordinance will be impacted by the proposed project.

21. Page 27 a: *"The property has been vacant for several years and ..... in disrepair." There is nothing in these documents which shows that these buildings cannot be repaired for adaptive re-use. Since this is a Class I site, shouldn't that documentation (if it exists) be provided? Should a CEQA study not be expected?*

Please see response Miller Starr Regalia #4. The proposed project will rehabilitate or reconstruct eight of the ten bungalows, and the existing church. The documentation provided by the historic resource experts was provided as an Appendix to the Initial Study.

22. Page 28: *The Community Church, as we know, was badly damaged in a fire. But using the developer's own sterling history in a similar situation, wasn't St. Viviana's in L.A. required to be closed (and possibly demolished) due to heavy earthquake damage? He retrofitted that without losing the integrity of the building and should be applauded for it. It seems reasonable to expect that the same wonder could be achieved with the Community Church.*

Please see response Miller Starr Regalia #4. The church will be restored, and a second story juxtaposed on a portion of the sanctuary area. The restoration and addition will result in the continuation of a Class 1 site on the property.

23. *Project impacts: an event lawn during this extended drought seems out of place unless the developer will be using faux grass. The second story addition to the church is not only obtrusive, it does not add to the character of the building but it actually overwhelms it. This was something often mentioned at the Historic Site Preservation Board meetings during each of the project's presentations.*

*The inclusion of a "water-feature" also seems particularly ill-advised. Nothing is presented here to show a mitigation of water waste.*

Please see response Miller Starr Regalia #15. The construction requirements for the proposed project, including restrictions imposed by DWA in response to the Governor's Executive Order, will be implemented with project construction. If the developer cannot demonstrate water conservation to meet these standards and requirements, the event lawn could be required to be artificial turf.

24. *The developer is proposing to demolish two Class I sites. The two bungalows at the end of the almost 90-year old motor court may have had changes over the years but could be restored. There has not been a history in Palm Springs of destroying designated sites or parts of them. This would set a precedent which might prove to be impossible to correct.*

Comment noted. Please see response Miller Starr Regalia #4.

25. *Page 29, first paragraph: The MND glosses over the changes to the rooftop of the Community Church. It will have a definite visual impact from three angles and will overwhelm the severe, geometric lines of the original. The decking is out of place and, for lack of a better word, frivolous in appearance.*

Comment noted. Please see response Miller Starr Regalia #4.

26. *Paragraph three: In one breath, the writer of the declaration notes that the bungalows of the original Orchid Tree (actually they were a stand-alone motor court inn absorbed INTO the Orchid Tree) are "character-defining features". In the next sentence, it is announced that two will be demolished and replaced with "new hotel units" though no description of how the new will fit the 'character defining' style of the bungalows. This seems to go against ordinance.*

Please see response Miller Starr Regalia #4.

27. *Page 29 MM V-1: it would be useful to define the term 'periodic' as used in the reference "that consultant shall provide periodic construction monitoring". Parts of this property are fragile. How often will they be monitored?*

Comment noted. The historic resource specialist will be responsible for assuring that monitoring is conducted at appropriate times and locations to ensure preservation and protection of the structure.

28.b) *sections of the original McCallum (irrigation) Ditch were unearthed relatively recently nearby. Have provisions been made for other such discoveries?*

The project has been conditioned to monitor all ground disturbing activities with a qualified cultural resource specialist (Condition ENV 5). This standard requirement will assure that any such discovery would be identified and mitigated immediately.

29. *Page 31: The closest seismic fault mentioned herein is the Banning Pass Fault. Apparently, the re-activated Garner Fault was not on this list? Sinkholes are a distinct possibility in this area.*

Comment noted. Groundwater in this portion of Palm Springs is located at depths in excess of 100 feet. Sinkholes are not likely in this area.

30. *Page 32 e: Have the pipes in this area been upgraded? Many in the area are quite old. Will the extra number of rooms (61) put an untenable strain on the system?*



The City Engineer will review all plans and specifications, and require the upgrading of pipes if needed to assure that water and wastewater are conveyed safely to and from the property.

31. *Page 33 a,b: re GHG emissions. The fact that "there are currently no adopted thresholds" does not mean that they should not be considered. If there are no known thresholds, how do we define "no impact"?*

Please see response Miller Starr Regalia #8.

32. *Page 35: re asbestos/septic tanks. In fact the bungalow court opened in the late 20's. It is stated that there has been no assessment made of asbestos or to septic tanks, although it is stated that the later (sic) was used until the 70's. Shouldn't a hold be put on all permits until these locations are determined? Once demolition begins, will the existence of one or both be a hazard?*

Please see response Miller Starr Regalia #9. As regards septic tanks, their decommissioning is strictly regulated. Should they still occur on the property, the project proponent will be required to properly dispose of them, and this work will be overseen by both the City and the County's Health Department.

33. *Page 36 d: there are many food-preparation locations nearby which could be adversely affected.*

Comment noted.

34. *g) re: circulation. The addition of 61 rooms, a banquet hall seating 150 and a bar/restaurant, none of which existed in the Orchid Tree Inn, can not help but impact circulation in the immediate area. Also, nowhere is there any reference to the major expansion going on in the next block which will already be impacting the area before this project is finished.*

Comment noted. The Initial Study described the trip generation of the proposed project, and considered the impacts of these trips on the surrounding roadway system. Because the streets surrounding the project operate at acceptable levels of service, and the proposed project will not significantly change these levels of service, impacts were correctly found to be less than significant.

35. *Both Belardo and Cahuilla are relatively narrow streets which at least one night of every week, are stretched past their limits for parking. The combination of this and the aforementioned project WILL significantly impact the area.*

Comment noted. Please see supplemental parking analysis provided in the staff report.

36. *Page 37 Hydrology: The petitioner proposes:*

- 1) *a pool*
- 2) *a spa*
- 3) *a water feature*
- 4) *a lawn*
- 5) *an undetermined number of extra toilets*
- 6) *an undetermined number of washbasins*
- 7) *kitchen(s)*

*These will demand much more daily water usage than had been allotted The Orchid Tree Inn.*

*The petitioner cannot be faulted for not referencing the Governor's latest mandates re: water, as they were not in place when this declaration was written. However, that does not preclude the city planners from factoring them into this discussion. This is not a small issue.*

*Comment noted. Please see response Miller Starr Regalia #15.*

37. *Page 39 i-j: It is possible the applicant is not aware that there has been measureable flooding in the past as nearby as Casa Cody across the street.*

*Comment noted. The proposed project will be required to design and implement a flood control system that meets all current standards. The site is not located in a flood zone, but will be required to control storm flows on and off the project site. These standard requirements will assure that impacts associated with storm flows are less than significant.*

38. *Pages 40, 41: The declaration mentions in several locations that existing limits regarding density and height are being exceeded in this proposal. The General Plan was fairly clear about limiting the height of buildings west of Palm Canyon Drive to no more than 30' (except for architectural features such as the pre-existing steeple). It is also an area designated for small hotels.*

*In asking that these ordinances be waived in favor of a PDD "to adjust development standards", he is neglecting the ambience and the internationally recognized reputation of the neighborhood.*

*The Palm Tree Hotel is on the very edge of The Historic Tennis Club district. To continue the vertical development will change the nature of the area permanently. The allure of the small hotels will be lost. And once the code "adjustments" are made, any refusal of similar requests will carry potential liabilities.*

Comment noted. The Planned Development District is an appropriate vehicle for design changes which is regularly implemented by projects proposed in the City. The project is requesting a General Plan amendment to address the change in intensity. Should that amendment be approved, the project will be consistent with adopted goals, policies and programs.

39. *Page 44, line two: "No activity is permitted....on holidays." How is "holiday" to be defined? Given that this is an area dependent upon tourism and hotel business, is "holiday" defined as one calendar day or as the holiday weekend (which draws the greater number of tourists)?*

Holidays are defined as federal holidays, and do not include the entire holiday weekend. Sundays, however, are also prohibited construction days.

40. *The applicant recognizes that the noise impact to nearby properties "will be similar to previous levels, although more intense due to the increase in hotel size". "Similar" and "More intense" are contradictory. There WILL be an increase in noise levels and they will be permanent.*

Comment noted. Please see response Miller Starr Regalia #11.

41. *Page 46 a: "substantial population growth"? In such a circumscribed geographic area (2 streets, three blocks), 60 extra rooms (a potential of 90 extra people), a banquet hall and restaurant, and a related number of extra cars DO constitute a "substantial growth".*

*This also applies to the criteria listed on page 47 (public services).*

Comment noted. The addition of 90 people to a City with a population of over 45,000 people does not represent substantial growth.

42. *Page 50: A major issue arises in any discussion of this immediate neighborhood: parking. The hoteliers complain often about the lack of parking, guests of other hotels "poaching" their allotted spaces, and the impact of Village Fest or any of the many parades in town. Their guests, if they have not already parked their cars, will not find spaces.*

*This proposal, by the declaration's statement, will not have the required number of spaces. It has been argued that fewer people are using cars, that people will come by plane and use Buzz, that valet parking can be provided. None of this has yet had the beneficial impact the City may have wished. People still want cars when on holiday and valets cannot park cars in spaces which do not exist.*

Comment noted. Please see supplemental parking analysis provided in the staff report.

43. Page 53: *Utilities and Service Systems*

*Again, it is assumed that this was written without referencing the continuing drought which, according to all experts, will be with us even under the most hopeful of circumstances another four to five years.*

*Mitigations of the various factors involved need to be discussed.*

Comment noted. Please see response Miller Starr Regalia #15.

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 (1 absent) 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, and May 13, 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 13th day of May, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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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

May 13, 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<br>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](http://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.

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.

- 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:

Resolution No. \_\_\_\_\_

May 13, 2015

Case 5.1345 PD 372, CUP and 3.0678 MAJ - "Orchid Tree Resort and Spa"

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**

Commissioner Roberts commented that during a site visit it became apparent the monopole would have no impact to Escena; however, the impact would be to the Dream Homes neighborhood. He suggested landscaping be placed on the east side (San Joaquin).

The Commission further discussed the following items:

- Desert Water Agency will not allow trees on the DWA parcel;
- Redesign of this project and previous version;
- Monopalm design;
- Mitigation of view impacts;
- Establishing a subcommittee to review the issues.

**ACTION:** To continue to a date certain to May 13, 2015; and establish a subcommittee (Roberts and Middleton) to work with the involved parties to resolve the issues.

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

**AYES:** Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

**2D. 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)**

Associate Planner Newell presented the proposed project consisting of a partial demolition and construction of a banquet hall and a three-story hotel. He reported this project was reviewed by the Historic Site Preservation Board and was approved with modifications.

Michael Daudt, City Attorney, requested a continuance due to the significant amount of comments received (including a lengthy letter that came in on April 21, 2015 from the legal representative for the Vineyard Shopping Center) and continue this meeting to the first meeting in May. He said the continuance would allow them to provide adequate time and consideration to the response to the comments. Mr. Daudt recommended public hearing be opened to receive public testimony.

The Commission asked technical questions pertaining to:

- Parking and subterranean driveway width issue;
- Height of adjacent hotels;
- Water impact to the site and mitigation measures to reduce impact;
- High rise ordinance;
- Street and parking spaces for St. Baristo / Parking signs along St. Baristo;
- Waiver requirements for sound decibel levels;
- Rain water system to collect 50% of water for landscaping;
- Minimum street width requirements for the subterranean parking;
- Research prior proposal to close Belardo to accommodate parking issues;
- Restaurant seating capacity and adequate parking.

Chair Hudson opened the public hearing:

RICHARD WEINTRAUB, applicant, said he knows the neighborhood very well and makes an effort to plan projects that incorporate into the neighborhood. Mr. Weintraub spoke about acquisition of the property and the costs associated with restoration of the church. He provided details on the restaurant, hotel height and massing and community outreach.

A recess was taken at 3:16 pm. The meeting resumed at 3:26 pm.

The public hearing was re-opened:

ARTHUR COON, Miller Starr Regalia, legal representation for Larry Kramer Vineyard Property LLC, said that the mitigated negative declaration is inadequate and a more thorough analysis needs to be done. Mr. Coon said the code was designed to eliminate adverse impact on the surrounding neighborhood and commented on the parking spaces needed, water and air quality usage.

MIKE GUERRA, resides near proposed project, spoke in support of Orchid Tree development and renovation of the historic church; however, expressed concern with inadequate parking, the General Plan amendment, mass and entry on Cahuilla.

SAMMY RAFEL, Tennis Club Neighborhood Organization, member, spoke about the parking problems in this area and would like to see at least 200 more parking spaces added.

LARRY KRAMER, Vineyard Shopping Center, owner, said that parking is a major problem and the impact needs to be analyzed more closely.

GREG FRASER, L G's Prime Steakhouse, said they've had ongoing problems with parking for 17 years and requested the parking be reviewed.

JEANNE YEU, Veneer Dental, office manager, has been in this location for 15 years and due to the increase in tourism and patients parking is insufficient in this area.

GERARD NOONAN, on behalf of Palm Springs Chamber of Commerce, spoke in full support of the project and pointed out that that the existing and new public structure could be utilized.

LARS VIKLUND, Del Marcos Hotel, owner, said he's in favor of the project; however it needs more work relating to the mass and density and parking.

STEPHEN SWAYZ, expressed concern with the general plan amendment.

MARIN URSESCU, owns adjacent property, said it's nice something will be built; however, expressed concern with the height and inadequate parking.

ROD CALLAHAN, Desert House Inn, representing the owner, spoke in opposition to the 3-story project and zone change.

RON KASPER, Baristo Condominiums, said he is not opposed to the construction and demolition; however is concerned with parking and zone change.

TIM ERKUES, said Belardo should be the valet parking area and expressed concern with water usage, roof equipment and parking.

JOHN NANOS, expressed concern with the project continually changing and that will impact density and traffic and entry on Belardo.

MATT AYLER, spoke in support of the project and noted that there was sufficient parking for the church when it was open. He reiterated that this is downtown.

CAROL HOLMES, said she does not want to see the fabric of the neighborhood changed.

RICHARD WEINTRAUB, said that he's worked very hard to comply with the zoning and planning laws and the 300 parking spaces needed is not correct. He spoke about being under tremendous pressure to tear down the church because it is structurally unsafe.

There being no further speakers the public hearing will be continued.

Commissioner Roberts made the following comments:

- The design is beautiful - with the blending of historic and modern;
- Parking needs to be reconsidered;
- Thinks the project could work without rezoning;
- No concerns with the 3-story building except on Belardo.

Commissioner Weremiuk made the following comments:

- High-rise ordinance is inappropriate for this area;
- Landscape plan and water issues;

- Consideration that project must be feasible and there is a cost to save the structures;
- Concern with the wall on Belardo.

Commissioner Middleton made the following comments:

- Preserve the neighborhood - one way is preservation of the church and bungalows;
- The project must be financially viable - this project has gorgeous elements;
- Landscape plan to include plant materials - palm trees provide very little shade and artificial grass for large area;
- Solar
- Parking is not adequate for this area; however it is not the applicant's responsibility to fix all the parking problems. (She suggested possibly working with the city to add a 2nd story for parking to the building across the street.)
- Belardo is the most commercial area, the entry and 3-story is appropriate.

Commissioner Calerdine made the following comments:

- Concern with the GPA and change of zone (suggested a PDD)
- Response to comments on environmental document; particularly the analysis on page 17 relating to parking requirements;
- Trade-off will need to be made to preserve the historic church.

Chair Hudson made the following comments:

- The project is much needed and the developer is a perfect match (historic preservation and sensitivity to Palm Springs heritage).
- The project is architecturally breathtaking.
- The 3 story on Belardo is the correct place for this number of rooms; it's a trade-off to preserving buildings and making a project work.
- The contrast between the historic and modern buildings is quite wonderful.
- The AAC comments on possibly pushing back the new building from Cahuilla.
- Parking is the main issue and the traffic on Belardo will continue to become busier esp. with the Downtown project. This project did not cause these problems nor will it solve them. The city needs to confront this issue as a global-wide strategy and consider shared resources of parking.

Commissioner Weremiuk requested the applicant add in the presentation a visual of the view corridors, hotel entry and experience on the various streets.

Mr. Weintraub said for large events (such as weddings) people could use the parking structure (former Desert Fashion Plaza) and get shuttled back to the hotel. He provided details on recycle water use for on-site usage and is happy to work with the city.

**ACTION:** To continue the to a date certain of May 13, 2015, to allow the applicant and staff to respond to the written, verbal and legal comments and issues that were raised.

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

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

**3. NEW BUSINESS.**

**3A. GANDO PROPERTIES FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT AN APPROXIMATELY 116,636-SQ. FT. RV STORAGE, MINI WAREHOUSE AND A 2,090-SQ. FT. OFFICE SPACE ON AN APPROXIMATELY 4.8-ACRE PARCEL LOCATED AT 3690 AIRPORT CENTER DRIVE, ZONE M-1 (3.3838-MAJ). (ER)**

Principal Planner Robertson presented the proposed RV storage, mini warehouse and office space.

DAVID GANDOLFO, applicant, said he owns the storage at the airport and he has had numerous calls for RV storage.

Commissioner Middleton questioned the large size of storage spaces.

The applicant responded that this is indoor parking for motor homes, RV's and trailers.

Commissioner Weremiuk requested that the use of fewer palm trees and more Acacia or Palo Verde trees to provide more shade.

**ACTION:** Approve as submitted subject to Conditions, as amended:

- Landscape plan to include Acacia or Palo Verde trees instead of the Palm trees.

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

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

**3B. DOUG JONES FOR A SIGN PROGRAM CONSISTING OF TWO SIGNS AT AN INDUSTRIAL BUILDING LOCATED AT 1258 MONTALVO WAY (CASE 15-001). (GM)**

Director Fagg reported that the applicant requested this item be continued to May 13, 2015.



## 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

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### 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**

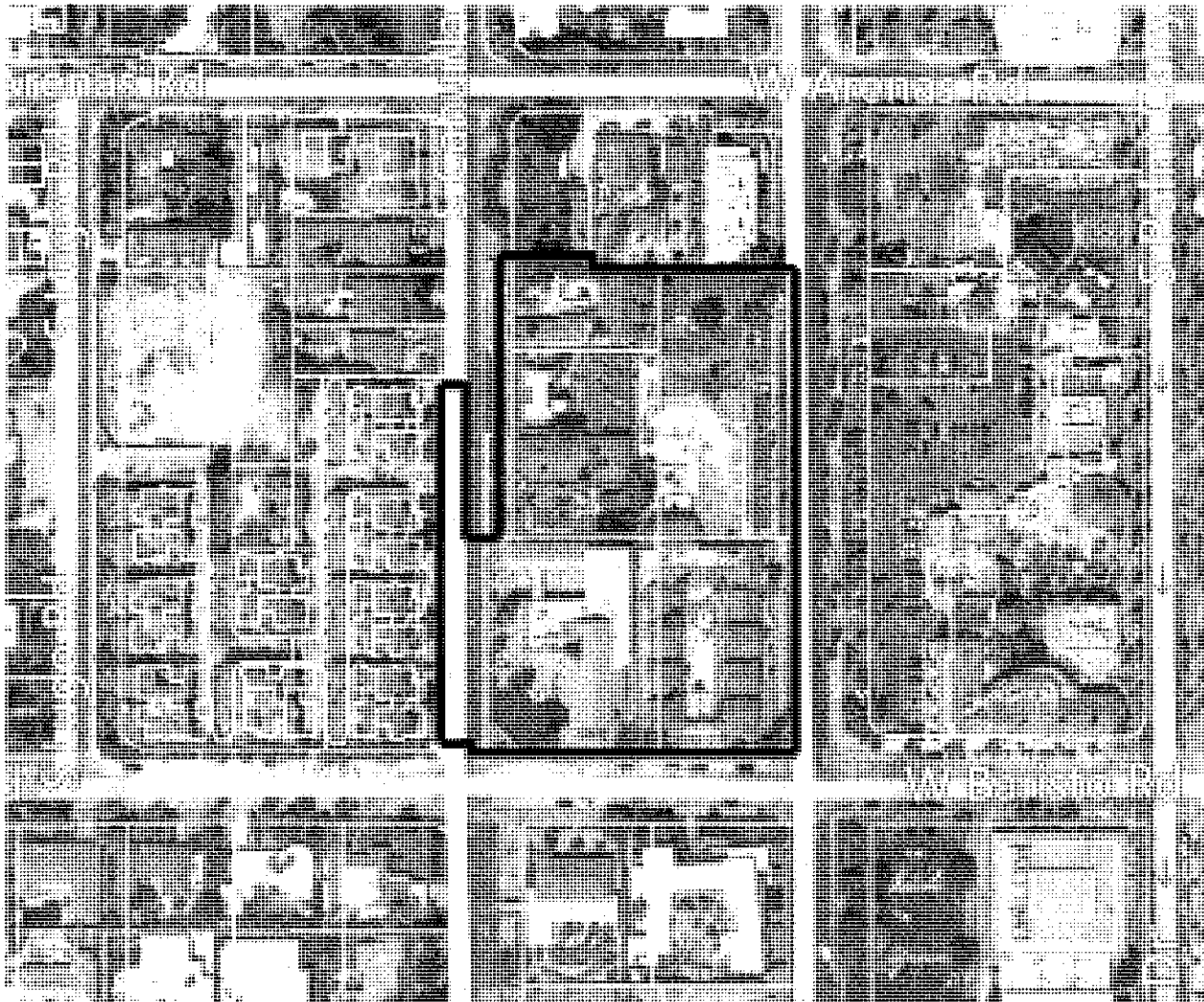
|          |           |
|----------|-----------|
| Net Area | 3.1 acres |
|----------|-----------|

**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"> <li>1. That the size, bulk and scale be diminished.</li> <li>2. That the spa area be relocated elsewhere on the site, to not be over the existing nave or near the tower.</li> <li>3. That views of the tower from the southeast not be impaired.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>10. That the roof of the nave be reconstructed / restored to its pre-fire appearance.</li> </ol> |
| 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"> <li>1. Parking and circulation</li> <li>2. Additional details on integration of spa on church</li> <li>3. Further architectural articulation of site entry</li> <li>4. Submitted landscape plan showing details, noting a concern of too many hedges</li> <li>5. Privacy and light spill to the north to be addressed in final design</li> <li>6. No mechanical equipment on roof</li> </ol>   |

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

|       | <i>Existing General Plan Designations</i>                               | <i>Existing Zoning Designation</i>                            | <i>Existing Land Use</i>                        |
|-------|---|---|---|
| Site  | Existing :SH (Small Hotel)<br>Proposed: TRC (Tourist Resort Commercial) | Existing: R-2 (Multiple-family and Hotel)<br>Proposed: PD-372 | Historic Community Church and Orchid Tree Inn   |
| North | SH  | R-3   | 2-story Apartment Building<br>1-story Hotels    |
| South | SH  | R-3   | 2-story Hotel (Del Marcos)<br>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 property 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:

|                           | <b>R-3 Requirements</b>  | <b>Proposed Project</b>  | <b>Comply</b>                             |
|---------------------------|--|--|---|
| <b>A. Lot Area</b>        | 20,000 sq. ft.   | 105,145 sq. ft.  | Yes                                       |
| <b>B. Lot Dimension</b>   |  |  |   |
| Min. Width                | 145 feet   | 265 feet   | Yes                                       |
| Min. Depth                | 150 feet   | 450 feet   | Yes                                       |
| <b>C. Density</b>         | 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.<br>Project proposes 93 rooms | Yes                                       |
| <b>D. Building Height</b> | Hotels: 30 feet, except as allowed by high rise building ordinance:<br>60 feet | 33 feet  | No, unless approved as high-rise building |

|   |   |   |            |
|---|---|---|------------|
| <b>E. Yard Setbacks</b>                       |   |   |            |
| 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<br>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<br>24 feet to hotel building  | No, per PD |
| Add. Requirements                             | High Rise Ordinance   | See table below   |            |
| <b>F. Distance Between Buildings</b>          | 15 feet minimum<br>30 feet minimum for interior court   | 20 feet (church and banquet hall)<br>80+ feet (pool area)   | Yes        |
| <b>G. Walls, Fences and Landscaping</b>       | Refers to Section 93.02.00  | Walls exceed height allowed at street corners.  | No, per PD |
| <b>H. Access.</b>                             | Required per to Section 93.05.00  | Provided from Belardo Rd  | Yes        |
| <b>I. Off-street Parking</b>                  | 1 space per room for first 50 rooms<br>0.75 space per room exceeding 50<br><br>Public assembly space credited 30 sq. ft. per guest room. Additional parking required at ratio of 1 space per 30 sq. ft.<br><br>Tandem parking is proposed, which is prohibited unless approved by the Planning Director | 93 rooms require 82 spaces<br><br>3,480 sq. ft. Banquet Hall (93 rooms credit = 2,790 sq. ft.) 690 sq. ft. = 23 spaces.<br><br><b>Total required: 105 spaces</b><br><b>Total provided: 106 spaces</b> | Yes        |
| <b>J. Off-street Loading and Trash Areas.</b> | 1 loading space required<br>Trash enclosure required  | Loading to occur in driveways or drop-off along street.<br>Trash enclosure located at NW corner of site   | Yes        |
| <b>Performance Standards</b>                  | Minimum of 45 percent landscape open space  | 36% open space  | No, per PD |

**Building Height:**

|                          | <b>93.04.00 High Rise Ordinance</b>   | <b>Proposed Project</b>  | <b>Comply</b>            |
|--------------------------|---|--|--------------------------|
| <b>A. Coverage</b>       | 60% of site shall be developed as usable landscape open space / outdoor living.<br>40% for building and parking                   | 36.6% open space<br>28.4% paving / parking / driveway<br>35% building coverage | No, per PD               |
| <b>B. Height</b>         | 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 |
| <b>C. Height Setback</b> | 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:<br>- Required 99 feet<br>- Proposed 24 feet to hotel      | No, per PD               |

|  |   |  |     |
|--|---|--|-----|
|  | require measurement from opposite side of right-of-way                                  | Belardo Rd:<br>- Required: 99 feet<br>- Proposed: 76 feet to hotel<br>Baristo Rd:<br>- Existing. No change<br>Cahuilla Rd:<br>- Required: 99 feet<br>- Proposed: 70 feet |     |
| <b>D. Proximity to Low Density Residential</b> | 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 |
| <b>G. City Council</b>                         | 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;

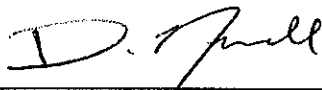
- Establish and strictly enforce limits of grading for each phase of development; and/or
- Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.
- Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
- Cover 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.



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David A. Newell  
Associate Planner



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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

**NOTICE OF INTENT  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
Case 5.1345, PD 372, CUP, GPA, HSPB 23, HSPB 72, 3.0678 MAJ  
Orchid Tree Inn**

**LEAD AGENCY:** City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**CONTACT PERSON:** David Newell, Associate Planner (760) 323-8245

**PROJECT TITLE:** Orchid Tree Inn - Case Nos. 5.1345, PD 372, CUP, GPA, HSPB 23, HSPB 72, 3.0678 MAJ

**PROJECT LOCATION:** 222 S. Cahuilla Road  
Assessor's Parcel No. 513-151-041, -042, -043, -044, -028-2, -037-0

**PROJECT DESCRIPTION:** The applicant proposes a 93-room hotel project on 3.12± acres on the north side of W. Baristo Road, bounded by S. Cahuilla Road on the west and S. Belardo Road on the east. The subject property is currently developed but unoccupied. It contains vacant bungalows and 4- and 5-unit buildings associated with the former Orchid Tree Inn hotel, the partially burned remnants of the Palm Springs Community Church, and open space where a fire-destroyed apartment building has been demolished.

The project proposes: 1) demolition of several existing one- and two-story Orchid Tree hotel buildings, 2) renovation of eight (8) existing single-story hotel bungalows, 3) construction of a new 3-story hotel with parking spaces included on the ground floor, 4) renovation of the main church sanctuary, 4) construction of a 2-story addition to the north side of the church, and 5) construction of a new banquet hall. The hotel will also include a spa, restaurant, swimming pool, and open space.

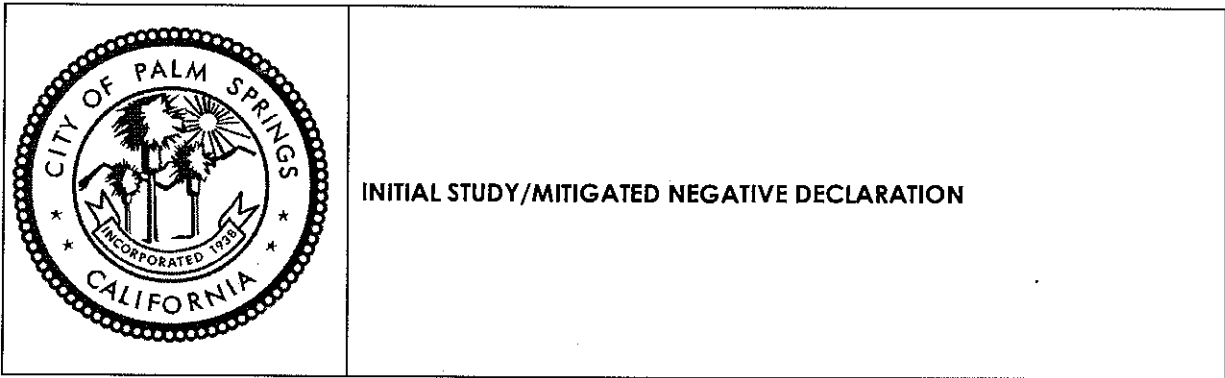
**FINDINGS / DETERMINATION:** The City has reviewed and considered the proposed project and has determined that any potentially significant impacts can be mitigated to a less than significant level. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

**PUBLIC REVIEW PERIOD:** A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 a.m. on April 2, 2015 and end on April 21, 2015 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address:

[David.Newell@palmspringsca.gov](mailto:David.Newell@palmspringsca.gov) Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

**PUBLIC MEETING:** This matter has been set for public hearing before the Planning Commission on April 22, 2015. City Council consideration is expected at a public hearing on May 6, 2015, but please confirm the date with the City Clerk's office.





|                                     |  |  |
|-------------------------------------|--|--|
| Project Title:                      | Orchid Tree Inn Resort and Spa   |  |
| Case No.                            | 5.1345, PD 372, CUP, HSPB 23, HSPB 72, 3.0678  |  |
| Assessor's Parcel No.               | 513-151-041, -042, -043, -044, -028-2, -037-0  |  |
| Lead Agency Name and Address:       | City of Palm Springs<br>3200 E. Tahquitz Canyon Way<br>Palm Springs, California 92262                                    |  |
| Project Location:                   | 222 S. Cahuilla Road<br>Palm Springs, CA 92262<br>Riverside County   |  |
| Project Sponsor's Name and Address: | Bruce McBride<br>Project Delivery Analysts<br>(805) 298-6570<br>bmcbride@pda-llc.net                                     | 14342 Shawnee Street<br>Moorpark, CA 93021 |
| General Plan Designation(s):        | Existing: SH – Small Hotel<br>Proposed: TRC – Tourist Resort Commercial  |  |
| Zoning:                             | R3 – Multiple Family Residential and Hotel   |  |
| Contact Person:                     | David Newell, Associate Planner<br>City of Palm Springs<br>3200 E. Tahquitz Canyon Way<br>Palm Springs, California 92262 |  |
| Phone Number:                       | (760)323-8245  |  |
| Date Prepared                       | March 30, 2015   |  |

**Description of the Project**

The applicant proposes a 93-room hotel project on 3.12± acres on the north side of W. Baristo Road, bounded by S. Cahuilla Road on the west and S. Belardo Road on the east. The subject property is currently developed but unoccupied. It contains vacant bungalows and 4- and 5-unit buildings associated with the former Orchid Tree Inn hotel, the partially burned remnants of the Palm Springs Community Church, and open space where a fire-destroyed apartment building has been demolished.

The project proposes: 1) demolition of several existing one- and two-story Orchid Tree hotel buildings, 2) renovation of eight (8) existing single-story hotel bungalows, 3) construction of a new 3-story hotel with parking spaces included on the ground floor, 4) renovation of the main church sanctuary, 4) construction of a 2-story addition to the north side of the church, and 5) construction of a new banquet hall. The hotel will also include a spa, restaurant, swimming pool, and open space. Proposed building square footages are as follows:

**Table 1**  
**Orchid Tree Inn Resort & Spa**  
**Proposed Building Square Footage**

|                |                |
|----------------|----------------|
| Hotel          | 55,000 sq. ft. |
| Bungalow Court | 11,128 sq. ft. |
| Banquet Hall   | 6,133 sq. ft.  |
| Church         | 20,796 sq. ft. |
| Total:         | 93,057 sq. ft. |

Two vehicle stacking (drop-off) lanes will be provided adjacent to the property, one on Baristo Road and one on Cahuilla Road. Parking will include: 1) existing spaces along the west side of Cahuilla Road, 2) proposed spaces on the ground floor of the easterly wing of the hotel accessed from Belardo Road, and 3) proposed spaces on the basement (subsurface) and ground floors of the northerly wing of the hotel accessed from an east/west trending driveway extending from Belardo Road.

A Planned Development District (PD 372) is proposed to address modifications to development standards. A General Plan Amendment request is proposed to modify the land use designation from Small Hotel to Tourist Resort Commercial. The subject property is zoned R-3 (Multi-Family Residential and Hotel).

**Environmental Setting and Surrounding Land Uses**

The subject property is located in downtown Palm Springs. It is surrounded by urban development, including single- and multi-family residential and commercial land uses. The site is relatively flat and has been developed for many years, but is currently unoccupied. Surrounding land uses include:

North: Commercial, Residential

South: Hotel, Commercial (Del Marcos Hotel, Palm Springs Women's Club)

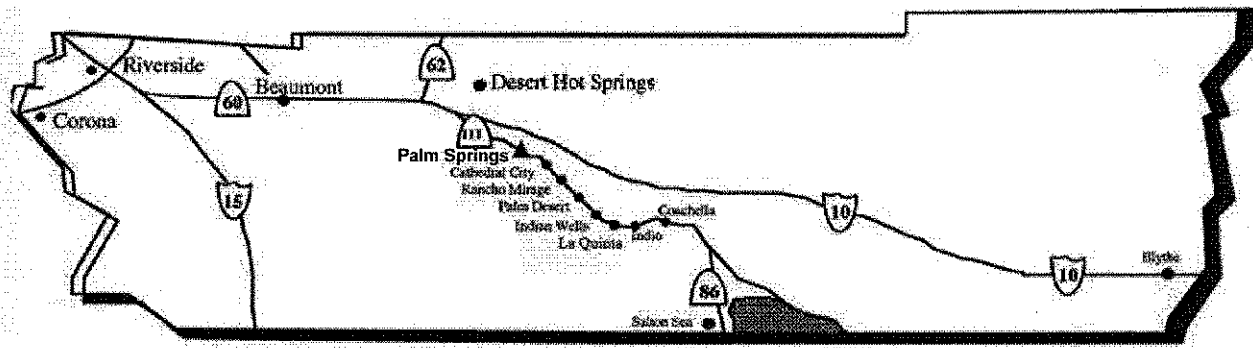
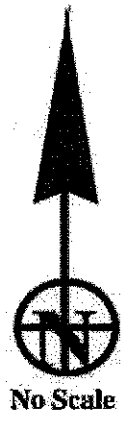
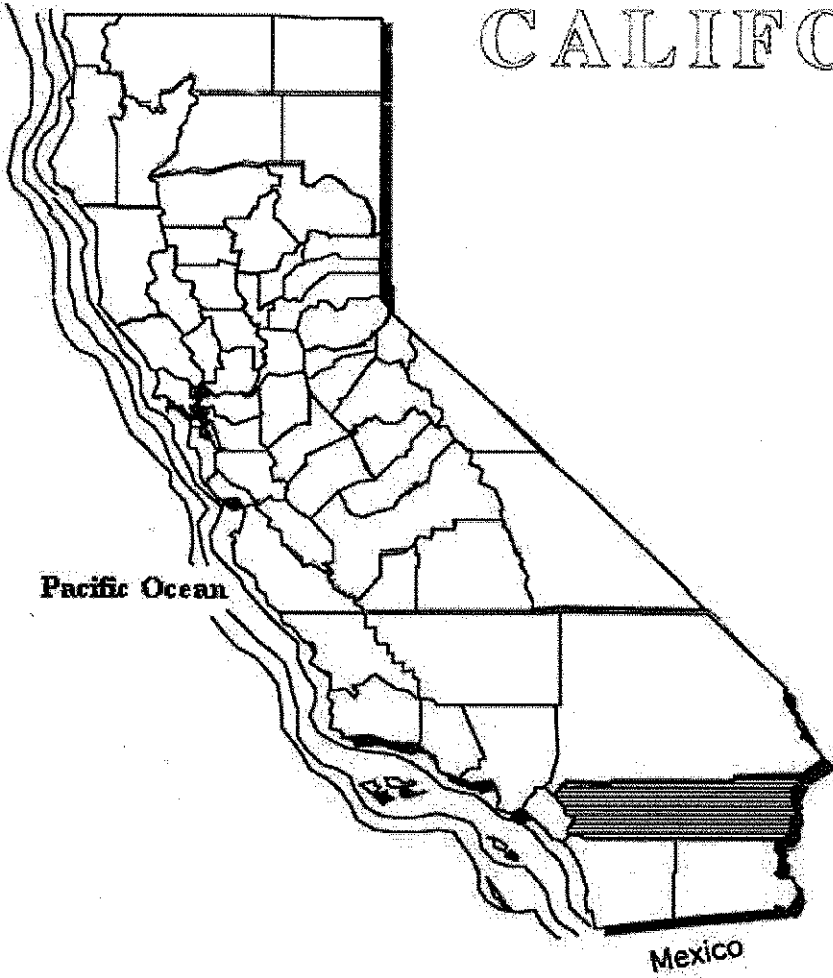
East: Commercial

West: Multi-Family Residential (St. Baristo)

**Other public agencies whose approval is required**

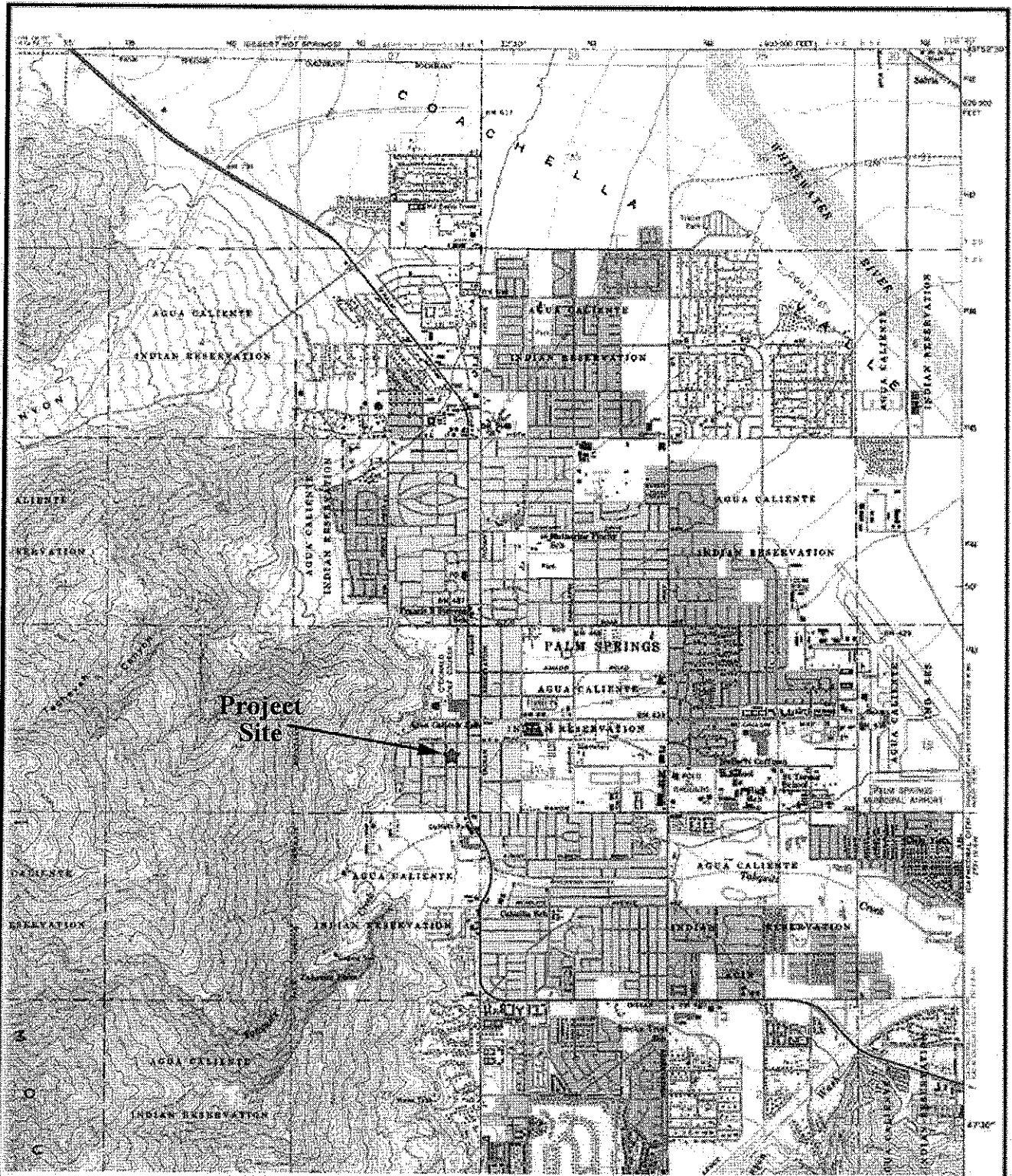
None.

# CALIFORNIA



# RIVERSIDE COUNTY

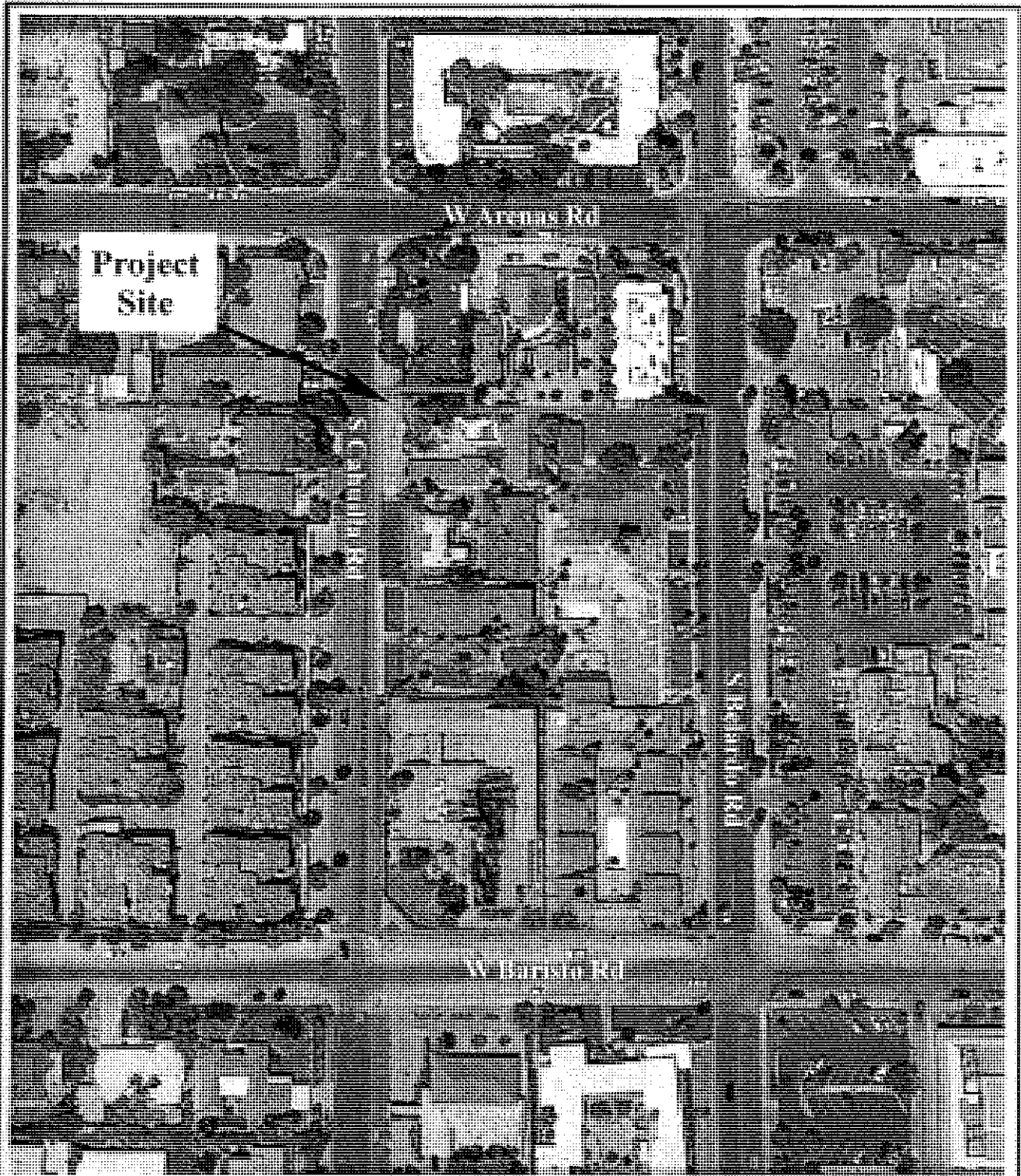
03.03.15



Source: USGS 7.5 Minute Quad Map  
 Palm Springs, CA 1957  
 Photorevised 1988



03.04.15



Source: Google earth imagery 04.27.14







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**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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**DETERMINATION:** The City of Palm Springs Planning Department

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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David Newell  
Associate Planner

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Date



**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**I. AESTHETICS**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion of Impacts**

The proposed project will result in: 1) demolition of the two northernmost bungalows and buildings in the northerly portion of the site, 2) partial renovation of and 2-story addition to the church, 3) construction of new 3-story hotel building with parking on the ground floor, 4) construction of a new banquet hall, and 5) renovation of eight (8) bungalows.

**a) Less Than Significant Impact.** The foothills of the San Jacinto Mountains extend along the westerly portion of the City, beginning approximately 1/3 mile west of the subject property, and constitute a scenic vista for much of the Coachella Valley. Given their significant rise over the valley floor, they are visible from most locations in the City.

From the subject property, scenic views of the San Jacinto Mountains are to the west, southwest, and northwest. Views of the lower elevations of the mountains are blocked by intervening development, including 2- and 3-story multi-family residential units (St. Baristo) to the immediate west. However, middle and upper elevations of the mountains are visible above these structures. The mountains are also visible to the south, but are more than a mile away so their immediate scenic value is diminished. No scenic views occur to the north or east.

The subject property currently contains one- and two-story hotel and church buildings that are consistent in scale and height with other urban development in the area. From properties to the east, they block views of the lower elevations of the San Jacinto Mountains. However, middle and high elevations are still visible.

Build out of the proposed project will primarily affect scenic mountain views as seen from properties immediately east and north of the subject site. Building heights will increase to 33 feet on the new 3-story hotel structure, and 36 feet on the 2-story church addition. The applicant prepared three visual simulations to show the scale and mass of the building on the property. These simulations are provided in Exhibits 5, 6 and 7, below.

As shown in Exhibits 5 and 7, mountain views will be blocked by the 3-story hotel, and foreground views will be dominated by the hotel structure. However, Belardo Road consists of a mix of one, two and three story hotel development, and ground level views are currently obstructed. The mass of the building will be somewhat greater than existing structures, but a view corridor has been provided on the southern end of the building (see Exhibit 7), where mountain views will remain.

Views to the south from residences to the immediate north of the site are currently blocked, to a lesser degree, by existing hotel/apartment buildings. After project build out, their immediate views to the south will consist of the new hotel. Intervening landscaping and block walls will minimize ground level impacts. Views from residences to the north of the western, northwestern and southwestern mountains, however, will not be impacted.

Views from other properties in the project vicinity will be impacted to a lesser degree by project implementation. From the south and southwest, street level views of the church and bungalows will remain largely unchanged from current conditions. Building heights and materials will be similar to existing structures. Deteriorating block walls will be removed or replaced, and landscaping will be improved. Upper stories of the church addition and new hotel building will be visible to the north, but will not dominate the views. The church's second story addition will include an open-air roof deck that will visually lighten the mass of the addition.

Properties to the west of the site currently have views of the church property and the existing unoccupied bungalows of the former hotel to their east. The project will not impact their views of the scenic vistas to the northwest, west and southwest. Views to the east from these properties will be less impacted on the southern half of the block, as the church property will remain at a similar scale as it currently occurs. Further north on this block, the two-story St. Baristo units' views will be of the hotel structure. However, as shown in Exhibit 6, views to the east are currently limited.

Overall, although there will be some impact from Belardo Road to the west, northwest and southwest, impacts to views of scenic vistas from surrounding properties will be less than significant.

- b) **Less Than Significant Impact.** The subject property is not located within a state scenic highway or locally designated scenic corridor. It does not contain scenic resources such as rock outcroppings or trees. It does contain several features that are designated as Class 1 and Class 2 Historic Sites by the City of Palm Springs, which will be preserved. Further discussion of potential impacts to them are addressed in Section V, Cultural Resources.
- c) **Less Than Significant Impact.** The proposed project will improve the overall visual character of the site compared to existing conditions. The property was developed beginning in the 1930s, but has been unoccupied and in disrepair for several years. It contains the remnants of a vacant hotel and burned church, as well as undeveloped space where an apartment building was demolished. Much of the site is enclosed by perimeter fencing to deter trespassing.

The project will result in the reuse, renovation and expansion of the onsite church, renovation of 8 historically designated bungalows, demolition of vacant hotel buildings,

construction of a new hotel building, and replacement of deteriorating block walls and unkempt landscaping. Exterior surfaces will be cleaned and repaired, where necessary.

The visual character of Belardo Road is consistent with the hotel proposed. One, two and three story structures occur on this street, which is dominated by hotel development. The proposed project will increase the mass of the structures on the site, but includes a view corridor on the southern end of the project, and high quality architectural treatment to the structure, consistent with the mid-century modern aesthetic that differentiates from the historically significant elements of Spanish influence. The impacts associated with visual character are expected to be less than significant.

- d) **Less Than Significant Impact.** The subject property previously operated as a hotel, church, and apartment buildings, all of which generated light and glare. The proposed project will result in greater building mass and, therefore, can be expected to generate increased levels of light and glare from interior and exterior building lighting, safety and security lighting, landscape lighting, and vehicles accessing the site. Glare can also be expected from building windows and glass balcony panels on the church's 2<sup>nd</sup> story addition. However, lighting and glare levels are not expected to exceed typical levels within the surrounding urban environment.

The project will be required to properly shield light fixtures and minimize spillage onto adjacent properties, in accordance with the requirements of the City Zoning Ordinance. These and other standard requirements will assure that project light and glare impacts will be less than significant.

(Sources: Figure 9-4, Palm Springs General Plan, 2007; "California Scenic Highway Mapping System," accessed March 6, 2015; Palm Springs Municipal Code.)



**Before**



**After**

Source: Project Delivery Analysts

03.30.15



Before



After

Source: Project Delivery Analysts

03.30.15





**Before**



**After**

Source: Project Delivery Analysts

03.30.15



**TERRA NOVA**<sup>®</sup>  
Planning & Research, Inc.

**Orchid Tree**  
**Visual Simulations No. 3**  
**Palm Springs, California**

Exhibit

7



**II. AGRICULTURAL RESOURCES**

| <b>Would the project:</b>  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

**a-c) No Impact.** The Palm Springs area does not contain land suitable for agriculture, and there are no agricultural uses on or adjacent to the project site. The property is zoned for hotel and multi-family residential development and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance by the California Department of Conservation. The proposed project will not conflict with zoning for agricultural uses or a Williamson Act contract. It will not result in other changes that could result in the conversion of farmland to non-agricultural uses.

(Sources: "Riverside County Important Farmland 2010 Map," sheet 2 of 3, California Department of Conservation, published January 2012.)

**III. AIR QUALITY**

| <b>Would the project:</b>   | Potentially Significant Impact | Less Than Significant With Mitigation incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Setting**

The Coachella Valley, including the City of Palm Springs and project site, is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). All development within the SSAB is subject to SCAQMD's 2012 Air Quality Management Plan (2012 AQMP) and the 2003 Coachella Valley PM<sub>10</sub> State Implementation Plan (2003 CV PM<sub>10</sub> SIP). The SCAQMD operates and maintains regional air quality monitoring stations at numerous locations throughout its jurisdiction. The proposed site is located within Source Receptor Area (SRA) 30, which includes monitoring stations in Palm Springs and Indio. The Indio site has been operational since 1985 and the Palm Springs site since 1987.

Criteria air pollutants are contaminants for which the state and federal air quality standards have been established. Currently, the Coachella Valley is classified as being in non-attainment for both ozone (O<sub>3</sub>) and PM<sub>10</sub>. State and federal ambient air quality standards are shown in Table 2 and described in detail below.

**Table 2**  
**State and Federal Ambient Air Quality Standards**

| Pollutant                               | State Standards |                       | Federal Standards   |                        |
|---|-----------------|-----------------------|---------------------|------------------------|
|   | Averaging Time  | Concentration         | Averaging Time      | Concentration          |
| Ozone                                   | 1 hour          | 0.09 ppm              | 1 hour              | ---                    |
|   | 8 hour          | 0.07 ppm              | 8 hour              | 0.075 ppm              |
| Carbon Monoxide                         | 1 hour          | 20.0 ppm              | 1 hour              | 35.0 ppm               |
|   | 8 hours         | 9.0 ppm               | 8 hours             | 9.0 ppm                |
| Nitrogen Dioxide (NO <sub>2</sub> )     | 1 hour          | 0.18 ppm              | 1 hour              | 0.10 ppm               |
|   | AAM             | 0.030 ppm             | AAM                 | 0.053 ppm              |
| Sulfur Dioxide (SO <sub>2</sub> )       | 1 hour          | 0.25 ppm              | 1 hour              | 0.075 ppm              |
|   | 24 hours        | 0.04 ppm              | 24 hours            | 0.14 ppm               |
| Particulate Matter (PM <sub>10</sub> )  | 24 hours        | 50 µg/m <sup>3</sup>  | 24 hours            | 150 µg/m <sup>3</sup>  |
|   | AAM             | 20 µg/m <sup>3</sup>  | AAM                 | ---                    |
| Particulate Matter (PM <sub>2.5</sub> ) | AAM             | 12 µg/m <sup>3</sup>  | AAM                 | 12 µg/m <sup>3</sup>   |
|   | 24 hours        | ---                   | 24 hours            | 35 µg/m <sup>3</sup>   |
| Lead                                    | 30 day Avg.     | 1.5 µg/m <sup>3</sup> | 3 month Avg.        | 0.15 µg/m <sup>3</sup> |
| Visibility Reducing Particles           | 8 hour          |                       | No federal Standard | No federal Standard    |
| Sulfates                                | 24 hour         | 25µg/m <sup>3</sup>   | No federal Standard | No federal Standard    |
| Hydrogen Sulfide                        | 1 hour          | 0.03 ppm              | No federal Standard | No federal Standard    |
| Vinyl Chloride                          | 24 hour         | 0.01 ppm              | No federal Standard | No federal Standard    |

Notes: ppm = parts per million; ppb= parts per billion; µg/ m<sup>3</sup> = micrograms per cubic meter of air;  
AAM = Annual Arithmetic Mean;  
Source: California Air Resources Board, 6/04/2013.

**Ozone (O<sub>3</sub>)** is the most prevalent of a class of photochemical oxidants formed in the urban atmosphere. The creation of ozone is a result of complex chemical reactions between hydrocarbons and oxides of nitrogen in the presence of sunshine. Unlike other pollutants, ozone is not released directly into the atmosphere from any sources. The major sources of oxides of nitrogen and reactive hydrocarbons, known as ozone precursors, are combustion sources such as factories and automobiles, and evaporation of solvents and fuels. The health effects of ozone are eye irritation and damage to lung tissues.

**Carbon Monoxide (CO)** is a colorless, odorless, toxic gas formed by incomplete combustion of fossil fuels. CO concentrations are generally higher in the winter, when meteorological conditions favor the build-up of directly emitted contaminants. CO health warning and emergency episodes occur almost entirely during the winter. The most significant source of carbon monoxide is gasoline-powered automobiles, as a result of inefficient fuel usage in internal combustion engines. Various industrial processes also emit carbon monoxide.

**Nitrogen Oxides (NO<sub>x</sub>)** are the primary receptors of ultraviolet light initiating the photochemical reactions to produce smog. Nitric oxide combines with oxygen in the presence of reactive hydrocarbons and sunlight to form nitrogen dioxide and ozone. Oxides of nitrogen are contributors to other air pollution problems including: high levels of fine particulate matter, poor visibility and acid deposition.

**Sulfur Dioxide (SO<sub>2</sub>)** results from the combustion of high sulfur content fuels. Fuel combustion is the major source of SO<sub>2</sub>, while chemical plants, sulfur recovery plants, and metal processing are

minor contributors. Sulfates result from a reaction of sulfur dioxide and oxygen in the presence of sunlight. SO<sub>2</sub> levels are generally higher in the winter than in the summer (when sunlight is plentiful and sulfate is more readily formed).

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)** consists of particles in the atmosphere as a by-product of fuel combustion, through abrasion such as tire wear, and through soil erosion by wind. Particulates can also be formed through photochemical reactions in the atmosphere. PM<sub>10</sub> refers to finely divided solids or liquids such as soot, dust, and aerosols which are 10 microns or less in diameter and can enter the lungs. Fine particles are those less than 2.5 micrometers in diameter and are also referred to as PM<sub>2.5</sub>.

**Lead** is found in old paints and coatings, plumbing and a variety of other materials. Once in the blood stream, lead can cause damage to the brain, nervous system, and other body systems. Children are most susceptible to the effects of lead. The South County Air Basin and Riverside County portion of the Salton Sea Air Basin are in attainment for the federal and State standards for lead.

#### Discussion of Impacts

- a) **Less Than Significant Impact.** The project will be developed in accordance with all applicable air quality management plans. The subject property is located within the Salton Sea Air Basin (SSAB), which is governed by the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for monitoring criteria air pollutant concentrations and establishing management policies for the SSAB. All development within the Salton Sea Air Basin, including the proposed project, is subject to the current AQMP and SIP.

The AQMP is a comprehensive plan that establishes control strategies and guidance on regional emission reductions for air pollutants. It was based, in part, on the land use plans of the jurisdictions in the region. The proposed project includes a General Plan amendment from Small Hotel to Tourist Resort Commercial. This change will allow for a more dense development than that allowed under the Small Hotel designation. The density proposed will represent an increase of 46 hotel rooms over what would be allowed in the Small Hotel designation. The increase, however, is not significant in the overall planning for City-wide air quality management, and will not represent a significant impact on regional plans for air quality.

- b, c) **Less Than Significant Impact.** Development of the proposed project will result in the release of criteria air pollutants. The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to determine air quality emissions that will be generated by construction and operation of the proposed project. Table 3 summarizes the short-term construction-related emissions, and Table 4 summarizes the ongoing emissions that will be generated at operation.

#### Construction Emissions

The construction period includes demolition, site preparation, grading, building construction, paving, and architectural coating associated with the proposed project. For analysis purposes, it is assumed that construction will occur over a 1-year period extending from June 1, 2015 to May 30, 2016. The demolition period includes the removal of 15,950 square feet of existing buildings. The grading period includes hauling emissions associated with the projected 8,000 cubic yards of cut, and 2,000 cubic yards of fill. For

analysis purposes, the portions of the existing building that are to be restored were treated as new construction for conservative measures.

As shown in Table 3, emissions generated by construction activities will not exceed SCAQMD thresholds of significance for criteria air pollutants. The data reflect average daily emissions over the 1-year construction period, including both summer and winter weather conditions. It should be noted that the table shows projected unmitigated emissions. Implementation of minimization measures during construction will further reduce emission levels. Applicable minimization measures include, but are not limited to, the implementation of dust control practices in conformance with SCQAMD Rule 403, and proper maintenance and limited idling of heavy equipment. Impacts to air quality from construction of the proposed project for criteria pollutants, therefore, are expected to be less than significant.

**Table 3  
Construction-Related Emissions Summary  
(pounds per day)**

| <b>Construction Emissions</b> | <b>CO</b> | <b>NO<sub>x</sub></b> | <b>ROG</b> | <b>SO<sub>2</sub></b> | <b>PM<sub>10</sub></b> | <b>PM<sub>2.5</sub></b> |
|-------------------------------|-----------|-----------------------|------------|-----------------------|------------------------|-------------------------|
| 2015                          | 49.37     | 61.55                 | 5.66       | 0.11                  | 21.30                  | 12.81                   |
| 2016                          | 22.60     | 29.71                 | 9.43       | 0.11                  | 2.35                   | 1.96                    |
| SCAQMD Thresholds             | 550.00    | 100.00                | 75.00      | 150.00                | 150.00                 | 55.00                   |
| Exceeds Threshold?            | NO        | NO                    | NO         | NO                    | NO                     | NO                      |

Average of winter and summer emissions, unmitigated.  
Source: CalEEMod model, version 2013.2.2.  
See Appendix A for detailed calculations.

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. Operational emissions include area source emissions, emissions from energy (electric and natural gas) demand, and mobile source (vehicle) emissions. As shown in the table below, operational emissions will not exceed SCAQMD thresholds of significance for any criteria pollutants. Impacts will be less than significant.

**Table 4  
Operational Emissions Summary  
(pounds per day)**

|                                  | <b>CO</b> | <b>NO<sub>x</sub></b> | <b>ROG</b> | <b>SO<sub>2</sub></b> | <b>PM<sub>10</sub></b> | <b>PM<sub>2.5</sub></b> |
|----------------------------------|-----------|-----------------------|------------|-----------------------|------------------------|-------------------------|
| Operation Emissions <sup>1</sup> | 31.80     | 7.65                  | 5.34       | 0.04                  | 2.56                   | 0.79                    |
| SCAQMD Thresholds                | 550.00    | 100.00                | 75.00      | 150.00                | 150.00                 | 55.00                   |
| Exceeds Threshold?               | NO        | NO                    | NO         | NO                    | NO                     | NO                      |

Average of winter and summer emissions, unmitigated.  
Source: CalEEMod model, version 2013.2.2.

Non-Attainment

Historically, the Coachella Valley, which includes the proposed project site, has been classified as a "non-attainment" area for PM<sub>10</sub>. The proposed project will contribute to an incremental increase in regional ozone and PM<sub>10</sub> emissions. However, this impact is not expected to be cumulatively considerable. Project construction and operation emissions will not exceed SCAQMD thresholds for PM<sub>10</sub> or ozone precursors, and appropriate

minimization measures will be implemented that will further reduce emissions. The project will not conflict with any attainment plans and will result in less than significant impacts.

- d) **Less than Significant Impact with Mitigation Incorporated.** To determine if the proposed project has the potential to generate significant adverse localized air quality impacts, the 2-acre mass rate LST Look-Up Table for SRA 30 (Coachella Valley) was utilized. The nearest sensitive receptors are a residence immediately north of the site, and a residential development (St. Baristo Condos) located west of the project site boundary. LSTs are summarized in the table below for sensitive receptors located within 25 meters from the emission source. Emission estimates reflect all phases of construction

**Table 5  
Localized Significance Thresholds  
(pounds per day)**

|                    | <b>CO</b> | <b>NO<sub>x</sub></b> | <b>*PM<sub>10</sub></b> | <b>*PM<sub>2.5</sub></b> |
|--------------------|-----------|-----------------------|-------------------------|--------------------------|
| Project Emissions  | 49.37     | 53.47                 | 10.28                   | 6.75                     |
| LST                | 1,299     | 191                   | 7                       | 5                        |
| Exceeds Threshold? | NO        | NO                    | YES                     | YES                      |

Source: CalEEMod Version 2013.2.2

Emissions shown are the maximum daily emission during all phases of construction, unmitigated, with the exception of PM<sub>10</sub> and PM<sub>2.5</sub>, which show emissions after enforcement of standard dust control measures. The highest daily emissions are expected to occur in 2015.

As shown in Table III-5 above, LST thresholds for CO and NO<sub>x</sub> will not be exceeded during construction of the project; however, thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> have the potential to be exceeded. A Dust Control Plan per SCAQMD Rule 403.1 will be required prior to construction to ensure impacts related to PM emissions are reduced to less than significant levels.

**Mitigation Measures**

- 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.

**Additional Control Measures**

The following control measures are recommended to further limit air quality emissions:

- MM III-2.** To reduce particulate matter and NOx emissions construction equipment should utilize aqueous diesel fuels, diesel particulate filters and diesel oxidation catalyst during all construction activities.
- MM III-3.** All construction equipment should be properly serviced and maintained in optimal operating condition.
- MM III-4.** Construction equipment should not be left idling for more than five minutes.
- MM III-5.** Diesel-powered construction equipment shall utilize aqueous diesel fuels, and be equipped with diesel oxidation catalysts.
- MM III-6.** The contractor shall notify the City of the start and end of grading and construction activities in conformance and within the time frames established in the 2003 PM<sub>10</sub> State Implementation Plan.
- MM III-7.** Construction staging and management plans shall be reviewed and conditioned to require the application of all reasonably available methods and technologies to assure the minimal emissions of pollutants from the development. The City Engineer shall review grading plan applications to ensure compliance with the mitigation measures set forth in this document and as otherwise conditioned by the City.
- MM III-8.** Construction equipment and materials shall be sited as far away from residential uses as practicable.

- e) **Less Than Significant Impact.** The proposed project is not expected to generate objectionable odors at project build out. The proposed project has the potential to result in short term odors associated with asphalt paving and heavy equipment; however, any such odors would be quickly dispersed below detectable thresholds as distance from the construction site increases. Therefore, impacts from objectionable odors are expected to be less than significant.

(Sources: "Final 2012 Air Quality Management Plan," prepared by South Coast Air Quality Management District, December 2012; "Final Localized Significance Threshold Methodology,"

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prepared by the South Coast Air Quality Management District, Revised, July 2008; "2003 Coachella Valley PM10 State Implementation Plan," August 1, 2003; CalEEMod Version 2013.2.2)



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| <b>IV. BIOLOGICAL RESOURCES</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| <b>Would the project:</b>  |                                |  |                              |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a) **No Impact.** The subject property is in the downtown area and surrounded on all sides by development, including paved roads, parking lots, and single- and multi-family residential and commercial uses. The site has been developed since the 1930's and contains buildings, paved surfaces, and urban landscaping. It does not contain habitat suitable for unique populations of biological species and is not known to contain any species identified as candidate, sensitive, or special status. No project-related impacts are anticipated.
  
- b-c) **No Impact.** The project site does not contain any streams, riparian habitat, marshes, protected wetlands, or sensitive natural communities. No impacts will occur.
  
- d) **No Impact.** The subject property is located in an urban area and surrounded by roadways and development. It has been disturbed by development, demolition, and other human activity for many decades. As such, it does not function as a migratory wildlife corridor or nursery site. It does not contain trees or other biological species or features that are protected by local policies or ordinances. No project-related impacts will occur.
  
- e-f) **No Impact.** The project will not conflict with any policies or ordinances that protect biological species, or any habitat conservation plans or natural community conservation plans. The subject property is located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP) and, therefore, is subject to payment of the City's Local Development Mitigation Fee, which will mitigate potential impacts to covered species. The site is not within or adjacent to a CV MSHCP-designated Conservation Area, so no additional mitigation measures or provisions are required. It is not within the reservation of the Agua Caliente Band of Cahuilla Indians and, therefore, is not subject to the Tribal Habitat Conservation Plan (HCP).

(Sources: "Coachella Valley Multiple Species Habitat Conservation Plan," 2007)

**V. CULTURAL RESOURCES**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?    | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Discussion of Impacts**

A Historical Resources Impacts Evaluation and Memorandum were prepared for the proposed project ("Historical Resources Impacts Evaluation, Orchid Tree Resort & Spa Project," Chattel, Inc., June 6, 2014; "Historic Site Preservation Board Staff Report," City of Palm Springs, October 14, 2014; Memorandum from Chattel, Inc. to New Church II, LLC, March 3, 2015). The following discussion summarizes their findings.

**a) Less Than Significant with Mitigation Incorporated.**

Orchid Tree Inn

The Orchid Tree Inn was built in 1934 as a 10-unit bungalow court motel. Over many years, the motel expanded to include a varied array of other onsite structures, including Craftsman-style bungalows, duplexes, and multi-family apartment buildings. However, ownership of the buildings changed multiple times, and two of the buildings were destroyed by fire in recent years. At its peak, the Orchid Tree Inn included approximately 32 hotel units.

The distinctive architectural characteristics of the bungalows represent a lodging style unique to the early 20<sup>th</sup> century. An onsite stone archway was hand crafted and represents the City's rural character prior to its development as a resort destination. However, the buildings have been altered over many years, resulting in some loss of historic integrity. The property has been vacant for several years, and many of its elements are in disrepair.

In 2010, four (4) features at the Orchid Tree Inn were designated City Historic Sites: 1) the bungalow court with ten buildings are designated a Class 1 Historic Site, 2) the stone archway is designated a Class 1 Historic Site, 3) a Craftsman bungalow located at 262 S. Cahuilla Road is designated a Class 2 Historic Site, and 4) the Premiere Apartments building, built by architect Albert Frey and located at 292 S. Belardo Road, is designated

a Class 2 Historic Site. The latter two were destroyed by fire and had already been demolished at the time of their designation.

No onsite features are listed on the National Register of Historic Places or California Register of Historical Resources, and no features appear to be eligible for listing.

Palm Springs Community Church

The Palm Springs Community Church was built in 1936. The church was designated a Class 1 City Historic Site in 1989 based on its notable architectural characteristics and value as a neighborhood institution and landmark. It was badly damaged in a fire and is mostly without a roof. An onsite structural engineering analysis conducted in 2013 determined that numerous wood framing, masonry block, and steel beam systems required removal or replacement for future habitability.

No onsite features are listed on the National Register of Historic Places or California Register of Historical Resources, and no features appear to be eligible for listing.

Project Impacts

The proposed project will result in the reuse and redevelopment of the site, including demolition, renovations and alterations, and new construction. New construction will include a 3-story hotel building with pool area, a 1-story building with banquet hall and roof deck, an event lawn, and a second story addition to the church. Proposed plans have been reviewed by the City's Historic Site Preservation Board.

On the Orchid Tree Inn site, the project will result in demolition of multiple one- and two-story duplexes and 4- and 5-unit buildings, demolition of an existing low perimeter wall and replacement with a new stucco wall, removal of the existing pool and addition of a new water feature, addition of walkways near the bungalows, and restoration of 8 bungalows and their courtyard, including preservation of select bungalow architectural features (chimneys, porches, shutters, and roofs). The project proposes demolition of the two northernmost bungalows and replacement with new hotel units. The project will also involve cleaning, repair, and repainting of exterior stucco walls throughout. Existing landscaping will be removed, and new landscaping will be added. The stone arch will be retained and relocated on the project site.

On the Palm Springs Community Church site, proposed alterations include demolition of an existing low perimeter wall and replacement with a new stucco wall, renovation of the ground floor to serve as the main hotel lobby and other uses, construction of a 2-story rooftop addition, replacement or repair and rehabilitation of existing doors and windows, and installation of new landscaping. The second of the two new stories will consist of an open-air roof deck with a balcony made of clear glass panels.

The proposed project will preserve many of the key historic elements, features, and materials of the former Orchid Tree Inn and Palm Springs Community Church. The Orchid Tree Inn will continue to operate as a hotel as it did historically. Eight of the original bungalows will be preserved and rehabilitated, and original doors and windows will be retained to the maximum extent feasible. The historic resources consultant (March 3, 2015) indicated that demolition of the two northernmost bungalows is appropriate given that their historic features are the most substantially altered of all the bungalows. The stone arch will be relocated to the new onsite circulation path between the bungalows and the church, where its functional use as a landscape element will be preserved.

The church will serve a different function than its historic use. However, the proposed project will reconstruct the church's high volume sanctuary and fire-damaged structural systems without significantly altering the original design of the interior. The steeple will be preserved and highlighted as the focus of an adjacent courtyard and the entrance on Cahulla Road.

The proposed buildings and features are of greater mass than original onsite features that will be preserved. The proposed contemporary style and materials of new buildings is an intentional departure from the existing Spanish Colonial Revival style of the historical features. It provides a clear distinction between old and new features.

One of the character-defining features of the Orchid Tree Inn was determined to be the presence of all ten lodging units and the manner in which they enclose the adjacent central courtyard (Chattel, Inc., March 3, 2015). The proposed project will demolish the two northernmost bungalows and replace them with new hotel units, which will affect the site's historic integrity somewhat. However, the new hotel units will continue to provide a sense of physical enclosure around the bungalow court, and no significant material impairment of the bungalow court will occur.

The following mitigation measures are provided to assure impacts remain at less than significant levels.

**Mitigation Measures**

**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. Cahulla 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.

- b) **No Impact.** Prehistoric resources, such as habitation areas, pottery scatters, and lithic workshops associated with the Agua Caliente Band of Cahuilla Indians are known to occur in the Palm Springs area. However, the highest likelihood for occurrence is in the San Jacinto Mountains and foothills (General Plan Figure 5-5). The subject property is located on the valley floor and has been developed for more than 80 years. The site-specific Historical Resources Impacts Evaluation (Chattel, Inc., June 6, 2014) stated that the discovery of archaeological resources cannot be reasonably expected at the proposed project site, and no archaeological resources were documented or observed. No impacts will occur.
  
- c) **No Impact.** The subject property is not known to contain unique paleontological or geologic features and has been disturbed and developed by urban uses. It is located more than 20 miles northwest of the reaches of ancient Lake Cahuilla, where paleontological resources have been identified. No adverse impacts resulting from the project are anticipated.
  
- d) **Less Than Significant Impact.** No cemeteries or human remains are known to occur onsite, and given that the property has been developed for more than 80 years, it is unlikely that human remains will be uncovered during project development.

Should human remains be uncovered, California law requires that all development activity be suspended, and that the procedures established in Public Resources Code 5097.94 be followed to determine the disposition of the remains. Compliance with the law will reduce potential adverse impacts to less than significant levels.

(Sources: "Orchid Tree Resort & Spa Project, Historical Resources Impacts Evaluation," Chattel, Inc., June 6, 2014; Memorandum from Chattel, Inc. to New Church II, LLC, March 3, 2015; "Historic Resources Assessment Report, Orchid Tree Inn," PCR Services Corporation, April 2005; Palm Springs General Plan, 2007; "Historic Site Preservation Board Staff Report," City of Palm Springs, October 14, 2014)

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**VI. GEOLOGY AND SOILS**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |  |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv) Landslides?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a.i) **No Impact.** The subject property is not located in an Alquist-Priolo Earthquake Fault Zone. The nearest Zone is located along the Banning Pass Fault, approximately 7 miles north of the project site. No project-related impacts associated with fault rupture are anticipated.
- a.ii) **Less Than Significant Impact.** The subject site is located in a seismically active region, and severe ground shaking can occur as a result of earthquakes originating on local and

regional faults. Onsite improvements will be subjected to ground shaking and could sustain damage. At a minimum, buildings will be required to be constructed in accordance with the most recent edition of the California Building Code (CBC) to provide collapse-resistant design. This will ensure impacts associated with ground shaking are minimized to the greatest extent possible.

- a.iii) **No Impact.** The subject property is located on the valley floor in an area that has a low susceptibility to liquefaction (General Plan Figure 6-1). Underlying soils consist of fine-grained granular sediments, which could be susceptible to liquefaction; however, groundwater depths in the area are greater than 50 feet below the ground surface. For liquefaction to occur, groundwater levels must be within 50 feet of the ground surface. No project-related impacts associated with liquefaction are anticipated.
- a.iv) **No Impact.** The project site lies just outside the landslide and rockfall hazard zone (General Plan Figure 6-2). The site consists of, and is surrounded by, relatively flat terrain. No impacts associated with landslides are anticipated.
- b) **Less Than Significant Impact.** The valley floor on which the subject property is located is highly susceptible to wind erosion (General Plan Figure 6-4). The proposed project will require demolition, remedial grading, construction, and other ground disturbances by heavy machinery that could result in the loss of some topsoil and generate blowsand. However, the site has been previously disturbed and developed for many years, and much of the topsoil has been removed or previously graded, and project impacts are expected to be less than significant. The project will be required to implement measures to control fugitive dust (see Air Quality, Section III), which will further minimize potential adverse impacts associated with erosion.
- c) **No Impact.** Surface soils consist of older alluvial gravel and sand (General Plan Figure 6-3). As described in VI.a, above, the site is not susceptible to liquefaction due to groundwater levels greater than 50 feet below the ground surface. The site is also not susceptible to lateral spreading, which requires a shallow water table or proximity to a water source that could cause inundation of onsite soils. The site is not susceptible to landslides due to its relatively flat terrain and distance from mountainous slopes. Although subsidence has been documented in the eastern Coachella Valley, it is not known to occur in the upper valley or the project vicinity. No impacts associated with unstable soils are anticipated.
- d) **No Impact.** Expansive soils typically contain large amounts of clay that expand when water is absorbed and shrink when they dry. Onsite soils consist of Carstas gravelly sand (0-9 % slopes), which has a low shrink-swell potential ("Soil Survey of Riverside County, California, Coachella Valley Area," U.S. Dept. of Agriculture Soil Conservation Service, 1980). No project-related impacts associated with expansive soils will occur.
- e) **No Impact.** The proposed project will connect to the City's existing sewer system. No septic tanks or alternative wastewater disposal systems are proposed. No adverse impacts will occur.

(Sources: Palm Springs General Plan, 2007; "Soil Survey of Riverside County, California, Coachella Valley Area," U.S. Dept. of Agriculture Soil Conservation Service, 1980)



**VII. GREENHOUSE GAS EMISSIONS**

| <b>Would the project:</b>  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?        | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**a, b) *Less than Significant Impact.*** The proposed project will generate greenhouse gas (GHG) emissions during both construction and operation. As mentioned in Section III.A (Construction Emissions), CalEEMod was used to quantify air quality emission projections, including greenhouse gas emissions. Construction related greenhouse gas emissions will be temporary and will end once the project is completed. Operation of the proposed project will create on-going greenhouse gases through area source emissions, such as landscaping and off-gassing from the pavement. Table 6 provides projected short-term and annual GHG generation associated with the Orchid Tree Hotel and Spa.

**Table 6  
Projected GHG Emissions Summary  
(Metric Tons)**

| <b>Phase</b>                | <b>CO2e</b> |
|-----------------------------|-------------|
| Construction (1 year)       | 373.98      |
| Operational 2016 (Annually) | 1,003.76    |

Source: CalEEMod Version 2013.2.2.

There are currently no adopted thresholds of significance for GHG emissions for construction or operation of projects of this nature. It is recognized that GHG impacts are intrinsically cumulative. As such, project construction will be conducted in a manner that is consistent with applicable rules and regulation pertaining to the release and generation of GHG's. The proposed project will have a less than significant impact on the environment from the emission of GHG's and will not conflict with any applicable GHG plans, policies or regulations.

(Sources: CalEEMod Version 2013.2.2)

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**VII. HAZARDS AND HAZARDOUS MATERIALS**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

**a-b) Less Than Significant Impact with Mitigation Incorporated.**

The proposed project will involve demolition, rehabilitation, and new construction. During the development phase, limited quantities of paints, solvents, architectural coatings, and similar agents will be transported to and used onsite. The project will be required to adhere to applicable local, State, and federal laws pertaining to occupational safety and the disposal of hazardous waste.

Over the long-term, the hotel complex can be expected to store and use various chemicals for routine housekeeping and landscaping purposes. Chlorine and related chemicals will be stored and used for swimming pool/spa operation and maintenance. However, none of these will be used in sufficient quantities as to pose a threat to humans or cause a foreseeable chemical release into the environment. Restaurant facilities will be required to appropriately dispose of oil and grease and operate in compliance with applicable health and safety requirements.

#### Asbestos and Lead

The proposed project will result in the demolition of some structures which may be as old as ±80 years. Since they were built prior to the 1970s, there is the potential for asbestos containing materials (ACM) and lead-based paint to occur onsite. Asbestos containing materials may include tiles, linoleum, and other construction materials. During demolition, the proper handling, transport, and disposal of such materials must be assured. To assure potential impacts associated with asbestos and lead are mitigated to less than significant levels, the mitigation measure below shall be implemented.

#### Phase I Site Assessment

In 2005, a Phase I Environmental Site Assessment was conducted at 261 S. Belardo Road in conjunction with a development proposal. The assessment covered the Orchid Tree Inn portion of the currently proposed project, but did not include the church property.

No aboveground or underground storage tanks were observed, and no suspect fill connections/vents, waste or trash piles, landfills, disturbed soils or surface areas, or distressed vegetation areas were found. No concerns about surrounding land uses were identified. The assessment did not include an asbestos survey, but noted that the potential exists for ACMs to exist in the buildings due to their age (built between 1930s-1950s). It also noted that onsite septic systems were used until about the 1970s, but the location of them was not determined.

Implementation of the mitigation measures described below will reduce potential impacts associated with hazards and hazardous materials to less than significant levels.

#### Mitigation Measures

- 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.
- c) **No Impact.** No schools are located within one quarter mile of the project site. There will be no hazardous materials-related impacts to schools.
- d) **No Impact.** The subject property is not included on a list compiled pursuant to Government Code Section 65962.3. The proposed project will not create a significant hazard to the public or environment.
- e-f) **No Impact.** The Palm Springs International Airport is located approximately 2 miles east of the subject property. The subject site is not located within the boundaries of the airport's land use compatibility plan. The site is not located in the vicinity of a private airstrip. The project will not result in safety hazards for people living or working in the area.
- g) **No Impact.** The proposed project will not alter the existing circulation pattern in the project area or adversely impact evacuation plans. The site will continue to be accessible from the existing street network, including W. Baristo Road, S. Belardo Road, and S. Cahuilla Road. Proposed parking and circulation plans will be reviewed by the Fire and Police Departments to assure that driveways and roads are adequate for emergency vehicles. A construction traffic plan will be required to assure that the project does not interfere with emergency access during development.
- h) **No Impact.** The project site is not susceptible to wildfires, and the proposed project will not expose people or structures to significant risks associated with wildfires. The site is located in an urban area and surrounded on all sides by development. The nearest wildlands are the foothills of the San Jacinto Mountains, approximately 1/3 mile to the west.

(Sources: "Phase I Environmental Site Assessment, 261 S. Belardo Road, Palm Springs, California," West Coast Environmental and Engineering, July 21, 2005; Envirostor map database, California Department of Toxic Substances Control, accessed March 2, 2015)

**VIII. HYDROLOGY AND WATER QUALITY**

| <b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant With Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**VIII. HYDROLOGY AND WATER QUALITY**

| <b>Would the project:</b>  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|--|--------------------------------------|--|-------------------------------------|--------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion of Impacts**

- a) **No Impact.** The proposed project will not violate water quality standards or waste discharge requirements. The project will connect to existing sewer lines located in the immediate project vicinity. Wastewater will be transported to and processed at the City's Wastewater Treatment Plant. The City contracts with Veolia Water North America for operation of the plant, and Veolia implements all requirements of the Regional Water Quality Control Board pertaining to water quality and wastewater discharge. The project will be required to comply with National Pollutant Discharge Elimination System (NPDES) regulations, which minimize the pollutant load associated with urban runoff.
- b) **Less Than Significant Impact.** The Desert Water Agency (DWA) provides domestic water to the project area. Its primary source of water is groundwater extracted by deep wells and replenished with Colorado River Water. A lesser amount of water comes from regional mountain streams. DWA is a participant in the Coachella Valley Regional Water Management Group that prepared an Integrated Regional Water Management Plan in 2013. The WMP indicates that long-term regional demand for potable water is expected to increase; however, with continued conservation measures and replenishment of groundwater, sufficient supplies will be available to meet the demand.

Until recently, the subject property operated as a hotel/inn (32± units) and church, which were connected to DWA's water supply. Under the proposed project, the site will be repurposed as an expanded hotel, restaurant, and spa. Compared to earlier onsite uses, the proposed project (93± units) will increase the demand for water supplies and services, but will not substantially deplete water supplies or interfere with groundwater recharge.

In the short-term, water will be required during site grading. At buildout, water will be required to serve the needs of the hotel, restaurant, and spa, as well as the onsite swimming pool and landscaping. The project will connect to existing water lines beneath Cahuilla Road, Baristo Road, and Belardo Road. No new wells or additional water infrastructure are proposed. The project will be required to comply with DWA's and the City's water-efficiency requirements, including the use of drought-tolerant planting materials and limited landscaping irrigation. Implementation of these and other applicable requirements will assure that water-related impacts are reduced to less than significant levels.

- c-e) Less Than Significant Impact.** The project is not expected to result in substantial erosion or siltation, or generate runoff that exceeds the capacity of drainage facilities. The property is generally flat and contains no rivers or streams. It has been graded and developed for more than 80 years. The proposed project will preserve the existing bungalows, church, and some other onsite features, and buildout drainage patterns will remain largely unchanged from current conditions. Stormwater will be conveyed through subsurface drainage pipes to surrounding streets. Drywell/bubblers will be installed on the northerly and southerly property boundaries.
- f) Less Than Significant Impact.** As described in VIII.a, above, the project will be required to comply with all applicable water quality standards. It will be connected to the City's sewer system and the proposed subsurface stormwater conveyance system will help minimize potential water quality degradation. As a result of the City's standard requirements, impacts will be less than significant.
- g-h) No Impact.** The subject property is not located in the 100-year floodplain and will not place housing or other structures in an area that would impede or redirect flows. According to Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA), the site is located in Zone X (with dots), which represents "areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood." (FIRM Map No. 06065C1558G, August 28, 2008)
- i-j) Less Than Significant Impact.** The subject property lies at the westerly edge of the Dam Failure Inundation Pathway of the Tachevah Creek Detention Reservoir (General Plan Figure 6-5). The reservoir is located approximately 1,200 feet downstream from the mouth of Tachevah Canyon in the San Jacinto Mountains west of the project site. It controls storm runoff and debris from a 3.2 square mile drainage area and protects the central part of the City from flooding. It is required by the California State Water Code to be monitored for structural safety, and potential risks and planned responses associated with reservoir failure are addressed in the City's Local Hazard Mitigation Plan. Therefore, impacts to the subject property are considered to be less than significant.

No other hazards associated with seiche, tsunami, or mudflow will occur onsite. The site is not located in close proximity to any other bodies of water that could be subject to seiche, and given its distance from the Pacific Ocean, the property is not subject to tsunamis.

(Sources: Flood Insurance Rate Map #06065C1558G, Federal Emergency Management Agency, August 28, 2008; "City of Palm Springs Local Hazard Mitigation Plan," August 2012; Palm Springs General Plan, 2007)

| <b>IX. LAND USE AND PLANNING</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>   |                                |  |                                     |                                     |
| a) Physically divide an established community?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Setting**

The project site is governed by the policies and land use designations of the Palm Springs General Plan and Zoning Ordinance. The project site is designated Small Hotel (SH) in the General Plan and Multi-Family Residential and Hotel (R3) on the Zoning Map. The project proposes a General Plan Amendment to Tourist Commercial. The City of Palm Springs participates in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as discussed above under Biological Resources.

**Discussion of Impacts**

- a) **No Impact.** The project site is fully developed in hotel, church, and parking lot land uses. The site is located in proximity to residential developments, however these developments operate independently of the subject property and will not be physically divided by the proposed project. The proposed project is consistent with existing uses, and its development will not divide that community. No impacts are expected.
  
- b) **Less than Significant Impact.** The subject site is designated for SH (small hotel) in the City's General Plan and zoned for R3 (Multi-Family Residential and Hotel). The project includes a General Plan Amendment to Tourist Resort Commercial. Both designations allow hotel development. The primary difference between the two land use designations is the intensity of development that can occur on a site. The project is located on Belardo Road and Cahuilla Road, both of which are dominated by hotel development in the vicinity of the proposed project. Although the lands along both streets are designated Small Hotel, most of the hotels occurring in this area, to the west, north and south of the proposed project, occur at higher densities than the 15 rooms per acre allowed in the Small Hotel designation. The proposed project, therefore, will result in densities that are higher than the Small Hotel designation, but not inconsistent with the actual development patterns in the area. The proposed General Plan Amendment, therefore is expected to have a less than significant impact on land use planning relating to the General Plan.

Current development standards for R3 zones state "A height no greater than thirty (30) feet shall be permitted over a maximum of fifty (50) percent of the ground floor area of all buildings and structures." The project proposes heights of approximately 33 feet for



hotel uses and 36 feet for the church additions. To ensure impacts related to building heights are mitigated to less than significant levels, the project proposes a Planned Development District (PD 372) to adjust development standards to allow for increased heights on the subject property. All development within the boundaries of the PD will be subject to the proposed development standards, thus reducing impacts to less than significant levels.

- c) **No Impact.** As described in Section IV, Biological Resources, the City of Palm Springs participates in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The property is within the boundaries of the Plan, and therefore, the project proponent will be required to pay a mitigation fee as mitigation for any potential impacts to sensitive biological species. The proposed project will not conflict with the provisions of the Plan.

(Source: Palm Springs General Plan, 2007; Palm Springs Municipal Code)

**X. MINERAL RESOURCES**

| <b>Would the project:</b>   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

**a-b) No Impact.** As shown in the Mineral Land Classification Map for the project area, the project site is located in Mineral Zone MRZ-3, which indicates an area containing mineral deposits; however the significance of these deposits cannot be evaluated from available data. The project site occurs in an urban setting and is not designated for mineral resource land uses. The proposed project would result in no impacts to mineral resources.

(Sources: Figure 5-3, Palm Springs General Plan, 2007; "Mineral Land Classification Map, Aggregate Resources Only, Palm Springs Production-Consumption Region," California Division of Mines and Geology, 1987)

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

| <b>XI. NOISE</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>Would the project result in:</b>   |                                |  |                                     |                                     |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a) **Less Than Significant Impact.** The subject property is currently unoccupied and has been for several years. As such, the existing onsite noise environment is quiet. The principal noise source is vehicular traffic on adjacent roadways. The nearest sensitive receptors are multi-family residences to the north and west.

Project-Generated Construction Noise

During the construction phase of the proposed project, noise will be generated by heavy demolition and construction machinery and equipment, such as dozers, loaders, scrapers, and dump trucks. Demolition and construction activity could occur as close as 15 feet from residences to the north and 60 feet from residences to the west. Short-term impacts could temporarily exceed acceptable noise thresholds. However, these impacts will be short-lived and temporary.

The Municipal Code exempts construction activities from short-term, short-duration noise standards when they are conducted during permitted time frames. The City will require that construction activity comply with Section 8.04.220 of the Municipal Code, which

limits construction activity to between 7 a.m. to 7 p.m. on weekdays and 8 a.m. to 5 p.m. on Saturdays. No activity is permitted on Sundays and holidays. These requirements will reduce noise impacts to less sensitive daytime hours and assure that short-term construction noise impacts will be less than significant.

Project-Generated Operational Noise

Upon completion, the project will operate as a 93-room hotel with a restaurant and spa. This is an expanded version of the site's historic and use as a hotel, and noise impacts to adjacent properties will be similar to previous levels, although more intense due to the increase in hotel size. Principal project-related noise sources will include vehicular traffic, including delivery trucks, accessing the site, grounds maintenance equipment, and heating, ventilation and air conditioning (HVAC) units. The vehicle mix will be compatible with existing vehicles on surrounding roads. The proposed project is compatible with surrounding land uses, and operational noise impacts are not expected to exceed acceptable noise standards.

Impacts of Off-Site Noise Sources on the Proposed Project

Adjacent land uses include commercial to the east, commercial (hotel) to the south, and residential to the north and west. Neither of these uses is expected to generate noise levels that will adversely impact the proposed project.

The site is immediately bounded by S. Cahuilla Road on the west, W. Baristo Road on the south, and S. Belardo Road on the east. Cahuilla and Baristo are two-lane roads, and Belardo is a two-lane General Plan-designated "collector" street. Traffic noise along these roads is not expected to adversely impact the proposed project.

South Palm Canyon Drive is located approximately 325 feet to the east, and the easterly portion of the subject site is within its projected (year 2025) 60 Community Noise Exposure Level (CNEL) noise contour (General Plan Figure 8-5). However, noise exposure levels up to 65 dBA are considered "normally acceptable" for hotels (General Plan Figure 8-2) and, therefore, traffic noise is not expected to adversely impact the project.

Structures will be required to meet the most recent version of the California Building Code noise insulation standards, which will assure that off-site noise impacts to the project are minimized to less than significant levels.

- b) **Less Than Significant Impact.** Construction of the proposed project could produce ground-borne vibration and/or ground-borne noise that may be felt by adjacent land uses. The primary source of ground-borne disturbances will be operation of heavy equipment, such as bulldozers. Any ground-borne impacts will be temporary and will end once construction is complete. Long-term operation of the project is not expected to generate ground-borne vibrations or noise, and impacts will be less than significant.
- c) **Less Than Significant Impact.** As described in XI.a, above, permanent increases in ambient noise levels will be less than significant. The primary permanent noise sources will be vehicles traveling to and from the site, grounds maintenance equipment, and HVAC units. Proposed hotel uses are compatible with surrounding land uses, and project-related vehicles will be consistent with vehicles already using area roadways.
- d) **Less Than Significant Impact.** As described in XI.a, above, temporary noise generated during the construction phase of the proposed project could exceed acceptable noise levels, particularly during demolition. Primary noise sources will be heavy equipment,

some of which will operate in close proximity to sensitive receptors, including multi-family residential development north and west of the site. However, these impacts will be temporary and periodic and are permitted in the Municipal Code as long as they occur during specified daytime hours. Adherence to City standards will assure that impacts are less than significant.

- e-f) No impact.** The proposed project will not expose people residing or working in the project area to excessive aircraft-related noise. The Palm Springs International Airport is approximately 2 miles east of the subject property, and the property is outside of airport noise contours. The subject property is not located in the vicinity of a private airstrip, and no impacts will occur.

(Sources: Palm Springs General Plan, 2007; "Riverside County Airport Land Use Compatibility Plan, Volume 1, Policy Document," adopted by Riverside County Airport Land Use Commission, October 14, 2004.

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**XII. POPULATION AND HOUSING**

| <b>Would the project:</b>   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>             | <input type="checkbox"/>                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a) *Less Than Significant Impact.*** The project will result in the construction and partial renovation of a 93-room hotel/spa. It will neither directly nor indirectly induce substantial population growth. It is expected that the existing local workforce will fill new hotel/spa employment opportunities generated by the project. In addition, no major infrastructure extensions will be required. Access will be taken from existing roads (Belardo Road, Baristo Road and Cahuilla Road), and the project will connect to existing utility infrastructure located immediately adjacent to the project site. Impacts are expected to be less than significant.
- b-c) *No Impact.*** Vacant and partially damaged hotel and church buildings currently occupy the subject property. No residents will be displaced, and no replacement housing will be required elsewhere.

(Source: Palm Springs General Plan, 2007)

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**XIII. PUBLIC SERVICES**

| <b>Would the project result in:</b> | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------|--------------------------------|--|------------------------------|-----------|
|-------------------------------------|--------------------------------|--|------------------------------|-----------|

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

|                             |                          |                          |                                     |                          |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Fire protection?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection?       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools?                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion of Impacts**

- a) **Less Than Significant Impact.** The Palm Springs Fire Department is responsible for fire protection in the project area. The nearest fire station is Station 1 (441) at 227 N. Indian Canyon Drive, approximately ½-mile to the northeast. Fire personnel will be able to reach the site within the target five-minute response time. The project will be properly sprinklered, and emergency access will be provided via the existing public roadway network. Project plans will be reviewed by the Fire Department to ensure they meet applicable fire standards and regulations. The project will not require the construction of new or expanded fire services or facilities.
- b) **Less Than Significant Impact.** The Palm Springs Police Department is headquartered at 200 S. Civic Drive, approximately 2 miles east of the subject property. Police personnel will be able to access the site using existing roads, and the project will be required to comply with all Police Department regulations and procedures. Project-related impacts to police services are anticipated to be comparable to those required by the previous Orchid Tree Inn and will be less than significant.
- c) **Less Than Significant Impact.** The proposed project will not result in the construction of permanent housing or directly generate a student population. Nonetheless, as a commercial facility, it will be required to pay State-mandated fees to mitigate any potential impacts to schools.
- d) **Less Than Significant Impact.** The City owns approximately 164 acres of public parks and 83 linear miles of trails. There are also 1,354 acres of public and private golf courses in the City (General Plan, Tables 5-1 and 5-3). The nearest park to the subject property is Baristo

Park, approximately 1/3 mile to the east. Guests staying at the proposed project may increase the usage of public parks and trails; however, the increase is not expected to be substantial or result in the need for new or expanded public parks. The proposed onsite pool, spa, and courtyard open spaces will provide recreational opportunities for guests.

- e) **Less Than Significant Impact.** Impacts to other public facilities will be less than significant. The proposed project will be accessed from existing roads and will connect to existing utility infrastructure. No new public roads or public transportation facilities will be required.

(Sources: Palm Springs General Plan, 2007)



**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**XIV. RECREATION**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion of Impacts**

**a-b) Less Than Significant Impact.** The proposed project will not induce substantial population growth that will result in significant impacts to existing recreational facilities. Guests can be expected to utilize onsite recreational amenities, including a swimming pool, spa, and open spaces, as well as local and regional recreational facilities. Impacts are expected to be less than significant.

**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**XV. TRANSPORTATION/TRAFFIC**

| <b>Would the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Setting**

The proposed project is located in the City's urban core and is surrounded by existing streets, including Cahuilla Road, Baristo Road, and Belardo Road. The proposed project includes access drives and hotel drop-off drives on Baristo Road and Cahuilla Road.

**Discussion of Impacts**

**a-b) Less than Significant Impact.** The following traffic analysis was based upon a variety of sources, including the General Plan Circulation Element and the Institute of Transportation Engineers' 8<sup>th</sup> Edition Trip Generation Manual. The applied measures of effectiveness for the performance of the circulation system were derived from applicable City and County standards. The City of Palm Springs has established a goal for both intersection operations and roadway link segment operations of Level of Service (LOS) D or better, which is consistent with the Riverside County Congestion Management Program.

Existing Conditions

According to the Palm Springs Municipal Code for R3 zones, "there shall be a minimum of one thousand (1,000) square feet of net lot area for each dwelling unit of a hotel or resort hotel with surface parking, and a minimum of eight hundred (800) square feet of net lot area for each such unit when all parking on the property is provided underground." The subject site is approximately 135,834 square feet, allowing up to 135 hotel rooms. Based on the Trip Generation manual 8<sup>th</sup> Edition for Hotel Land Uses, the site currently has the potential to generate approximately 1,103 daily vehicle trips or average daily trips (ADT), with 76 ADT expected to be generated in the morning peak hour and 55 ADT in the evening peak hour under maximum build out conditions.

The former hotel, although currently vacant, included approximately 32 hotel rooms at its peak. Using the same trip rates from the Trip Generation manual, it could have generated approximately 261 daily vehicle trips or average daily trips (ADT), with 18 ADT expected to be generated in the morning peak hour and 19 ADT in the evening peak hour.

Existing General Plan conditions indicate that Belardo Road, north of Ramon Road, is operating at LOS A. Future General Plan Build out condition (2025) indicate that Belardo Road will continue to operate at LOS A.

Project Impacts

Trip generation was calculated by land use type using the reference Trip Generation, 8<sup>th</sup> Edition (2012) prepared by the Institute of Transportation Engineers (ITE). The Hotel Land use type was used. Based on the referenced material, upon build out, the project will generate approximately 760 daily vehicle trips or average daily trips (ADT), with 52 ADT expected to be generated in the morning peak hour and 55 ADT in the evening peak hour.

Although the proposed project will generate higher traffic counts than the existing hotel, the project will generate fewer trips allowed under maximum build out of the site. The General Plan LOS projections were based on maximum land use build outs, meaning that development of the proposed project will have less than significant impacts on level of service standards and will not lead to a substantial increase in traffic.

- c) **No Impact.** The project will have no impact on the facilities or operations of regional airports, and will not result in a change in air traffic patterns, including an increase in traffic levels. The project is located more than 2 miles west of the Palm Springs International Airport. The proposed development will not affect the operations of the airport nor create substantial safety risks.
- d) **No Impact.** The project will be developed in accordance with City design guidelines and will not create a substantial increase in hazards due to a design feature. The project's access points will be located with adequate sight distances, and project-generated traffic will be consistent with existing traffic in the area.
- e) **No Impact.** Access to the planning area is via major arterials, secondary arterials, Interstate-10 and a variety of local roads. Emergency access will be provided and preserved onsite. Both the Fire Department and Police Department will review project plans to ensure safety measures are addressed, including emergency access. The proposed project will not result in inadequate emergency access.

- f) **No Impact.** SunLine Transit operates bus routes on South Palm Canyon Drive, approximately 350-400 feet east of the subject property, and will provide public transit access to the proposed project. SunLine has adequate capacity in its system to accommodate the proposed project. The project design will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

(Sources: Palm Springs General Plan 2007; Trip Generation 8<sup>th</sup> Generation, Institute of Transportation Engineers; Palm Springs General Plan EIR)

**XVI. UTILITIES AND SERVICE SYSTEMS**

| <b>Would the project:</b>   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion of Impacts**

**a-e) Less Than Significant Impact.**

Wastewater Treatment

Project-related impacts to wastewater treatment requirements, services, and facilities will be less than significant. The project will tie into existing sanitary sewer lines located in Belardo Road, Cahuilla Road, and Baristo Road, and wastewater will be transported to the City's Wastewater Treatment Plant (WTP). The WTP has a capacity of 10.9 million gallons per day (mgd) and treats approximately 6 mgd, and therefore has available capacity to serve the new project.

The WTP implements all applicable requirements of the Colorado River Basin Regional Water Quality Control Board, and no exceedances of wastewater treatment requirements are anticipated.

Domestic Water

The Desert Water Agency (DWA) provides domestic water services to the subject property. DWA is part of the Coachella Valley Regional Water Management Group, which prepared a draft Integrated Regional Water Management Plan (IRWMP) in 2013. The Plan analyzes the region's water needs and indicates that the long-term demand for domestic water will increase throughout the region, but conservation measures and replenishment programs will make it possible for DWA to meet increasing demand.

The proposed project will tie into existing domestic water lines in Belardo Road, Cahulla Road, and Baristo Road. No new wells or additional water infrastructure or entitlements will be required.

Stormwater Management

Project-related impacts to stormwater management systems are expected to be less than significant. Numerous existing onsite structures will be preserved (including the historic bungalows and church), and existing drainage patterns will remain largely unchanged after project development. The project proposes a subsurface drainage system to capture and convey onsite stormwater flows to surrounding streets or retain onsite as required. Two drywell/bubblers will be installed with under sidewalk overflows, one each on the northerly and southerly property boundaries.

- f-g) Less Than Significant Impact.** Palm Springs Disposal Services (PSDS) provides solid waste collection and disposal services to the City and will serve the proposed project. Solid waste is transported to the Edom Hill Transfer Station in northern Cathedral City and disposed at one of three regional landfills: 1) Lamb Canyon Landfill in Beaumont, which has a remaining capacity of 18.9 million cubic yards (2009), 2) Badlands Landfill in Moreno Valley, with a remaining capacity of 14.7 million cubic yards (2010), and 3) El Sobrante Landfill in Corona, with a remaining capacity of 145.5 million cubic yards (2009). Each landfill has available capacity to serve additional development. Facility operators, including PSDS, Burrtec, and Riverside County Waste Management, are required to meet all local, regional, state, and federal standards for solid waste disposal.

(Sources: "Facility/Site Summary Details for Edom Hill Transfer Station (33-AA-0296), [www.calrecycle.ca.gov](http://www.calrecycle.ca.gov))

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

| <b>Does the project:</b>  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/> |

**a) Less Than Significant with Mitigation Incorporated.**

Biological Resources

The proposed project will not significantly reduce fish or wildlife habitat or otherwise adversely impact a fish or wildlife species. The subject property has been developed since the 1930s and is surrounded on all sides by urban development. Existing vegetation is limited to urban landscaping. The site does not serve as an animal migratory or nursery site, and is not known to contain sensitive species or communities.

Cultural Resources

As described in Section V, Cultural Resources, the subject property contains three (3) locally designated Class 1 Historic Sites: 1) Orchid Tree Inn bungalow court with 10 bungalows, 2) Orchid Tree Inn stone archway, and 3) Palm Springs Community Church. Two additional locally designated features were once located onsite, but have been demolished.

The historic integrity of the two northernmost bungalows has been diminished over many years by structural modifications. As part of the proposed project, they will be demolished and portions of the new 3-story hotel building will be located in their place. The project historian has indicated this will be a less than significant impact. The other 8 bungalows will be renovated using original architectural features and materials, and they will be used in their original manner. The bungalow court and the historic layout of the bungalows will be preserved.

The stone archway will be preserved and relocated onsite in an outdoor pedestrian garden. The main sanctuary of the Palm Springs Community Church, much of which was damaged by a recent fire, will be repaired and renovated. It will serve as part of the new hotel, and a 2-story addition will be added to the north.

Project plans have been reviewed by the City's Historic Site Preservation Board to assure that adverse impacts to these features are reduced to the greatest extent practical. To further mitigate impacts, the project proponent will be required to employ a qualified historic architecture consultant to conduct construction monitoring of cultural resources, and install an interpretive display that documents the historic significance of both existing and demolished features onsite.

- b) **Less Than Significant Impact.** The project will contribute to the cumulative impacts of development in the City and broader Coachella Valley. However, impacts will be less than significant because the project will take place on an already developed site and will result in the renovation and repurposing of a vacant hotel and burn-damaged church. Proposed hotel uses are consistent with the historic use of the property, although the number of rooms will increase. Project construction will contribute to exceedances of PM<sub>10</sub>; however, these impacts will be mitigated to less than significant levels through implementation of demolition and grading requirements that minimize fugitive dust.
- c) **Less Than Significant with Mitigation Incorporated.** The proposed project will result in the demolition of buildings and structures that were built prior to the 1970s and, therefore, may contain asbestos and lead. Proper materials testing and demolition, handling, and disposal protocols will be required to assure potential impacts are mitigated to less than significant levels.



**DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

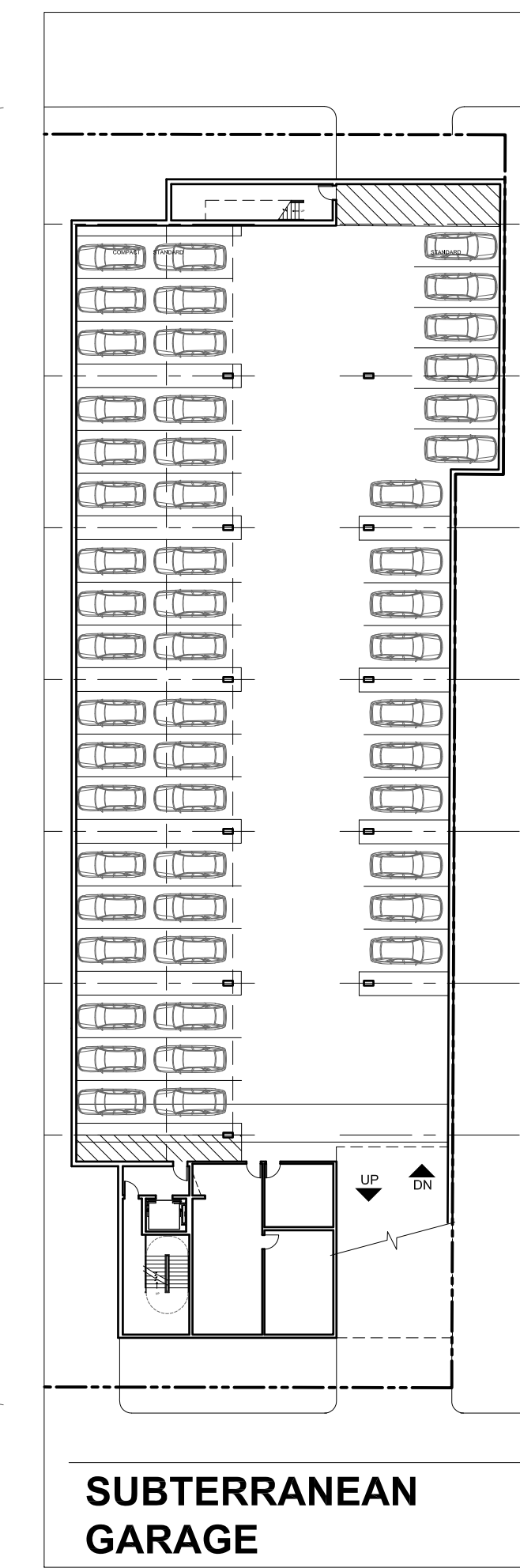
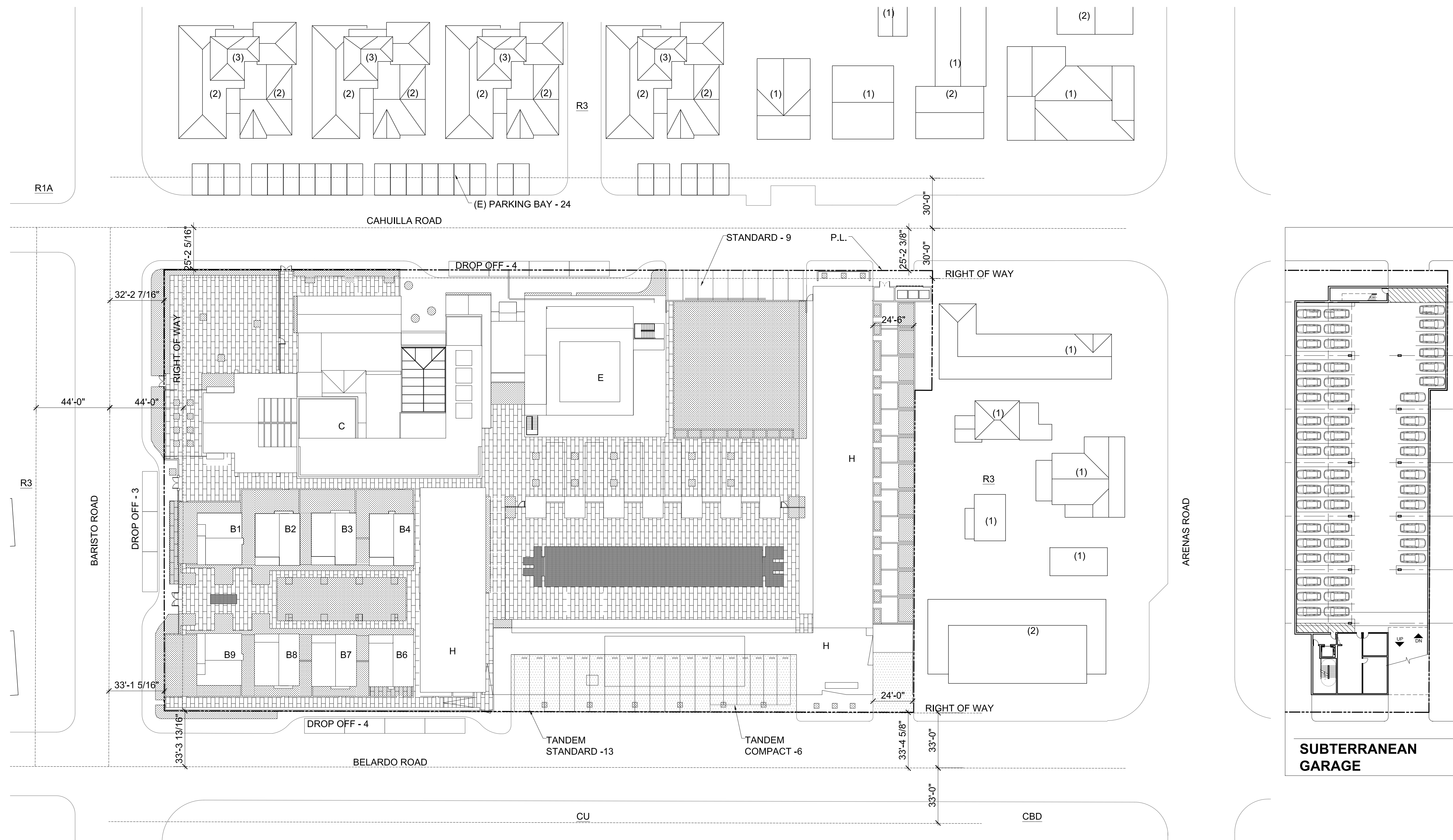
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The following Appendices are available at the Planning Department, City of Palm Springs, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

Appendix A: "Orchid Tree Inn Resort and Spa, CalEEMod 2013.2.2 Outputs, March 2015"

Appendix B: "Historical Resources Impacts Evaluation, Orchid Tree Resort & Spa Project," Chattel, Inc., June 6, 2014

Appendix C: Memorandum from Chattel, Inc. to New Church II, LLC, March 3, 2015



| PARKING ANALYSIS   | # OF UNITS | MULTIPLYING FACTOR | PARKING REQUIRED |
|--|------------|--------------------|------------------|
| HOTEL ROOMS  | 50         | 1                  | 50               |
| HOTEL ROOMS  | 43         | 0.75               | 33               |
| ACCESSORY (BANQUET HALL)                                 |            |                    |                  |
| NET AREA   |            |                    | 3,480s.f.        |
| PS MUNICIPAL CODE 93.06.00 SECTION D, POINT 16, LETTER E |            |                    |                  |
| 93.06.00 SECTION D, POINT 16, LETTER I                   | 93         | 30 sf              | 2,790            |
| 93.06.00 SECTION D, POINT 16, LETTER II                  | 690        | /30                | 23               |
| <b>TOTAL REQUIRED</b>                                    |            |                    | <b>106</b>       |
| PARKING PROVIDED   |            |                    |                  |
| TANDEM STANDARD  | 13         | 2                  | 26               |
| TANDEM COMPACT   | 6          | 2                  | 12               |
| TANDEM COMBO   | 18         | 2                  | 36               |
| STANDARD   | 25         | 1                  | 25               |
| (E) PARKING BAY S CAHULLA RD                             | 24         | 1                  | 24               |
| DROP OFF   | 11         | 1                  | 11               |
| <b>TOTAL PROVIDED</b>                                    |            |                    | <b>134</b>       |

- (A) # OF FLOORS
- A ZONE
- WATER
- LANDSCAPE AREA
- PAVING - CARS
- PAVING - OPEN SPACE

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**ORCHID TREE RESORT & SPA**

284 S CAHULLA ROAD.  
 PALM SPRINGS, CA, 92262  
 PROJECT NUMBER: DROSE1

REVISIONS:

SHEET TITLE:

**SITE PLAN**

SCALE: AS INDICATED  
 DATE: 02.03.2015



REF: -

**SITE PLAN**

01

SCALE: 1/32" = 1'-0"

**LEGAL DESCRIPTION**  
 LOT 7 THROUGH 24 INCLUSIVE, BLOCK 16 MAP OF PALM SPRINGS, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 9, PAGE 432 OF SAN DIEGO COUNTY RECORDS.  
 THE SOUTH 10.00 FEET OF LOT 1 AND THE SOUTH 10.00 FEET OF THE WEST HALF OF LOT 2 IN BLOCK 16 OF PALM SPRINGS, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 9, PAGE 432 OF MAPS, RECORD OF SAN DIEGO COUNTY, CALIFORNIA.  
 TOGETHER WITH THAT PORTION OF THE EAST 8.00 FEET OF CAHULLA ROAD (FORMERLY KNOWN AS ORANGE STREET), ADJOINING THE SOUTH 10.00 FEET OF SAID LOT 1 AND LOT 18 THROUGH 24 ON THE WEST, AS VACATED AND CLOSED TO PUBLIC USE BY ORDER RECORDED MARCH 27, 1926, IN BOOK 532 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

| BUILDING USES              | s.f.          |
|----------------------------|---------------|
| <b>HOTEL TOWER (H)</b>     | <b>53,774</b> |
| <b>BUNGALOWS COURT (B)</b> | <b>6,105</b>  |
| B1                         | 739           |
| B2                         | 775           |
| B3                         | 776           |
| B4                         | 755           |
| B6                         | 745           |
| B7                         | 776           |
| B8                         | 776           |
| B9                         | 763           |
| <b>BANQUET HALL (E)</b>    | <b>6,140</b>  |
| <b>CHURCH (C)</b>          | <b>22,753</b> |
| C1 - HOTEL LOBBY           | 5,213         |
| C2 - RESTAURANT            | 9,710         |
| C3 - SPA                   | 7,830         |

| CONSTRUCTION TYPE          |   |
|----------------------------|---|
| <b>HOTEL TOWER (H)</b>     | (N) 1ST FL - TYPE I - SPRINKLERED<br>FL 2ND TO 3RD - TYPE V - SPRINKLERED |
| <b>BUNGALOWS COURT (B)</b> | (E) TYPE V NON RATED  |
| <b>BANQUET HALL (E)</b>    | (N) TYPE V - SPRINKLERED  |
| <b>CHURCH (C)</b>          | (E) TYPE III - SPRINKLERED  |

| TABULATION OF LAND USE     | s.f.    | percentage |
|----------------------------|---------|------------|
| PROJECT SITE AREA          | 135,834 | 100%       |
| BUILDING COVERAGE          | 47,543  | 35%        |
| PAVING, PARKING, DRIVES    | 38,599  | 28.4%      |
| OPEN SPACE                 | 49,692  | 36.6%      |
| (LANDSCAPE AND RECREATION) |         |            |
| PARKING                    |         |            |
| PARKING SPACES REQUIRED    | 106     |            |
| PARKING SPACES PROVIDED    | 134     |            |

**A1.00**