



PLANNING COMMISSION STAFF REPORT

DATE: June 24, 2015

PUBLIC HEARING

SUBJECT: AN APPLICATION BY 750 LOFTS, LLC. OWNER, FOR DEVELOPMENT OF A 39-UNIT HOTEL WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1/R-3/PDD 104/RESORT COMBINING ZONE/LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1, (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ). (KL/FF)

FROM: Department of Planning Services

PROJECT DESCRIPTION

The Planning Commission will consider a request for approval to construct a four-story, 39-room hotel with accessory uses, including a restaurant, a cocktail lounge, a spa, a rooftop swimming pool and bar, event space and 72 off-street parking spaces on a 1.13 acre site in the Uptown commercial district.

The following applications have been filed in conjunction with this request:

- A General Plan Amendment (GPA) application to change the land use designation from Neighborhood Community Commercial (NCC) to Central Business District (CBD);
- A Preliminary Planned Development District (PDD 374) in lieu of a change of zone application pursuant to PSZC 94.07.00 to establish development standards and permitted uses for a mixed-use hotel development;
- A Major Architectural Application (MAJ) pursuant to PSZC 94.04.00 for approval of the site plan, landscape plan and architectural design for the proposed development; and
- A Conditional Use Permit (CUP) application pursuant to PSZC 94.03.00 as required by the Palm Springs Zoning Code (PSZC) seeking approval for the following:
 - 1) A spa as an accessory use to a hotel [PSZC 92.12.01(D)(22)];
 - 2) A cocktail lounge [PSZC 92.12.01(D)(9)];
 - 3) A hotel in which more than 10% of the hotel rooms are provided with kitchens.[PSZC 92.12.01(D)(14)];
 - 4) A high-rise structure with a maximum height of 48'-4" [PSZC 92.12.03(C)(1a), PSZC 93.04.00 (high-rise buildings), and 94.03 (Planned Development)].

ISSUES

- The quantity of off-street parking spaces is less than required by the zoning code.
- The project does not conform to the open space or setback requirements for high-rise buildings.
- The project does not conform to the development standards for the underlying C-1/R-3 zoning districts.
- The General Plan Amendment application proposes a land use designation with a Floor Area Ratio (F.A.R.) that is significantly greater than that of the adjacent properties.
- The project is inconsistent with the Las Palmas Business Historic District Conceptual Design Guidelines.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and adopt Resolution #_____, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF CASE 5.1350 PDD 374 GPA/CUP/3.3795 MAJ; FOR THE DEVELOPMENT OF A PROPOSED 39-UNIT HOTEL WITH ACCESSORY USES ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, SUBJECT TO CONDITIONS OF APPROVAL AS NOTED IN EXHIBIT "A".

BACKGROUND INFORMATION

<i>Related Relevant Actions by Planning, Building, Fire, etc.</i>	
1980	Case 5.0121 PD 104 approved for Security Pacific National Bank.
1986	City Council established the Las Palmas Business Historic District (Resolution #15858).
2008	Pre-application PA-003 for a proposed 5-story mixed-use hotel project is processed by the Department of Planning Services
2012	Pre-application PA 12-001 for a proposed 5-story mixed-use hotel is processed by the Department of Planning Services.
10/06/14	The AAC voted 6-0 to recommend approval of the project to the Planning Commission with conditions (see attached AAC minutes).
10/12/14	The HSPB voted 5-1 to approve the project subject to conditions.
12/22/14	The AAC voted 7-0 to recommend approval of a Major Architectural Application (3.3795 MAJ) to the Planning Commission as submitted.
01/13/15	The HSPB voted 6-1 to approve the Major Architectural Application (3.3795 MAJ) for the project and issue a certificate of approval, subject to conditions.

Related Relevant Actions by Planning, Building, Fire, etc.	
01/22/15	The applicant filed an appeal of the HSPB action requesting the removal of Conditions #1 and #2.
02/04/15	The City Council voted 5-0 to uphold the appeal and remove HSPB Conditions #1, #2, and #3.
02/25/15	The Planning Commission voted 7-0 to recommend approval of the proposed development, subject to conditions.
05/06/15	The City Council voted to repeal Resolution #23757 (appeal of HSPB action) and refer the cases back to the Planning Commission for hearing and recommendation to City Council.

Most Recent Change of Ownership	
09/19/07	Colony Pacifica Lofts

Neighborhood Meeting	
09/16/14	Neighborhood outreach meeting held at Trio Restaurant for Old Las Palmas and Movie Colony neighborhood organizations.

Field Check	
06/15/15	Site visit by project case planner.

Site Area	
Net Acres	1.13 Acres

Surrounding Property	Existing Land Use Per Chapter 92	Existing General Plan Designation	Existing Zoning Designation
Subject Property	Financial Institution (Vacant)	Neighborhood Community Commercial (NCC)	C-1(Retail Business); R-3 (Multiple-Family Residential and Hotel); PD 104
North	Art Gallery & Retail Uses	Neighborhood Community Commercial (NCC)	C-1(Retail Business); R-3 (Multiple-Family & Hotel)
South	Office & Hotel Uses	Neighborhood Community Commercial (NCC)	C-1(Retail Business); R-3 (Multiple-Family & Hotel)
East	Hotel Uses	High Density Residential (HDR)	R-3 (Multiple-Family & Hotel)
West	Restaurant, Art Gallery & Retail Uses	Neighborhood Community Commercial (NCC)	C-1 (Retail Business)

Master Plan Areas	Compliance
None	N/A
Special Purpose and Overlay Districts	Compliance
Las Palmas Business Historic District	N
"R" Resort Overlay Zone	Y

DEVELOPMENT STANDARDS

Pursuant to Section 92.12.03 (C-1 Zone), the following standards apply:

Standard	Required/ Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	49,378 SF	Y
Min. Lot Width	100 Feet	275 Feet	Y
Min. Lot Depth	150 Feet	256 Feet	Y
Min. Setbacks			
• Front (Palm Canyon)	5 Feet (avg.)	0'	N ¹
• Front (Indian Canyon)	5 Feet (avg.)	10'	Y
• Side (north)	20 Feet ²	0' to 10'-2"	N ¹
• Side (south)	20 Feet ²	0' to 10'	N ¹
• Rear	N/A	18'-2"	N/A
Max. Lot Coverage	No requirements	X%	N/A
Max. Building Height	30 Feet; high-rise buildings permitted per 93.04.00	48'-4"	Y ³
Trash Enclosure	Screened 6' High (bin) 3'-6" High (cans)	No	N
Mechanical Equipment	Screened	Unknown	---

¹Development standards for PDD applications may be established through approval of a specific development plan.

²20-foot setback only required adjacent to any R-zoned property per C-1 development standards; no setback is required from commercially-zoned property except under the high-rise ordinance.

³High-rise buildings may be permitted upon approval of a Conditional Use Permit application.

Existing General Plan Designation	Permitted F.A.R.	Proposed F.A.R.
NCC	0.35	0.83
Proposed General Plan Designation	Permitted F.A.R.	Proposed F.A.R.
CBD	1.0	0.83

Pursuant to Section 93.06.00, the following parking standards apply:

Parking Requirement							
Use	SF or # of Units	Parking Ratio	Required		Provided		Comp.
			Reg.	Handi-cap	Reg.	Handi-cap	
Hotel	39 units	1/unit	39		--		
Restaurant/Bar	217 seats	1 per 3 seats	73		--		
TOTAL SPACES REQUIRED			112		72 ¹		N ²
Regular and Handicap Spaces Req.			107	5	69	3	N ³

¹An additional 20 parking spaces can be provided on the site through a valet parking plan, resulting in a total of 92 parking spaces.

²The applicant has submitted a parking study by RK Associates, justifying a reduced number of parking spaces.

³The number of handicap parking spaces is based on the total number of spaces provided; with a total of 72 parking spaces on site, three of the spaces must be handicap accessible, and 1 of those must be van accessible.

ANALYSIS

The project scope has been revised from previous submittals; the following changes have been made to the project:

- The number of hotel rooms has been reduced from 46 units to 39 units.
- All of the hotel rooms are two-story units, with living and kitchen facilities on the first level and a sleeping area on the second level.
- The number of parking spaces has increased from 62 spaces to 72 spaces.
- The height of the building at the Palm Canyon frontage has been reduced from 32'-0" to 31'-0".
- The height of the building at the Indian Canyon frontage has been reduced from a range of 32'-0" to 35'-0" in height and now varies between 29'-3" to 34'-0" in height.
- The proposed retail space facing Palm Canyon has been replaced with restaurant and cocktail lounge space.
- Approximately 10,000 square feet of "back of house" uses (kitchen, mechanical equipment, office, etc.) is now proposed in a basement level under the north portion of the building.

The proposed development includes a restaurant, cocktail lounge and hotel lobby spaces on the ground floor of the building, with 72 covered parking spaces and a two-way drive aisle and pedestrian walkway that connects the Palm Canyon and Indian Canyon frontages. The second floor of the building includes 39 two-story "loft-style" hotel units and a small spa/salon. The third floor of the building is a mezzanine level, which contains the upper level of the hotel units and upper level of the spa. The fourth floor of the building will include a pool deck, outdoor cocktail lounge, indoor event space, fitness center, and restrooms.

General Plan Amendment

The applicant has requested a General Plan Amendment to change the land use designation from Neighborhood Community Commercial (NCC) to Central Business District (CBD). The proposed amendment originally included the Alcazar Hotel property immediately south of the subject site; that property has since been removed from the application. The existing NCC land use designation encourages commercial uses that serve adjacent neighborhoods, and allows up to a 0.35 floor area ratio (F.A.R.). The CBD land use designation allows for a mix of commercial, residential and office uses at a higher concentration than other areas of the city, and allows up to 1.0 F.A.R. Much of the Uptown area is designated NCC, however, the subject site is in relatively close proximity to the northerly edge of the CBD area. The proposed amendment requests the expansion of the higher-intensity CBD into this transition area between Downtown and Uptown, and incorporates many of the important design considerations found in the Downtown Urban Design Guidelines of the General Plan.

Planned Development District – Development Standards

A preliminary Planned Development District application has been submitted in lieu of a change of zone to establish the development standards and uses for the site. In the previous section of the report, the development standards for the project are compared with the standards of the C-1 (Retail Business) Zone. The project exceeds the minimum required setbacks for the C-1 zone along the rear property line and along the Indian Canyon frontage, but proposes a zero-foot setback for the upper levels of the building along the Palm Canyon Frontage. Due to the fact that the property abuts R-3 zoned properties to the north and south, a 20-foot side yard setback is required; the project depicts setbacks ranging from 0' to 10' along the side property lines. Trash facilities are shown in setback area along the north property line; an enclosure is required by code, and the width of the gate to the trash area needs to be adequate for moving the dumpster or bins to the street as well as emergency personnel carrying equipment to quickly access that area. No information is provided relative to the location or screening of mechanical equipment, and a condition of approval has been added to screen the equipment in accordance with code requirements.

High-Rise Building Requirements

The proposed maximum height of the structure is 48'-4", which requires the approval of a Conditional Use Permit per the regulations pertaining to High-Rise Buildings (PSZC Section 93.04.00). While the height of the building has been reduced along the Palm Canyon and Indian Canyon frontages, the central mass of the building remains approximately the same height as the previous submittal. The high-rise regulations allow a height of up to 60 feet, and the application is in conformance with the maximum allowable height. However, the project as proposed does not conform to the open space requirements or setback requirements for high-rise buildings. The proposed open space is 26% where a total of 60% is required for usable landscape area and outdoor living and recreation space. The maximum height of the building would require a 145-foot setback; the setback from the nearest adjacent property to the east is 110 feet, the setback from the nearest property to the west is approximately 100 feet, and a setback of 0 to 10 feet is provided at the north and south property lines. The Planned

Development District application addresses the requested relief from the high-rise regulations.

Parking Requirements

The development will include a total of 72 parking spaces, where a total of 112 spaces would be required under standard code requirements. An additional 20 parking spaces would be available on-site through a valet parking plan that will allow vehicles to be stacked in drive aisles. The applicant submitted a parking study, which is included as an attachment to this report, which asserts that a reduced parking ratio is justified based on the capture rate for the restaurant and lounge uses. The City commissioned its own parking study to verify the information provided by the applicant's consultant, which concluded that the capture rate was reasonable. The previous review by the Planning Commission included a condition of approval that required validated valet parking service; this condition has been retained so as to lessen any potential impacts relative to parking and maximize parking efficiency on the site. However, due to the change in uses, such as the elimination of the retail space and increase in the number of restaurant/lounge seats, it is recommended that the submitted parking study be updated to reflect these changes. In addition, no dedicated loading space will be provided on site. The applicant has indicated that delivery vehicles will either park in the on-site driveway or the nearby on-street parking spaces.

Planned Development District – Public Benefit:

Pursuant the 2008 City Council 2008 on Public Benefit for 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 application:

- Reduced setbacks from the underlying zoning district standards;
- Reduction in open space and setback requirements for high-rise buildings;
- A reduction in off-street parking requirements;
- No provision for off-street loading;

The applicant has proposed the following Public Benefits:

- Transient Occupancy Tax (TOT) on the 39 hotel rooms;
- A proposed median island and crosswalk connection to the hotels and residential area to the east of the project site (subject to approval by Public Works);
- A public “Art Walk” along the project’s Indian Canyon Drive frontage;
- An outdoor patio associated with the cocktail lounge on Indian Canyon Drive which will help invigorate this street with pedestrian activity;

- Through-the-site publicly accessible walkway from Indian Canyon Drive to Palm Canyon Drive, which encourages pedestrian linkages between commercial and residential areas; and
- Business generator of new retail, restaurant and 39 hotel units in the Uptown district.

Staff believes the level of deviation sought through the PDD application is reasonably proportionate to the public benefit proposed by the applicant. The applicant has indicated locations on the roof for photovoltaic panels, however there is no indication of whether they will be provided. Some aspect of “pre-wire” for photovoltaic systems may be a requirement that the Planning Commission may wish to consider imposing as a public benefit, which would qualify as a public benefit under the Sustainability component of the City Council policy.

Las Palmas Business Historic District

The project is located within the boundaries of the Las Palmas Business Historic District, and is subject to the design guidelines for the district. The City’s Historic Site Preservation Board (HSPB) reviewed the original project submittal relative to the guidelines, and has issued a Certificate of Approval subject to the following conditions:

1. The height is inconsistent with historic district guidelines and needs to be reduced by approximately four feet (to roughly 34 feet total);
2. The elevation along Indian Canyon Drive should be reduced to two stories and twenty (20) feet closest to the street, and allowed to step back to higher elevations further within the site;
3. No additional rooftop structures should be permitted other than those illustrated in the submitted plans (no umbrellas, etc.); and
4. The parking study should be reviewed by the City Engineer for adequacy of off-street parking such that the project not adversely impact the historic district.

Following the decision of the HSPB, the applicant filed an appeal of Condition #1 and Condition #2.

Resort Overlay Zone

The development site is located within the boundaries of the “R” Resort Overlay Zone, which runs along Palm Canyon Drive for nearly its entire length through the city. The “R” overlay is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses. The proposed development would provide additional hotel rooms, restaurant, retail, spa, and cocktail lounge/bar uses that are supportive of the tourist resort nature of the Uptown district. The proposed uses are consistent with the overlay requirements.

FINDINGS – GENERAL PLAN AMENDMENT

Palm Springs Zoning Code (PSZC) Chapter 94 does not list specific findings for approval of General Plan Amendment applications; however, such amendments shall be consistent with the goals and policies of the General Plan. Staff finds the following

relative to the General Plan Amendment request:

- The proposed CBD land use designation allows the same general commercial uses as the NCC land use designation;
- The allowable uses per the CBD designation are consistent with uses already existing within the neighborhood and future uses permitted under the zoning of adjacent parcels;
- The site is in close proximity to the northern boundary of the existing CBD area, and serves as a transition to lesser intensity uses to the north of the site;
- The proposed development is consistent with Policy LU1.5 of the Land Use Element, which allows for flexibility of design standards where public benefits and merits can be balanced with potential impacts.

FINDINGS – PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE (Case 5.1350 PDD 374/GPA/CUP)

Section 94.07.00(A) of the Palm Springs Zoning Code (PSZC) requires that the following findings be made in order to approve a Change of Zone application:

1. ***The proposed change of zone is in conformity with the general plan map and report.***

The Planned Development District application allows for uses and development standards that are consistent with the proposed CBD land use designation of the General Plan.

2. ***The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.***

The subject property is suitable for hotel and restaurant uses; similar uses are located on adjacent properties within the Uptown area. The parcel has access from two major thoroughfares (Palm Canyon, Indian Canyon) as designated by the General Plan, and is consistent with the intensity of development allowed under the proposed CBD land use designation.

3. ***The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.***

The proposed development plan will assist in the redevelopment of the subject site, and will enhance economic development efforts in the area.

FINDINGS – MAJOR ARCHITECTURAL APPLICATION (Case 3.3795 MAJ)

Section 94.04.00(D) of the Palm Springs Zoning Code (PSZC) requires that the

application be evaluated based on consideration of the following:

1. ***Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;***

Pedestrian and vehicular spaces are generally separate and defined. The sidewalk along the east/west drive aisle is only three feet in width, and should be increased so as to provide an accessible route. The site layout and orientation of the structure generally relates well within the context of the commercial district in which it is proposed, and the building responds to the gently sloping site by stepping the massing of the building with the grade. A surface parking lot is partially screened from public view by landscaping and architectural elements that could be used to feature art and sculpture.

2. ***Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;***

The project as revised does not relate as successfully to the existing structures due to the changes in materials, massing and detailing. The previous iteration of the project featured exterior materials and colors that were generally consistent with other buildings in the district, although the detailing and proportions were distinct. The "floating" appearance of the building, due to the setback of the first floor spaces from the edge of the sidewalk and use of columns to support the upper levels of the building, contrasts greatly with the single-story buildings on either side of the structure.

3. ***Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;***

The proposal is seeking deviations from the setback and open space requirements of the high-rise ordinance through the adoption of specific development standards via the PDD. The building has been designed so that the highest portion of the building is located at the center of the site, and utilizes glass curtain wall construction to minimize its perceived massing. The portions of the building adjacent to the Palm Canyon and Indian Canyon frontages are lower in height as a means to reduce the height and massing of the building as viewed from adjacent rights-of-way, but still dominate the single-story buildings that are adjacent. Conditions of approval have been included to require adequate screening of trash facilities and mechanical equipment.

4. ***Building design, materials and colors to be sympathetic with desert surroundings;***

The exterior materials used on the building include “fair-faced” (architectural finish) concrete, powder-coated aluminum framing, tall fabric curtains at balconies and glass curtain walls. The materials and colors are generally appropriate to the desert surroundings; however, the glass curtain wall system would benefit from additional shading, and reflective glazing is discouraged due to the impact that would result to adjacent properties.

5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously;*

The project is proposed in neutral colors and finishes and is generally harmonious in its composition. However, the extensive use of architectural concrete is considerably different than the materials used on nearby structures, and contrasts greatly with other buildings within the district.

6. *Consistency of composition and treatment;*

Proposed building elevations include a variety of building volumes, massing, setbacks, solids and voids, and material treatment. The size and design of the concrete columns on the ground floor of the building may overwhelm existing adjacent buildings, and the openness of the ground floor contrasts greatly with the box-like structure of the hotel units and existing adjacent development.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The landscape plan proposes a variety of plant material and has established a hierarchy of plant materials from low shrubs, medium height shade trees, and taller fan palms that relate to both the pedestrian scale at the street level as well as to the taller elements of the project design.

8. *Signs and graphics, as understood in architectural design including materials and colors;*

Signs and graphics for the development will be considered under a separate application.

FINDINGS – CONDITIONAL USE PERMIT – COCKTAIL LOUNGE / KITCHEN FACILITIES / SPA USES (Case 5.1350 PDD 374/GPA/CUP)

A Conditional Use Permit (CUP) is required for cocktail lounge use, the spa use, and for hotel with kitchen/cooking facilities in more than 10% of the rooms. Section 94.02.00 of the Palm Springs Zoning Code (PSZC) requires that the following findings be made in

order to approve a Conditional Use Permit:

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

The C-1 (Retail Business) zone requires conditional use approval for cocktail lounge uses, spa uses where accessory to a hotel, and for hotels where more than 10% of the units have kitchen facilities. The uses are generally appropriate in the C-1 zone where impacts are mitigated.

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

The proposed uses are consistent with the General Plan designation and are in harmony with other existing and allowed uses within the area. However, the unenclosed lounge area on the top floor of the building could impact adjacent properties if outdoor entertainment is allowed. A condition of approval has been included relative to noise generated by the outdoor uses.

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

The site is 1.13 acres in size, and is adequate to accommodate the uses as proposed based on the specific development plan submitted in conjunction with this application.

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

The parcel has access from two major thoroughfares (Palm Canyon, Indian Canyon) as designated by the General Plan Circulation Map; the capacity of both streets is adequate to carry the traffic generated by the proposed uses.

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

The conditions imposed upon the project are necessary to protect the public

health, safety, and general welfare, and are intended to address any potential impacts that may result from the proposed development. Conditions are noted in "Exhibit A."

FINDINGS – CONDITIONAL USE PERMIT – HIGH-RISE BUILDING (Case 5.1350 PDD 374/GPA/CUP)

Conditional Use Permit (CUP) approval is required for high-rise buildings pursuant to PSZC Section 93.04.00. PSZC Section 94.02.00 of the Palm Springs Zoning Code requires that the following findings be made in order to approve a Conditional Use Permit:

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

PSZC Section 92.12.02(C)(1)(a) allows high-rise buildings in the C-1 (Retail Business) Zone upon approval of a Conditional Use Permit.

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

The proposed structure has been designed so that the tallest portion of the structure is located at the center of the site, which assists in integrating the building into the context of existing buildings. The portions of the building fronting on the major thoroughfares vary from 29 feet to 34 feet in height

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

While the application requests relief from the setback and open space requirements, the site is urban in nature and the design of the structure is generally consistent with urban development standards.

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

The parcel has access from two major thoroughfares (Palm Canyon, Indian Canyon) as designated by the General Plan Circulation Map; the capacity of both streets is adequate to carry the traffic generated by the proposed uses.

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

A draft set of conditions of approval have been proposed that are attached as Exhibit "A". The conditions imposed upon the project are necessary to protect the public health, safety, and general welfare, and are intended to address any potential impacts that may result from the proposed development.

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, traffic, land use compatibility historic resources and hydrology. Potential significant adverse impacts were identified along with Mitigation Measures that would reduce the potential adverse impacts to less than significant levels.

Potentially significant impacts include the existence of possible asbestos containing materials, mold, and traffic impacts. Mitigation measures are noted as follows:

MM VII-1: Any suspected Asbestos Containing Materials (ACM) should be sampled prior to the initiation of any demolition activities on the project site. Identified ACMs must be abated by a licensed abatement contractor, and disposed of in conformance to all state and local requirements.

MM VII-2: Any mold identified on the project site shall be abated in a manner that conforms to all state and local requirements.

MM XV-1 The proposed project shall pay a fair share contribution for the recommended off-site intersection improvements, including signalization of Tamarisk Road and Palm Canyon Drive, and the addition of left turn lanes to southbound and westbound travel lanes at this intersection.

The analysis was available for public comment for a 20-day period from February 6, 2015 through February 25, 2015. Public comment letters were received which are attached to this staff report. Through the public comment period, no new information was found that would require recirculation or further analysis of the project's impacts under CEQA. A Mitigated Negative Declaration is proposed. The owner has agreed in writing to implement all of the required mitigation measured identified.

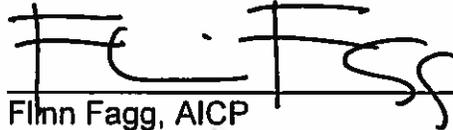
NOTIFICATION

A public hearing notice was mailed to all property owners and occupants within 500 feet

of the site and published in the local paper. Furthermore, pursuant to State Bill SB 18 Invitation for Native American Consultation was given on September 30, 2014 and concluded on December 30, 2014 regarding the General Plan Amendment. No requests for Tribal Consultation were received. Public correspondence received is attached to this staff report.



Ken Lyon, RA
Associate Planner



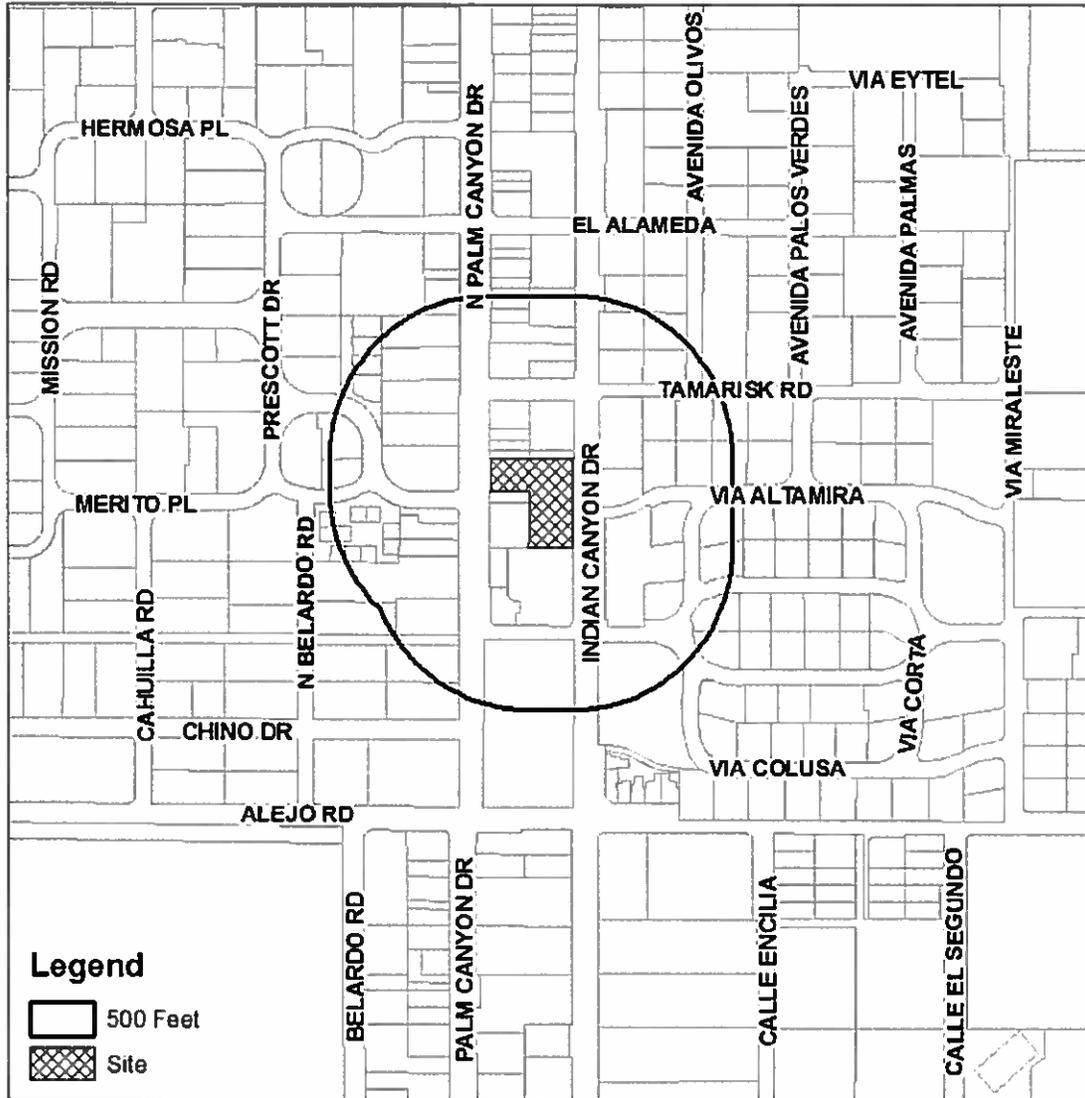
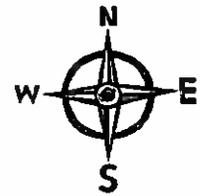
Finn Fagg, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Exhibit "A" - Draft Conditions of Approval
4. Exhibit "B" – The Las Palmas Business Historic District Conceptual Design Guidelines.
5. Draft Mitigated Negative Declaration
6. Public Comment Letters
7. Applicant Justification Letter
8. Preliminary Architectural Plans, Sections, Elevations, Colors, Landscape Plan, Perspective Images dated June 15, 2015.



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1350 PDD 374 /
CUP / GPA / 3.3795 MAJ

APPLICANT: 750 LOFTS, LLC

DESCRIPTION: A Major Architectural Application for a four story mixed use hotel with spa, retail, restaurant, pool, rooftop bar, off-street parking and open space located at 750 North Palm Canyon Drive (Zone C-1 / R-3 / Resort Combining Zone / Las Palmas Business Historic District (HD-1))

Case 5.1350 PDD 374 / GPA / CUP / 3.3795 MAJ

750 Lofts

The Draft Resolution for this item will be submitted under separate cover.

RESOLUTION NO. _____

EXHIBIT A

Case 5.1350 PDD 374 / GPA / CUP / Case 3.3795 MAJ

"750 LOFTS"
750 North Palm Canyon Drive

(June 24, 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 5.1350 PDD 374 / GPA / CUP / CASE 3.3795 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, date stamped June 15, 2015, 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 5.1350 PDD 374 / GPA / CUP / Case 3.3795 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. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Maintenance of Outdoor Seating/Dining. Daily cleaning and wash down of sidewalks for any outdoor seating areas or patios will be required. Contact Parks & Recreation at 760 323 8281 for information regarding the proper method of cleaning of sidewalks and pavers within the public rights-of-way.
- ADM 12. 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 13. 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 14. 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 / PDD may result in revocation or revision of the Conditional Use Permit/PDD associated with that particular use at the site pursuant to the procedures outlined in PSZC 94.02.00.(l).

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

11.74.031 Noise level limit.

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

- (1) Actual measured ambient noise level; or
- (2) That noise level limit as determined from the table in this subsection:

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

ADM 15. Seating Count. The applicant shall be limited to the total number of seats as follows:

- a. First Floor Restaurant facing Palm Canyon Drive: a maximum of ninety seven (97) seats (including bar area seating) and sixteen (16) seats outdoors.
- b. Cocktail lounge / bar facing Indian Canyon Drive: forty (40) seats inside, none shown outside.
- c. Rooftop cocktail lounge / bar: eighty (80) seats. This does not include the lounge chairs and around the pool deck.

Any deviation from these numbers shall require prior approval by the Director of Planning by means of an amendment to the Use Permit associated with each use. The applicant shall maintain the minimum clearance as specified by the Fire Department between the entrances and

the outdoor tables and chairs. This includes games, pool tables, and other amenities

- ADM 16. Land Use Permit required for Outdoor Dining at the first floor restaurant. Any outdoor dining proposed as part of the restaurant use associated with this PDD shall require approval by the Director of Planning Services of a Land Use Permit prior to the establishment of the outdoor dining.
- ADM 17. Land Use Permit required for Rooftop Bar. The rooftop bar associated with this PDD shall require approval by the Director of Planning Services of a Land Use Permit prior to establishment of the bar use.
- ADM 18. Land Use Permit required for the first floor Cocktail Lounge / Bar. The first floor cocktail lounge / bar shall require approval by the Director of Planning Services of a Land Use Permit prior to establishment of the use.
- ADM 19. Conditional Use Permit: The project approval is for separate CUP's for the following specific uses:
- a. CUP approval for the hotel use in which more than 10% of the rooms have kitchens / cooking facilities.
 - b. CUP approval for the spa / salon use. This acknowledges the spa / salon use established for the use of hotel guests. If the operator of the spa/salon wishes to serve patrons other than hotel guests, the CUP would need to be amended to identify provision for additional parking.
 - c. CUP approval for Cocktail Lounge / Bar Use – First floor bar / lounge.
 - d. CUP approval for Cocktail Lounge / Bar Use – Rooftop / poolside bar / lounge.

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

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the

action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- 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. (check for duplication in engineering conditions)
- ENV 6. 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:
- (list any conditions recommended by the AAC here)
- PLN 5. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. (for projects on Palm Canyon or Tahquitz Canyon Way).

- PLN 6. 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 7. 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 8. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 9. 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 10. 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 11. 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 12. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 13. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 14. 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 15. 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.
- PLN 16. Parking Study. The parking study shall be revised reflecting the greater intensity of use for the entire site and to confirm adequacy of the quantity of off-street parking as proposed. Final approval on the determination of the adequacy of off-street parking is subject to review by the City Engineer.

- PLN 17. Permitted Uses and Development Standards. As approved within the PDD in lieu of a zone change to include:
- a. 39-room hotel with kitchens and cooking facilities in all hotel units.
 - b. A restaurant; outdoor dining subject to approval by the Planning Director of a separate Land Use Permit.
 - c. A rooftop cocktail lounge / bar subject to approval by the Planning Director of a separate Land Use Permit.
 - d. A first floor cocktail lounge / bar subject to approval by the Planning Director of a separate Land Use Permit.
 - e. A spa for hotel guests only. (if the spa use is changed to be open to the public, a minor amendment to the PDD/CUP to provide adequate off-street parking shall be reviewed and approved by the Planning Commission). Any outdoor programming associated with the spa use involving the use of a sound amplification system shall require approval by the Planning Director of a Land Use Permit identifying the parameters of such use and the means for controlling or attenuating any nuisance noise caused by such use.
 - f. Commercial / Retail uses.
 - g. All other uses as denoted in the Palm Springs Zoning Code Section 92.12.01 (Uses permitted in the C-1 zone), 92.12.02 (Uses prohibited in the C-1 zone) in accordance with the development standards as outlined in Section 92.12.03 (Development Standards in the C-1 zone) as amended or modified herein.
- PLN 18. Sound Attenuation Plan for Rooftop Bar. The applicant shall submit to the City Planning Department an acoustical study or report and associated drawings, details or other documentation to substantiate the adequacy of the perimeter walls, solid railings or other physical devices, barriers or surface characteristics necessary to control or mitigate the potential for the transmission of nuisance noise generated from the rooftop bar.
- PLN 19. Photovoltaic Panels. Provide photovoltaic panels in the general locations shown on the roof plan as part of the public benefits for this project.
- PLN 20. Validated Valet Parking Service Required. The applicant shall provide a "validated" valet parking service at the site and shall provide a site plan 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. Project currently proposes 72 standard and compact parking spaces and 20 valet parking spaces stacked in or adjacent to the drive aisles in the parking lot.

- PLN 21. Eliminate curtains at hotel unit balconies. Alternative devices for solar / heat gain / privacy control may be proposed by the applicant that are more durable and resistant to blowing, tears, or deterioration.
- PLN 22. Service Gate at dumpsters. Provide minimum 4 foot wide lockable security gates at the north side service alley for movement of trash dumpsters, ease of access for emergency personnel and to limit access to this area.
- PLN 23. Provide code-complaint trash / recycling enclosures. Provide enclosure and security as necessary at the dumpsters at the north service alley to control odors, vermin, and scavenging.
- PLN 24. Finished Ceilings / Soffits at first floor ceiling. Provide soffits and concealment of sewer pipes, drains, water, gas, electrical, and other conduit and ductwork for a fully finished surface at the outdoor covered areas, the primary through-site drive aisle and parking.
- PLN 25. Widen sidewalk at east-west through drive. Revise the width of the pedestrian sidewalk at the north edge of the east-west through drive to at least six feet to accommodate the passage of pedestrians without having to step into the vehicular travelway.
- PLN 26. Provide Code-Required ADA parking including Van Accessible spaces Provide at least one (1) of the ADA parking spaces to be van accessible pursuant to the Zoning Code Section 93.06.
- PLN 27. Art Nooks to AAC. Submit final design plans for the art walk nooks along Indian Canyon Drive to the Planning Department for review and recommendation by the AAC prior to issuance of building permits.
- PLN 28. Identify all proposed cabanas, shade structures at the roof deck that will be visible from the adjacent streets. Provide plans and/or vendor "cut sheets" for cabanas, shade structures or other devices proposed to be located at the pool deck that may be visible from grade.
- PLN 29. Relocate the front wall of the proposed first floor restaurant up to the face of the building to continue the pedestrian-oriented street edge. Outdoor dining may be established via multi-panel sliding glass pocket door system if desired.

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 COMMERCIAL HOTEL LOCATED AT 750 NORTH PALM CANYON DRIVE, (APN 505-303-018), SECTION 10, TOWNSHIP 4 S, RANGE 4 E, S.B.M., CASE NO. 3.3795, PD 5.1350, ENG. FILE NO. 4042.

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.

INDIAN CANYON DRIVE

ENG 2. Dedicate an additional 5 feet to provide the ultimate half street right-of-way width of 50 feet along the entire applicable frontages of parcels.

ENG 3. Remove the (2) existing driveway approaches and replace with an 8" curb, gutter and sidewalk to match existing in accordance with City of Palm Springs Standard Drawing No. 200, 201, and 210.

ENG 4. Construct a new 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.

ENG 5. 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 6. Applicant shall pay half of the improvement costs to construct a 14-foot wide raised, landscaped median island along the Indian Canyon Drive Frontage. Costs associated with this construction shall be calculated by applicant engineer and submitted for review by City Engineer.

ENG 7. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

PALM CANYON DRIVE

ENG 8. Dedicate an additional 5 feet to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.

ENG 9. Contact the Director of Facilities and Maintenance to coordinate installation of new street trees as conditioned herein; including irrigation, and street lights along the North Palm Canyon Drive.

ON-SITE

ENG 10. A clearly designated pedestrian walkway of adequate width shall be provided to centralize a location for pedestrians entering or leaving the retail areas and accessing the retail parking. A pedestrian walkway shall be designated along the west and south sides of the ground floor parking level. Traffic signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design of the ground floor parking level to support the use of the walkway by pedestrians and alert vehicles of the potential for crossing pedestrians.

SANITARY SEWER

ENG 11. All sanitary facilities shall be connected to the public sewer system (via the proposed on-site private sewer system). The existing sewer service to the property shall (or may) be used for new sanitary facilities. New laterals shall not be connected at manholes.

ENG 12. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

ENG 13. GRADING

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 Soils Report.
- ENG 14. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 15. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 16. (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 17. 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 18. 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 19. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 20. 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/blow sand relating to this property and development.
- ENG 21. 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 and preliminary WQMP.
- ENG 22. 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 23. 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 24. 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 "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).

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

DRAINAGE

- ENG 25. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Palm Canyon Drive or Indian Canyon Drive. 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 26. The applicant shall accept and convey all stormwater runoff across the property and conduct the runoff to an approved drainage structure. On-site retention may be allowed on that portion of the property where historically, stormwater runoff is conveyed. All on-site grade slopes shall not be less than 0.5%. If onsite retention is utilized, retention basin calculations shall be provided to the City Engineer.
- ENG 27. The applicant shall install a drywell, or series of drywells, within each retention or detention basin proposed in the development as necessary to collect and percolate stormwater runoff, including nuisance water, from the tributary area within the development that has drainage directed to the basin. The drywell(s) shall be appropriately sized to accommodate the expected daily nuisance water, as well as runoff from ordinary storm events

(2-year storm events), unless otherwise approved by the City Engineer. Provisions shall be included in the Covenants, Conditions and Restrictions (CC&R's) for this development that require the routine maintenance of the drywell(s) by the Home Owners Association (HOA), including the right of the City to inspect and require the HOA to remove and replace the drywell(s) if they fail to function, causing stagnant water to accumulate above ground within the basin. The City shall be given the right, in the interest of the public's health, safety, and welfare, to order the removal and replacement of drywell(s) in the event the HOA is non-responsive to the City's written notice, with costs to be recovered against the HOA by the City in accordance with state and local laws and regulations.

ENG 28. 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.

ENG 29. 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 30. 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 31. All proposed utility lines shall be installed underground.
- ENG 32. 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 33. 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 34. 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 35. 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.

TRAFFIC

- ENG 36. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 37. 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 38. 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

November 7, 2014, or subsequent editions in force at the time of construction.

ENG 39. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

END OF CONDITIONS

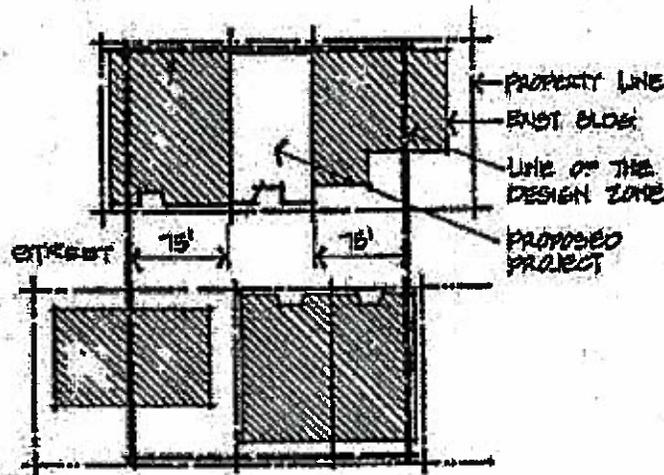
LAS PALMAS BUSINESS HISTORIC DISTRICT
CONCEPTUAL DESIGN GUIDELINES: NEW COMMERCIAL CONSTRUCTION & MAJOR REMODEL

In individual structures of special note and in collections of historic buildings that represent a bygone era, Palm Springs retains the treasures of its past. The historic architecture of the City is one of its most important resources and can be maintained - on a broad scale - only by the establishment and maintenance of historic districts. The maintenance of a district requires that standards or guidelines be set to direct change in ways that are compatible with the historic elements. Change is not discouraged, but the thrust of change is directed to reinforce the best of the remaining historic elements.

Directing and controlling change is the intent of many of the City's land use controls. The guidelines suggested here serve to protect each property owner's investment. Each owner can improve his property knowing that the surrounding properties' uses and designs will not detract from his.

The guidelines presented here provide a common ground within which owners, architects and the Architectural Advisory Committee can work to enhance the historic district. The guidelines seek to retain the historically significant properties while encouraging new structures of compatible design.

Any buildings occurring on either side of the street within 75 feet of the proposed site should be studied for the common themes of mass, scale, rhythm and exterior design and details as called for by the following guidelines.



1. Maintain the height of other structures in the surrounding area.

The height of new construction should be generally similar to other buildings in the surrounding area. Variety in building heights may be achieved by creating setbacks in the facade, by stepping back upper stories, and by building decks and balconies, when this is appropriate for the design.

Buildings should be designed so that they do not block the westerly view of the mountains from existing buildings to the east. Multi-story buildings on lots which abut an existing residential use should be designed so that windows do not overlook private residential yards.

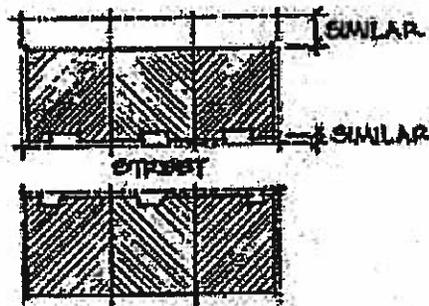
One- and two-story buildings are typical of this area. Towers with additional stories have been used at the corners of some buildings to create interest.

2. Maintain the general alignment of facades at the sidewalk edge.

Most buildings along Palm Canyon Drive are set back away from the sidewalk edge. This provides space for landscaping, pedestrian access, and/or active outdoor uses.

The basic alignment of buildings should be maintained, although some exceptions may be considered if they have an active function such as outdoor dining areas. The effect can be achieved in a number of ways. A wall or fence could be used, allowing the building to be set further back.

Projections over the sidewalk may be acceptable in the form of awnings, balconies and porches, so long as a significant portion of the facade aligns at the sidewalk edge.



3. Maintain the pattern of facade proportions.

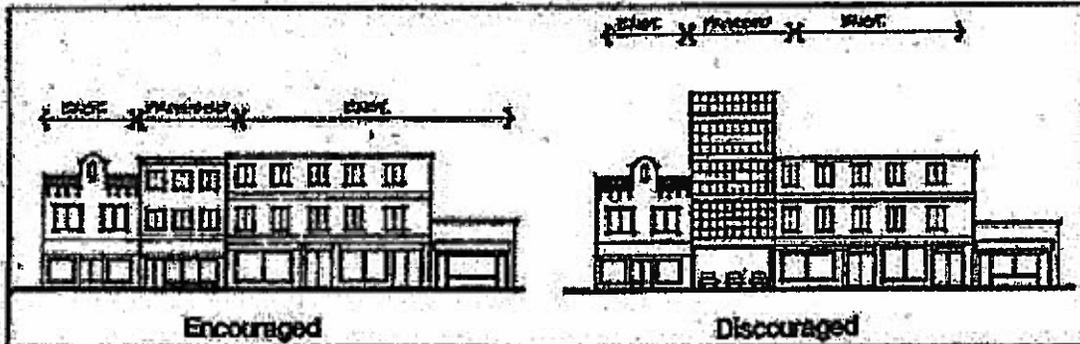
New construction should reinforce the dominant facade pattern of the street.

Where new buildings are to be wider than the dominant dimension, consider subdividing the facade into portions that reflect the pattern. The relationship between the height and width of the facade should be similar to that of other buildings in the surrounding area.

4. Maintain the relationship between upper and lower floors of other structures in the surrounding area.

Typical historic structures have a retail function on the first floor, and offices or residential uses above. This separation of function is shown on the facade: the first floor is predominantly large sheets of display window glass, while the upper levels are mostly solid wall, with small windows cut out.

In new construction, these relationships should be innovatively used.



5. Maintain the spacing pattern of upper-story windows. Avoid shapes that were not typical of the area, and maintain the typical ratio of solid (walls) to void (windows).

Reinforce the existing pattern in new construction by using windows of a smaller size, or by using other design features to continue this pattern.

The recurrent alternation of solids and voids in the front facade of a building establishes a pattern which is sensed by a person observing from a distance. A person passing by the building experiences this pattern as a rhythm. By incorporating a similar rhythmic pattern in a new building, a sympathetic relationship between old and new, and even buildings of a similar era, is achieved.

6. Use building materials that are similar in texture and finish to those found historically.

New construction should continue to reinforce the patterns and textures of existing historic buildings. Use of surface materials which were available in the time period of the historic buildings will strengthen the historic identity of the area. Color is both an intrinsic quality of the building material which is used and applied treatment which covers the natural materials. The use of compatible colors will help strengthen historic identity.

Different building materials may be considered as long as the finish and texture reinforce the existing characteristics.

7. Use components of the facade that are similar in size and shape to those found historically.

The design of new buildings and alterations should take into account the presence or absence of such projections as porches, awnings and overhangs on other buildings within the surrounding area. Such components are especially encouraged when they promote an active function such as outdoor dining within the exterior spaces.

Architectural details of new buildings and renovations should be suggestive of the extent and scale of details on other buildings in the surrounding area.

8. Maintain the pattern of roof types.

The roof type and materials should be compatible with existing buildings in the surrounding area. The relationship of a new building to historic buildings, or other buildings, in the surrounding area may be strengthened by repeating a dominant roof type.

Flat roofs are predominate in this area; however, several one-story structures use a simple gable with the ridge line parallel to the street.

9. Maintain the existing site design pattern.

New construction should observe an appropriate spacing, or lack thereof, in terms of the surrounding area. This is an important factor which contributes to the character of an entire group of buildings, and should therefore be respected.

This area is characterized by buildings which are built on the property line. Driveways and pedestrian ways sometimes break this pattern; however, parking areas should not be allowed to intrude into the pedestrian-oriented design of the area. Landscape areas may be appropriate as breaks in this pattern if they are designed for active uses.

10. Although contemporary designs are encouraged, replicas of historic designs may be considered if they meet these conditions:

- The style must be one that did occur in Palm Springs as a typical building form.
- The principles of the style must be used correctly. The rules of proportion, use of materials, and sense of ornamentation must be in character.
- A plaque must be mounted on the building which designates the date of construction.
- The design must be compatible with existing buildings.

CONCEPTUAL DESIGN GUIDELINES: Commercial Renovation

1. Maintain the original height of storefronts.
2. Maintain original storefront openings.
3. Maintain original storefront components.
4. Maintain original upper-story windows.
5. Preserve the pattern created by entrances.
6. Preserve original door proportions.
7. Preserve the original dimensions of window and door frames.
8. Avoid concealing original facade materials.
9. Replace decoration where it is known to have existed, if feasible.
10. Contemporary interpretation of the historic storefront design may be appropriate where the original is lost.
11. Trim materials should be subordinate to the major facade materials.
12. Preserve the proportions of original window panes.
13. External light fixtures should be simple in design.

750 Lofts, LLC

February 19, 2015

Mr. Ken Lyons
City of Palm Springs

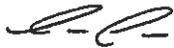
Delivered via email communication

Re: CEQA report

Dear Ken:

The applicant hereby agrees to implement the mitigation measures outlined in the CEQA document pertaining to the property at 750 N. Palm Canyon Drive, Palm Springs CA.

Sincerely,



Andy Carpiac

**NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION
Case 5.1350 (General Plan Amendment, PDD 374 & CUP)
Case 3.3796 (Major Architectural Application)**

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

CONTACT PERSON: Ken Lyon, RA, Associate Planner (760) 323-8245

PROJECT TITLE: 750 Lofts - Case Nos. 5.1350 PDD 374 GPA CUP & 3.3795 MAJ

PROJECT LOCATION: South of Tamarisk Road, North of Gran Via Valmonte, extending between North Palm Canyon Drive and North Indian Canyon Drive
Assessor's Parcel No. 502-600-001, 502-600-002

PROJECT DESCRIPTION: The project proposes the demolition of existing buildings on the site, and the construction of a four-story mixed use development comprised of a forty-six (46) room hotel, ground floor retail, and restaurant spaces, a spa, rooftop bar, off-street parking and ancillary facilities on a 1.1 acre site in the Uptown district. The proposed project requires a number of applications:

- A General Plan Amendment to change the land use designation from Neighborhood Community Commercial (NCC) to Mixed Use/Multi-Use – CBD;
- A Planned Development District (#374) in lieu of a Change of Zone;
- A Conditional Use Permit for the restaurant use, to engage the high rise ordinance, and spa use;
- A Major Architectural Review for the architectural and landscape design.

The proposed project consists of a total of 39,245 square feet of space on four stories. The hotel will total 33,600± square feet, while ground floor retail and restaurant space will take up the remaining 5,600± square feet. The building will extend to a height of approximately 50 feet above grade.

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 February 6, 2015 and end on February 25, 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:

Ken.Lyon@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 February 25, 2015. City Council consideration is expected at a public hearing on March 18, 2015, but please confirm the date with the City Clerk's office



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title:	750 Lofts	
Case No.	5.1350 (General Plan Amendment, Planned Development District 374 and Conditional Use Permit) 3.3796 (Major Architectural Review)	
Assessor's Parcel No.	505-303-018	
Lead Agency Name and Address:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262	
Project Location:	South of Tamarisk Road, North of Gran Via Valmonte, extending between North Palm Canyon Drive and North Indian Canyon Drive	
Project Sponsor's Name and Address:	750 Lofts LLC	39 Crosby Street PHS New York, NY 10013
General Plan Designation(s):	Current: NCC. Proposed: Mixed Use/Multi-Use - CBD	
Zoning:	Current: C-1/R-3. Proposed: PDD 374	
Contact Person:	Ken Lyon, Associate Planner City of Palm Springs	
Phone Number:	(760)323-8245	
Date Prepared	February 1, 2015	

Description of the Project

The project proposes the demolition of existing buildings on the site, and the construction of a 4-story, 46 room hotel, as well as ground floor retail and restaurant space, and ancillary facilities on a 1.1 acre site in the Uptown district. The proposed project requires a number of applications:

- A General Plan Amendment to change the land use designation from Neighborhood/Community Commercial (NCC) to Mixed Use/Multi-Use – CBD;
- A Planned Development District (#374) in lieu of a Change of Zone;
- A Conditional Use Permit for the restaurant use;
- A Major Architectural Review for the architectural and landscape design.

The structure of the hotel will be located on the north boundary of the property, and will extend from North Palm Canyon to North Indian Canyon Drives. Access to the site will be provided from both streets, immediately south of the hotel building. Parking is proposed on the southern portion of the property.

The proposed project consists of a total of 39,245 square feet of space on four stories. The hotel will total 33,600± square feet, while ground floor retail and restaurant space will take up the remaining 5,600± square feet. The building architecture is proposed in a modernist style. The lobby, retail, restaurant and support facilities will occupy the ground floor. Hotel rooms will occur on the 2nd and 3rd floor. A roof-top deck, with a hotel bar, is also proposed at the center of the structure at the 4th floor. The building will extend to a height of approximately 50 feet above grade.

An existing building, which was previously a Bank of America branch, will be demolished, as will the ancillary facilities (including drive-up teller area) on the site. Demolition does not require a Planning Department entitlement, but will require a Building Department demolition permit.

Environmental Setting and Surrounding Land Uses

The project site is located just north of the Central Business District of Palm Springs'. The area surrounding the site is fully built out, and has been for a number of years. Commercial and hotel uses surround the property. Adjacent to the site, surrounding land uses include the following:

North: existing one and two story retail commercial buildings on North Palm Canyon Drive;
existing single story hotel on North Indian Canyon Drive.

South: existing one and two story retail commercial buildings on North Palm Canyon Drive;
existing one and two story hotel on North Indian Canyon Drive.

East: existing hotel properties on the east side of North Indian Canyon Drive.

West: existing retail and restaurant properties on the west side of North Palm Canyon Drive.

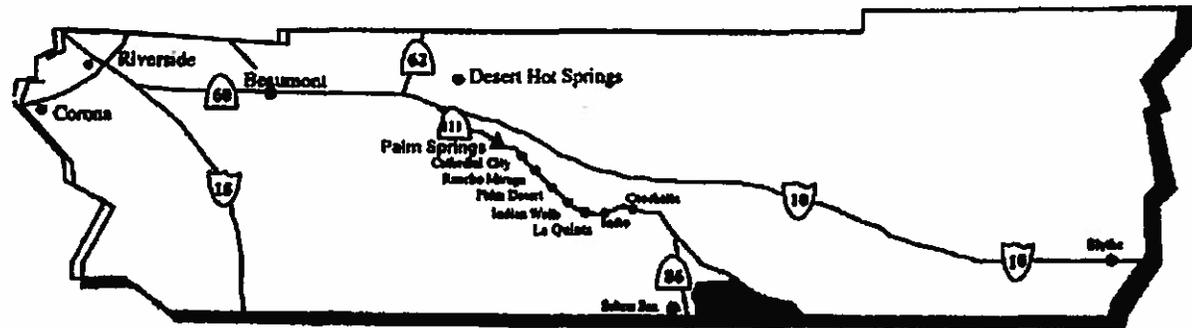
Other public agencies whose approval is required

None.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Exhibit 1 – Regional Location Map

CALIFORNIA



RIVERSIDE COUNTY

01.97.15



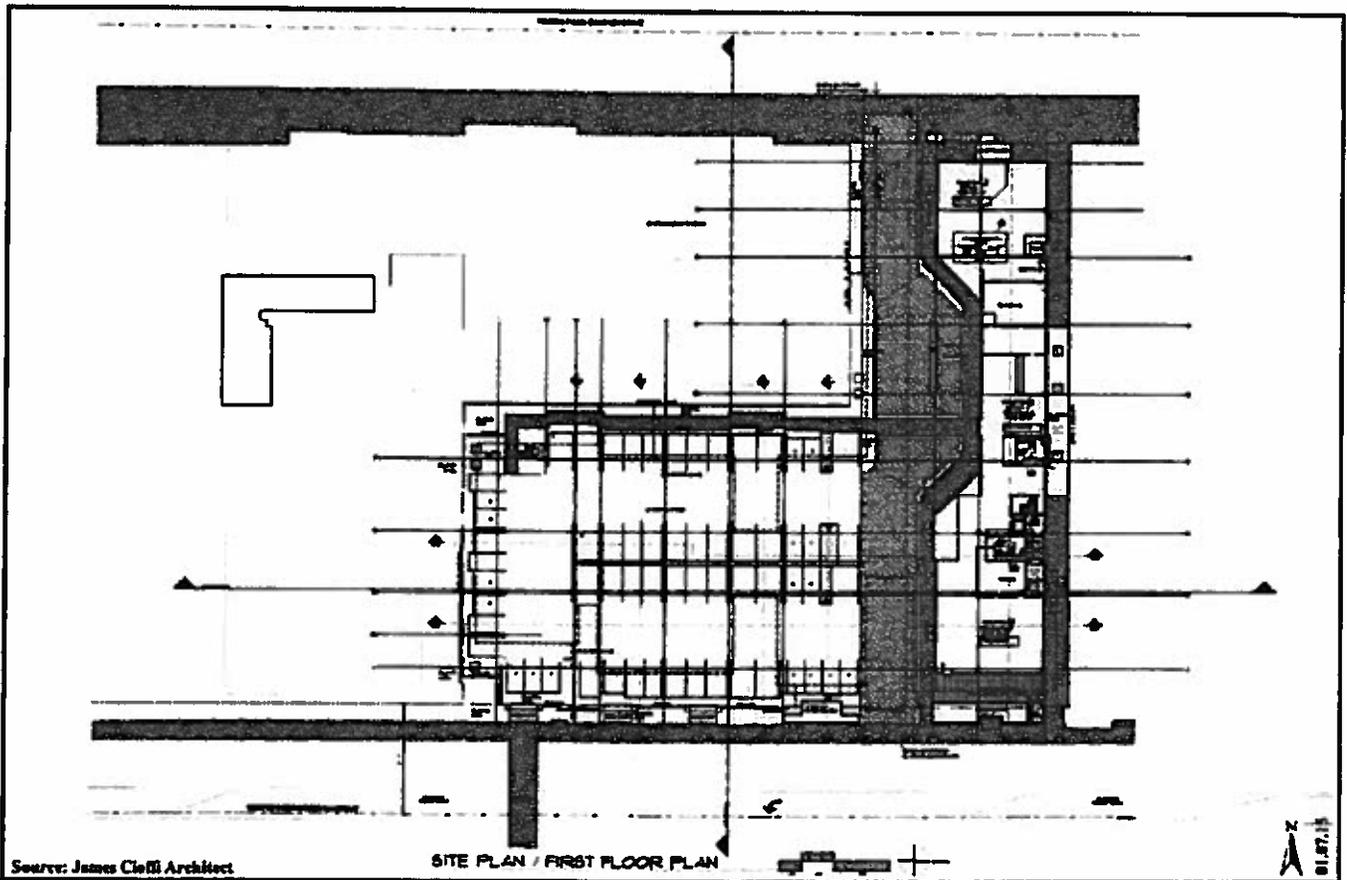
Source: Google Earth 2014



750 Lofts
Aerial Vicinity
Palm Springs, California

Exhibit

2



Source: James Claff Architect

SITE PLAN / FIRST FLOOR PLAN



750 Lofts
 Site Plan
 Palm Springs, California

Exhibit

3

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.

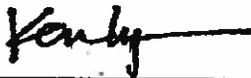
- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> 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

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.



Ken Lyon
Associate Planner

2/1/15

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

- 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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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

a-d) Less Than Significant Impact. The proposed project occurs in an urbanized area of the City, and is surrounded by existing development. The structure proposed for the project will extend to approximately 50 feet in height. Surrounding buildings are one and two stories, and reach a height of 20 to 25 feet. The project site is located approximately one third to one half mile east of the base of the San Jacinto Mountains, which provide a significant scenic vista for the City. The existing building on the project site blocks views from North Indian Canyon westerly of the foothills of the San Jacinto Mountains, but the peaks are visible above the building. Views from North Palm Canyon are also to the west, and will not be impacted by the proposed project.

The construction of the proposed project will result in a greater view blockage at the north end of the property, because of the added height of the building. Views from the southern two-thirds of the site will remain consistent with those currently available, as parking is proposed in these areas. Although the project will further limit views in a portion of the site, the overall impacts to scenic vistas will be limited in scope and area, and impacts are expected to be less than significant.

The proposed project does not occur on a site which contains significant trees, rock outcroppings or designated historic buildings. The site is located within the Las Palmas Business Historic District (please see Cultural Resources section, below, for a discussion on historic resource impacts). Demolition of the existing structure will not have a direct impact on a historic structure. Overall impacts associated with scenic resources are expected to be less than significant.

The visual character of the site and its surroundings is characterized as an urban environment. The Uptown district is fully developed with a mix of uses, primarily resort and retail oriented. The proposed building will be in a modernist style which is widely present in the City. The building will be taller than existing structures, but will have a narrow footprint that will not overwhelm the area, and has been designed with opening and setbacks that lessen the mass of the structure and provide views through the site.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Impacts associated with the visual character of the site are expected to be less than significant.

All lighting proposed within the proposed project will be required to comply with the outdoor lighting standards established in the City Zoning Ordinance Section 93.21.00 to assure lighting is directed away from adjacent properties. These standards will assure that project light and glare impacts will be less than significant.

II. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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 proposed project is located in an urban setting. No Prime, Unique or Important farmlands occur on or in the vicinity of the site. There are no Williamson Act contracts on or in the vicinity of the project. The City's General Plan and Zoning ordinance do not provide for agricultural uses, nor are agricultural uses present in the City. There will be no impact to agricultural resources as a result of the proposed project.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

III. AIR QUALITY

Would the project:	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 type="checkbox"/>	<input checked="" 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) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Impacts

Development of the proposed project will impact air quality during demolition, construction activities and over the long term operation of the project. These impacts are discussed below.

a) **Less Than Significant Impact.** The Coachella Valley is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for monitoring criteria air pollutant concentrations and establishing policies for the SSAB. All development in the SSAB is subject to SCAQMD's 2012 Air Quality Management Plan (AQMP) and the 2003 Coachella Valley PM₁₀ State Implementation Plan.

The Palm Springs General Plan Land Use Plan serves as the basis for the assumptions used in the SCAQMD AQMP. The project is consistent with the development already occurring in the area, and generally consistent with the land use designations for the Uptown district. Therefore, it will not exceed AQMP assumptions or criteria, or result in inconsistencies with the AQMP.

b)-e) **Less Than Significant Impact.** In order to calculate the potential impacts to air quality from the proposed project, it was assumed that demolition and construction would occur between mid-2015 and mid-2016, and that the first operational year for the project

would be 2016. It was also assumed that demolition would be immediately followed by site preparation and construction activities.

Criteria Air Pollutants

Criteria air pollutants will be released during both the construction and operational phases of the project. The California Emissions Estimator Model (CalEEMod Version 2013.2.2) was used to project air quality emissions generated by the proposed project.

Demolition and Construction Emissions

The construction phase includes all aspects of project development, including the demolition of the existing buildings and facilities, site preparation, grading, building construction, paving, and application of architectural coatings. As shown in Table 1, none of the analyzed criteria pollutants will exceed regional emissions thresholds during the construction phase. Air quality impacts of the proposed project will be less than significant.

**Table 1
750 Lofts
Construction Emissions (lbs./day)**

Maximum Emissions	CO	NO _x	ROG	SO _x	*PM ₁₀	*PM _{2.5}
2015	26.43	33.18	3.88	0.03	3.79	2.52
2016	17.85	21.49	12.76	0.02	1.66	1.41
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
Significant	No	No	No	No	No	No

Source: CalEEMod Version 2013.2.2. Unmitigated emissions for 2015-2016.

* Mitigated emissions to represent standard dust control measures and required best management practices.

Localized Impacts to Sensitive Receptors

Although construction is not anticipated to result in significant air quality impacts, it could adversely impact air quality immediately surrounding the project site during construction. To determine if the proposed project has the potential to generate significant adverse localized air quality impacts, the 1-acre mass rate LST Look-Up Table for SRA 30 (Coachella Valley) was utilized. The nearest sensitive receptors are the single-family residences located adjacent to neighboring hotels, east of the subject property. Based on aerial mapping, the nearest residence is approximately 90 meters from the project area boundary. Therefore, LSTs are summarized in the table below for sensitive receptors located approximately 100 meters from the emission source. Construction emission estimates reflect all phases of construction including site preparation, grading/excavation, building construction, paving, utilities/drainage, and architectural coating. As shown in Table 2, LST thresholds will not be exceeded during construction of the project. Impacts will be less than significant.

**Table 2
750 Lofts
Localized Significance Threshold (lbs./day)**

	CO	NO _x	*PM ₁₀	*PM _{2.5}
Project Emissions	26.43	33.18	3.79	2.52
LST	2,565.00	238.00	35.00	10.00
Exceed?	No	No	No	No

Source: CalEEMod Version 2013.2.2. Emissions shown are the maximum daily, unmitigated emission during all phases of construction.

* Mitigated emissions to represent standard dust control measures and required best management practices.

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. Emission sources include area sources (such as consumer products and landscape equipment), energy consumption, and mobile sources. Table 3 summarizes projected emissions during operation of the proposed project. The data represent worst-case summer or winter emissions. As shown, none of the analyzed criteria pollutants will exceed emissions thresholds, and impacts will be less than significant.

**Table 3
750 Lofts
Operational Emissions (lbs./day)**

Maximum Emissions	CO	NO _x	ROG	SO _x	PM ₁₀	PM _{2.5}
2016	94.55	21.35	11.58	0.11	7.60	2.25
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
Significant	No	No	No	No	No	No

Source: CalEEMod Version 2013.2.2. Unmitigated emissions for 2016.

- f) **Less Than Significant Impact.** Objectionable odors, including those emitted by diesel-operated vehicles and the application of asphalt pavement and paints/solvents, may be emitted during the construction phase of the project. However, these impacts will be temporary and infrequent.

During operation of the project, odors associated with food preparation are likely, but are not expected to be objectionable.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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-f) No Impact. The project site is fully developed, and existing improvements will be demolished and replaced by a new building and ancillary facilities. There is no indigenous habitat on the site, which has been landscaped with decorative species for decades. No riparian habitat, wetland or sensitive natural community on the site. The site is not a part of a wildlife corridor.

The City participates in both the Agua Caliente Tribal Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan. The project site is within the

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

boundary of the Coachella Valley Plan. The project site is not designated as a conservation area, nor is it located adjacent to a conservation area. The project site has been previously developed, but will be subject to the requirements of the Plan, if any. No impact to biological resources will result from implementation of the proposed project.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

V. CULTURAL RESOURCES

Would the project:	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

- a) **Less Than Significant Impact.** The proposed project site is currently developed. It occurs in the Las Palmas Business Historic District, a locally designated historic district. The building on the site was constructed in the 1980's, and is not considered to have significant historic value. It is adjacent to, or in the vicinity of buildings that are 'contributing sites to the Las Palmas District. As a result, impacts to those buildings could be considered significant impacts to the District. The City's Historic Site Preservation Board has considered the proposed project to determine if it has the potential to impact the District. The Board's concerns centered on the adequacy of the amount of off-street parking proposed and recommended that the parking study be reviewed by the City Engineer. The Board approved the project with that recommendation.
- b) & c) **No Impact.** The project site is currently developed, and has been for at least 30 years. No archaeological or paleontological resources are expected to occur on the project site. No impacts are anticipated.
- d) **No Impact.** No cemeteries or human remains are known to occur on the site. No such resource was identified when the current building was constructed. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

VI. GEOLOGY AND SOILS

Would the project:	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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 geotechnical investigation was conducted on the project site in 2007, and updated in 2014¹. The discussion provided below is based on the findings of these reports.

¹ "Geotechnical Investigation Proposed Commercial/Residential Complex 750 North Palm Canyon Drive," prepared by Sladden Engineering; and letter report dated October 27, 2014 by Sladden Engineering.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- a.i) **No Impact.** The subject property is not located in an Alquist-Priolo Earthquake Fault Zone, and no fault rupture will occur on site. The San Andreas Fault is located approximately 7 miles northeast of the subject property. No impacts are expected.
- a.ii) **Less Than Significant Impact.** The seismic hazard analysis prepared for the project site found that the site could be subject to peak ground acceleration of 0.58g. Such ground shaking has the potential to cause damage to structures, and potentially injure people. In order to reduce these risks, the City implements the seismic requirements of the Building Code. The proposed project will be required to comply with the requirements in place at the time that building permits are issued. These standard requirements are designed to reduce impacts associated with ground shaking to less than significant levels.
- a.iii) **Less Than Significant Impact.** The geotechnical analysis found that the site consists primarily of fine to coarse grained sand and silty sand. Liquefaction occurs when groundwater is located near the surface (within 50 feet), and mixes with surface soils during an earthquake. Onsite groundwater depths are estimated to be in excess of 100 feet below the ground surface at the project site, and therefore the potential for liquefaction to occur is considered low. Project-specific geotechnical analysis will be required by the City as part of the grading and building permit process. This analysis will provide foundation design recommendations based on site-specific and project-specific conditions. This standard requirement ensures that impacts associated with liquefaction are less than significant.
- a.iv) **No Impact.** The project site is located approximately 4/10ths of a mile from the foothills of the San Jacinto Mountains. There are no hills or slopes in the vicinity of the project site. No impact associated with slope instability is anticipated.
- b) **No Impact.** The project site is fully developed. No topsoil occurs on the site. The City will impose standard PM10 management requirements on the demolition of existing facilities and the grading of the site. No impact is anticipated.
- c) **Less Than Significant Impact.** The geotechnical investigation found that the site is not susceptible to liquefaction, and further determined that soils were stable. Impacts are expected to be less than significant.
- d) **No Impact.** The geotechnical analysis found that soils on the site and in the area are not expansive. No impact is anticipated.
- 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 impacts will occur.

VII. GREENHOUSE GAS EMISSIONS

Would the project:	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"/>

Discussion of Impacts

a-b) Less Than Significant Impact. Both demolition/construction and operation of the project will generate greenhouse gas (GHG) emissions. Construction emissions will be generated by a variety of sources, including the operation of construction equipment and energy usage. Construction impacts will be temporary and will end once the project is complete. Typically, they can be minimized by limiting idling times, proper maintenance of heavy machinery, and efficient scheduling of construction activities. Long-term operation of the project will generate GHG emissions from area sources, energy and water usage, mobile sources, and waste disposal.

The California Emissions Estimator Model (CalEEMod Version 2013.2.2) was used to estimate greenhouse gases emitted by the project. The model concluded that demolition/construction would generate 195.68 metric tons per year of CO₂e, while operation of the project would generate 2,024.75 metric tons per year of CO₂e.

There are currently no adopted thresholds of significance for greenhouse gas emissions. State legislation, including AB32, aims for the reduction of greenhouse gases to 1990 levels by 2000. Statewide programs and standards, including new fuel-efficient standards for cars and expanding the use of renewable energies, will help reduce GHG emissions over the long-term. The project will be required to comply with standards and regulations for reducing GHG emissions, including the City's Climate Action Plan and other GHG reducing strategies. The proposed project will also be required to comply with Title 24 of the California Building Code, which in 2014 requires a further 30% reduction in energy use for construction. These standard requirements and City initiatives will reduce GHG emissions from the project.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

VII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 type="checkbox"/>	<input checked="" 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 project site is currently occupied by a bank building and ancillary facilities constructed in the 1980s. A Phase I

Environmental Site Assessment was prepared for the project². The Assessment included both a records search and an onsite investigation. The onsite investigation concluded that building materials, including floor tiles, mastic and ceiling tiles have the potential to contain asbestos. Asbestos is a hazardous material which must be disposed of in a prescribed manner in order to prevent its release into the air. The onsite survey also identified the potential for mold on several ceiling panels, resulting from historic roof leaks. Mold can also be released into the during demolition activities. Both these observed conditions have the potential to significantly impact the environment. In order to reduce the impacts to less than significant levels, mitigation measures are required, and provided below.

The proposed project consists of a hotel and ancillary retail and restaurant uses. These businesses will store small amounts of cleaning supplies and similar materials for internal use, but will not use, transport or dispose of significant hazardous materials. The operator will be required to comply with local and regional requirements relating to the storage of supplies. The impacts associated with hazardous materials on the site are expected to be less than significant.

Mitigation Measures

MM VII-1: Any suspected Asbestos Containing Materials (ACM) should be sampled prior to the initiation of any demolition activities on the project site. Identified ACMs must be abated by a licensed abatement contractor, and disposed of in conformance to all state and local requirements.

MM VII-2: Any mold identified on the project site shall be abated in a manner that conforms to all state and local requirements.

- c) **No Impact.** The proposed project is located in the commercial core of the City. The closest school, Katherine Finchy Elementary, is located approximately ½ mile northeast of the project site. The project will not emit or handle hazardous materials that could be a hazard to the school. No impact is anticipated.
- d) **No Impact.** The project site is not listed as a hazardous materials site, cleanup site, or hazardous waste facility and, therefore, the proposed project will not create a significant hazard to the public or environment. (Envirostor map database, California Department of Toxic Substances Control, 2014).
- e) **No Impact.** The project site is located 1.6 miles west of the Palm Springs International Airport. The site is outside the boundaries of the airport's land use compatibility area.
- f) **No Impact.** The project site is not located in the vicinity of a private airstrip and, therefore, will not result in a safety hazard for people working or residing in the project area. No impact is anticipated.
- g) **No Impact.** The proposed project is located in the urban core of the City, on the existing

² "Phase I Environmental Site Assessment of 750 Palm Canyon Drive (sic)," prepared by BA Environmental, November 2014.

street grid. It will not block existing circulation patterns, nor impede access to evacuation routes. No impact is expected.

- h) No Impact.** The proposed project occurs in the Uptown district, and is not located adjacent to any urban/wildland interface. The project will not be impacted by wildland fires.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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 type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a), b) & f) No Impact. The proposed project will be required to connect to the City's domestic water and sanitary sewer systems. The Desert Water Agency provides water service to the site, and the City provides sanitary sewage treatment for the site. Both these agencies are required to comply with the requirements of the State Regional Water Quality Control Board relating to water quality standards and wastewater discharge requirements. No impact is expected.

c-e) Less Than Significant Impact. Drainage on and from the project site is expected to remain consistent with current conditions, since the site is currently developed. The City requires that all projects manage storm water flows so as not to impact downstream properties. The project site occurs in a fully developed area. The City will require the approval of a hydrology study, Storm Water Pollution Prevention Program and Water Quality Management Plan for the proposed project. These documents, and their implementation, must be completed to standards that meet local, state and federal requirements. The project will not be allowed to discharge storm water at a rate or quantity greater than that currently occurring on the site. Further, the project will not be allowed to pollute surface waters, and will be required to implement Best Management Practices to control pollution on the site. These standard requirements will assure that impacts associated with drainage are less than significant.

g)-d) No Impact. The proposed project is not located in a 100-year floodplain and will not place housing or other structures in an area that would impede or redirect flows. The property is not located in a flood zone, and is outside the boundary of the Tahchevah Creek Detention Reservoir Dam Inundation Pathway. Flood risk on the property is therefore low. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

IX. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

Discussion of Impacts

- a) **No Impact.** The proposed project site is currently occupied by a bank building, and construction of the proposed project will have no impact on an existing community.
- b) **Less Than Significant Impact.** The project site is currently designated Neighborhood Community Commercial (NCC) in the General Plan. A General Plan Amendment is proposed to change this designation to Mixed Use/Multi-Use – CBD. The NCC land use designation supports retail land uses, and allows hotel uses as well. The proposed project site is surrounded by a combination of resort residential and retail land uses. The change from NCC to Mixed Use is not a significant change in the land use concept for the site, nor will it substantially change the character of the site or neighborhood. With the approval of the General Plan Amendment, the proposed project will be consistent with General Plan standards and requirements. Overall land use impacts are expected to be less than significant.
- c) **No Impact.** As stated in the Biological Resources section above, the proposed project occurs within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan. The site is not within a conservation area, and as a developed site, will be subject to the requirements of the Plan for developed sites, if any. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

X. MINERAL RESOURCES

Would the project:	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. The subject property is fully developed and occurs in the City's urban core. No mining or mineral extraction occurs on or in the area surrounding the site. No designations for mining are provided in the City's General Plan. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XI. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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 project site occurs adjacent to two major City streets, North Palm Canyon and North Indian Canyon Drives. The noise levels on both streets are elevated, due to the high levels of activity on both streets. The frontage on both streets at the project site is likely to currently experience noise levels of about 70 dBA CNEL, based on the City's General Plan and General Plan EIR, and will experience similar noise levels in the future.

The City's General Plan standard for hotels and motels finds 70 dBA CNEL to be conditionally acceptable. The City further requires that interior noise levels be maintained at 45 dBA CNEL. The City will require the preparation of project specific noise analysis as part of its building permitting process, to be assured that the project will meet its standards. The orientation of the hotel is to the north and south, and most rooms will have terraces or balconies off the street, which will result in lower noise levels. Impacts associated with noise are expected to be less than significant.

- b) **Less Than Significant Impact.** The primary source of vibration at the site is expected to be during construction, and to be from the operation of heavy equipment such as bulldozers. Vibration levels will be infrequent, temporary, and below thresholds of perception for sensitive receptors, insofar as residential uses do not occur immediately adjacent to the project site. No groundborne vibrations are anticipated during the operational phase of the project. Impacts will be less than significant.
- c) **Less Than Significant Impact.** As described above, the project site is currently in the City's urban core, and experiences elevated noise levels. The construction of the proposed project will marginally increase noise levels, insofar as the building on the site has been vacant for some time, and no noise is generated at the site currently. The operation of the hotel will generate noise from vehicle operations, and noise from people using the facilities, including the rooftop bar. The project will, however, be subject to the City's Noise Ordinance requirements, and will be required to comply with those requirements as they relate to elevated noise levels, particularly at night. Overall impacts are anticipated to be less than significant.
- d) **Less Than Significant Impact.** Temporary noise generated during the construction phase of the proposed project could exceed acceptable noise levels, particularly during site demolition and preparation. Primary noise sources will be heavy equipment. These impacts, however, will be periodic and temporary, and are allowed in the City's Municipal Code, as long as they occur during specified daytime hours. The City's standards will assure that impacts are less than significant.
- e) **No Impact.** The Palm Springs International Airport is located approximately 1.6 miles east of the subject property. The project site is not within the flight path for airport operations, and is well outside the noise contours for the airport. No impact associated with airport noise is anticipated.
- f) **No Impact.** The subject property is not located in the vicinity of a private airstrip, and no impacts associated with such a noise source will occur.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XII. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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 type="checkbox"/>	<input checked="" 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) **No Impact.** The proposed project will result in the addition of 46 hotel rooms and about 5,600 square feet of ancillary retail and restaurant use. Although these land uses will generate new jobs, it is not anticipated that the job potential will generate population growth, but rather that the jobs will be filled by persons already residing in the area. The project will not cause the extension of any roads or other infrastructure, and therefore will have no impact on growth.

- b-c) **No Impact.** The project site consists of an existing bank building which is currently vacant. Although the building will be demolished, the project will neither displace housing nor people, and will not result in a need for housing elsewhere. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XIII. PUBLIC SERVICES

Would the project result in:	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-e) *Less Than Significant Impact.* The development of the project will increase the demand on public services. This increase, however, is not anticipated to be substantial, particularly since the project site occurs in a heavily developed urban environment.

Fire Protection

The Palm Springs Fire Department is responsible for fire protection in the City. The nearest fire station to the project site is located less than 1/2 mile south of the site, at North Indian Canyon Drive and Amado Road. The City's other fire stations, including those located on Racquet Club and El Cielo Roads, will also be available to serve the site. Response time to the site will meet the City's targeted 5-minute limit. The project will marginally increase service calls, insofar as the site is currently unoccupied. However, the addition of 46 hotel rooms on 1.1 acres in the City's urban core will not significantly impact fire department operations.

Project plans will be reviewed by the Fire Department to ensure they meet applicable fire standards and regulations. Overall impacts to fire protection services are expected to be less than significant.

Police Protection

The Palm Springs Police Department is located at 200 S. Civic Drive, approximately 2 miles southeast of the project site. The project will occur in the City's urban core, in an area already served and patrolled by the Department. Although the operation of 46 hotel rooms will marginally increase the demand for police services, it is not anticipated that this increase will be significant.

Schools

Palm Springs Unified School District provides public education facilities and services in the City. The nearest school to the project site is Katherine Finchy Elementary school, which is located approximately ½ mile northeast of the project site. Development of the hotel will only indirectly impact schools, insofar as the jobs created by the hotel may increase the demand to schools if an employee moves to the City. This potential increase, however, is expected to be minimal. The proposed project will be required to pay the mandated school fees, which are designed to offset the impacts of new projects to local schools. Impacts are expected to be less than significant.

Parks

The City's owns approximately 163.5 acres of public parks and 82.6 linear miles of trails. \ The project will marginally increase the use of these facilities; however, the increase is not expected to be substantial, or result in the need for new or expanded facilities.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XIV. RECREATION

Would the project:	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Impacts

a-b) No Impact. The development of a hotel will only marginally increase the use of local parks and recreational facilities, insofar as a transient population is unlikely to heavily use parks or facilities. The project will not generate the need for additional parks or recreational facilities. No impact is anticipated.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XV. TRANSPORTATION/TRAFFIC

Would the project:	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) 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"/>

Discussion of Impacts

A Traffic Impact Study (TIS) was prepared for the proposed project³. The discussion below summarizes its findings.

a) & b) Less Than Significant Impact with Mitigation Incorporated. The proposed project will generate up to 759 daily trips, with 29 trips occurring during the morning peak hour, and 60 trips occurring during the evening peak hour. The TIS studied a number of intersections in order to determine whether the project would impact the local street system. These intersections were:

- Palm Canyon Drive at:
 - o Tamarisk Road
 - o Project Access

³ "Proposed 750 Lofts Project Traffic Impact Study," prepared by RK Engineering Group, December, 2014.

- o Granvia Valmonte
- Indian Canyon Drive at:
 - o Tamarisk Road
 - o Project Access
 - o Via Alfamira
 - o Granvia Valmonte

The analysis found that existing intersections currently operate at Level of Service C or better. The City's General Plan standard is a Level of Service D or better. Therefore, the studied intersections all operate at an acceptable level of service.

The TIS then analyzed the future traffic conditions, including both traffic growth and surrounding future projects. The analysis assumed an opening year for the hotel of 2016. Under those conditions, background plus project levels of service would be C or better, with the exception of the intersection of Indian Canyon and Granvia Valmonte, which will operate at level of service D.

Finally, the TIS analyzed General Plan build out conditions in the year 2035. Under these conditions, without the proposed project, the intersection of Palm Canyon and Granvia Valmonte will operate at level of service A and Indian Canyon at Tamarisk Road will operate at level of service D. All other existing intersections will operate at level of service E or F, which is not an acceptable level of service. With projected improvements, and the addition of the proposed project, all intersections (including the project access points) will operate at level of service D or better, with the exception of the intersection of Granvia Valmonte and Indian Canyon, which will operate at level of service F. The TIS further determines that there is mitigation for this intersection, but recommends against it. The basis for the recommendation is as follows: the intersection will operate at an unacceptable level only during the evening peak hour, and only for the westbound movement on Granvia Valmonte. Level of service will be acceptable on Indian Canyon. The unacceptable level of service will occur for 4 vehicles attempting a left turn from westbound Granvia Valmonte to southbound Indian Canyon. The intersection will not meet traffic signal warrants, because of the very low traffic volume, and restriction of the left turn movement is not recommended for so few vehicle trips (4) is not recommended.

As noted above, all other intersections will operate at an acceptable level of service, with or without the proposed project in the year 2035. The project will contribute to the need for future improvements, but is not responsible for them. Therefore, in order to mitigate impacts associated with the proposed project, the TIS recommends the payment of fair share fees toward the required improvements. This mitigation measure will assure that impacts associated with the proposed project are less than significant.

Mitigation Measure

MM XV-1 The proposed project shall pay a fair share contribution for the recommended off-site intersection improvements, including signalization of Tamarisk Road and Palm Canyon Drive, and the addition of left turn lanes to southbound and westbound travel lanes at this intersection.

- c) **No Impact.** The Palm Springs International Airport is located approximately 2 miles east of the proposed project. None of the improvements proposed by the project will adversely impact air traffic patterns, airport functions, or safety.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- d) **No Impact.** The project does not propose any hazardous design features. The project will be required to provide improvements to project driveways consistent with City standards.
- e) **Less Than Significant Impact.** The proposed project will have access on both Palm Canyon and Indian Canyon Drives. The Fire and Police Departments will impose their standard requirements for site access to assure public safety. These standard requirements will assure that impacts are less than significant.
- f) **Less Than Significant Impact.** A parking analysis was prepared for the proposed project, to address the shared uses on the property. Since it can be expected that the proposed hotel guests will utilize the ancillary retail and restaurant facilities, and that hotel facilities will be used by outside residents and visitors, an analysis was conducted, as is permitted by the City⁴. The proposed project, without shared parking, would require 75 parking spaces. A total of 62 spaces are proposed. The parking analysis demonstrates that the 62 parking spaces are adequate, based on certain assumptions of shared use. The report is currently under review, and must be approved before the reduced parking standard will be allowed. The project cannot proceed with a reduced parking space allocation without this approval. Therefore, the approval of the parking analysis will assure that parking impacts are less than significant.
- g) **No Impact.** Sunline Transit Agency provides public transit services in the Coachella Valley. Service is provided on both Palm Canyon Drive and Indian Canyon Drive, and extends throughout the City. The project will be well served by public transit.

⁴ "Proposed 750 Lofts Project Parking Analysis," prepared by RK Engineering Group, December, 2014.

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:	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 and facilities will be less than significant. The proposed project will require construction of onsite sewer infrastructure that will be connected to existing sewer lines in Palm Canyon and Indian Canyon. 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; therefore, it has available capacity to serve the proposed project.

The WTP implements all applicable requirements of the Colorado River Basin Regional Water Quality Control Board, and the proposed project will not cause any violation of wastewater treatment requirements.

Domestic Water

The Desert Water Agency (DWA) provides domestic water services to the subject property and vicinity. In 2013, the Coachella Valley Regional Water Management Group, of which DWA is a part, prepared an Integrated Regional Water Management Plan (IRWMP), to analyze and provide for long range planning to address the region's domestic water needs. The IRWMP indicates that long-term demand for potable water is expected to increase throughout the region; however, conservation measures and groundwater replenishment programs will make it possible to meet increasing demand.

The proposed project will require construction of onsite domestic water infrastructure, including water lines that serve individual rooms, the restaurant and bar, and back-of-house facilities. No new wells or additional water infrastructure or entitlements will be required.

Stormwater Management

Impacts associated with project-related stormwater improvements are expected to be less than significant. Please see the Hydrology and Water Quality section, above.

- 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 Edom Hill Transfer Station in northern Cathedral City and distributed to several regional landfills that have adequate capacity to serve additional development. Facility operators, including PSDS, are required to meet all local, regional, state, and federal standards for solid waste disposal.

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.

Does the project:	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
<p>a) No Impact. The project site is fully developed, and contains no native vegetation or habitat. There is also no potential for archaeological resources on the property, because of its developed condition. The City has determined that the structure on the site does not have historic significance. The proposed project will have no impact on biological or cultural resources.</p> <p>b) Less Than Significant Impact. The proposed project will not result in cumulatively considerable impacts. The addition of 46 hotel rooms will not significantly affect cumulative impacts in the City, including traffic impacts.</p> <p>c) Less Than Significant Impacts with Mitigation Incorporated. As described in the Hazards and Hazardous Materials section and the Traffic and Circulation section, the proposed project has the potential to release ACMs during demolition, and to impact local traffic conditions, both of which would affect human beings. The mitigation measures included in this Initial Study, however, will assure that these impacts are reduced to less than significant levels.</p>				

REFERENCES

City of Palm Springs General Plan and General Plan EIR, 2007.

City of Palm Springs Zoning Code.

City of Palm Springs Class 1 and Class 2 Historic Sites and Historic Districts, revised December 2, 2013.

"CEQA Air Quality Handbook," South Coast Air Quality Management District, 1993.

"Final 2012 Air Quality Management Plan," South Coast Air Quality Management District, December 2012.

"2003 Coachella Valley PM₁₀ State Implementation Plan," South Coast Air Quality Management District.

"Special Report 159: Mineral Land Classification: Aggregate Materials in the Palm Springs Production-Consumption Region," California Department of Conservation, Division of Mines and Geology, 1988.

"Riverside County (West) Very High Fire Hazard Severity Zones in Local Responsibility Areas, as Recommended by CAL FIRE," California Department of Forestry and Fire Protection, December 24, 2009.

"Riverside County Airport Land Use Compatibility Plan, Volume 1, Policy Document," adopted by Riverside County Airport Land Use Commission, October 14, 2004.

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

Envirostor Map Database, California Department of Toxic Substances Control, www.envirostor.dtsc.ca.gov.

2010 U.S. Census.

Ken Lyon

From: Ken Lyon
Sent: Wednesday, February 18, 2015 1:47 PM
To: Nicole Criste (ncriste@terranovaplanning.com)
Subject: FW: 750 Lofts City Case Nos. 5.1350 PDD 374 GPA CUP & 3.3795 MAJ

FYI

Ken Lyon, RA
Associate Planner
Department of Planning Services
City of Palm Springs, California
3200 Tahquitz Canyon Way
Palm Springs, California 92263
T 760 323 8245 F 760 323 8360

*"Make no little plans,
They have no magic to stir men's blood
And probably won't be realized.
Make big plans
Aim high in work and in hope,
Let your watchword be order,
And your beacon beauty"*
Daniel Burnham, Architect and Planner

From: Guerin, John [mailto:JGUERIN@rcdima.org]
Sent: Wednesday, February 18, 2015 10:14 AM
To: Ken Lyon
Cc: Cooper, Ed; Santos, Barbara
Subject: 750 Lofts City Case Nos. 5.1350 PDD 374 GPA CUP & 3.3795 MAJ

Thank you for providing the Riverside County Airport Land Use Commission with copies of the Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the above-referenced project sandwiched between North Palm Canyon and North Indian Canyon Drives, southerly of Tamarisk Road and northerly of Alejo Road in the City of Palm Springs.

Please be advised that the Assessor's Parcel Numbers cited in the Project Location paragraph of the Notice of Intent are inaccurate and refer to two parcels that do not match the location cited. Those two parcels are within the Airport Influence Area, but the project is not proposed to be located thereon. The Draft Initial Study correctly identifies the Assessor's Parcel Number as 505-303-018.

The Initial Study is correct that the site is located outside the Airport Influence Area. ALUC review is not required or requested.

March 1, 2012

Mr. Thomas Wilson, Assistant City Manager
Mr. Craig Ewing, Director of Planning
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Colony Palms Hotel Parking Requirements

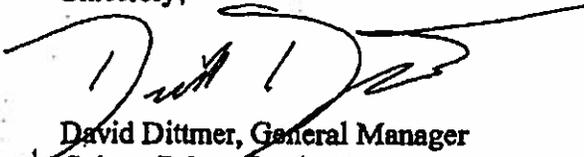
Dear Messrs. Wilson and Ewing:

As we have recently discussed, if there was a cancellation of our Lease for auxiliary parking spaces for the Hotel, we would like to have the City's approval of alternative parking provisions until a new lease or other appropriate parking can be established.

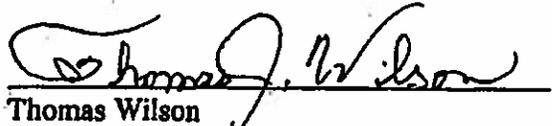
The Colony Palms Hotel currently has a lease at 750 N. Palm Canyon Drive, Palm Springs, CA, for 30 parking spaces which fulfill the parking requirements for the Hotel which are not met on the Hotel property.

The Colony Palms Hotel would propose that, if its Lease at 750 N. Palm Canyon Drive is terminated, the Hotel will maintain Daily Valet Services, until a new lease or appropriate arrangements for additional parking is provided. Based upon the provision of Daily Valet Services, the City will agree that the Hotel will continue to be in compliance with the City of Palm Springs' parking requirements.

Sincerely,


David Dittmer, General Manager
Colony Palms Hotel

AGREED AND ACCEPTED, as presented above, this 1st day of March, 2012.


Thomas Wilson
Assistant City Manager

cc: David Ready, City Manager
Douglas Holland, City Attorney
Britten Shuford, Managing Member - Colony Palms Hotel
Andy Carpiac, Managing Member - Colony Palms Hotel

Terri Hintz

Subject: FW: 750 NORTH PALM CANYON DRIVE

-----Original Message-----

From: davidf2@earthlink.net [mailto:davidf2@earthlink.net]

Sent: Tuesday, February 24, 2015 6:16 PM

To: Ken Lyon

Cc: K C Jones; Tim Wenzel; Tommy Shortess; Ronald M Zehel; Bill Shaw; bearfoot inn

Subject: 750 NORTH PALM CANYON DRIVE

Mr. Lyon:

I am writing to you to protest the planned 46 unit development at 750 N. Palm Canyon Dr.

My husband and I own unit #6 at 860 N. Indian Canyon. Our patio faces directly southeast. The reason we bought this unit was because of the wonderful view of the mountains from the patio.

This plan development will destroy our wonderful view. Instead of looking at the mountains, we will now be looking at the backend of a large hotel complex. It decreases the value of our property.

WE STRONGLY PROTEST THE TAKING OF OUR VIEW AND DECREASE IN THE VALUE OF OUR PROPERTY FOR THE COMMERCIAL GAIN OF ANOTHER PARTY.

Additionally, the charm of downtown Palm Springs is predicated on it lacking such high structures that deface the view for all residents, as you are aware I am sure. Clearly, if this structure is allowed, you will not be able to stop similar developments up and down Palm Canyon.

David Farah
owner of 860 N. Indian Canyon, Unit #6
760-808-3272

PS. I received the notice sent by the city only yesterday February 23. Why was this notice sent so late so that we had so little time to comment and protest? It would seem that the project is being rammed through with the least notice of those directly affected. Surely you could have given adequate notice a LONG time ago.

Planning Commission Meeting

Date: 2-25-15

Additional Material

Item 2B 128



KUNZMAN ASSOCIATES, INC.

750 LOFTS PROJECT

PARKING STUDY

February 12, 2015



KUNZMAN ASSOCIATES, INC.

OVER 35 YEARS OF EXCELLENT SERVICE

February 12, 2015

Ms. Nicole Sauviat Criste, Principal
TERRA NOVA PLANNING & RESEARCH, INC.
42635 Melanie Place, Suite 101
Palm Desert, CA 92211

Dear Ms. Criste:

INTRODUCTION

The firm of Kunzman Associates, Inc. is pleased to submit this parking study for the 750 Lofts Project in the City of Palm Springs. Kunzman Associates, Inc. has been asked to conduct an analysis of the parking for the 750 Lofts Project in order to ascertain if adequate parking spaces are currently provided at the project site under the City's parking regulations. This parking study supplements the 750 Lofts Project Parking Analysis prepared by RK Engineering Group, Inc. (December 19, 2014).

This report summarizes our methodology, analysis, and findings. Although this is a technical report, every effort has been made to write the report clearly and concisely. To assist the reader with those terms unique to transportation engineering, a glossary of terms is provided within Appendix A.

PROJECT DESCRIPTION

The project site is located immediately north and adjacent to the existing Alcazar Hotel, and is bounded by North Palm Canyon Drive on the west and North Indian Canyon Drive on the east in the City of Palm Springs. The mixed-use project will consist of a 46 room hotel with 2,190 square feet of spa, a roof-top bar area with 47 seats, a 3,025 square foot quality restaurant with a maximum of 50 seats provided, and 2,595 square feet of retail use. The project site plan will provide a total of 62 off-street parking spaces, and will provide valet parking services.

PARKING CODE

The City of Palm Springs parking code requirements are included in Appendix B. Based upon the City parking code requirements, 93 parking spaces are required per Table 1. This demand (31 parking space deficiency) is required if all land uses simultaneously generated their maximum parking code demands.

CAPTIVE/NON-CAPTIVE ADJUSTMENTS

The Urban Land Institute, Shared Parking (2005) provides a discussion of captive/non-captive adjustments. Both formal studies and general experience have proven that some reduction of customer parking needs occurs in a mixed-use project due to patronage of multiple land uses. This interplay of

1111 TOWN & COUNTRY ROAD, SUITE 34
ORANGE, CALIFORNIA 92668
(714) 973-8383

WWW.TRAFFIC-ENGINEER.COM

Ms. Nicole Sauviat Criste, Principal
TERRA NOVA PLANNING & RESEARCH, INC.
February 12, 2015

land uses in a mixed-use environment often produces a reduction in the overall parking demand. This is commonly seen in an environment where some percentage of patrons at one business (such as a restaurant) may be guests of another business (such as a hotel). Under this assumption, the guests have already parked at the hotel (their primary reason for being on-site) and are already present in the immediate vicinity and visiting the restaurant/bar as a secondary visit. Although the interplay of land uses can reduce the overall demand, it should be noted that there are limits imposed by the proximity of land uses to each other and to parking facilities. Human behavior often restricts shared parking opportunities by limiting the distance users are willing to walk from a parking facility to their final destinations. The restaurant and bar that are on-site and well within the appropriate walking distance for visitors to the hotel. The restaurant and bar may have much greater patronage from the hotel than it would otherwise due to its captive market effects than a freestanding everyone-must-drive restaurant/bar. Kunzman Associates, Inc. utilized industry knowledge and expertise, developed through work on previous similar projects and internal research, to adjust the non-captive factor to an appropriate level for the project. No two projects are alike, and therefore engineering judgment was used to allocate a 50% parking demand adjustment for the on-site restaurant/bar.

Captive ratios are an estimate of the percentage of parked vehicles at a land use in a mixed-use development or district that are already counted as being parked at another of the land uses. Captive parking comes into play when you have hotel workers and hotel guests. All of these users occupy a parking space all day but they will utilize the spa, restaurant, and bar facilities without occupying an additional parking space.

Captive adjustments should not be confused with the mode of walking, as those who walk from other uses within the project (hotel) would be considered captive while those who walked from uses outside the project would be considered to affect the mode adjustment. The walkers are those who do not drive and park on-site. The proposed restaurant/bar are within a five-minute walking distance of four other hotels: Alcazar Palms Springs to the south, Colony Palms Hotel to the southeast, Los Arboles Hotel to the north, and Movie Colony Hotel to the east. It is anticipated that these patrons sometimes will walk to this hotels restaurant/bar as opposed to patronizing only their own hotels restaurant, just for a variety of dining experiences.

SHARED PARKING

Because the peak parking demands for the various land uses are non-coincidental, there is substantial opportunity for shared parking to occur.

Kunzman Associates, Inc. has used the procedures developed by the Urban Land Institute, Shared Parking (2005). The Urban Land Institute shared parking analysis evaluates the types of uses, parking rates, monthly variations of parking demand by land use, differences between weekday and weekend parking demand for customer/visitor and employees, and the hourly distribution of peak parking demand for each type of land use. The Urban Land Institute procedures were utilized in this study to evaluate peak parking demand that would occur for the project at any point in time when monthly, day of week, and hourly factors are utilized.

Ms. Nicole Sauviat Criste, Principal
TERRA NOVA PLANNING & RESEARCH, INC.
February 12, 2015

A computer program was used to analyze the shared parking for the proposed development. The program is consistent with the procedures provided by the Urban Land Institute. The following inputs were included within the shared parking computer program for each land use:

- Peak parking demand by land use per parking code.
- Weekend vs. weekday adjustment factors.
- Customer/visitor/guest and employee/resident factors.
- Monthly adjustment factors to account for variations in parking demand over the year. It should be noted that a late December month is defined as the period between Christmas and New Year's Day, reflecting high attendance at active entertainment venues, lower demand at office and other employment-centered destinations, and moderate demand for retail.
- Hourly distribution of parking demand based upon the Urban Land Institute data.

The idea of a shared parking analysis is that if the various land uses have peak parking demands at different points in time, or on different days of the week, then the number of spaces required is not the sum of the parking requirements for each land use, but rather less. If the peak demands for the various land uses are non-coincidental, then there is an opportunity for sharing of parking. To determine the degree to which shared parking can occur, the cumulative hourly parking demand of the land uses is calculated at all points in time throughout the day for both weekdays and weekends. With the parking demand known by hour and day, then the maximum peak parking demand during a seven day week can be determined. The maximum expected parking demand during the seven day week is then used as a basis for determining the number of parking spaces needed.

To determine the degree to which sharing of parking can occur, each month of the year was evaluated and the peak parking demand for both weekdays and weekends was determined utilizing data provided by the Urban Land Institute.

To conduct a shared parking analysis, it is necessary to disaggregate the parking code into weekday and weekend as well as customer/visitor/guest and employee/resident parking space demands. Based on the City of Palm Springs Parking Code and the Urban Land Institute recommended parking ratios for weekdays and weekends, the disaggregated parking spaces required are shown in Table 1. A total of 69 parking spaces are required for weekdays and 72 parking spaces are required for weekends. These calculations are based upon a 50% parking demand adjustment of the restaurant/bar land uses associated with non-captive and modal reduction. Due to the mixed-use nature of the proposed project, it is expected that 50% of the visitors to the restaurant/bar will be either internally captured from the hotel and therefore will not be needing an additional parking space or will be using other modes of transportation such as walking or biking. The spa will be restricted to hotel guests only; therefore, no additional parking spaces are required for the spa use.

Ms. Nicole Sauviat Criste, Principal
TERRA NOVA PLANNING & RESEARCH, INC.
February 12, 2015

As will be shown below, when monthly, day of week, and hourly parking factors are utilized, less than 72 parking spaces will be needed for the project site.

Table 2 shows the expected hourly peak parking demand of the land uses for both weekdays and weekends. Table 3 shows the cumulative parking demand peaks for all land uses combined.

Based on the calculations in this report, a March/July/August maximum parking demand of 55 parking spaces will occur on weekdays at 9:00 PM - 10:00 PM, and an August maximum parking demand of 61 parking spaces will occur on weekends from 9:00 PM - 10:00 PM. The detailed computer calculations for each month are included in Appendix C.

Sufficient on-site parking will be provided based on the maximum likely parking demand of 61 parking spaces and the proposed 62 parking spaces provided. It should be noted that the valet service will allow double-stacking of vehicles, increasing the parking supply.

CONCLUSIONS

1. The project site is located immediately north and adjacent to the existing Alcazar Hotel, and is bounded by North Palm Canyon Drive on the west and North Indian Canyon Drive on the east in the City of Palm Springs. The mixed-use project will consist of a 46 room hotel with 2,190 square feet of spa, a roof-top bar area with 47 seats, a 3,025 square foot quality restaurant with a maximum of 50 seats provided, and 2,595 square feet of retail use. The project site plan will provide a total of 62 off-street parking spaces, and will provide valet parking services.
2. Based upon the City parking code requirements, 93 parking spaces are required per Table 1. This demand (31 parking space deficiency) is required if all land uses simultaneously generated their maximum parking code demands.
3. Because the peak parking demands for the various land uses are non-coincidental, there is substantial opportunity for shared parking to occur.
4. Based on the City of Palm Springs Parking Code and the Urban Land Institute recommended parking ratios for weekdays and weekends, the disaggregated parking spaces required are shown in Table 1. A total of 69 parking spaces are required for weekdays and 72 parking spaces are required for weekends. These calculations are based upon a 50% parking demand adjustment of the restaurant/bar land uses associated with non-captive and modal reduction. Due to the mixed-use nature of the proposed project, it is expected that 50% of the visitors to the restaurant/bar will be either internally captured from the hotel and therefore will not be needing an additional parking space or will be using other modes of transportation such as walking or biking. The spa will be restricted to hotel guests only; therefore, no additional parking spaces are required for the spa use.

Ms. Nicole Sauviat Criste, Principal
TERRA NOVA PLANNING & RESEARCH, INC.
February 12, 2015

5. Once shared parking factors are utilized, a March/July/August maximum parking demand of 55 parking spaces will occur on weekdays at 9:00 PM - 10:00 PM, and an August maximum parking demand of 61 parking spaces will occur on weekends from 9:00 PM - 10:00 PM.
6. Sufficient on-site parking is provided based on the parking study.

It has been a pleasure to serve your needs on the 750 Lofts Project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 973-8383.

Sincerely,

KUNZMAN ASSOCIATES, INC.



Carl Ballard, LEED GA
Principal

#6008



KUNZMAN ASSOCIATES, INC.



William Kunzman, P.E.
Principal

Cindy Berardi

From: Claire Best <claire@clairebest.net>
Sent: Sunday, February 22, 2015 10:18 PM
To: CityClerk
Cc: Sara Frith
Subject: Objection to development at 750 North Palm Canyon Drive.

RECEIVED
CITY OF PALM SPRINGS
2015 FEB 23 AM 9:44
JAMES THOMPSON
CITY CLERK

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

Re: Case no. is 5.1350 PDD 374 / CUP / GPA / 3.3795 MAJ;
Applicant: 750 Lofts, LLC., address 750 North Palm Canyon Drive.

To Whom it May Concern:

As homeowners in Movie Colony East in Palm Springs, we are writing to object to the above application.

We understand that there have now been several hearings of which we have not been notified and that the developers are now attempting to circumvent the conditions imposed by the HSPB (which were to lower the height of the building on Indian Canyon to 20 feet at the outer edge, to lower the overall height to 34 feet and to have a further set back from the road) and to seek approval for their plans by re-designating the site as a "Planned Development District".

Allowing the developer to re-designate the site as a "Planned Development District" allows the developers to have the HSPB restrictions removed. It actually would allow the developers to construct a building as high as 60 feet (almost twice as high as the restriction put on them by the HSPB under the original planning application).

Although the current plans are now 46 feet, (already 12 feet higher than the HSPB approved). There are plans for a rooftop pool and bar which would bring the overall height up to at least 58 feet, if not 60 feet.

Even under the high rise rules, the developers are exceeding certain guidelines regarding setbacks and open space.

Where is the open space at ground level other than the parking and driveway? A rooftop open space does not mitigate the requirements for open space.

The developers are not in compliance with the Historic Business District building guidelines which is supposed to keep building height consistent with surrounding structures, none of which are higher than two stories and all of which have significant open space to balance their buildings within the site, set backs, density, massing. Additionally, under the HSPB guidelines, views to the mountains are not supposed to be blocked but a structure of 46 feet with a roof top bar, will.

I understand that the City Planning staff have recommended approval of everything. Who has been paying them off? It appears to be a very clear violation of the interests represented by the HSPB. So clearly someone in the city is making a lot of money by allowing this to pass and it should not be allowed. The rest of us and all the other businesses abide by the rules of the HSPB and the City. Developers need to follow the same rules. If they were given restrictions under their original plans, they need to follow those restrictions from the original application. Re-filing under a different "planned development district" yet to achieve the same results which were denied in the original application is simply cheating and an affront to the rest of the businesses and residents of Palm Springs who respect and adhere to the planning rules.

Item 2B

Planning Commission Meeting

Date: 2-25-15

Additional Material

If the City wants to increase the prosperity that it is currently enjoying, it would do well to preserve the attractions that brings tourists to Palm Springs – these are not high rise hotels which they can get in Vegas or Los Angeles or San Diego. The unobstructed view of the San Jacinto Mountains, the low rise and historic buildings and boutique hotels, shops and restaurants are what draw people to the center of Palm Springs.

The uptown design district has become much smarter in the last few years thanks to the low impact remodeling and improvements to existing buildings. It will be ruined by a 46-60 ft high rise building which is completely out of character with the rest of the district.

This area of Palm Springs is the last remaining part of the city which has preserved the historic Spanish revival style buildings. This is the oldest part of the city. Why would the City Planners want to destroy a part of the town that is a draw to visitors precisely because of its historic architecture and unobstructed views of the mountains. Palm Springs is proud of its historic buildings. If a developer is allowed to put in a high rise among these, then we may as well resign ourselves to becoming Cathedral City or Palm Desert which long ago gave way to new developers yet have none of the charm or history that Palms Springs, until now, has been proud of.

In the interests of the residents, businesses and public, the support from the City Planning Council into re-designating this into a “Planned Development District” ought to be investigated since it is clearly against the principals and interests of the Historic Business District guidelines and smacks of a pay off by the developers to certain people in the city.

We therefore strongly object to the building at 750 North Palm Canyon Drive unless it adheres to the restrictions imposed on it under the original plan filing.

Sincerely,

Claire Best Hawley & Jordan Hawley
1162 San Jacinto Way
Palm Springs, CA 92262

Ken Lyon

To: Guerin, John
Cc: Cooper, Ed; Santos, Barbara
Subject: RE: 750 Lofts City Case Nos. 5.1350 PDD 374 GPA CUP & 3.3795 MAJ

Thanks John, Appreciate you bringing that to our attention.

Ken Lyon, RA
Associate Planner
Department of Planning Services
City of Palm Springs, California
3200 Tahquitz Canyon Way
Palm Springs, California 92263
T 760 323 8245 F 760 323 8360

*"Make no little plans,
They have no magic to stir men's blood
And probably won't be realized.
Make big plans
Aim high in work and in hope,
Let your watchword be order,
And your beacon beauty"*
- Daniel Burnham, Architect and Planner

From: Guerin, John [<mailto:JGUERIN@rctlma.org>]
Sent: Wednesday, February 18, 2015 10:14 AM
To: Ken Lyon
Cc: Cooper, Ed; Santos, Barbara
Subject: 750 Lofts City Case Nos. 5.1350 PDD 374 GPA CUP & 3.3795 MAJ

Thank you for providing the Riverside County Airport Land Use Commission with copies of the Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the above-referenced project sandwiched between North Palm Canyon and North Indian Canyon Drives, southerly of Tamarisk Road and northerly of Alejo Road in the City of Palm Springs.

Please be advised that the Assessor's Parcel Numbers cited in the Project Location paragraph of the Notice of Intent are inaccurate and refer to two parcels that do not match the location cited. Those two parcels are within the Airport Influence Area, but the project is not proposed to be located thereon. The Draft Initial Study correctly identifies the Assessor's Parcel Number as 505-303-018.

The Initial Study is correct that the site is located outside the Airport Influence Area. ALUC review is not required or requested.

SARA FRITH AND PATRICK HARBINSON
sarafrith@gmail.com
310-305-8011

RECEIVED
CITY OF PALM SPRING
2015 FEB 23 AM 9:4
JAMES THOMPSON
CITY CLERK

292 East Via Altamira
Palm Springs, CA 92262

440 Linnie Canal
Venice, CA 90291

February 20, 2015
Palm Springs Planning Commission
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Attention: James Thompson, City Clerk

Re: 750 Lofts, LLC planned development at 750 North Palm Canyon Drive / Case nos. 5.1350 PDD 374 / GPA / CUP and 3.3795 MAJ

Dear Sirs

We want to place on record our very strong objections to the planning application for 750 Lofts, LLC for development of the site at 750 North Palm Canyon Drive.

We own a home at 292 East Via Altamira, Palm Springs 92262. It is directly in the affected area of this proposed development. Until we received notice last Thursday of the hearing scheduled for February 25, 2015, we have received no notice of the previous hearings for this project since the hearing before the Historic Site Preservation Board in October 2012.

We strongly object to the failure by the City Planners to apply the guidelines governing building in this historic area to this development. This project clearly violates the letter and intent behind the building guidelines for historic areas of the city with respect to height, density, open space, and sensitivity to neighboring buildings. These guidelines were put in place to preserve the historic areas of the city and ensure that existing buildings were not overwhelmed by new development. It is the obligation of the City Planning Commission to ensure that those rules are properly, fairly and consistently applied. This does not appear to be happening in regard to this project.

Since the proposed project developers were unwilling to try to fit within those guidelines, it now seems they have sought a change in designation of the site to "a Planned Development District", to allow it to apply the more liberal high rise building regulations to this project with respect to height, density, setback and context. And it does not even fit within those rules. Nonetheless, the City Planners seem predisposed to waive it through.

We strongly object to the PPD designation. The intent and effect of such a designation in this case is to eviscerate the protections which we, the existing residents (both commercial and private) who also

Item 2B
Planning Commission Meeting
Date: 2-25-15
Additional Material

invested in this area, have abided by and have relied upon to protect the character and history of the area.

There are no high rise buildings in this area. The City Planners and their staff seem to have focused most of their analysis on the impact of the development from Palm Canyon. We would ask you to look more carefully at the impact from Indian Canyon and to the East from the Movie Colony. We also ask that height poles be erected at the site to clearly show how high and where (at what point of setback) the building will rise and that written notice be given to all property owners in the area so that they know well in advance when the poles will be put up.

This is not a large site; it is set among many historic buildings, none of which is over 2 stories and its style is completely out of keeping with those buildings on Indian Canyon Drive which look on to it and surround it on either end, which are mostly in the Spanish revival style. The proposed height, density and setbacks and lack of open green space at ground level all violate the existing rules governing buildings in this area - rules which we as homeowners have abided by and which the historic hotels opposite this site on Indian Canyon Drive have abided by. This has made it possible for homeowners and commercial premises to live happily together for decades with mutual respect for each other's space and views. In making those investments we have all relied on the City Planners to enforce those rules on anyone and everyone in the area. It is a trust that has been placed in you and which needs to be honored.

All of the buildings to the North, South, East and West of this building are significantly lower than that being proposed. The highest buildings in the vicinity are 2 story buildings, and all, without exception, to the North, South and East, have 2 stories on only a small proportion of their lots; they are set around courtyards and open spaces at ground level which balance the buildings with the surrounding environment. To the North the building next to this site is an historic one story building, to the East the building opposite it (Los Arboles) is a one story building, the Movie Colony Hotel is a substantially one story building with elements which are 2 story. The former Spanish Inn hotel is also a substantially one story hotel with two story elements. The same is true of the Colony Palms Hotel. Behind these hotels in the Historic Movie Colony area all the private residences, including ours, are one story. They will all be negatively impacted by this development. The building is far higher than anything in the area.

The developers (and the City) have sought to justify the height by taking the highest point of the highest neighboring building (the 2 story Alcazar) and going well above that point, disregarding the fact that that building and all the other buildings around it do not rise vertically to such height but only achieve such height at the apex of a sloping roof. And, further disregarding the fact that in the case of all the surrounding sites, the buildings (whether one or two story) are only built on a portion of their lots, with significant open space at ground level to balance the building with its environment.

The proposed development will block views of the mountains and stand way above the other buildings surrounding it. It is very urban in feel and not at all in keeping with the essential "Spanish" nature of the buildings in this area on Indian Canyon Drive and to the east in the Movie Colony area. On the Palm Canyon Drive side of the site, there is less of an historic Spanish feel, but still the buildings in the area are mostly one story and none overwhelms its neighbors as this one will. It is possible to see palm trees

above all of them and to see the mountains beyond. Both those views will be lost from the Movie Colony side of Indian Canyon Drive if this project proceeds.

In losing the views and that feel of light and space, and the peace and calm they bring with them, and by inserting such an essentially “urban” building in their midst with rooftop pool, bars and lofts and yet more retail space to add to the very many already unoccupied such spaces in town, you will be fundamentally altering the character of this area – to the detriment of all living here. This has already happened to disastrous effect in other parts of this town. But such rooftop living does not exist here – no one is overlooked and the views have been preserved for all. Until now, the Uptown Design District was and currently still remains an area that has preserved the history and character that draws people to Palm Springs in the first place.

When you enter Palm Springs along Highway 111, the first thing that strikes you are the palm trees and the mountains, and the low nature of the buildings that nestle discreetly into those. It creates a unique and beautiful atmosphere. Most of us who come here are deliberately seeking that escape from city dwelling among high rise buildings. It is what you think of when you think of Palm Springs. The 2 great eras for the city in terms of architecture were the 30’s and the late 50’s and 60s, both of which, fortunately for the city, essentially built to a modest height and in a way that balanced buildings with nature.

This development completely goes against that balance. It is urban to its core. It greedily seeks to exceed all the rules governing height, setback, open space and it overwhelms every building within its vicinity and robs those in the Movie Colony of their views of the mountains and the palm trees. Stylistically it is also not in keeping with any of the historic buildings surrounding it. The profit motive behind the development is obvious.

When people like us and so many others invest in this community we have a right to expect that the rules designed to protect the history, character, beauty and atmosphere of the place we are investing in, rules which existed at the time of those investments, will be applied equally to all who purchase property here. We all bring value to this community when we purchase homes here – we spend millions preserving and renovating the historic homes, paying real estate taxes, and employing the local workforce to maintain and renovate these properties. Those investments need to be protected by the City Planners and not undermined by allowing developers to come in and manoeuver around the rules and change the character of the area. There are sites in the city where such a building as that being proposed would fit in more appropriately but this is certainly not one of them. No-one is objecting to commercial development per se, just to manipulation of the rules and variations therefrom which allow developments to proceed that do not respect their neighbors or their location, or the rules supposed to govern them.

Sincerely

SARA FRITH
Attorney

and

PATRICK HARBINSON
Writer / Producer

Ken Lyon

From: Bearfoot Inn <info@bearfootinn.com>
Sent: Tuesday, February 24, 2015 8:32 PM
To: Ken Lyon; Ken Lyon
Cc: K C Jones; Tim Wenzel; Tommy Shortess; Bill Shaw; Ronald M Zehel
Subject: Case 5.1350 PDD374 mixed-use development at 750 N Palm Canyon

Hi Ken,

I was just made aware of this application from our neighbours to the south at 860 N Indian Canyon, and I would like to add my voice to oppose this proposal.

As a hotel owner, I am acutely aware of occupancy rates in Palm Springs being lower than other desert cities. Perhaps this is due to the fact that Palm Springs is home to almost 100 hotels/resorts, more than twice as many hotels/resorts than all other desert cities combined.

I might add that more than half of the hotels/resorts in Palm Springs are owner operated, whereas barely a handful of the hotels/resorts in other desert cities are owner operated. In other words, this proposal, like so many others under the guise of trendy "boutique" (such as the newly opened Triada) and/or "mixed use" properties are corporately driven projects. Corporations are responsible to their shareholders. Projects are developed with the intent of realizing a short term profit. If a profit is not realized, the fiscally responsible thing to do with respect to shareholders is to cut your losses, close shop and pull out. A recent example is the devastation caused by the Target retail chain in Canada. They purchased a major Canadian retailer, rebranded and attempted to dominate the market, failed and pulled out all within two years, leaving more than 15,000 people unemployed, and numerous empty shells of buildings that cannot be re-purposed easily.

One of the most enticing aspects of Palm Springs is its respect for the architecture that has come to define the city. This is especially relevant on the heels of Modernism Week, which has grown to a major tourism event in the past few years. Recent rehabilitation projects of existing properties that retain the charm of the city are far more important than trash and build projects that are short-term investments ultimately leaving unoccupied buildings. Samuel Delany's 1999 accounting of the unsuccessful "rehabilitation" of Times Square, "Times Square Red, Times Square Blue" is a testament to the value of organically developing communities as opposed to a forced, revenue driven, short-sighted approach to growing cities. The short-term profit is in the construction phase of the project, whereas operating the property usually yields smaller returns on investment.

All of the above is to say, does Palm Springs really need a newly constructed hotel?

Especially one that defies current building codes and destroys the aesthetics of the uptown design district with a height inappropriate building.

The approach to artificially inflate property values in order to maximize short term profits is happening in major cities and devastating neighbourhoods all over North America. One of the main reasons for choosing to move our business to Palm Springs was the respect for small, owner-operated businesses and a sense of community that has been eroded in other resort towns such as Fort Lauderdale, FL. While we were under construction we were approached no less than three times from off-shore "investors" who offered to take the property off our hands, so we are aware that the potential to capitalize on prospective property values and erode the charm of Palm Springs is very much in play here.

This approach seems to be championed by the likes of the Greater Palm Springs Convention & Visitors Bureau, who have co-opted the Palm Springs brand, ultimately diluting its authenticity.

As a resident, I am profoundly disheartened by the prospect of multi-level buildings devastating the aesthetics of downtown Palm Springs. Every misguided approval sets precedent, representing limits that will ultimately be challenged by future developers, further eroding part of Palm Springs' charm.

A resounding "No" to this proposal is a resounding "Yes" to the good work carried on by residents and business owners, as well as the Palm Springs Bureau of Tourism, who are truly invested in the well being and measured growth of Palm Springs.

Thanks,

Jerry Pergolesi and Glen Boomhour
Owners, operators

bearfoot inn

www.bearfootinn.com

888 N Indian Canyon Dr

Palm Springs, CA 92262-5719

760-699-7641

855-438-0414 toll free

Ken Lyon

From: Ronald M Zehel <rareaccident11@gmail.com>
Sent: Tuesday, February 24, 2015 7:15 PM
To: Ken Lyon
Subject: Fwd: protest to the construction at 750 North Indian Canyon Drive in Palm Springs

>
> Dear Mr. Lyon,
>
> I am writing to protest the proposed development across the street from me at 750 N Indian Canyon Drive of a 46 unit, four story hotel complex. Having just taken up residence at 860 N. Indian Canyon Drive #5, right across the street, I would be directly affected by this construction. It would remove or greatly diminish the priceless view I have of the mountains, one of the main reasons I just purchased my property. Not to mention the diminished property value I would experience for having the view taken away or defiled. Downtown Palm Springs has a beautiful ambiance. A construction of this type could only serve to defile and diminish that charm with a building of such height being built. A building of no more than two levels would fit right in.
>
> Ronald M Zehel
> 860 North Indian Canyon Drive #5
> Palm Springs, CA 92262
> 760-895-5215
> RareAccident11@gmail.com
>
> I would greatly appreciate it if you could submit this mail as part of the formal protest against this development. If possible I will attend the city council meeting tomorrow at 1:30 to lodge complaints verbally as well, but given the last minute notification I received about this am not sure I will be able to attend. I find it unacceptable to be notified about something this important with so little time to be able to react properly or make arrangements to attend the meeting.
>
> I am very interested to follow up on this in whatever way will provide the strongest opposition to this project.
>
> Sincerely,
>
> Ronald M Zehel
>
> Sent from my iPad

Ken Lyon

From: K C Jones <kc@accuratetelecom.com>
Sent: Wednesday, February 25, 2015 8:30 AM
To: Ken Lyon
Subject: Project 750 Palm Cyn & Indian Cyn Hotel mixed use

Ken,

Thanks for meeting with me yesterday evening. I am opposed to the height of the project.

Kind regards,

K.C. Jones
860 N. Indian Cyn. #1

Cindy Berardi

From: Gordon Zlot <gz@kzst.com>
Sent: Thursday, March 12, 2015 12:20 PM
To: Cindy Berardi
Cc: Sara Frith; Claire Best
Subject: RE: Palm Springs 750 Lotfs LLC Public Hearing complaint

As a long time resident of the Movie Colony I feel the same way. Why are you making separate rules for this application.

-----Original Message-----

From: "Claire Best" <claire@clairebest.net>
Sent: Thursday, March 12, 2015 10:51am
To: cindy.berardi@palmsprings-ca.gov
Cc: "Sara Frith" <sarafrith@gmail.com>, "Gordon Zlot" <gz@kzst.com>
Subject: Palm Springs 750 Lotfs LLC Public Hearing complaint

Dear Sirs,

Prior to the upcoming hearing on March 18th regarding the application for the development at 750 N. Palm Canyon, I am writing in response to the hearing on 25th February, 2015 regarding 750 Lofts LLC Building Application. I would ask the City and the Mayor to review the City's procedures regarding planning applications and what is legally allowed in the planning application process and what is illegal.

Planning rules are put in place by the City Planning Commission for a reason: to prevent abuse of the city planning codes and to protect the public's interests.

I pose the following question to the City Planning Commission and the Mayor of Palm Springs: what are the reasons that the planning codes were clearly and blatantly overlooked in the case of the application to build a 4 story building with a rooftop garden, pool and bar (approximately 50-60ft total) which would be well over the 34 ft height restrictions for the area and which were imposed under the original application?; Why is the City allowing a structure to be built which in addition to the height violation, would not provide adequate self-parking, set back or open space. The "cut and paste" attitude of the City Planning Commission to pull from different parts of different codes to allow a structure to pass which is a violation of the codes the City itself created puts into question the effectiveness and validity of the City Planning Commission and raises questions about what the motives really are.

Why can the City Planning claim that this is a one off exception? Why are developers allowed to violate the City Planning Codes in a Historic area without setting a precedent for future developers? It sends the wrong message to anyone who has or is thinking of investing in Palm Springs – if you buy a house or a business in an area which has height restrictions, you trust that your investment will be protected by the City's planning code. Why is the City allowed to suddenly and, at will, undermine it's own codes to benefit one developer at the expense of the investments of others who have gone before and who have abided by the rules? The City Planning codes are provided for the public's benefit, not the public's detriment. The proposed structure effects many surrounding businesses and residents both in terms of obstructing views of the San Jacinto Mountains (remember that the Movie Colony and Las Palmas neighborhoods have had overhead electrical cables removed so that the palm trees are the only (and natural) foreground to their view of the mountains) and in creating parking and traffic congestion. The Colony Palms Hotel has yet to satisfy it's obligation to the City to provide enough parking for its hotel so more cars for another hotel within a block or so are not going to ease their problem. There are several other hotels in the area as well who have all had to conform to the requirements of the City Planning Commission for their properties. Why doesn't this developer have to do the same?

Somehow, conveniently, all codes have been thrown out with the proposal of this architect's "Legacy" 4+ story building. Build a legacy but don't ruin your City and it's main reasons for attracting tourists in doing so. It will be the legacy that ruined Palm Springs if you are not vigilant about the new precedents it sets for future developers.

If people want a high rise building then put it where it belongs but not in the middle of the historic district.

Let's not forget that Palm Springs suffered a downturn in the 70s-90s after it become too much of a party town and bad developing in the 70s and 80s ruined it's original and unique city plan. The recent revival the town has experienced is due to

Cindy Berardi

From: Claire Best <claire@clairebest.net>
Sent: Thursday, March 12, 2015 10:52 AM
To: Cindy Berardi
Cc: Sara Frith, Gordon Zlot
Subject: Palm Springs 750 Lotfs LLC Public Hearing compl

RECEIVED
CITY OF PALM SPRINGS
2015 MAR 12 AM 11:00
JAMES THOMPSON
CITY CLERK

Dear Sirs,

Prior to the upcoming hearing on March 18th regarding the application for the development at 750 N. Palm Canyon, I am writing in response to the hearing on 25th February, 2015 regarding 750 Lofts LLC Building Application. I would ask the City and the Mayor to review the City's procedures regarding planning applications and what is legally allowed in the planning application process and what is illegal.

Planning rules are put in place by the City Planning Commission for a reason: to prevent abuse of the city planning codes and to protect the public's interests.

I pose the following question to the City Planning Commission and the Mayor of Palm Springs: what are the reasons that the planning codes were clearly and blatantly overlooked in the case of the application to build a 4 story building with a rooftop garden, pool and bar (approximately 50-60ft total) which would be well over the 34 ft height restrictions for the area and which were imposed under the original application?; Why is the City allowing a structure to be built which in addition to the height violation, would not provide adequate self-parking, set back or open space. The "cut and paste" attitude of the City Planning Commission to pull from different parts of different codes to allow a structure to pass which is a violation of the codes the City itself created puts into question the effectiveness and validity of the City Planning Commission and raises questions about what the motives really are.

Why can the City Planning claim that this is a one off exception? Why are developers allowed to violate the City Planning Codes in a Historic area without setting a precedent for future developers? It sends the wrong message to anyone who has or is thinking of investing in Palm Springs – if you buy a house or a business in an area which has height restrictions, you trust that your investment will be protected by the City's planning code. Why is the City allowed to suddenly and, at will, undermine it's own codes to benefit one developer at the expense of the investments of others who have gone before and who have abided by the rules? The City Planning codes are provided for the public's benefit, not the public's detriment.

The proposed structure effects many surrounding businesses and residents both in terms of obstructing views of the San Jacinto Mountains (remember that the Movie Colony and Las Palmas neighborhoods have had overhead electrical cables removed so that the palm trees are the only (and natural) foreground to their view of the mountains) and in creating parking and traffic congestion. The Colony Palms Hotel has yet to satisfy it's obligation to the City to provide enough parking for its hotel so more cars for another hotel within a block or so are not going to ease their problem. There are several other hotels in the area as well who have all had to conform to the requirements of the City Planning Commission for their properties. Why doesn't this developer have to do the same?

Somehow, conveniently, all codes have been thrown out with the proposal of this architect's "Legacy" 4+ story building. Build a legacy but don't ruin your City and it's main reasons for attracting tourists in doing so. It will be the legacy that ruined Palm Springs if you are not vigilant about the new precedents it sets for future developers.

If people want a high rise building then put it where it belongs but not in the middle of the historic district.

Let's not forget that Palm Springs suffered a downturn in the 70s-90s after it become too much of a party town and bad developing in the 70s and 80s ruined it's original and unique city plan. The recent revival the town has experienced is due to efforts to restore the town's original 50's atmosphere, restoring and preserving the architectural integrity that exists and which makes Palm Springs a unique destination worldwide. It has been featured in many magazines and news articles – every

one of them extolling the virtues of its open space, low key and small town vibe. If you allow one structure to defy the planning codes then you open a floodgate for others to follow. And if you do this, the low key and low impact nature of Palm Springs, one of the main draws for tourists, will be gone and you will lose the clientele that has started to come here since the revival. If people want density of hotels, business and shops, they go to a city such as Las Vegas, Los Angeles, San Diego. They come to Palm Springs because it has a relaxed and boutique vibe with stunning views to the mountains. Turn the uptown design district into the strip in Vegas or Los Angeles and you will lose everything that is special about the town and it will be "just another American town with no architectural integrity".

There are currently a couple of hotels downtown (but not in the historic district) which interfere with the presiding atmosphere of the rest of the town. Those hotels stand out as ugly giants and the beautiful Spanish architecture of the buildings across from them is lost in their shadow. The result in the downtown area is a non-cohesive mish-mash. The frequency with which businesses change ownership or close down in that part of downtown is indicative that the mish-mash resulting from the lack of a cohesive building plan does not serve the public's benefit.

By contrast, in the last 2 years, the uptown design district has seen a marked upturn in its appearance. It has thriving boutiques, restaurants and hotels. It has preserved its low-impact skyline and has an airy open air feel which contributes to the success. It markets itself as a "design district" and every business there thus far has thrived by playing into this conformity. The proposed development for a 60 ft high structure with no set backs and no surrounding open space will overshadow all the businesses and residents around.

The city needs to carry out an adequate and thorough environmental impact report on this structure: noise from the rooftop bar and pool, (what about the 11pm noise curfew?), the traffic impact (taking into consideration 4 or 5 hotels within a couple of blocks who do not have enough parking as it is), the density impact and the impact on the views to San Jacinto Mountains. Additionally, one marker post for one day in one corner of the proposed building area is not sufficient to notify the people who will be affected of the height impact. In fact it smacks of knowing that what you are doing is wrong and trying to sneak it through while nobody is looking. This should not be the modus operandi of the City Planning Commission nor any body who works for them. If the city doesn't uphold it's own rules then the future of the city is in the developers hands potentially at the expense of losing tourists and customers. These are dangerous precedents being set.

Sincerely,

Claire Best Hawley and Jordan Hawley
1162 San Jacinto Way, PS 92262

WORKSHOP KITCHEN + BAR

800 N. Palm Canyon Dr. Suite G
Palm Springs, CA, 92262

Dear Sir or Madam:

I would like to formally lend my support to the 750 Lofts project that has been proposed in my immediate neighborhood. This neighborhood is not only historic, but has in full-force become a cultural and nightlife center of Palm Springs. In roughly ten years, Uptown has gone from empty storefronts and unimproved properties, to an attractive neighborhood which servers a clientele that is largely educated, travelled and passionate about design.

The proposed 750 Lofts project would only enhance the neighborhood, and further brand Palm Springs as a hip, attractive destination. The loft element of the project promotes a unique urban-desert lifestyle, helping to further Palm Springs's image as both a naturally beautiful city and an attractive place for younger generations to live.

Please feel free to contact me if I can be of any more assistance.

Kind regards,

Michael Beckman | Chef Owner
Workshop Kitchen + Bar LLC
800 N. Palm Canyon Dr. Suite G
Palm Springs, CA, 92262
e: michael@workshoppalmsprings.com
c: 310-977-7018
o: 760-459-3451

Submitted to
Planning Commission

FEB 25 2013

Case # _____ 129

February 22, 2015

Item 2B
Planning Commission Meeting
Date: 2-25-15
Additional Material

To whom it may concern regarding:

2B. 750 LOFTS, LLC FOR A MIXED-USE HOTEL DEVELOPMENT ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT (HD-1) (CASE NOS. 5.1350 PDD 374 / GPA / CUP AND 3.3795 MAJ). (KL)
Item 2B - Oversized Exhibits

As homeowners for 22 years in the Movie Colony, we have several concerns with the proposed development. I am putting my concerns in writing since I am not in town on the date of the hearing. This recommendation will be delivered in person to the City prior to the hearing, as requested for consideration.

1. **Offsite parking.** This is a growing problem in the Movie Colony neighborhood immediately and adjacent to the proposed development. For example, we live behind the Colony Palms Hotel. Saturday, Feb. 21, at 5 p.m. a hotel employee parked the wrong way on the narrow one-way section of Via Colusa, blocking our driveway. We asked the employee to move her car, and she explained that the hotel has no employee parking. This is contrary to what was agreed upon when the Colony Palm Hotel was under review by the Planning Commission and City Council. It was stipulated that parking had to be available for employees, and that employees would not be parking in the adjacent neighborhood streets. I would like to know what has changed? What will be done about this? And how will parking for guests and employees be handled at the proposed 750 North Palm Canyon Drive hotel?

With the number of hotels and restaurants that have come into the immediate area — including but not limited to— The Colony Palms, Triada, Movie Colony Hotel, Alcazar, and Los Arboles — parking in our neighborhood is a problem.

Adding a four-story hotel and bar will make the parking impossible.

2. Open Air Top Floor Pool Bar.

More than enough liquor licenses have already been granted in this area, which is adjacent to residential properties. If a liquor license is permitted, it must be restricted so that there is NO AMPLIFIED MUSIC. The Movie Colony homeowners currently suffer from the ongoing noise of various out door concerts and celebrations. To add another nightly and/or weekly contributor to the current din is concerning. We would like to see the city enforce restrictions on outdoor amplified music.

We as homeowners are entitled to the peaceful enjoyment of our homes by law.

3. Mountain Views. The General Plan states:

"Scenic/View Corridors. Palm Springs' location at the base of the San Jacinto and Santa Rosa Mountains creates opportunities for unparalleled mountain

RECEIVED
CITY OF PALM SPRINGS
2015 FEB 23 PM 1:29
JAMES THOMPSON
CITY CLERK

February 22, 2015

and desert views and multiple means of immediate access into these beautiful natural areas. Efforts should be taken to protect existing scenic/view corridors and to create new ones when possible, and to enhance and increase the character and quality of those natural resource access points."

The view of Mount San Jacinto is the primary visual aesthetic in Palm Springs. The mountain defines Palm Springs from any other southwestern city. To obstruct the view in anyway is the equivalent of blocking an ocean view at the beach.

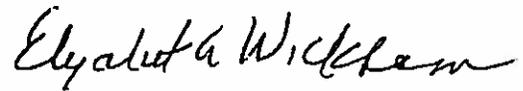
Palm Springs has already approved a six-story hotel downtown which will block the view for visitors and residents and now we are contemplating a four-story structure?

Ladies and gentlemen, once you have blocked the view of the San Jacinto mountain from the downtown visitor, you will have destroyed the primary visual asset the makes Palm Springs the famous world-wide destination resort that it is today.

With so many hotels adjacent to this property, that followed the current height restrictions, why would you open Pandora's box and waive the height restrictions for this one? What will happen to other hotels that also want to add stories and block the homeowners and visitors views?

Sincerely,


William R. Wickham


Elizabeth Wickham

330 E. Via Colusa
Palm Springs, CA 92262

ewickham@mac.com

Mr. Frank Tysen
Casa Cody Hotel
Palm Springs, CA

February 25, 2015

To the Honorable City Council
And Palm Springs Planning Department
City of Palm Springs, CA

Submitted to
Planning Commission

FEB 25 2015

Re: Item 2B
Public Hearing dated February 25, 2015
750 Lofts

Case # _____

To Whom It May Concern:

The project as assessed does not conform to the California Environmental Quality Act, in that a Mitigated Negative Declaration is not sufficient to meet the needs of the project. A full Environmental Impact Report should be required. Under the MND, the project has not been fully assessed, nor has it been fully mitigated, based upon the following:

1. The applicant has proposed a General Plan Amendment that inserts the density, height, and mass of the Downtown Central Business District into the heart of the Uptown Historic District. This was done for one very specific reason: to change a Floor Area Ratio (FAR) of .35 lot coverage to 1.0 FAR lot coverage - almost tripling the mass of the proposed building from all buildings that preceded it. Since the District is essentially built-out at .35 FAR, it is impossible for the City to conclude that this building conforms in either style, design, architecture, or open space, to its surroundings. At the very least, this creates a fair argument of significant impact, and an Environmental Impact Report (EIR) should be prepared to consider an alternative to the project - or particularly Adaptive Re-use of the Bank of America historic building and lot.
2. The City Council considered and approved an appeal by the developer to be relieved of the mitigation measures imposed by the Historic Site Preservation Board. Since mitigation has been eliminated, it is a fair argument that this leaves the project with a possibility of significant impact, and an EIR should be prepared.
3. The City has used a Planned Development District (PDD) permit to circumvent and overrule the High-Rise Ordinance of the City that required setbacks of 3:1 for buildings in excess of 35 feet. This proposed building reaches a height of 48 feet or more. California State Law, in its consistency requirements for the General Plan, creates ordinances as implementing tools for the General Plan. The ordinances must be internally consistent. One ordinance cannot overrule another unless it is explicitly designed by its language to do so. The PDD makes no mention that it can override the requirements of the High-Rise Ordinance. Therefore, the height of the building is out of compliance with the General Plan. This is another reason the EIR should allow considered adaptive reuse alternatives to the Plan.
4. The Las Palmas Business Historic District Conceptual Design Guidelines are another implementing tool of the City's General Plan, and they were created and used in this District to maintain the strict historic character under protection through its historic designation. This in itself sets an environmental threshold which has not been adequately assessed. By failing to follow these guidelines, the City is violating an environmental baseline, and has not properly mitigated or considered project alternatives.

5. The same environmental baseline is set through ordinances that set height limitations, setbacks and view restrictions. By not following these guidelines, the applicant has failed to consider or mitigate possible environmental effects.
6. The City, at page eight of its staff report, admits that Central Business District density, use, and mass are inherently incompatible in building type and scale with the Neighborhood Commercial District. This should be assessed in an EIR, with a proposed alternative to the General Plan Amendment to change land use classification.

The following are general considerations:

1. The Las Palmas Historic Business District is one of the most sensitive historic areas of Palm Springs, consisting of a considerable range of hotels, boutiques, restaurants, and retail stores that represent the unique architectural history of Palm Springs. The district was created with firm boundaries, as an intact and integrated neighborhood and historic unit, and is known for its quietness, gentle gardens, lovely open spaces, and low-level commercial activity, compatible with the adjoining high-end residential areas, including the Movie Colony, and Las Palmas District. The district clearly qualifies as neighborhood serving, and is primarily historical in context.
2. The developer and the staff recommendations for this project would choose to set aside protective ordinances designed specifically for this historic area, and, without justification, breach the designed limitations of those ordinances, more than doubling or tripling the building mass of what is allowed, and up-scaling the public use to noise levels incompatible with the neighborhood within its open space cantilevered areas, and especially the pool and bar on the open fourth floor, which have become the poor substitutes for real open space planning, which is required by general plan and ordinance to be landscaped and ground-level.
3. The City has justified this by filing a General Plan Amendment for Mixed-Use, Central Business District uses that are regional and tourism-driven, with major changes increasing density, massing and noise, and decreasing open space – while imposing design features completely out of context to the area. The city's idea (expressed in its staff report) is to "link" this site into the neighboring high-end, high-density commercial downtown district, with the idea that there is some need to extend a finger of high-end commercial into the historic district, and that it is a transition zone rather than a district. This is a poor concept that requires further environmental assessment.
4. Parking is truncated into a shared parking concept that is dubious, and looks as though it is formulated to cover up the deficiency that this is the wrong use and wrong building on the wrong lot within the wrong district.
5. The PDD appears to be used in place and instead of a variance, which the applicant could not qualify for.
6. The City also has ignored the implications of a very serious water shortage in the Valley, as it presses forward with a series of developments that maximize commercial use of the lots, far beyond what was originally intended by the General Plan. The series of departures from General Plan standards have created a pattern and practice of breaking boundaries, always in favor of maximizing use of the land.
7. Ultimately, because the standards proposed are so completely deviant from what was anticipated under the requirements of the General Plan, and under the nature of the historical area, a full Environmental Impact Report should be prepared, and the City should give serious consideration to a full redesign, with the emphasis on historical fit.

With regard,

Frank Tysen

Terri Hintz

Subject:

FW: Case 5.1350 PDD374 mixed-use development at 750 N Palm Canyon

Let your watchword be order,
And your beacon beauty!

Daniel Burnham, Architect and Planner

Planning Commission Meeting

Date: 2-25-15

Additional Material

Item 2B

From: Bearfoot Inn [mailto:info@bearfootinn.com]

Sent: Tuesday, February 24, 2015 8:32 PM

To: Ken Lyon; Ken Lyon

Cc: K C Jones; Tim Wenzel; Tommy Shortess; Bill Shaw; Ronald M Zehel

Subject: Case 5.1350 PDD374 mixed-use development at 750 N Palm Canyon

Hi Ken,

I was just made aware of this application from our neighbours to the south at 860 N Indian Canyon, and I would like to add my voice to oppose this proposal.

As a hotel owner, I am acutely aware of occupancy rates in Palm Springs being lower than other desert cities. Perhaps this is due to the fact that Palm Springs is home to almost 100 hotels/resorts, more than twice as many hotels/resorts than all other desert cities combined.

I might add that more than half of the hotels/resorts in Palm Springs are owner operated, whereas barely a handful of the hotels/resorts in other desert cities are owner operated. In other words, this proposal, like so many others under the guise of trendy "boutique" (such as the newly opened Triada) and/or "mixed use" properties are corporately driven projects. Corporations are responsible to their shareholders. Projects are developed with the intent of realizing a short term profit. If a profit is not realized, the fiscally responsible thing to do with respect to shareholders is to cut your losses, close shop and pull out. A recent example is the devastation caused by the Target retail chain in Canada. They purchased a major Canadian retailer, rebranded and attempted to dominate the market, failed and pulled out all within two years, leaving more than 15,000 people unemployed, and numerous empty shells of buildings that cannot be re-purposed easily.

One of the most enticing aspects of Palm Springs is its respect for the architecture that has come to define the city. This is especially relevant on the heels of Modernism Week, which has grown to a major tourism event in the past few years. Recent rehabilitation projects of existing properties that retain the charm of the city are far more important than trash and build projects that are short-term investments ultimately leaving unoccupied buildings. Samuel Delany's 1999 accounting of the unsuccessful "rehabilitation" of Times Square, "Times Square Red, Times Square Blue" is a testament to the value of organically developing communities as opposed to a forced, revenue driven, short-sighted approach to growing cities. The short-term profit is in the construction phase of the project, whereas operating the property usually yields smaller returns on investment.

All of the above is to say, does Palm Springs really need a newly constructed hotel?

Especially one that defies current building codes and destroys the aesthetics of the uptown design district with a height inappropriate building.

The approach to artificially inflate property values in order to maximize short term profits is happening in major cities and devastating neighbourhoods all over North America. One of the main reasons for choosing to move our business to Palm Springs was the respect for small, owner-operated businesses and a sense of community that has been eroded in other resort towns such as Fort Lauderdale, FL. While we were under construction we

were approached no less than three times from off-shore "investors" who offered to take the property off our hands, so we are aware that the potential to capitalize on prospective property values and erode the charm of Palm Springs is very much in play here.

This approach seems to be championed by the likes of the Greater Palm Springs Convention & Visitors Bureau, who have co-opted the Palm Springs brand, ultimately diluting its authenticity.

As a resident, I am profoundly disheartened by the prospect of multi-level buildings devastating the aesthetics of downtown Palm Springs. Every misguided approval sets precedent, representing limits that will ultimately be challenged by future developers, further eroding part of Palm Springs' charm.

A resounding "No" to this proposal is a resounding "Yes" to the good work carried on by residents and business owners, as well as the Palm Springs Bureau of Tourism, who are truly invested in the well being and measured growth of Palm Springs.

Thanks,

Jerry Pergolesi and Glen Boomhour
Owners, operators

bearfoot inn

www.bearfootinn.com
888 N Indian Canyon Dr
Palm Springs, CA 92262-5719
760-899-7641
855-438-0414 toll free

Terri Hintz

Subject: FW: protest to the construction at 750 North Indian Canyon Drive in Palm Springs

-----Original Message-----

From: Ronald M Zehel [<mailto:rareaccident11@gmail.com>]

Sent: Tuesday, February 24, 2015 7:15 PM

To: Ken Lyon

Subject: Fwd: protest to the construction at 750 North Indian Canyon Drive in Palm Springs

>
> Dear Mr. Lyon,
>
> I am writing to protest the proposed development across the street from me at 750 N Indian Canyon Drive of a 46 unit, four story hotel complex. Having just taken up residence at 860 N. Indian Canyon Drive #5, right across the street, I would be directly affected by this construction. It would remove or greatly diminish the priceless view I have of the mountains, one of the main reasons I just purchased my property. Not to mention the diminished property value I would experience for having the view taken away or defiled. Downtown Palm Springs has a beautiful ambiance. A construction of this type could only serve to defile and diminish that charm with a building of such height being built. A building of no more than two levels would fit right in.
>
> Ronald M Zehel
> 860 North Indian Canyon Drive #5
> Palm Springs, CA 92262
> 760-895-5215
> RareAccident11@gmail.com
>
> I would greatly appreciate it if you could submit this mail as part of the formal protest against this development. If possible I will attend the city council meeting tomorrow at 1:30 to lodge complaints verbally as well, but given the last minute notification I received about this am not sure I will be able to attend. I find it unacceptable to be notified about something this important with so little time to be able to react properly or make arrangements to attend the meeting.
>
> I am very interested to follow up on this in whatever way will provide the strongest opposition to this project.
>
> Sincerely,
>
> Ronald M Zehel
>
> Sent from my iPad

Planning Commission Meeting
Date: 2-25-15
Additional Material
Item 213

142

WARREN D. WILLIAMS
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RECEIVED

MAR 09 2015

PLANNING SERVICES
DEPARTMENT

City of Palm Springs
Department of Planning and Building
Post Office Box 2743
Palm Springs, CA 92263-2743

Attention: Ken Lyon

Ladies and Gentlemen:

Re: Case 5 1350 and Case 3 3795

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following checked comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- No comment.
- This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.
- This project involves District Master Plan facilities. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter or other facilities that could be considered regional in nature and/or a logical extension of the adopted Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
- This project is located within the limits of the District's Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's encroachment permit section at 951.955.1286.
- The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped flood plain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

If a natural watercourse or mapped flood plain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

HENRY OLIVO
Engineering Project Manager

143

c: Riverside County Planning Department
Attn: Kristi Lovelady
SKM:blm

Date: March 3, 2015



March 17, 2015

Via Email and U.S. Mail

Palm Springs City Council
City of Palm Springs, c/o City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262
cityclerk@palmsprings-ca.gov
Steve.Pougnnet@palmsprings-ca.gov
Chris.Mills@palmsprings-ca.gov
Ginny.Foat@palmsprings-ca.gov
Rick.Hutcheson@palmsprings-ca.gov
Paul.Lewin@palmspringsca.gov

*xc David
Malcom
Ellen
Jay T.
Doug H.*

RECEIVED

MAR 25 2015

**PLANNING SERVICES
DEPARTMENT**

1504 Marsh Street
San Luis Obispo
California 93401
ph: 805-593-0926
fax: 805-593-0946

RE: 750 LOFTS

Dear Councilmembers,

babaknaficy@sbcglobal.net

Advocates for Better Community Development, ("ABCD"), submits this letter in opposition to the 750 Lofts project ("Project"), which is before you today. As more fully explained below, we believe you may not lawfully approve this Project at this time because the project is inadequately reviewed under CEQA, is not appropriately sited, will result in significant unmitigated impacts on a significant historical resource, and is inconsistent with the City's own Municipal Code. The proposed General Plan Amendment is likewise fatally flawed as it would be inconsistent with the General Plan and Resolution No. 15858 and amounts to impermissible spot zoning.

Consistent with the City's pattern and practice in recent years, this Project was hastily rushed through the review process, with little, and at times, no adequate notice to interested parties. In particular, ABCD is extremely concerned that the conditions of approval imposed by the Historic Site Preservation Board ("HSPB") were summarily removed by the City Council at a hastily set appeal hearing, without any adequate notice to the public, including even those who had previously received notice of an earlier proposed project at the same site. As a result of the inadequacy of notice to the public, ABCD was not aware of the City's appeal hearing and was therefore unable to oppose the applicant's appeal of the HSPB's approval.

In recognition of the procedural and substantive flaws in the City's processing and environmental review of this project, we urge the City to postpone a final vote on this project until the project has been adequately reviewed and the concerns raised in this and ABCD's previous letter to the Planning Commission have been adequately addressed.

In addition, we note that the Planning Commission's purported attempt to adopt a Mitigated Negative Declaration ("MND") and a Conditional Use Permit ("CUP") were both premature, inappropriate and void ab initio.

The Planning Commission's purported adoption of a Conditional Use Permit and MND are void

The Staff Report contends that because the City's Planning Commission has already adopted a MND and CUP for the project, those issues are not before the City Council at the March 18, 2015 hearing. The Notice for the Planning Commission explained that the Planning Commission would consider making recommendations regarding the adoption of General Plan Amendment, etc., and did not include any proposed resolutions. The Notice did not even hint that the Planning Commission would make any final approval or adopt a Negative Declaration.

Moreover, the Planning Commission simply had no authority to approve the CUP, and hence the MND, because the Project requires a General Plan Amendment and Zone Change, both which are necessary pre-requisites to approving the Project's CUP or adopting a MND. Without the General Plan Amendment, the zone change (via Planning Development District ("PDD") in lieu of zone change) and a PDD for relief from the development standards, the Project is completely inconsistent with the underlying land use regulation. Even the Staff Report admits that because the Project does not conform to the development standards contained in the High-rise Ordinance, it may not be approved by the Planning Commission pursuant to a CUP. At most, the Planning Commission could recommend approval of the CUP and the MND, the Commission could not lawfully make any final actions.

Even if the Planning Commission had the authority and had intended to make any final action regarding the MND and/or the CUP, the Commission was precluded from taking any such action as these actions were not properly included in the statutorily required notice provided to the public of the Planning Commission's meeting. The Notice merely provided that the Planning Commission would be formulating recommendations.

Finally, we note that the Staff Report prepared for the issue before you today is grossly misleading to the extent that it claims the issue of the adoption of the CUP and MND are not before the City at this hearing. This contention is misleading because by adopting the proposed resolutions (attached to the Staff Report), the City Council would in fact be adopting both the MND and the CUP, as well as the other necessary approvals. Likewise, according to the notice on the City's website, the City would be, among other things, approving an MND. Accordingly, the Staff Report and the public notice are inconsistent and do not adequately reflect the actions the Planning Commission and the City Council have taken or would be taking. This all is very unhelpful and confusing to the public, who justifiably relies on notices and staff reports for its information.

Project approval would result in fundamental and long term changes in development patterns and density which would be inconsistent with the Las Palms Historic District without adequate environmental review

The project will require a major change in the site's land use designation from the existing Neighborhood/Community Commercial ("NCC") to Mixed Use/Multi Use Central Business District ("CBD"). The CBD designation is reserved for the downtown core in part because it results in denser and more intensive development that is typically inappropriate for areas other than the downtown core. The re-designation of the site to CBD will result in a change in the Floor Area Ratio ("FAR") from .35 lot coverage to 1.0, an almost three fold increase.

Through its indiscriminant resort to the PDD process, the City also intends to permit the project to be built to a height of up to 50 feet, substantially higher than the permitted 35 feet maximum, and considerably higher than the 20-25 feet height of the surrounding buildings. The PDD is also intended to enable the applicant to ignore the required setback requirements (3:1).

Regardless of whether the City Council believes the Project has merit, the City must recognize that its approval would set a precedent and therefore likely usher a slew of similarly dense, tall, and more intensive development to the Las Palmas Historic District, an area that the Staff Report admits consists of two story buildings with considerably less density and smaller FAR.

The proposed MND therefore violates CEQA because it does not include any discussion of the Project's potential for fostering this type of more intensive growth and the expected environmental impact of this type of growth inducement. "[T]he fact that future development may take several forms," or that it may never occur, "does not excuse environmental review" of the project which is the catalyst for the projected future growth." Stanislaus Audubon Soc'y, Inc. v. Cnty. of Stanislaus, (1995) 33 Cal. App. 4th 144, 158.

The City fails to adequately analyze the Project's potentially significant impacts on aesthetics, noise and a significant historical resource.

The record contains substantial evidence supporting a fair argument that the Project as proposed will have both a significant adverse impact on aesthetics and a significant historic resource. The source of this impact is the Project's incompatibility with the mass, size and scale of surrounding buildings which collectively comprise a historically significant neighborhood. The Project will also curtail views of San Jacinto Mountains, which further supports a fair argument that the Project's aesthetic impacts would be significant.

Moreover, a fair argument can be made that owing to its height, the Project would undermine the historical significance of the Las Palmas Historical District, which according to the City's own General Plan and Resolution No. 15858, is a significant and valuable historical resource. This was the conclusion of the HSPB, which as the Staff Report admits, determined that without adequate mitigation, including a reduction in the structure's height and bulk, the Project would adversely affect the overall historic value of the Las Palmas Historic Commercial District. As the City Council eliminated the conditions imposed by the HSPB, even the City's own HSBP would agree that the Project, as currently conditioned, may cause a significant change in the significance of a historical resource.

In this regard, we note that the MND/IS does not accurately represent the HSPB's views and analysis. The MND claims "the Board's concerns centered on the adequacy of the amount of off-street parking..." The Staff Report, on the other hand, admits that because the HSPB was also concerned the Project's height and bulk, it approved the Project only on the condition that the height and bulk be reduced.

Finally, ABCD contends that as many of the Project's neighbors have already noted, it could cause a significant adverse noise impact. The MND analyzed the potential noise impact in relation to the General Plan's standards for hotels, which is 70 dba. The MND failed to note, let alone analyze, the fact that the Project includes a roof-top bar, which may also accommodate live music. According to the General Plan, the noise level generated by live rock bands can be as much as 110 dba, much higher than the 70 dba assumed by the MND. The General Plan directs the City to "Utilize maximum anticipated, or "worst case," noise conditions as the basis for land use decisions and design controls as a means of preventing future incompatibilities". Here, the City has failed to use the potentially loud fourth floor roof-top bar for its analysis. Accordingly, the MND must be revised to analyze the noise levels in light of the potential noise from the bar, as well as compatibility with surrounding uses, particularly at night when the bar will be at its loudest and street noise at their lowest levels.

The City seems to assume that imposing a condition requiring the project operation to comply with the City's noise ordinance is enough to ensure the Project's noise impact would be mitigated to a less than significant level. There is no evidence or analysis to support the conclusion that this type of mitigation would be effective in reducing the noise impact to a less than significant level.

///

The Proposed General Plan Amendment is inconsistent with the surrounding neighborhood.

This project requires a General Plan Amendment because it is simply too dense, too massive and too big for this site and this neighborhood. As a result, the City's attempt to shoe-horn this Project into this site includes an amendment to the land use designation, the zoning ordinance, and other developmental standards that are intended to ensure some degree of predictability and compatibility with the surrounding neighborhood.

Currently, the Project is designated Neighborhood Community Commercial, or NCC, which has a maximum allowed FAR of .35 per acre. The applicant has requested and the City is proposing to revise the Project's land use designation to Mixed Use/Multi-use CBD, which increases the FAR to 1.0, a three-fold increase in density.

The Staff Report notes that the main difference between the CBD and NCC designations is "density or intensity of development—defined by FAR." The Staff Report goes on: "this GPA requests the expansion of the higher density Mixed-Use CBD into this "transition area" between Downtown and Uptown." According to the Staff Report, the Project incorporates many of the CBD design guidelines into the project. Based on these features, Staff contends the Project is "consistent with the proposed Mixed-use/Multi-use – CBD land use designation that is required."

Staff's conclusion that the Project is consistent with design guidelines that apply to the CBD land use designation is essentially irrelevant to the question of whether the proposed CBD type parcel is consistent with the Uptown, historical neighborhood commercial district that surrounds the Project. If anything, the Staff's conclusion supports ABCD's argument that the Project is more compatible with the CBD zone, and not the lower density Las Palmas neighborhood.

The fact that the Project is in a transition zone between CBD and Uptown does not help the City and Staff's argument. If the integrity of the boundary between the two districts is violated, there is no barrier to the whole-sale conversion of Uptown to CBD overtime.

The proposed General Plan Amendment represents "spot zoning" in that it creates an island of incompatible use

The proposed change in zoning and land use designation amounts to impermissible "spot zoning".

‘Spot zoning occurs where a small parcel is restricted and given lesser rights than the surrounding property, as where a lot in the center of a business or commercial district is limited to uses for residential purposes thereby creating an “island” in the middle of a larger area devoted to other uses. [Citation.] Usually spot zoning involves a small parcel of land, the larger the property the more difficult it is to sustain an allegation of spot zoning. [Citations.] Likewise, where the “spot” is not an island but is connected on some sides to a like zone the allegation of spot zoning is more difficult to establish since lines must be drawn at some point. [Citation.] Even where a small island is created in the midst of less restrictive zoning, the zoning may be upheld where rational reason in the public benefit exists for such a classification.’

Foothill Communities Coalition v. County of Orange (2014) 222 Cal.App.4th 1302, 1311. (“Foothill Communities”)

an amendment to a zoning ordinance that singles out a small parcel of land for a use different from that of the surrounding properties and for the benefit of the owner of the small parcel and to the detriment of other owners is spot zoning.

...

We hold the creation of an island of property with less restrictive zoning in the middle of properties with more restrictive zoning is spot zoning. This conclusion does not end our analysis, however, as spot zoning may or may not be impermissible, depending on the circumstances. “The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.” Id., at 1314.

Applying Foothill Communities here, it is indisputable that the proposed GPA and zone change amounts to impermissible spot zoning. As explained above, the Staff Report admits that the proposed project site would become an island of high density CBD/C-1/R-3 surrounded by a sea of low density NCC parcels/buildings. The Project site will accommodate only a single project, and is very small compared to the overall span of NCC in the Uptown area. The Project site, moreover, is not physically connected to any other CBD designated land.

The question, then, is whether the rezoning is justified by a substantial public need for this project. Unfortunately, this is not a question that the City has bothered to ask, let alone answer. For this reason alone the City must postpone any discussion of the Project until the issue of spot zoning has been adequately addressed.

ABCD contends the spot zoning is not justified because the Project will not address any substantial public need. Given the number of hotels, restaurants and commercial/retail space currently available in Palm Springs, it can hardly be argued that there is any public need for more of the same. Accordingly, the proposed General Plan Amendment/Zone change is illegal.

The City may not waive the applicable development standards through the adoption of a PDD

The City continues to view the PDD not as a scalpel to carve out “desirable departures from strict provisions of specific zone classifications,” but as a machete with which to strip away any and all development standards that may apply, simply upon request by the project proponents. The Project in this case is no exception.

The Staff Report admits that at almost 50 feet in height, the Project must comply with several requirements of the High Rise Ordinance (93.04). In particular, the Project only provides 43% open space, where 60% is required by the High-rise Ordinance. Likewise, the Project provides 0 and 15 foot setbacks in the front and back, where 141 foot setbacks are required by the Ordinance. The Project also fails to meet the less stringent set back and open space requirements of the proposed C-1/R-3 zone.

Despite these inconsistencies, the applicant is seeking a PDD in part to get “approval for development of a high-rise building pursuant to Zoning Code 93.04 (high rise buildings” and “seek relief from the development standards from both the high-rise ordinance and the underlying zones in terms of lot coverage, open space, height, setbacks, off-street loading and parking.” Staff Report at page 8 of 23.

The problem with the staff’s analysis and the proposed findings is that they both ignore the fact that the City’s own municipal code does not permit the City to waive the requirements of the High-Rise Ordinance by adopting a PDD. 94.03.00(C)(1) provides that “Structures which exceed permitted heights shall be subject to the requirements of Sections 93.03.00 and 93.04.00.” 93.04.00 (A) mandates that 60% of site area for high-rise building must be devoted to open space, while subsection (C)(1) requires a minimum setback of 3 feet for every one foot of vertical rise of the building. Accordingly, the City must adhere to these standards regardless of whether the project otherwise qualifies for a PDD.

Likewise, ABCD objects to the City’s modification of the parking requirements based on the applicant’s parking plan. The Staff’s analysis of the Project as it relates to parking is flawed because the Staff fails to adequately account for the fact that the Project will create

Palm Springs City Council

March 13, 2015

Page 8 of 8

the need for additional parking in two ways, first by adding commercial development requiring 93 parking spaces, but also by eliminating off-street parking that was previously set aside for Colony Palms Hotel and Purple Palm Restaurant. According to the Staff Report, approximately 16 parking spaces on the proposed project site had been allocated to meet the unmet parking need associated with the Colony Hotel and Purple Palm Restaurant. The total number unmet parking needs resulting from the Project, therefore, is at least 47.

According to the Staff Report, the Planning Commission concluded that the reduced off-street parking proposed is "consistent with the general plan and reflected good zoning practice given the urban characteristics of the Uptown commercial district." This contention, however, is difficult to reconcile with the City's municipal code, which requires parking accommodation even in urban areas.

Conclusion

For all the foregoing procedural and substantive reasons, I urge you to deny the project as proposed.

Sincerely,

/s/ Babak Naficy

Babak Naficy

Counsel for ABCD

Cioffi

ARCHITECT

November 4, 2014

City of Palm Springs
Department of Planning Services
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Justification Letter, 750 Lofts Major Application

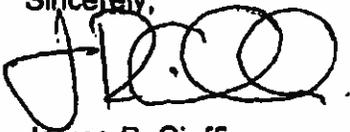
This proposal is for a proposed mixed use on approximately 1.13 acres in the uptown area of Palm Springs. A GPA to CBD/MU will enable the density standards that will make this project feasible.

The project consists of 46 new Hotel rooms, commercial space on Palm Canyon and a restaurant on Indian Canyon. The mixed use aspect of the project will add a 24 hour vitality to the 700 block, and will complement the existing hotel and gallery uses in this unique area.

The proposal will incorporate contemporary a architectural statement with uptown with good pedestrian scale. It will acknowledge its historic properties neighbors with height setbacks and low overhangs. A pedestrian linkage through the property and a midblock crosswalk will provide a connection to the neighbors to the East. Outdoor dining, building orientation and an Art Walk will enhance the Indian Canyon walking experience. A landscaped traffic median will slow traffic and reduce traffic conflicts.

This proposed application will correct a current condition on this block, changing an inappropriate NCC designation to a mixed use designation that more accurately reflects the uses on the adjacent parcels in the 700 Block.

Sincerely,



James R. Cioffi
James Cioffi Architect, Inc.
Owner / Agent

RECEIVED

NOV 10 2014

PLANNING SERVICES
DEPARTMENT

2121 E. TAHQUITZ CANYON WAY, SUITE 3
PALM SPRINGS, CALIFORNIA 92262-7021
TEL 760 325 1557
FAX 760 327 8214
WWW.CIOFFIARCHITECT.COM

188

**PROPOSED 750 LOFTS PROJECT
PARKING ANALYSIS (UPDATED 12/19/2014)
City of Palm Springs, California**



December 19, 2014

Ms. Carol Blum
750 LOFTS, LLC
39 Crosby Street
PHS
New York, NY 10013

**Subject: Proposed 750 Lofts Project – Parking Analysis (Updated 12/19/2014),
City of Palm Springs**

Dear Ms. Blum:

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this updated Parking Analysis for the proposed 750 Lofts Project. The proposed site is located immediately to the north and adjacent to the existing Alcazar Hotel, and is bound by North Palm Canyon Drive on the west and North Indian Canyon Drive on the east, in the City of Palm Springs, as shown in Exhibit A. The multi-use project will consist of construction of a 46-room hotel with 2,190 square feet of spa, a roof-top area with 47 seats, a 3,025 square foot quality restaurant with a maximum of 50 seats provided, and 2,595 square feet of retail use. The proposed project will also contain 62 off-street parking spaces, and will provide valet parking services. A site plan for the proposed development is included in Exhibit B.

The multi-use nature of the proposed project provides an opportunity for shared parking within the overall project site. The City of Palm Springs Municipal Code permits a shared parking analysis for multi-use development. The location of the project site and its proximity to the downtown area create opportunities for users and visitors to access the project site by other modes of transportation such as walking, or use of public transportation such as trolley or taxi. Additionally, it is likely some hotel guests will utilize taxi or shuttles to and from the airport.

The City of Palm Springs Municipal Code parking requirements in conjunction with the Urban Land Institute (ULI) Shared Parking methodologies has been utilized to evaluate the adequacy of the parking for the overall project site. Both weekday and weekend parking demands have been evaluated, based on the hourly variations in parking demand.

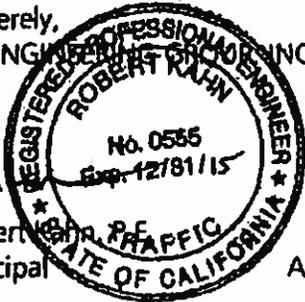
Ms. Carol Blum
750 LOFTS, LLC
December 19, 2014
Page 2

Based on the City of Palm Springs Municipal Code parking requirements and the ULI shared parking methodology, the estimated shared peak parking demand is not expected to exceed the available parking supply of 62 off-street parking spaces.

If you have any questions regarding this study, or need further review, please do not hesitate to call our office at (949) 474-0809.

Sincerely,
RK ENGINEERING & ARCHITECTURE, INC.

Robert Kahn
Robert Kahn, P.E.
Principal



Handwritten signature of Alex Tabrizi.

Alex Tabrizi, P.E.
Associate Principal Engineer

Handwritten signature of Tiffany Giordano.

Tiffany Giordano, E.I.T.
Engineer I

Attachments

**PROPOSED 750 LOFTS PROJECT
PARKING ANALYSIS
(UPDATED 12/19/2014)
City of Palm Springs, California**

Prepared for:

Ms. Carol Blum
750 LOFTS, LLC
39 Crosby Street
PHS
New York, NY 10013

Prepared by:

RK ENGINEERING GROUP, INC.
4000 Westerly Place, Suite 280
Newport Beach, CA 92660

Robert Kahn, P.E.
Alex Tabrizi, P.E.
Tiffany Giordano, E.I.T.



December 19, 2014

Table of Contents

Section	Page
1.0 Project Description	1-1
2.0 Parking Analysis.....	2-1
2.1 City of Palm Springs Parking Requirements	2-1
2.2 Shared Parking Parameters	2-2
2.3 Shared Parking Results	2-5
3.0 Conclusions.....	3-1

List of Attachments

Exhibits

Location Map	A
Site Plan	B
Weekday Shared Parking Demand Accumulation.....	C
Weekend Shared Parking Demand Accumulation	D

Tables

City of Palm Springs Municipal Code Required Parking	1
ULI Hourly Weekday Shared Parking Analysis.....	2
ULI Hourly Weekend Shared Parking Analysis	3
ULI Hourly Shared Parking Analysis: Summary	4

Appendices

City of Palm Springs Parking Requirements.....	A
Urban Land Institute (ULI) Shared Parking Methodology.....	B

1.0 Project Description

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this parking analysis for the proposed 750 Lofts Project located in the City of Palm Springs. The project site is located to the north and adjacent of the existing Alcazar Hotel, and is bound by North Palm Canyon Drive on the west, and North Indian Canyon Drive on the east, as shown on Exhibit A. The proposed development will replace the existing buildings on-site. The site plan for the project is shown in Exhibit B.

The proposed 750 Lofts Project will include construction of a 46-room hotel with 2,190 square feet of spa, a roof-top area with 47 seats, a 3,025 square foot quality restaurant with a maximum of 50 seats to be provided, and 2,595 square feet of retail uses. This project site is planned to include a total of 62 off-street parking spaces to accommodate the forecast parking demand associated with the proposed project. It should be noted, the proposed project is planned to include a valet service which will further increase the parking capacity on the project site. The project will have two (2) project driveways; one (1) existing full access driveway on North Palm Canyon Drive, and one (1) right-in/right-out only driveway on North Indian Canyon Drive.

The proposed project site is currently zoned as a Planned Development (PD) district by the current City of Palm Springs Zoning Map.

This analysis determines the parking requirements for the proposed project land uses based on the City of Palm Springs Municipal Code. The analysis also evaluates the shared parking demand for the proposed multi-use site utilizing the Urban Land Institute (ULI) shared parking concepts and methodology and applicable rates of hourly parking demand and utilization for each use.

The project is planned to provide 62 off-street parking spaces. Therefore, based on the City Municipal Code and assuming a total of 50% parking demand adjustment associated with noncaptive and modal reduction, the site is forecast to have a parking deficiency of six (6) parking spaces. However, since the proposed project is planned to include a valet service, it is expected the six (6) deficient parking spaces can be accommodated by the increased parking capacity from the valet services.

It should be noted that the proposed project, assuming shared parking conditions, is forecasted to provide a sufficient number of parking spaces without the valet service. **Based upon the shared parking analysis without any additional parking capacity associated with the valet service, an adequate number of parking spaces is forecasted to be provided to accommodate the proposed land uses during any time of weekday or weekend.**

2.0 Parking Analysis

2.1 City of Palm Springs Parking Requirements

As shown in Table 1, without assuming any shared parking opportunity between the uses, the total combination of the proposed uses (hotel, roof-top area, retail, and restaurant) for the proposed project would require a total of 68 off-street parking spaces based on the City of Palm Springs Municipal Code. It should be noted the location of the project site and its proximity to the downtown area create opportunities for users and visitors to access the project site by other modes of transportation such as walking, or use of public transportation such as trolley or taxi. ULI recommends a 30% noncaptive reduction and a 60% mode adjustment for restaurants that are near resort hotels (Appendix B).

This analysis assumes a total of fifty (50) percent adjustment in parking demand associated with the retail, restaurant, and roof-top area land uses to account for noncaptive and modal reductions. This estimate is conservative based on the ULI recommendations and the downtown area features.

It is very likely some hotel guests will utilize taxi or shuttles to and from the airport. However, this analysis is considered conservative since it does not account for any modal or captive adjustments associated with the hotel use.

The applicable City of Palm Springs Municipal Code Parking Requirements are included in Appendix A.

The project is planned to provide 62 off-street parking spaces. Therefore, based on the City Municipal Code and assuming a total of 50% parking demand adjustment associated with noncaptive and modal reduction, the site is forecast to have a parking deficiency of six (6) parking spaces. However, since the proposed project is

planned to include a valet service, it is expected the six (6) deficient parking spaces can be accommodated by the increased parking capacity from the valet services.

Additionally, the multi-use nature of the proposed project provides an opportunity for shared parking within the overall project site. Shared parking is the use of a parking space to serve two or more individual land uses without conflict or encroachment. The ability to share parking between two or more uses is the result of two conditions:

- Variations in the accumulation of vehicles by hour of day; and
- Relationships among the land uses that result in visiting multiple land uses on the same auto trip.

The key goal of shared parking analysis is to find the balance between providing adequate parking to support a development from a commercial viewpoint while minimizing the negative aspects of excessive land area or resources devoted to parking. Multi-use developments that share parking result in greater density, better pedestrian connectivity, and, in turn, reduced reliance on driving, typically because multiple destinations can be accessed by walking.

2.2 Shared Parking Parameters

RK has used procedures developed by the Urban Land Institute (ULI) from their 2005 publication, *Shared Parking, Second Edition*. This document contains the latest procedures and data with respect to parking demand and shared parking. This shared analysis utilizes the parking demand rates from the City of Palm Springs Parking Requirements for each of the proposed project's land uses.

The ULI shared parking analysis evaluates the types of land uses, parking rates, monthly variations of parking demand by land use, differences between weekday

and weekend parking demand, the hourly distribution of peak parking demand for each type of land use, and captive versus non-captive parking demand within the project site. This analysis is based on a selection of ULI procedures to evaluate peak parking demand that will occur at the proposed 750 Lofts Project.

The ULI parameters were used in conjunction with the City of Palm Springs parking rates to analyze shared parking demand at the project site. The analysis is based on the following inputs and calculations for each land use:

1. **ULI peak parking demand by land use for visitors and employees.**
The ULI Shared Parking model proportions the parking rates between visitors and employees for weekday and weekend conditions, each with their own parking demand characteristics. While the ULI parking rates were modified to reflect the City of Palm Springs' Municipal Code, the split between employees and visitors identified in the ULI analysis was used.
2. **ULI hourly variations of parking demand.** Throughout the day, a different percentage of employees and visitors are expected.
3. **ULI weekday versus weekend adjustment factor.** Weekdays and weekends attract a different percentage of visitors and employees based on the land use.
4. **Captive trip reductions.** As with most multi use developments, the proposed project is expected to have a small percentage of captive trips between users within the development, which further reduces the parking demand. The parking demand is reduced due the fact that multiple land uses are visited while parking only once.

5. **Modal adjustment reductions.** It is expected that some visitors may use different modes of transportation, and it is typical to take a modal adjustment for this type of development. The modal adjustment takes into account modes such as walking, biking, and other non-auto modes of transportation to and from the site for employees.

As previously noted the location of the project site and its proximity to the downtown area create opportunities for users and visitors to access the project site by other modes of transportation such as walking, or use of public transportation such as trolley or taxi. ULI recommends a 30% noncaptive reduction and a 60% mode adjustment for restaurants that are near resort hotels (Appendix B).

This analysis assumes a total of fifty (50) percent adjustment in parking demand associated with the retail, restaurant, and roof-top area land uses to account for noncaptive and modal reductions. This estimate is conservative based on the ULI recommendations and the downtown area features.

It is very likely some hotel guests will utilize taxi or shuttles to and from the airport. However, this analysis is considered conservative since it does not account for any modal or captive adjustments associated with the hotel use.

The analysis also does not account for the following ULI procedure which could potentially further reduce parking demand associated with the proposed project:

1. **ULI monthly adjustment factors.** Throughout the year, differing land uses peak during different months. For example, retail land uses are typically expected to peak during the end of the year in late December. The parking demand is reduced during the months that the land use is not expected to peak. For this project, it is assumed that the land uses will be peaking throughout the year to be conservative.

2.3 Shared Parking Results

Table 2 and 3 provide the hourly shared parking demand for the weekday and weekend, respectively, based on the number of required parking spaces determined by the City of Palm Springs Municipal Code and the ULI-based hourly parking demand. The tables also calculate the split of demand between visitor and employees based on the ULI methodology and the City of Palm Springs Municipal Code parking rates. Table 4 provides a summary detailing the percent of parking spaces expected to be occupied throughout a typical weekday and weekend assuming shared parking conditions.

- During a typical weekday, the expected peak will occur at 6:00 PM, 8:00 PM, and 9:00 PM with 56 parking spaces occupied, or 90.3% of the total supplied parking.
- During a typical weekend, the expected peak will occur at 8:00 PM and 9:00 PM with 59 parking spaces occupied, or 95.2% of the total supplied parking.

Exhibit C shows the peak shared parking demand for weekday conditions, whereas, Exhibit D shows peak shared parking demand for weekend conditions for the project site. As shown on these exhibits, peak parking demand can be accommodated during all times of the weekday and weekend.

It should be noted that the project will provide valet services. When valet services are utilized, vehicles can be double-stacked, allowing additional parking spaces. A valet parking plan should be developed for the project site and approved by the City and the Fire Department. It should be noted that the proposed project, assuming shared parking conditions, is forecasted to provide a sufficient number of parking spaces without the valet service.

The proposed 750 Lofts Project would provide a total of 62 off-street parking spaces. Based upon the shared parking analysis without any additional parking capacity associated with the valet service, an adequate number of parking spaces is forecasted to be provided to accommodate the proposed land uses during any time of weekday or weekend.

3.0 Conclusions

The following conclusions have been reached with respect to the proposed 750 Lofts Project:

1. The project would consist of hotel, roof-top area, retail, and restaurant uses, which are compatible from a shared parking standpoint. Peak parking demand will not occur simultaneously from all of the various uses.
2. Based on the City of Palm Springs Municipal Code and the proposed land uses, the project would require 68 parking spaces without assuming a shared parking condition.
3. Utilizing the shared parking concept as applicable to the proposed project, the shared peak parking demand for the project has been estimated to be 56 parking spaces during peak weekday conditions and 59 parking spaces during peak weekend conditions.
4. The proposed project is planned to provide 62 off-street parking spaces, as well as a valet service. The valet service will allow double-stacking of vehicles, increasing the parking supply.
5. Based on the City of Palm Springs Municipal Code and the ULI shared parking methodology, the forecast shared parking demand for the proposed project can be accommodated by the 62 off-street parking spaces planned to be provided by the proposed project.
6. The project should monitor its peak parking demand as needed to refine parking management operations at the site.