



## CITY COUNCIL STAFF REPORT

**DATE:** September 16, 2015

**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 AND ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, ZONE C-1/R-3/PDD 104/RESORT COMBINING ZONE/LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1, (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).

**FROM:** David H. Ready, City Manager

**BY:** Department of Planning Services

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### SUMMARY

The City Council 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 74 off-street parking spaces, not including valet 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 the Palm Springs Zoning Code (PSZC) Section 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 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

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- kitchens [PSZC 92.12.01(D)(14)];
- 4) A high-rise structure with a maximum height of 48'-4" [PSZC 92.12.03(C)(1)(a), PSZC 93.04.00 (High-Rise Buildings), and 94.03.00(A) – (Planned Development District)].

## ISSUES

- The quantity of off-street parking spaces is less than required by the zoning code, however, adequate parking will be provided on site through valet parking.
- The project does not conform to all of the open space or setback requirements for high-rise buildings, however, the City Council may alter these requirements if it finds the intent of the high-rise ordinance has been met.
- The General Plan Amendment application proposes a land use designation with a Floor Area Ratio (F.A.R.) that is greater than that of the adjacent properties, although the uses permitted under the designation are similar.
- The project does not fully comply with the conditions recommended by the Historic Site Preservation Board (HSPB), but has been revised to reduce the height and bulk of the building, which relate to the concerns raised by the HSPB.

## RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing and adopt Resolution #\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED GENERAL PLAN AMENDMENT, PRELIMINARY PLANNED DEVELOPMENT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT, AND A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL WITH ACCESSORY SPA, RESTAURANT AND COCKTAIL LOUNGE/BAR USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, SUBJECT TO CONDITIONS OF APPROVAL AS OUTLINED IN EXHIBIT "A" (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).
3. Adopt Resolution #\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL, A CONDITIONAL USE PERMIT FOR A HIGH-RISE BUILDING, AND A CONDITIONAL USE PERMIT FOR ACCESSORY SPA, COCKTAIL LOUNGE/BAR USES, AND HOTEL UNITS WHERE MORE THAN 10% OF THE UNITS HAVE KITCHEN FACILITIES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).
4. Waive reading and introduce by title only for first reading Ordinance #\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT FROM NCC (NEIGHBORHOOD COMMUNITY COMMERCIAL) TO CBD (CENTRAL BUSINESS DISTRICT) FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON

A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).

5. Waive reading and introduce by title only for first reading Ordinance #\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).

**BACKGROUND INFORMATION**

<b><i>Related Relevant Actions by Planning, Building, Fire, etc.</i></b>	
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.
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.
06/24/15	The Planning Commission voted to continue the item to the July 22, 2015 meeting for additional review and discussion.
07/22/15	The Planning Commission voted to continue the item to the August 12, 2015 meeting at the request of staff, pending a response to the comments received during the recirculation of the Initial Study/MND.
08/12/15	The Planning Commission recommended approval of the applications by vote of 6 to 0.

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

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

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

<b>Site Area</b>	
Net Acres	1.13 Acres

<b>Surrounding Property</b>	<b>Existing Land Use Per Chapter 92</b>	<b>Existing General Plan Designation</b>	<b>Existing Zoning Designation</b>
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)

<b>Master Plan Areas</b>	<b>Compliance</b>
None	N/A
<b>Special Purpose and Overlay Districts</b>	<b>Compliance</b>
"R" Resort Overlay Zone	Y
Las Palmas Business Historic District	N <sup>1</sup>

<sup>1</sup>The project does not fully comply with the conditions recommended by the Historic Site Preservation Board (HSPB), but has been revised to reduce the height and bulk of the building, which relate to the concerns raised by the HSPB.

**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 Feet	N <sup>1</sup>
• Front (Indian Canyon)	5 Feet (avg.)	10 Feet	Y
• Side (north)	20 Feet <sup>2</sup>	0' to 10'-2"	N <sup>1</sup>
• Side (south)	20 Feet <sup>2</sup>	0' to 10'	N <sup>1</sup>
• Rear	N/A	18'-2"	N/A
Max. Lot Coverage	No requirements	79.6%	N/A
Max. Building Height	30 Feet; high-rise buildings permitted per PSZC 93.04.00	48'-4"	Y <sup>3</sup>
Trash Enclosure	Screened 6' High (bin) 3'-6" High (cans)	Yes	Y
Mechanical Equipment	Screened	Unknown	---

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

<sup>2</sup>20-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.

<sup>3</sup>High-rise buildings may be permitted up to 60 feet in height upon approval of a Conditional Use Permit.

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	172 Seats	1 per 3 seats	57				
<b>TOTAL SPACES REQUIRED</b>			96		74 <sup>1</sup>		N <sup>2</sup>
<b>Regular and Handicap Spaces Req.</b>			92	4	71	3	Y

<sup>1</sup> An additional 34 parking spaces can be provided on the site through a valet parking plan, resulting in a total of 108 on-site parking spaces. With the valet parking spaces, the site will have 12 parking spaces in excess of code requirements.

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

**ANALYSIS**

The project has been revised several times since initially submitted, in order to address conditions imposed by the Architectural Advisory Committee (AAC), Historic Site Preservation Board (HSPB), and Planning Commission. The following changes have been made to the project since originally submitted:

- 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 loft on the second level.
- The number of parking spaces has been increased from 62 spaces to 74 spaces; valet parking adds an additional 34 on-site parking 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.
- The number of restaurant and bar seats has been reduced from 217 seats to 172 seats, which has in turn reduced the parking requirement for the development.
- 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 two-way drive aisle that bisects the site between Palm Canyon and Indian Canyon has been reduced to a one-way drive aisle in order to increase the width of the on-site pedestrian walkway and to increase the number of parking spaces.

The proposed development includes a restaurant, cocktail lounge and hotel lobby on the ground floor of the building, with 74 covered parking spaces and a drive aisle and pedestrian walkway that connects the Palm Canyon and the 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 a floor area ratio (F.A.R.) of up to 0.35. 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 close proximity to the northerly edge of the CBD area. Further, properties with the CBD land use designation are located west of the project site along Palm Canyon Drive from Merito Place south to Alejo Road, and southeast of the project site along Indian Canyon Drive from East Granvia Valmonte to Alejo Road. 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 were 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. Required trash facilities will be located in an enclosed space along the north side of the building; however, the width of the gate that provides access to this area may need to be increased to accommodate moving the dumpster or bins to the street. No information is provided relative to the location or screening of mechanical equipment, and a condition of approval has been added which requires screening in conformance 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). The high-rise regulations allow a height of up to 60 feet, and the application is in conformance with the maximum allowable height. The high-rise regulations also require a minimum of three feet of horizontal setback for every foot of vertical height from any adjacent property lines. The height of the project has been reduced from the original submittal based upon the recommendations of the HSPB and the Planning Commission, and now conforms to this setback requirement from the properties to the east and the west. However, the project does not meet the 3:1 setback requirement from the adjacent properties at the north and south property lines. The regulations also require that high-rise developments

provide usable landscaped open space and outdoor living and recreation area in the amount of 60% of the site area. With the inclusion of outdoor living and recreation areas, the open space for the project is 48%. Pursuant to PSZC Section 93.04.00(G), the City Council may alter the provisions of these requirements upon finding that the intent of the ordinance is met.

*Parking Requirements:* The development will include a total of 74 parking spaces where a total of 96 spaces would be required under standard code requirements. An additional 34 parking spaces would be available on site through a valet parking plan that will allow vehicles to be stacked in drive aisles. The applicant has submitted a parking study, which is included as an attachment to this report, and asserts that a reduced parking ratio is justified based upon 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. Even without the capture rate, the provision of the valet parking spaces would provide 12 parking spaces in excess of code requirements. The Planning Commission placed a condition of approval upon the project to require a validated valet parking service so as to maximize parking efficiency on the site and lessen any potential parking impacts to the neighborhood. No dedicated loading space will be provided on the site; the applicant has indicated that delivery vehicles will either park in the on-site driveway or the nearby on-street parking spaces, as is common in the Downtown and Uptown areas. PSZC Section 93.07.01(A)(8) allows the use of parking or drive areas for loading purposes, if approved by the Planning Commission. The Planning Commission reviewed this request and suggested that the applicant work with the Public Works Department to designate an on-street parking space for loading purposes adjacent to the project; this recommendation has been included as a condition of approval.

*Planned Development District – Public Benefit:* Pursuant to the 2008 City Council policy 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 the Quimby Act, public art fees, utility undergrounding, etc.”

The applicant is seeking the following relief from the following development standards via the Planned Development District application:

- Reduced setbacks from the underlying zoning district standards;
- The use of a valet parking plan as a means to accomplish on-site parking requirements;
- No provision for off-street loading.

The applicant has proposed the following as 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 the street with pedestrian activity;
- A publicly accessible through-the-site pedestrian 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, but has not indicated as to whether they will be provided. Provisions for solar energy 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 conceptual design guidelines for the district. The HSPB reviewed the original project submittal relative to the guidelines, and issued a Certificate of Approval subject to the following conditions:

1. The overall project height should be reduced to approximately 34 feet (a reduction of approximately four feet from the original submittal).
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.

For projects such as this, which involve multiple entitlements requiring action by the City Council, the HSPB serves in an advisory capacity. The ultimate determination regarding the appropriateness of the HSPB’s recommended conditions will be made by the City Council.

While the HSPB approval was conditional, the project is consistent with the following recommendations of the Las Palmas Business Historic District Conceptual Guidelines:

- Variety in building heights may be achieved by creating setbacks in the façade, by stepping back upper stories, and by building decks and balconies.
- 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.

- Where new buildings are to be wider than the dominant dimension, consider subdividing the façade into portions that reflect the pattern.
- The roof type and materials should be compatible with existing buildings in the surrounding area; flat roofs are predominant in this area.
- New construction should observe an appropriate space, or lack thereof, in terms of the surrounding area. This area is characterized by buildings which are built on the property line.
- Although contemporary designs are encouraged, replicas of historic designs may be considered subject to conditions.

*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 uses that are supportive of the tourist resort nature of the Uptown area. The proposed uses are consistent with the overlay requirements.

#### FINDINGS – GENERAL PLAN AMENDMENT

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 – CHANGE OF ZONE

Section 94.07.00(A) of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to justify 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. Furthermore, as set forth in the Initial Study/Mitigated Negative Declaration prepared for the project, the project would not have a significant effect on the environment. Therefore the project is not likely to be detrimental to the adjacent properties or residents.

#### FINDINGS – MAJOR ARCHITECTURAL APPLICATION

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 internal sidewalk along the east/west drive aisle has been increased to six feet in width, and provides an accessible route through the site. 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 historic district includes a variety of structures from various eras, including architectural styles as diverse as Spanish revival and International Style. The proposed structure is generally consistent with the materials and details utilized

by other modern structures in the district, while avoiding excessive variety and monotonous repetition. Of critical importance is maintaining the alignment of the facades along the street front, so as to provide a continuous line of active uses along the public sidewalk. Minor revisions to the design, such as moving the plane of the first-floor façade along the Palm Canyon frontage to the front setback line, would provide a more harmonious relationship with adjacent structures and eliminate the “floating” appearance of the building due to the practice of cantilevering the second story of the building out beyond the first floor. A condition of approval has been included to address the setback of the first floor of the building at the Palm Canyon frontage.

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 some of the setback and open space requirements of the high-rise ordinance. 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 than the central portion of the building as a means to reduce the massing of the building when viewed from adjacent rights-of-way. The façade along the Indian Canyon frontage has been divided into three separate massing elements as a means to further reduce the apparent scale of the building. A condition of approval has been included to require adequate screening of any mechanical equipment.

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

The principal exterior materials used on the building include “fair-faced” (architectural finish) concrete, powder-coated aluminum framing, and glass curtain walls. Fabric curtains will be used at the balconies of the two-story hotel units for sun control and privacy. The materials and colors are general 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. The use of architectural concrete as a finish element provides consistency in the exterior treatment of walls and overhangs which are visible simultaneously.

6. *Consistency of composition and treatment;*

Proposed building elevations include a variety of building volumes, massing, setbacks, solids and voids, and material treatment. Overall, the design of the project is consistent in its composition and detailing.

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

A Conditional Use Permit (CUP) is required for cocktail lounge uses, the spa use, and for hotel units 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 conditions be met 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 potential noise from 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. The Initial Study/Mitigated Negative Declaration prepared for the project concludes all project-related transportation/traffic impacts would be less than significant with mitigation incorporated.

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

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

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 92.12.03(C)(1)(a) allows high-rise buildings in the C-1 (Retail Business) Zone upon approval of a Conditional Use Permit. A high-rise building is defined as a building or structure which exceeds 35 feet in height. While the portions of the building fronting on Palm Canyon and Indian Canyon are less than 35 feet in height, the center portion of the building is 48'-4" in height and is subject to the high-rise building ordinance.

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 development plan will assist in the redevelopment of the subject site, and will enhance economic development efforts in the area, and is consistent with the intensity of development allowed under the proposed CBD land use designation. 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 some of 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 designed by the General Plan Circulation Map; the capacity of both streets is adequate to carry the traffic generated by the proposed uses. The Initial Study/Mitigated Negative Declaration prepared for the project concludes all project-related transportation/traffic impacts would be less than significant with mitigation incorporated.

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 set of conditions of approval has 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.

6. *Pursuant to PSZC Section 93.04.00(G), the City Council may alter the provisions of the high-rise building requirements upon a finding that the intent of the code is met.*

The design of the structure complies with the required 3:1 setback requirement along the Palm Canyon and Indian Canyon frontages, as the building steps back in height so that the tallest portion of the building is at the center of the site. While the building does not fully comply with the 3:1 setback along the north and south property lines, these portions of the building will be less visible from public rights-of-way. The minimal setbacks from interior property lines is consistent with the Las Palmas Business Historic District Conceptual Design Guidelines, which states that the district is characterized by buildings which are built on the property line. Relative to the open space requirement, the project provides an open space ratio of 48%, when including outdoor living and recreation area. The project provides separate outdoor living space for each of the 39 guest rooms, in addition to the pool area and outdoor seating spaces on the roof of the building. A walkway is provided through the middle of the site to provide a mid-block pedestrian connection between Palm Canyon and Indian Canyon, which assists in implementing the goals of the General Plan. As open space is typically limited for urban development sites, the amount of open space and types of amenities proposed for the development is consistent with the intent of the ordinance.

## 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 (1) Cultural Resources, (2) Hazards and Hazardous Materials, and (3) Transportation and Traffic. Mitigation measures are noted as follows:

MM V-1: The building height shall be reduced by four feet.

MM V-2: The elevation of the building on Indian Canyon shall be limited to two stories and twenty feet adjacent to the street, and can step back to include additional height further from the street.

MM V-3: No additional rooftop structures shall be permitted beyond those illustrated in the approved plans.

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 ACM's 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 of 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.

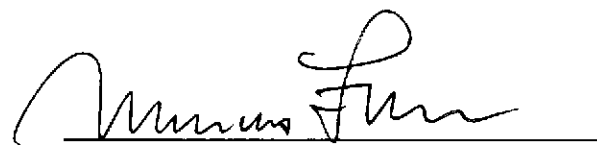
The Planning Commission considered the initial study and mitigated negative declaration at their meeting of August 12, 2015. The Planning Commission recommended that the City Council find that, in light of the whole record before it, all potentially significant impacts of the project would be less than significant with the incorporation of mitigation and that, therefore, the project would not have a significant impact on the environment.

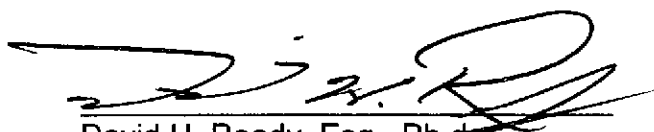
The analysis was available for public comment for a 20-day period from February 6, 2015 through February 25, 2015. Based on minor revisions to the project, the analysis was recirculated for a 20-day period from June 29, 2015 to July 20, 2015. Public comment letters were received which are attached to this staff report. Through the public comment periods, 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 measures 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.

  
\_\_\_\_\_  
Flinn Fagg, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Marcus L. Fuller, MPA, PE, PLS  
Assistant City Manager/City Engineer

  
\_\_\_\_\_  
David H. Ready, Esq., Ph.D.  
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolutions
3. Draft Ordinances
4. Exhibit "A" – Conditions of Approval
5. Exhibit "B" – Las Palmas Business Historic District Conceptual Design Guidelines
6. Parking Study – RK Engineering Group (dated July 31, 2015)
7. Analysis of Initial Parking Study – Kunzman Associates (dated February 12, 2015)
8. Architectural/Historical Compatibility Analysis – CRM Tech (dated July 9, 2015)
9. Draft Mitigated Negative Declaration
10. Response to Comments
11. Public Comment Letters
12. Applicant's Response to Comments – Letter from Emily Hemphill (dated July 16, 2015)
13. Minutes (AAC, HSPB, PC)
14. Architectural Plans, Sections, Elevations, Landscape Plan, Perspective Images (dated August 5, 2015)

**The resolutions and ordinances will be materials to follow.**

**CITY OF PALM SPRINGS  
PUBLIC NOTIFICATION**



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Date: September 16, 2015  
Subject: 750 Lofts, LLC - 750 North Palm Canyon Drive

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on September 5, 2015.

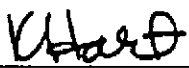
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on September 3, 2015.

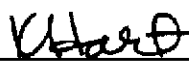
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on September 4, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.  
(94 notices)

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

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1350 PDD 374/GPA/CUP, CASE 3.3795 MAJ  
AN APPLICATION BY 750 LOFTS, LLC FOR A MIXED-USE HOTEL  
DEVELOPMENT ON A 1.13-ACRE PARCEL  
LOCATED AT 750 NORTH PALM CANYON DRIVE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of September 16, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider a proposal for construction of a 39-room hotel with restaurant, lounge and spa uses. The application includes: (1) a planned development district in lieu of a change of zone to establish permitted development standards, (2) a general plan amendment to change the land use designation from Neighborhood Community Commercial (NCC) to Central Business District (CBD); (3) a major architectural application (MAJ) to review the proposed architecture and site design; and (4) a Conditional Use Permit (CUP) for spa uses, cocktail lounge uses, hotel uses where more than 10% of the rooms have cooking facilities, to invoke the high-rise ordinance and to seek deviations from the development standards therein, located at 750 North Palm Canyon Drive. Zone C-1/R-3/PDD 104/Las Palmas Business Historic District (APN 505-303-018). (Case 5.1350 PDD 374 / GPA / CUP, and Case 3.3795 MAJ)

**ENVIRONMENTAL DETERMINATION:** An initial study was conducted and a Mitigated Negative Declaration (MND) is proposed for this project under the guidelines of the California Environmental Quality Act (CEQA). Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

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

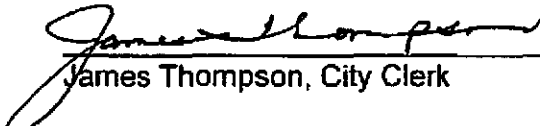
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

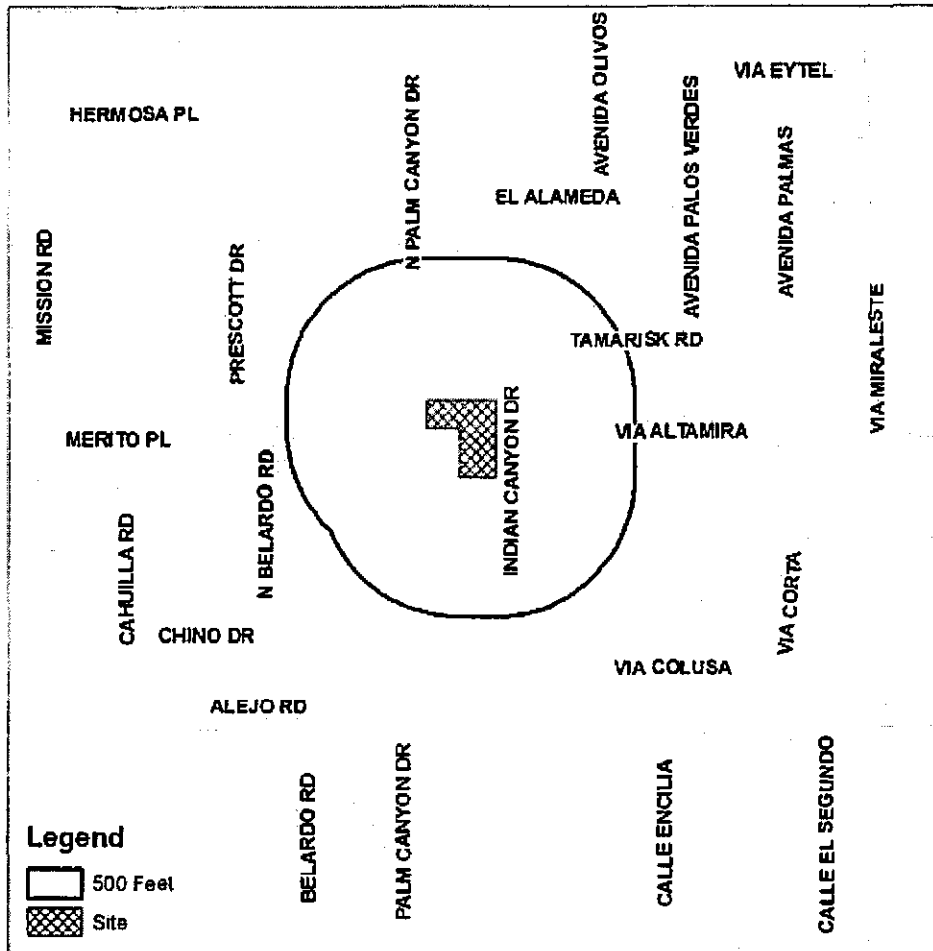
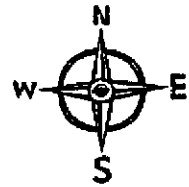
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Flinn Fagg, Director of Planning Services, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.

  
James Thompson, City Clerk



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**Kathie Hart**

---

From: Joanne Bruggemans  
Sent: Thursday, September 03, 2015 5:56 PM  
To: Old Las Palmas; The Movie Colony; 'Midtown'; El Mirador  
Cc: Flinn Fagg; Kathie Hart  
Subject: Case 5.1350 PD 374 - Mixed Use Hotel Development  
Attachments: Case 5.1350 PD 374 750 Lofts, LLC.pdf

To All –

Please find the attached Public Hearing Notice of the City Council for September 16, 2015 of the proposed project within a ½ mile of your neighborhood organization.

Thank you and have a wonderful weekend.

*Joanne*

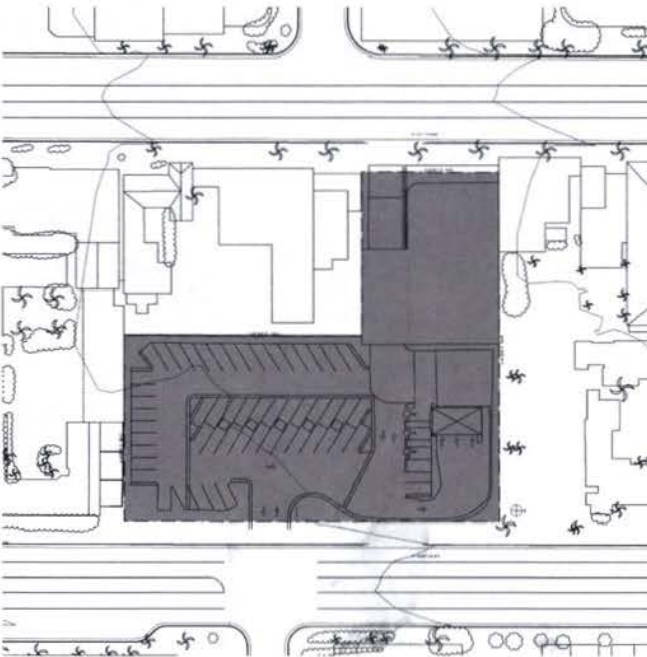
Joanne H Bruggemans  
City of Palm Springs  
Planning Services Department  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262  
Tel: (760) 323-8245 Fax: (760) 322-8360  
Email: [joanne.bruggemans@palmspringsca.gov](mailto:joanne.bruggemans@palmspringsca.gov)

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A MIXED-USE PROJECT FOR  
**750 LOFTS HOTEL**  
 750 NORTH PALM CANYON DRIVE  
 PALM SPRINGS, CA, 92262



**CLIENT**  
 750 LOFTS LLC  
 750 N. PALM CANYON DR  
 PALM SPRINGS, CA 92262

**ARCHITECT**  
 SOMA ARCHITECTURE, DPC  
 31 W 27TH STREET, FL 9  
 NEW YORK, NY 10001

**ARCHITECT**  
 CIOFFI ARCHITECT  
 2127 E. TAHQUITZ CANYON DR, #5  
 PALM SPRINGS, CA 92262

**CONTRACTOR**  
 DW JOHNSTON  
 61445 SUNRISE WAY, STE 203  
 PALM SPRINGS, CA 92262

**AUGUST 05, 2015**  
**ARCHITECTURAL ADVISORY COMMITTEE**

**soma**

ARCHITECT  
 31 W 27TH STREET, FL 9  
 NEW YORK, NY 10001

ARCHITECT  
 2127 E. TAHQUITZ CANYON DR, #5  
 PALM SPRINGS, CA 92262

**SOMA** CONTRACTOR  
 61445 SUNRISE WAY, STE 203  
 PALM SPRINGS, CA 92262

**Cioffi** ARCHITECT  
 2127 E. TAHQUITZ CANYON DR, #5  
 PALM SPRINGS, CA 92262

ARCHITECT  
 31 W 27TH STREET, FL 9  
 NEW YORK, NY 10001

**CMAA** CMAA CONSULTANT  
 31 W 27TH STREET, FL 9  
 NEW YORK, NY 10001

**CE** CE CONSULTANT  
 31 W 27TH STREET, FL 9  
 NEW YORK, NY 10001

**kpff** ARCHITECTURAL FIRM  
 407 E. GARDNER ST., SUITE 100  
 PALM SPRINGS, CA 92262

**CGP** CONSTRUCTION MANAGEMENT  
 1335 N. PALM CANYON DR  
 PALM SPRINGS, CA 92262

**CESG** CONSTRUCTION SERVICES GROUP  
 61445 SUNRISE WAY, STE 203  
 PALM SPRINGS, CA 92262

CONTRACTOR  
 61445 SUNRISE WAY, STE 203  
 PALM SPRINGS, CA 92262

DATE	BY	REVISION

5, 1350 PD 374/3.3795 M  
**RECEIVED**

**AUG 06 2015**  
 PLANNING SERVICES  
 DEPARTMENT

**AUG 24 2015**  
 PERMITTING  
 REVIEW

**COVER**

**G-000.00**



4. RENDER: PALM CANYON DR; NW CORNER  
SHEET A1.1



3. RENDER: PALM CANYON DR; SW CORNER  
SHEET A1.1



2. RENDER: INDIAN CANYON DR; SE CORNER  
SHEET A1.1



1. RENDER: INDIAN CANYON DR; NE CORNER  
SHEET A1.1

**SOMA**

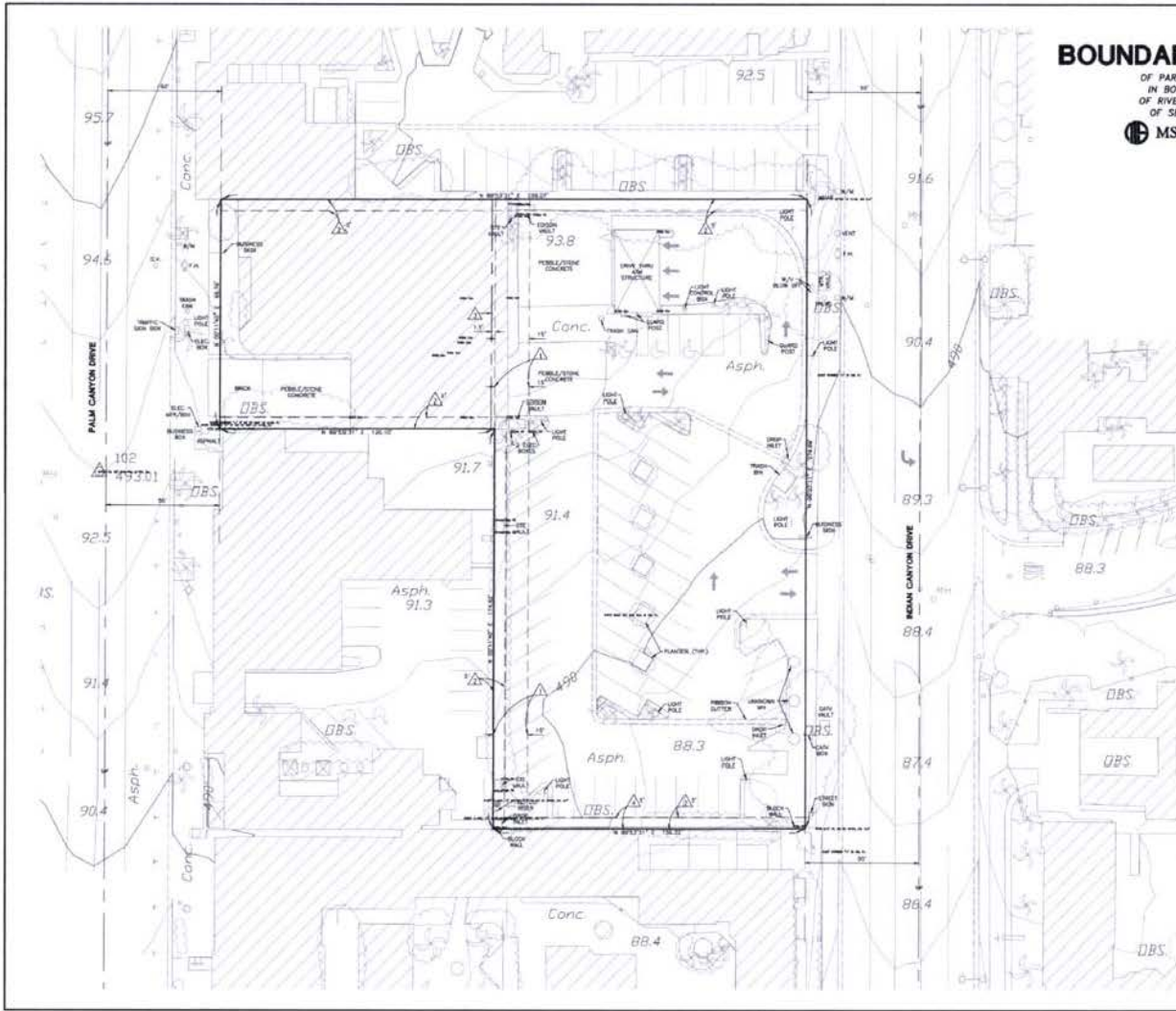
PROJECT	10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
CLIENT	UNIVERSITY OF CALIFORNIA, PALM SPRINGS CAMPUS
ARCHITECT	<b>SOMA</b> ARCHITECTURE INC. 10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
ARCHITECT OF RECORD	<b>Cioffi</b> ARCHITECTS 10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
STRUCTURAL ENGINEER	<b>CEEG</b> CONSULTING ENGINEERS INC. 10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
MECHANICAL/ELECTRICAL/PLUMBING ENGINEER	<b>CEEG</b> CONSULTING ENGINEERS INC. 10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
LANDSCAPE ARCHITECT	<b>LESG</b> LANDSCAPE ARCHITECTS 10000 S. INDIAN CANYON DR. PALM SPRINGS, CA 92262
DATE	JULY 24, 2015
BY	PERMITTING
SCALE	AS SHOWN
REVISIONS	

**G-001.00**





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IN THE CITY OF PALM SPRINGS,  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**BOUNDARY/TOPOGRAPHIC SURVEY**

OF PARCEL 1, AS SHOWN ON PARCEL MAP NO. 17049, ON FILE  
IN BOOK 94, PAGE 17, OF PARCEL MAPS, OFFICIAL RECORDS  
OF RIVERSIDE COUNTY, ALSO BEING IN THE SOUTHEAST QUARTER  
OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M.  
**MSA CONSULTING, INC.** JANUARY - 2008

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 10, NAD 83 (EPOCH 2007.0) BETWEEN CONTIGUOUS CORNER POSTONING STATIONS (CORPS) AND/OR CONTIGUOUS REFERENCE STATIONS (CORPS) IDENTIFIED LOCALLY ALONG THE CENTERLINE OF INDIAN CANYON DRIVE BETWEEN TAMARACK ROAD AND GRAMA WILMOTTE, TAKEN AS N 02°07'11" E

**BENCH MARK**

B.M. #11-18, CITY OF PALM SPRINGS 2" BRONZE DISC STAMPED "C.P.D. S.M. 11-18, RESET 1977" SET IN TOP OF CURB N.W. CORNER AT THE INTERSECTION OF INDIAN AVE. AND TAMARACK RD.

**EASEMENT NOTES**

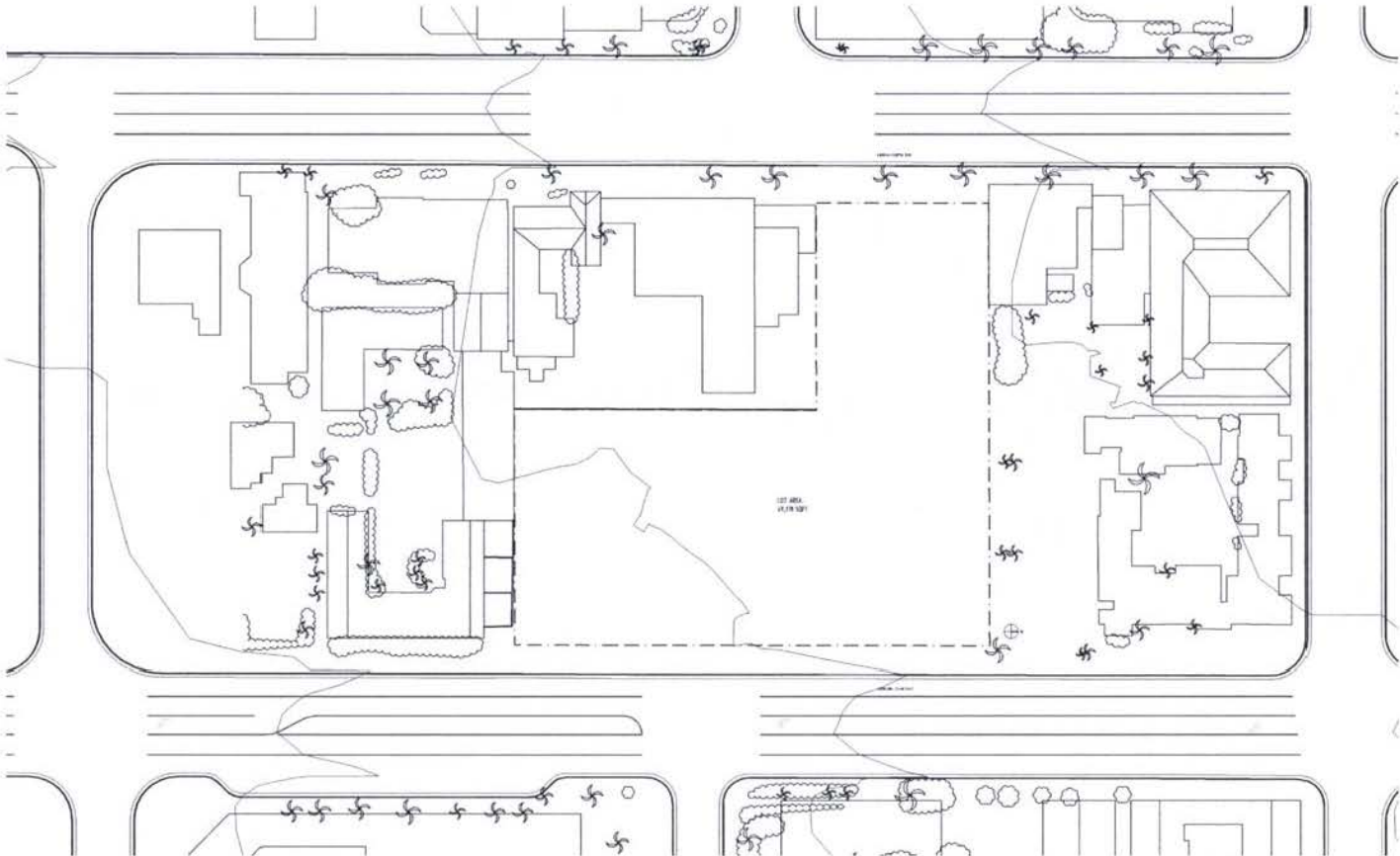
- ▲ 15' WIDE EASEMENT IN FAVOR OF SCE PER S.C. 81-3026, O.R. 81-18628 AND AS SHOWN ON P.U.S. 84/17
- ▲ 5' P.U.E. PER P.U.S. 84/17
- ▲ E.A. EASEMENT OF UNKNOWN WIDTH IN FAVOR OF CALIFORNIA WATER AND TELEPHONE COMPANY, NOW VERIZON, PER REC. 31188 REC. 7/24/54, O.R.
- ▲ 5' EASEMENT FOR ELECTRIC AND TELEGRAPH PURPOSES RESERVED TO CALIFORNIA TRUST COMPANY PER REC. REC. 4710/2 IN BOOK 104 OF RECORDS, PAGE 104, ALSO C.T. & R.C. AS DESCRIBED IN SAME, ALSO BURNEET RESERVATION FOR HYDRO-CARBON SUBSTANCES BELOW THE SURFACE.



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MSA CONSULTING, INC.  
All Rights Reserved  
1000 West Street, Suite 200, Palm Springs, CA 92262  
Phone: 760.326.4400 • Fax: 760.326.4401  
J.A. 1853

1. SITE SURVEY  
DATE: 01/08

**G-004.00**



3. SITE PLAN  
SCALE 1/8" = 1'-0"

**SOMA**  
ARCHITECTS

PROJECT: 10000 10TH  
10000 10TH PROJECT  
10000 10TH PROJECT

DATE: 10/12/15  
10/12/15  
10/12/15

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10000 10TH PROJECT  
10000 10TH PROJECT

DESIGNED BY: Cioffi  
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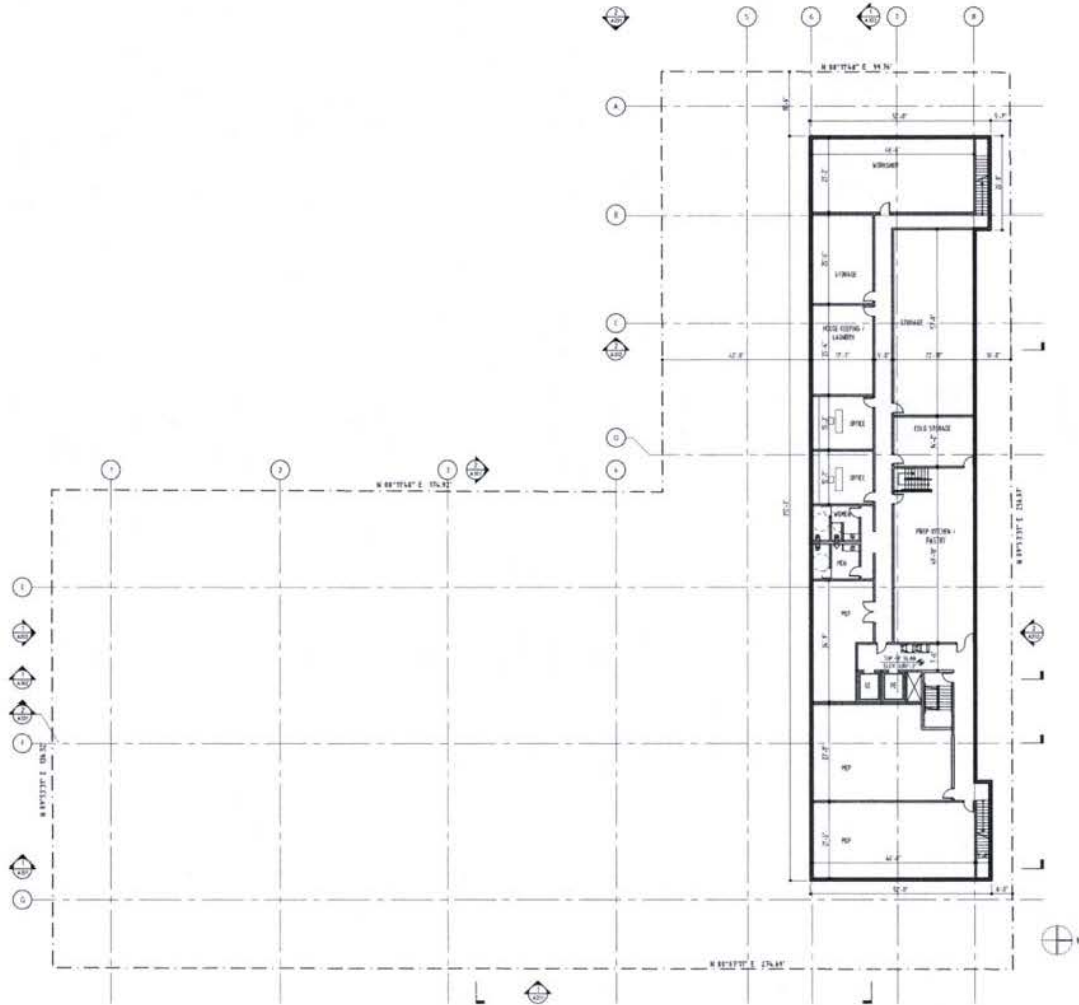
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1. FLOOR PLAN: CELLAR  
SCALE: 1/8" = 1'-0"



DESIGNED BY  
SOMA ARCHITECTS  
FOR THE CLIENT BY  
SOMA ARCHITECTS

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SOMA ARCHITECTS  
FOR THE CLIENT BY  
SOMA ARCHITECTS

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**SOMA**  
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FOR THE CLIENT BY  
SOMA ARCHITECTS

DESIGNED BY  
**Cioffi**  
Cioffi Architects  
FOR THE CLIENT BY  
Cioffi Architects

DESIGNED BY  
SOMA ARCHITECTS  
FOR THE CLIENT BY  
SOMA ARCHITECTS

DESIGNED BY  
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FOR THE CLIENT BY  
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DESIGNED BY  
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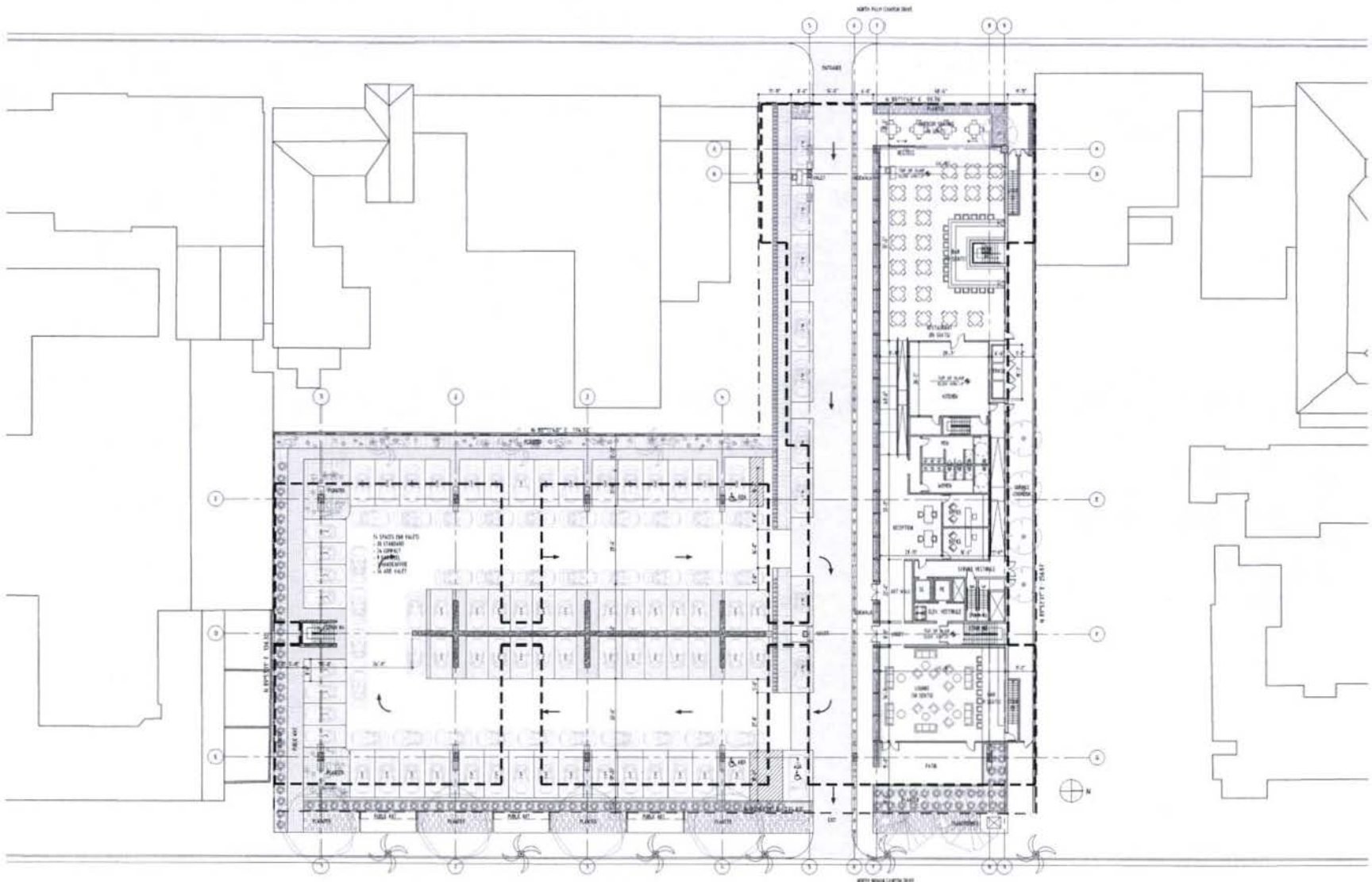
NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

DATE: AS NOTED PAGE 12, 2015  
IN: PERMITTING  
BY: [Signature]  
CHECKED BY: [Signature]  
REVIEW: [Signature]

FLOOR PLAN  
CELLAR

**A-101.00**



**SOMA**

PROJECT: 1000 MARKET STREET, SAN FRANCISCO, CA 94102

DATE: 07/24/2015

ARCHITECT: SOMA

ENGINEER: Cioffi

MECHANICAL: [Logo]

ELECTRICAL: [Logo]

PLUMBING: [Logo]

STRUCTURAL: [Logo]

GENERAL CONTRACTOR: [Logo]

DATE: 07/24/2015

BY: [Signature]

TITLE: FLOOR PLAN

NO. 01

DATE: 07/24/2015

BY: [Signature]

TITLE: FLOOR PLAN

NO. 01

DATE: 07/24/2015

BY: [Signature]

TITLE: FLOOR PLAN

NO. 01

DATE: 07/24/2015

BY: [Signature]

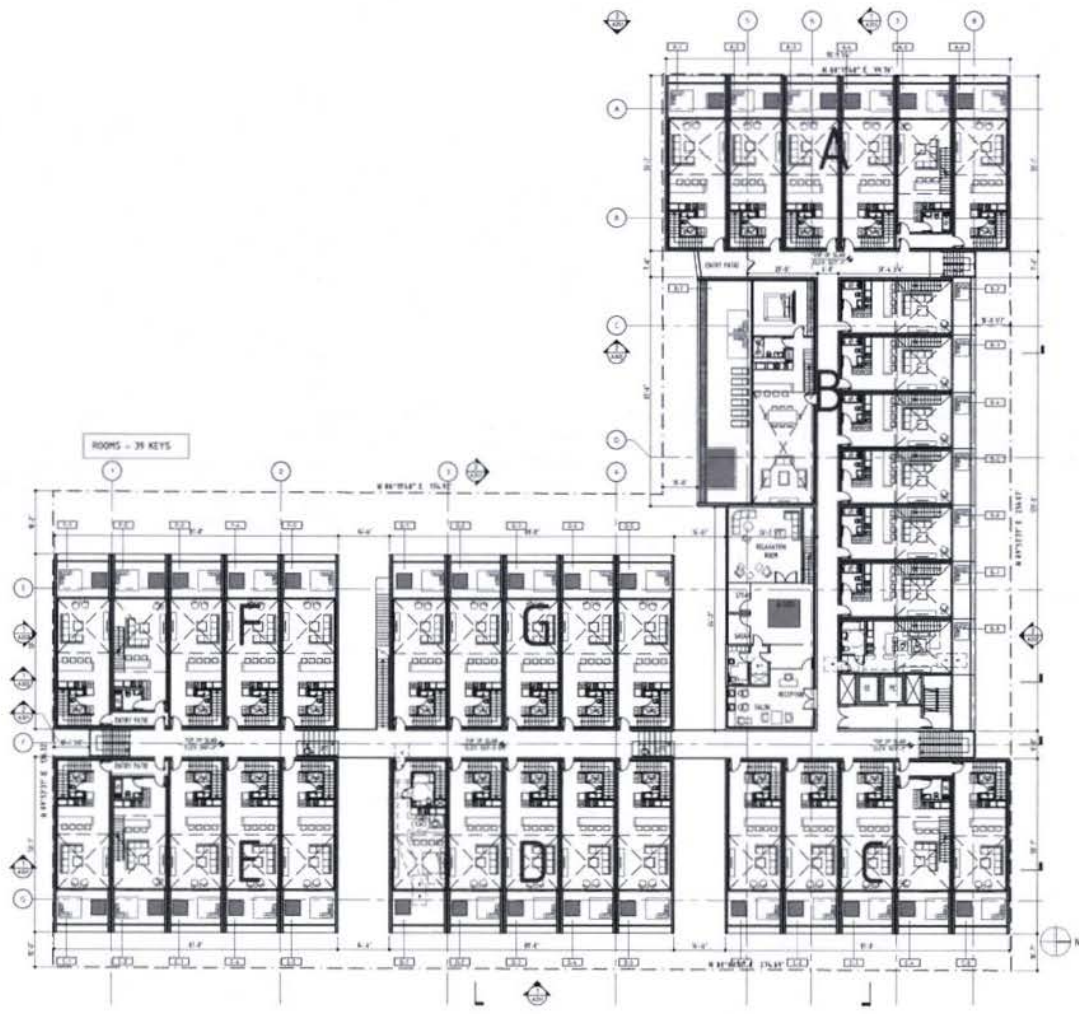
TITLE: FLOOR PLAN

NO. 01

1. FLOOR PLAN-FLOOR 01

**A-102.00**





**SOMA**

NOTES:  
 1. SEE PLAN FOR ROOM SCHEDULES  
 2. SEE PLAN FOR ROOM SCHEDULES

NOTES:  
 1. SEE PLAN FOR ROOM SCHEDULES  
 2. SEE PLAN FOR ROOM SCHEDULES

**soma**  
 ARCHITECTURE  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.SOMAARCHITECTS.COM

**Cioffi**  
 CONSULTING ENGINEERS  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.CIOFFIENGINEERS.COM

**WELLS FARGO**  
 BANK OF AMERICA MORTGAGE LENDING  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.WELLSFARGO.COM

**WELLS FARGO**  
 BANK OF AMERICA MORTGAGE LENDING  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.WELLSFARGO.COM

**kpff**  
 ARCHITECTS  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.KPFFARCHITECTS.COM

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 TEL: 415.774.1000  
 WWW.WELLSFARGO.COM

**CEEG**  
 CONSULTING ENGINEERS  
 1000 MARKET STREET, SUITE 1000  
 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.CEEGENGINEERS.COM

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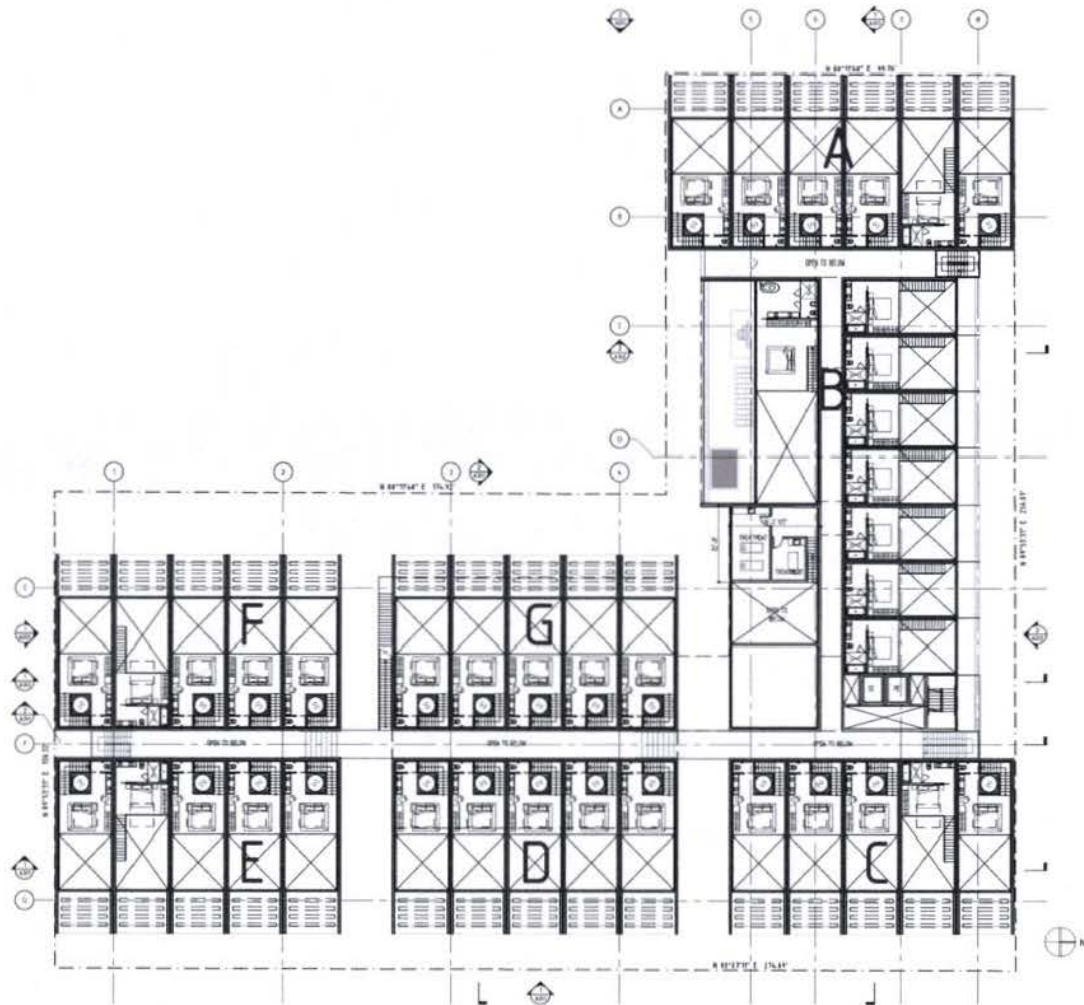
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 SAN FRANCISCO, CA 94102  
 TEL: 415.774.1000  
 WWW.WELLSFARGO.COM

1. FLOOR PLAN- FLOOR 02  
 SHEET 102-1

**A-103.00**



1. FLOOR PLAN- MEZZANINE  
SCALE: 1/8" = 1'-0"

**SOMA**

ARCHITECT  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

ARCHITECT  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

**soma**  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

**Cioffi**  
2750 UNIVERSITY AVENUE  
SUITE 100  
HARTFORD, CT 06103

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

STRUCTURAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

ELECTRICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

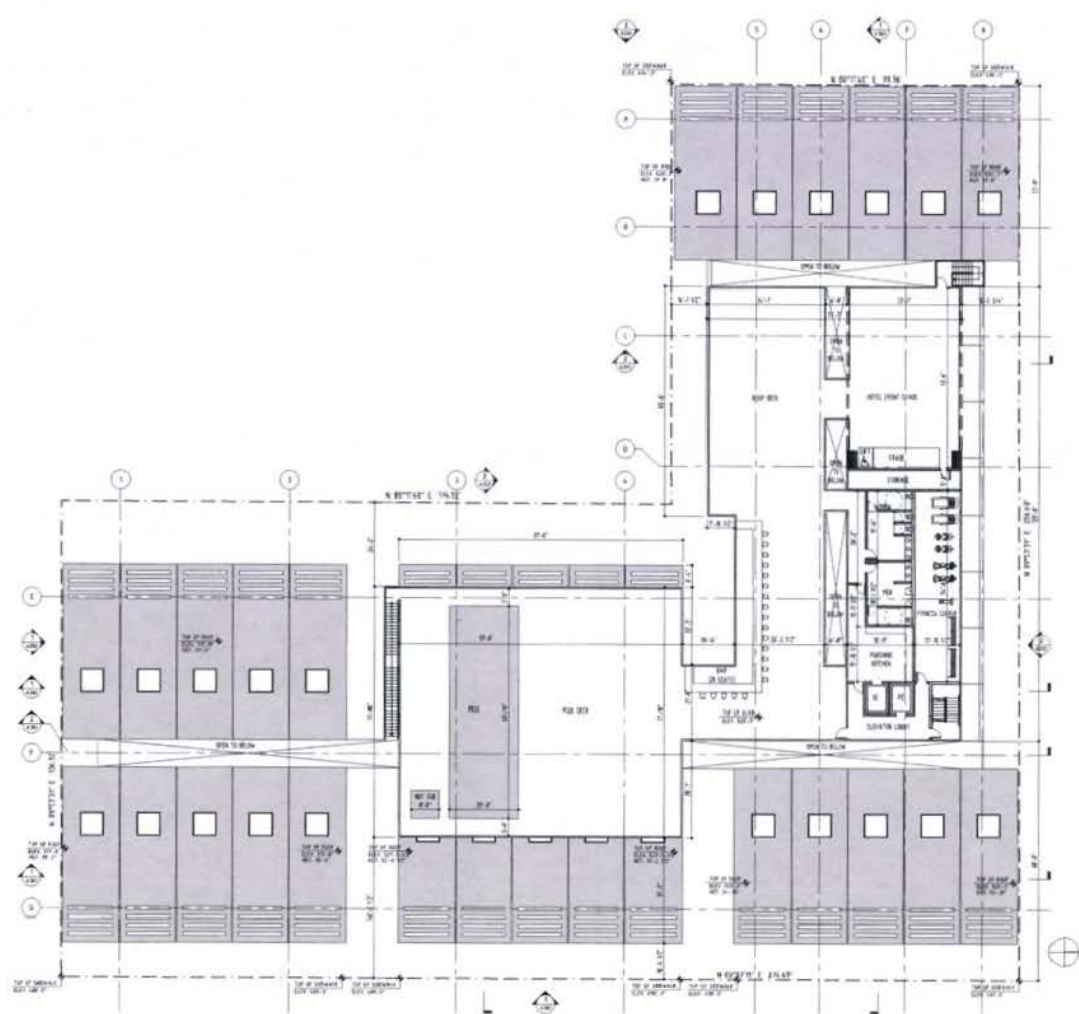
MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

MECHANICAL  
1000 AVENUE OF THE STARS  
SUITE 1000  
FARMINGTON, CT 06030

**A-104.00**



1. FLOOR PLAN-ROOF  
Scale 1/8" = 1'-0"

**SOMA**

PROJECT: 1000 MARKET STREET  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

DATE: 08/24/10

DESIGNED BY: SOMA ARCHITECTS, INC.  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

ARCHITECT: Cioffi ARCHITECTS  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

CONTRACT NO.: 1000 MARKET STREET  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

ENGINEER: KPF  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

MECHANICAL: KPF  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

ELECTRICAL: KPF  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

PLUMBING: KPF  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

STRUCTURAL: CSES  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

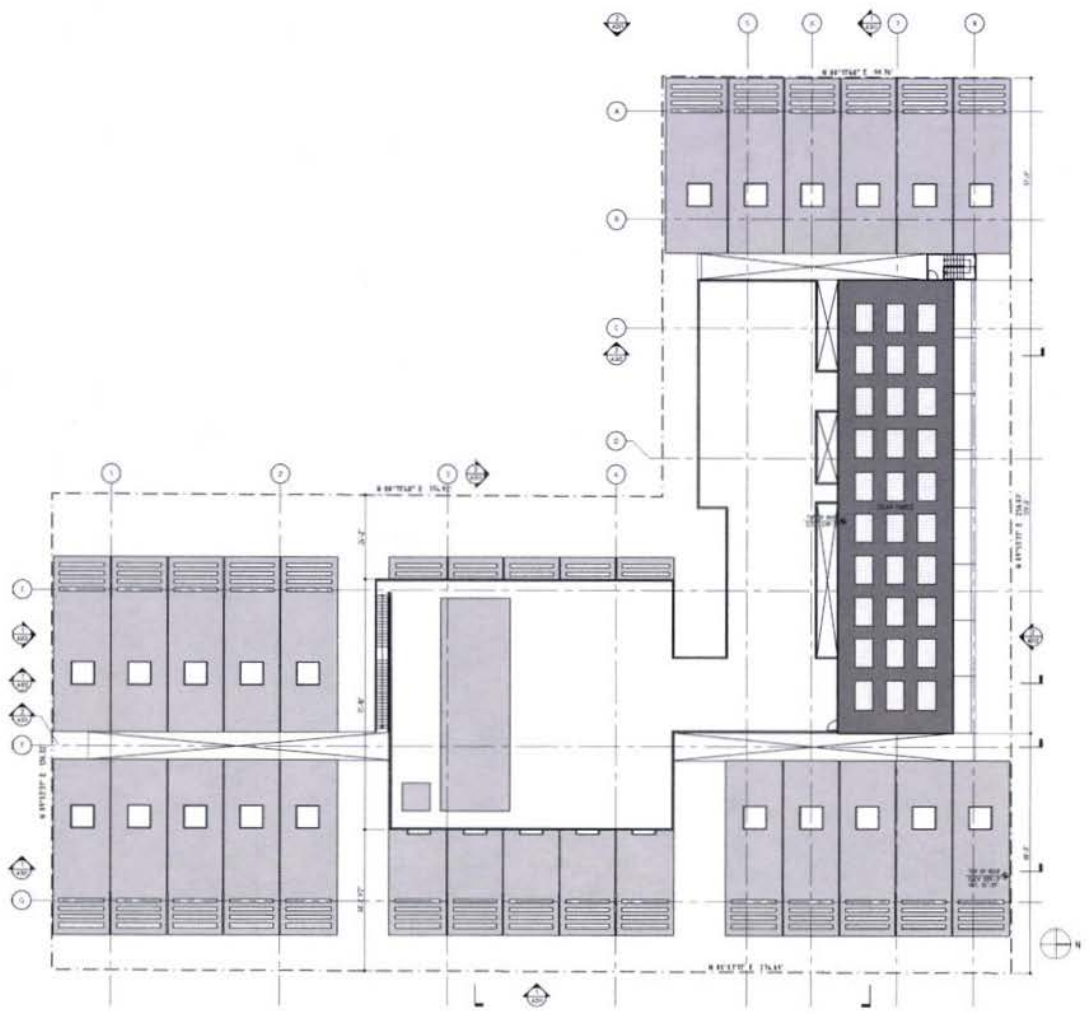
REVISIONS:

NO.	DATE	DESCRIPTION

DATE: 08/24/10  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: 1/8" = 1'-0"

PROJECT: 1000 MARKET STREET  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

**A-105.00**



1. FLOOR PLAN- TOP OF ROOF  
SCALE: 1/8" = 1'-0"

**SOMA**

ARCHITECT  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**soma**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**Cioffi**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**DMG**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**DMG**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**kpff**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**DMG**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**CE5G**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

ARCHITECT  
**DMG**  
1000 PINE AVENUE SUITE 100  
SAN FRANCISCO, CA 94109

NO.	DATE	DESCRIPTION

NOTES:  
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.  
2. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.  
3. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.

DATE: 06/12/2015  
AS NOTED: 06/12/2015  
BY: PLYMOUTH  
CHECKED BY: TSI  
REVIEWED BY: TSI

1. FLOOR PLAN  
TOP OF ROOF

**A-106.00**



1. BUILDING ELEVATION: EAST ELEVATION (INDIAN AVENUE)  
SHEET 100-1



2. BUILDING ELEVATION: WEST ELEVATION (PALM CANYON)  
SHEET 100-1

MATERIAL LEGEND						
TYPE	MATERIAL	TYPE	THICKNESS	MANUFACTURER	FINISH	COMMENTS
GL-1	GLASS	TEMPERED/LAMINATED	-	1.00	CLEAR	
ML-1	METAL	POWDER COATED ALUMINUM	-	1.00	1.00	SEE 100-1001
CD-1	CONCRETE	FAIRFACE	-	1.00	1.00	
FB-1	FABRIC	UPAZEL	-	1.00	100 WHITE	

**SOMA**

PROJECT NO. 100-1001  
DATE: 06/12/2015

ARCHITECT: SOMA ARCHITECTS  
100-1001

DESIGNER: SOMA ARCHITECTS  
100-1001

CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

GENERAL CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

MECHANICAL CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

ELECTRICAL CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

PLUMBING CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

PAINT CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

LANDSCAPE CONTRACTOR: CIOFFI CONSTRUCTION  
100-1001

ARCHITECT: SOMA ARCHITECTS  
100-1001

DATE: 06/12/2015

PROJECT NO. 100-1001

DATE OF REVIEW

DATE OF REVIEW

DATE OF REVIEW

DATE OF REVIEW

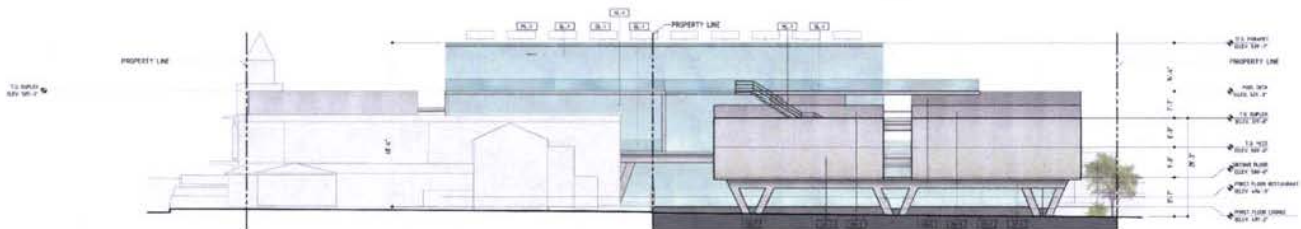
DATE OF REVIEW

DATE OF REVIEW

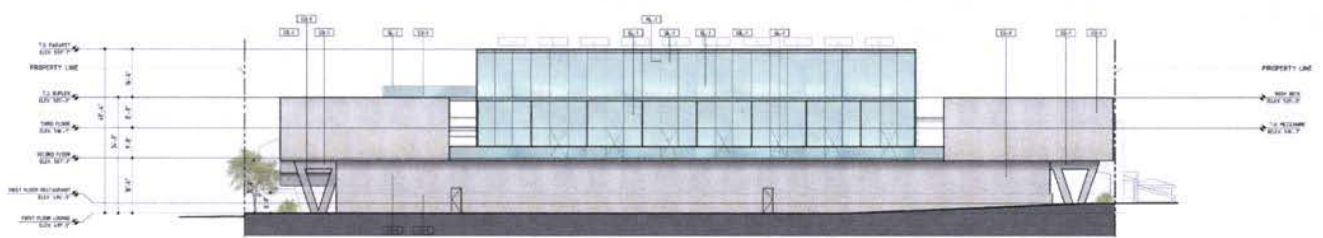
DATE OF REVIEW

DATE OF REVIEW

**A-202.00**



1. BUILDING ELEVATION: SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



2. BUILDING ELEVATION: NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

MATERIAL LEGEND						
TYPE	MATERIAL	TYPE	THICKNESS	MANUFACTURER	FINISH/COLOR	COMMENTS
GL-1	GLASS	TEMPERED LAMINATED	-	1/2" O.C.	CLEAR	
ML-1	METAL	POWDER COATED ALUMINUM	-	1/8" O.C.	1/8" O.C.	SEE FINISH SCHEDULE
CL-1	CONCRETE	FABRICATED	-	1/8" O.C.	7/8" O.C.	
FR-1	PAINT	EMULSION	-	1/8" O.C.	OFF WHITE	

**SOMA**

DESIGNED BY  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

ARCHITECT  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

ENGINEER  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

STRUCTURAL ENGINEER  
CIOFFI ENGINEERING INC.  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

ELECTRICAL ENGINEER  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

PLUMBING ENGINEER  
SOMA ARCHITECTS INC.  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
CESG  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

MECHANICAL ENGINEER  
KPPFF  
SAN FRANCISCO, CA 94103

**A-201.00**



1. EXISTING NORTH INDIAN CANYON DRIVE - EAST VIEW

PROJECT LOCATION: NORTH INDIAN CANYON DRIVE STREET FRONT



2. EXISTING NORTH INDIAN CANYON DRIVE - WEST VIEW

PROJECT LOCATION: NORTH PALM CANYON DRIVE STREET FRONT



3. EXISTING NORTH PALM CANYON DRIVE - EAST VIEW



4. EXISTING NORTH PALM CANYON DRIVE - WEST VIEW

**SOMA**

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

**SOMA**  
COMMERCIAL  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

**Cioffi**  
COMMERCIAL  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

**kpff**  
COMMERCIAL  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

**CESG**  
COMMERCIAL  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

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NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

NO. 1000  
1000 N. PALM CANYON DR.  
PALM SPRING, CA 92534

DATE: AS NOTED PAGE 12, 2015  
BY: PYS/MTM  
FOR: REVIEW

ELEVATION  
EXISTING STREET FRONT

**A-211.00**



1. PROPOSED NORTH INDIAN CANYON DRIVE - EAST VIEW



2. PROPOSED NORTH INDIAN CANYON DRIVE - WEST VIEW



3. PROPOSED NORTH PALM CANYON DRIVE - EAST VIEW



4. PROPOSED NORTH PALM CANYON DRIVE - WEST VIEW

**SOMA**

DESIGNED BY  
SOMA ARCHITECTURE INC.  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
SOMA ARCHITECTURE INC.  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**SOMA** ARCHITECTURE INC.  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**Cioffi** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
SOMA ARCHITECTURE INC.  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**CGM** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**CG** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**kpff** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**CSG** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
**CSG** ARCHITECTURE  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

DESIGNED BY  
SOMA ARCHITECTURE INC.  
1000 W. PALM CANYON DR.  
PALM SPRING, CA 92260

NO.	DATE	DESCRIPTION

DATE: AS NOTED JUNE 17, 2015  
BY: P. SCHAUBERT  
SCALE: 1/8" = 1'-0"  
SHEET: 101

**ELEVATION**  
PROPOSED STREET FRONT

**A-212.00**



PROJECT: SOMA MARKET CENTER  
200 F STREET, S.W.  
WASHINGTON, D.C. 20004

DATE: 06/12/2015

ARCHITECT: SOMA ARCHITECTURE, INC.  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

CONTRACTOR: CIOFFI ARCHITECTS  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

ENGINEER: BUREAU OF ENGINEERING  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

GENERAL CONTRACTOR: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

STRUCTURAL ENGINEER: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

MECHANICAL ENGINEER: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

ELECTRICAL ENGINEER: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

PLUMBING ENGINEER: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

LANDSCAPE ARCHITECT: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

ENVIRONMENTAL ENGINEER: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

ARCHITECTURAL RENDERING: [Logo]  
1000 15TH STREET, N.W.  
WASHINGTON, D.C. 20005

DATE: 06/12/2015

AS NOTED: JUNE 12, 2015

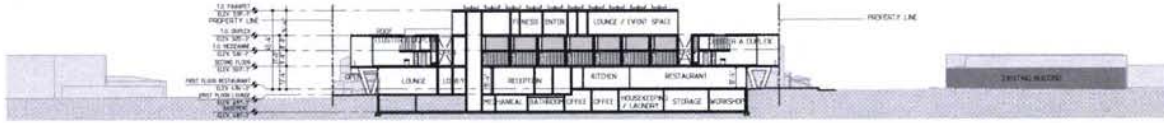
BY: [Signature]

FOR: PRELIMINARY

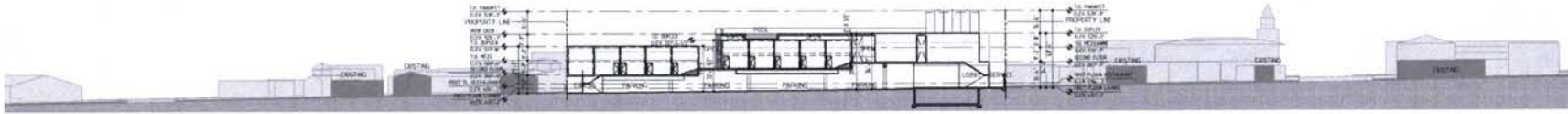
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SITE SECTIONS: 1 & 2

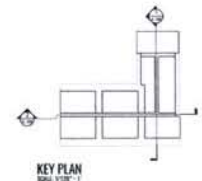
**A-300.00**

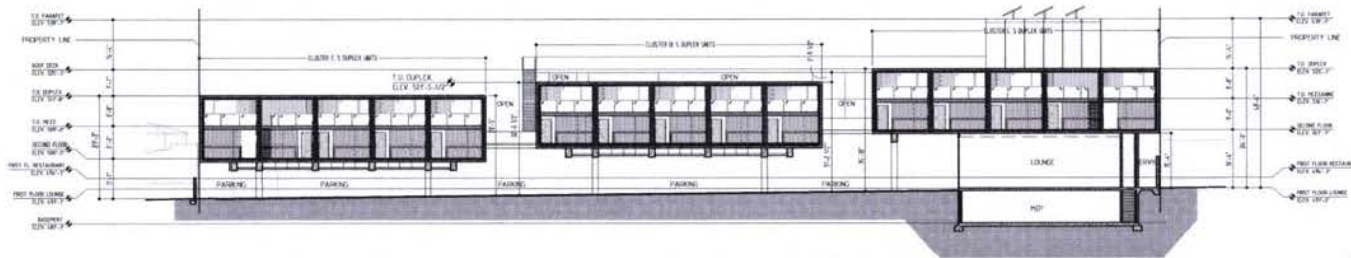


1. SITE SECTION: SECTION 1  
SCALE: 1/8" = 1'-0"

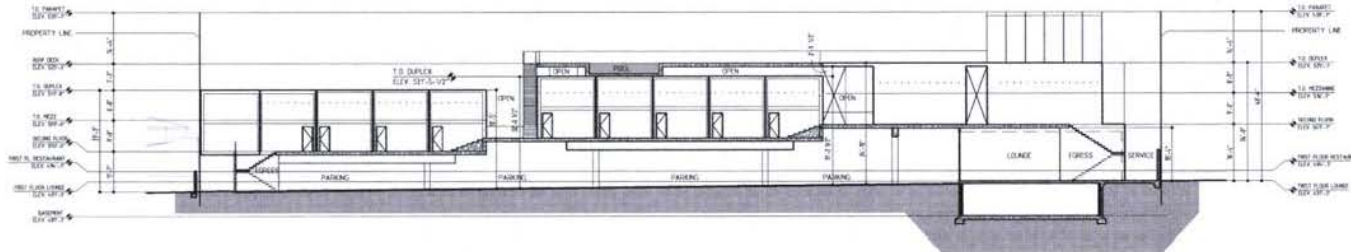


2. SITE SECTION: SECTION 2  
SCALE: 1/8" = 1'-0"





1. BUILDING SECTION: SECTION A  
SCALE 1/8" = 1'-0"



2. BUILDING SECTION: SECTION B  
SCALE 1/8" = 1'-0"

**SOMA**

PROJECT: 1000 MARKET STREET  
SOMA MARKET CENTER  
PHASE 1A - 1000 MARKET STREET

DATE: 06/12/2015  
SOMA MARKET CENTER  
PHASE 1A - 1000 MARKET STREET

OWNER: SOMA MARKET CENTER  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

ARCHITECT: Cioffi  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

STRUCTURAL ENGINEER: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Mechanical Engineer: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Electrical Engineer: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Civil Engineer: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Interior Designer: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Architectural Modeler: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

General Contractor: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

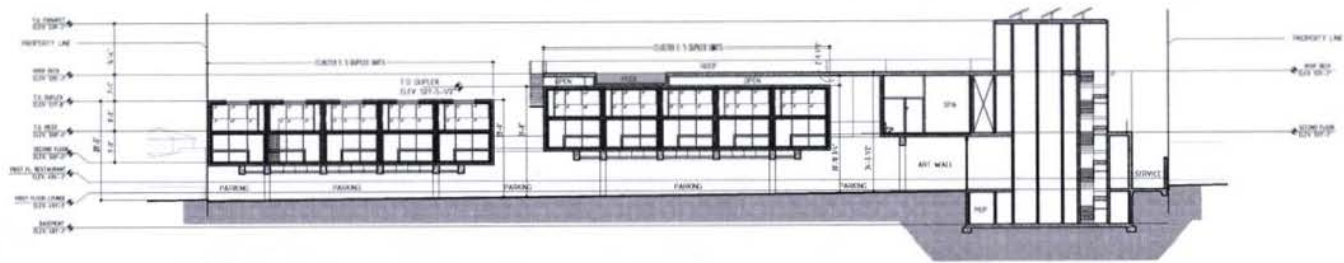
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SAN FRANCISCO, CA 94103

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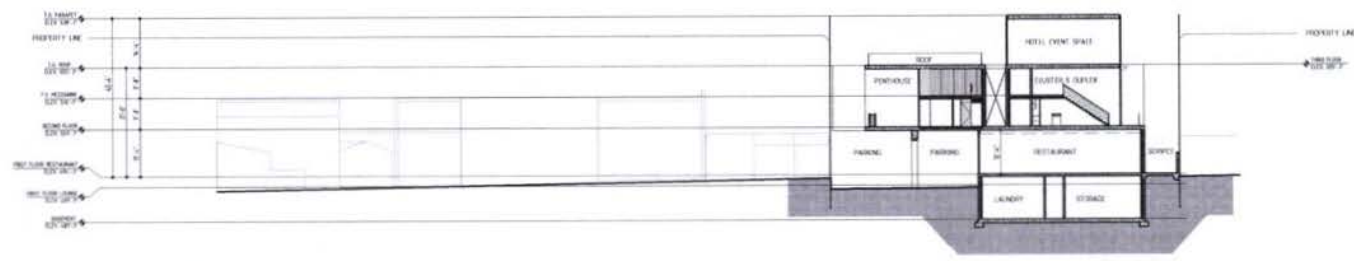
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1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103

Construction Manager: [Logo]  
1000 MARKET STREET  
SAN FRANCISCO, CA 94103



1. BUILDING SECTION- SECTION C  
SOM-170-1



2. BUILDING SECTION- SECTION D  
SOM-170-1

**SOMA**

**ARCHITECT**  
SOMA ARCHITECTS  
SAN FRANCISCO, CA 94103

**ENGINEER**  
SOMA ENGINEERS  
SAN FRANCISCO, CA 94103

**GENERAL CONTRACTOR**  
SOMA CONSTRUCTION  
SAN FRANCISCO, CA 94103

**MECHANICAL ENGINEER**  
SOMA MECHANICAL  
SAN FRANCISCO, CA 94103

**ELECTRICAL ENGINEER**  
SOMA ELECTRICAL  
SAN FRANCISCO, CA 94103

**PLUMBING ENGINEER**  
SOMA PLUMBING  
SAN FRANCISCO, CA 94103

**STRUCTURAL ENGINEER**  
SOMA STRUCTURAL  
SAN FRANCISCO, CA 94103

**LANDSCAPE ARCHITECT**  
SOMA LANDSCAPE  
SAN FRANCISCO, CA 94103

**INTERIOR DESIGNER**  
SOMA INTERIOR  
SAN FRANCISCO, CA 94103

**ENVIRONMENTAL ENGINEER**  
SOMA ENVIRONMENTAL  
SAN FRANCISCO, CA 94103

**ACoustical ENGINEER**  
SOMA ACOUSTICAL  
SAN FRANCISCO, CA 94103

**TRANSPORTATION ENGINEER**  
SOMA TRANSPORTATION  
SAN FRANCISCO, CA 94103

**PAVING ENGINEER**  
SOMA PAVING  
SAN FRANCISCO, CA 94103

**CONCRETE ENGINEER**  
SOMA CONCRETE  
SAN FRANCISCO, CA 94103

**ASPHALT ENGINEER**  
SOMA ASPHALT  
SAN FRANCISCO, CA 94103

**SEWER ENGINEER**  
SOMA SEWER  
SAN FRANCISCO, CA 94103

**WATER ENGINEER**  
SOMA WATER  
SAN FRANCISCO, CA 94103

**TRAVEL ENGINEER**  
SOMA TRAVEL  
SAN FRANCISCO, CA 94103

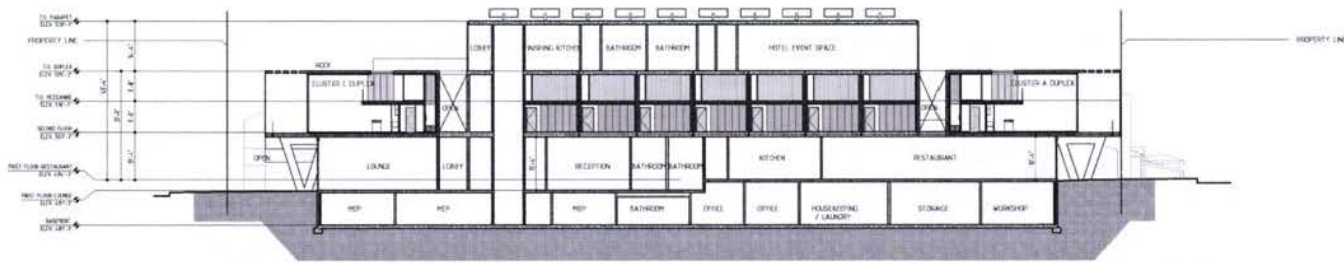
**AVIATION ENGINEER**  
SOMA AVIATION  
SAN FRANCISCO, CA 94103

**CONSTRUCTION ENGINEER**  
SOMA CONSTRUCTION  
SAN FRANCISCO, CA 94103

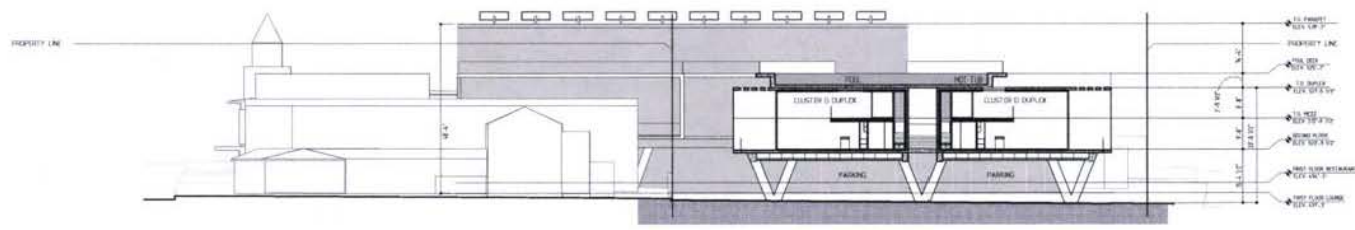
**AS NOTED PER 12, 2015**  
IN PERMITTING  
FOR REVIEW

**BUILDING SECTIONS  
C & D**

**A-302.00**



1. BUILDING SECTION: SECTION E  
SCALE: 1/8" = 1'-0"



2. BUILDING SECTION: SECTION F  
SCALE: 1/8" = 1'-0"



ARCHITECT  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

DATE  
06/12/2015

PROJECT  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

CLIENT  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

DESIGNER  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

CONTRACTOR  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

ENGINEER  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

ARCHITECTURAL CONSULTANT  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

STRUCTURAL ENGINEER  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

Mechanical Engineer  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

Electrical Engineer  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

Interior Designer  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

Other  
SOMA ARCHITECTS, INC.  
1000 PEARL STREET, SUITE 200  
DENVER, CO 80202

NO.	DATE	DESCRIPTION

DATE  
AS NOTED JUNE 12, 2015

BY  
PROJECTING

BY  
REVIEW

BUILDING SECTIONS  
E & F

**A-303.00**

**750 LOFTS**

**Planning Commission Comments: 6.24.15 Review**

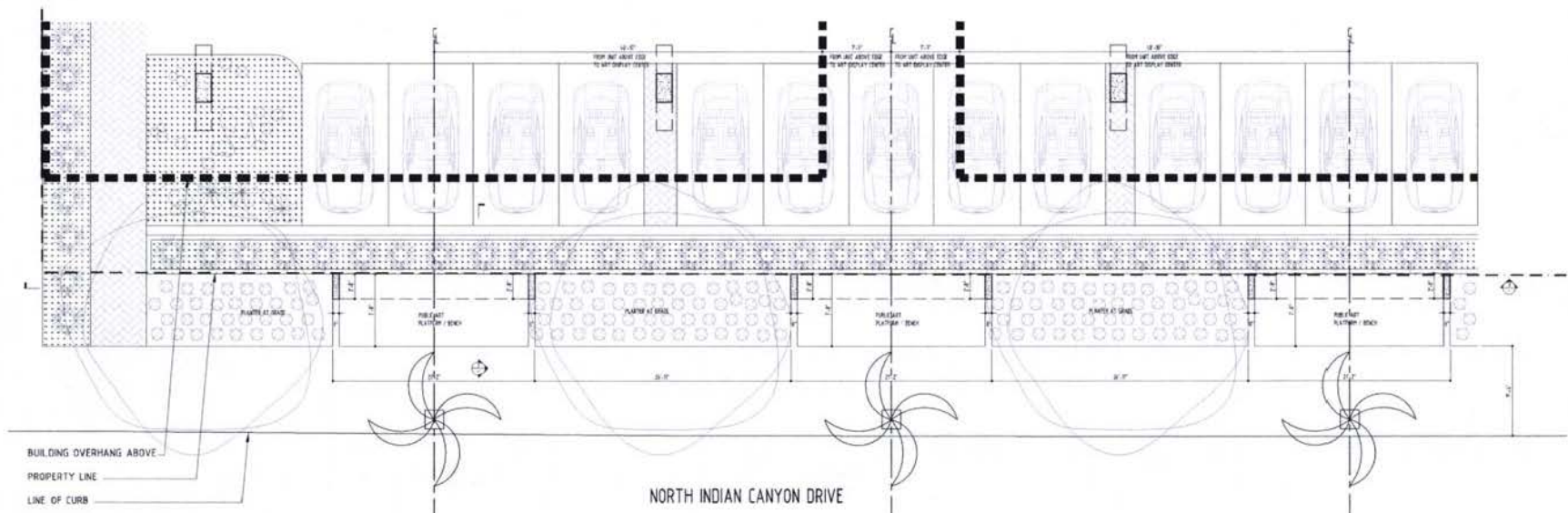
**SOMA Response**

July 2, 2015

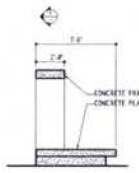
Item	Description	SOMA Response	Assigned
01	<p><b>Loading Space</b></p> <p>SOMA/Cioffi to look for potential curb cut on northeast alleyway into N. Indian Canyon Drive</p> <p>See SK-06</p>	<p><b>Per 93.07.01:</b></p> <p>Loading spaces shall be 12' x 30' x 14' clear height. (see diagram)</p> <p>Shall be designed so that trucks need not back into street or alley.*</p> <p>No part of street or alley shall be used for loading unless designated by City.</p> <p>Parking and drive areas may be used for loading spaces, if approved by Planning Commission.</p> <p><b>Option 1:</b> Provide 12' x 30' loading dock perpendicular to and backing in off of Indian Canyon Drive, which is contrary to code but worth trying* (see diagram).</p> <p><b>Option 2:</b> Provide 'timed' access off of Indian Canyon Drive into driveway and back into 12' x 30' loading dock parallel to the street (see diagram).</p>	KC
	See SK-06		
02	<p><b>Curtains on Balconies</b></p> <p>SOMA to outline anchoring system to allay concerns</p>	Provide tension cable at base of curtain, with sst base to prevent potential tripping (see detail).	KC
	See SK-07		
03	<b>Art Walk Plan</b>		
04065	SOMA to create architectural details with Cioffi input.	Use proposed concrete frames along sidewalk and provide note that space within frame to contain changing exhibit for local artists.	MP
	See SK-05		
04	<b>Setback Issue from Street</b>		
05100	SOMA measurement from lot lines (east and west) to edge of pool deck and to rooftop building.	<p><b>General:</b> In PD Districts the regulations for front yard setbacks are per the underlying zoning districts, which is R-3 for the portion of site fronting Indian Canyon Drive and C-1 fronting Palm Canyon Drive. There is no regulation for setbacks above the roof. Here are the front yard setback requirements:</p> <p><b>R-3 District:</b> 30' front yard along major and secondary thoroughfares, Indian Canyon Drive (see diagram).</p> <p><b>C-1 District:</b> 5' front yard (see diagram).</p>	KC KC
	See SK-04		
05	<b>Average Heights on Indian Canyon</b>		
	SOMA to provide average height on Indian (east) and Palm Canyon - use most favorable method.	<p><b>General:</b> In PD Districts the regulations for building heights are per the underlying zoning districts, which is R-3 for the portion of site fronting Indian Canyon Drive and C-1 fronting Palm Canyon Drive. Here are the building height requirements:</p>	DT

750 LOFTS			
Planning Commission Comments: 6.24.15 Review			
SOMA Response			July 2, 2015
Item	Description	SOMA Response	Assigned
		<p><b>R-3 District:</b> 24' height limit. Hotels shall be permitted 30' over a maximum of 50 percent of the ground floor area of all buildings and structures on site. Using the garage and public spaces located below the 2nd Floor Footprint on the R-3 portion of underlying district, the calculation is as follows: <math>17,254\text{sf} \times 0.5 = 8,627\text{sf}</math> at 30' (see diagram)</p> <p>24' height limit for 8,627sf (see diagram) 30' height limit for 8,627sf (see diagram)</p> <p><b>C-1 District:</b> 30' height limit (see diagram).</p>	
	See SK-08		
06	Open Space Calculation Including Roof Balcony		
	SOMA to provide calculations of total open space including roof deck open space.	<p><b>General:</b> In PD Districts the regulations for open space are per the underlying zoning districts, which is R-3 for the portion of site fronting Indian Canyon Drive and C-1 fronting Palm Canyon Drive. Here are the open space requirements:</p> <p><b>R-3 District:</b> Provide a minimum of 45 percent of the site area for usable landscaped open space and outdoor living and recreation space: <math>37,446 \times 0.45 = 16,851\text{sf}</math> of open space (see diagram)</p> <p><b>C-1 District:</b> No regulations for open space.</p>	DT
	See SK-09		

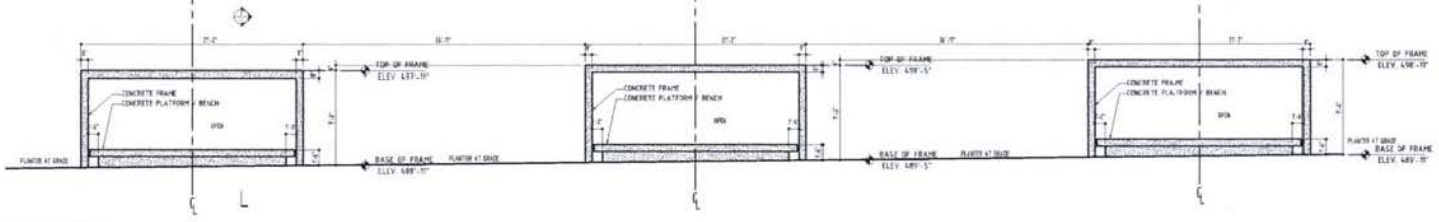
PROJECT	REDAK ARK 1000 PINE JUNCTION PALMDALE, CA 93550
DATE	TRUCK STOP TRUCK STOP PALMDALE, CA 93550
ARCHITECT	<b>soma</b> 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.SOMAARCHITECTS.COM
ENGINEER	<b>Cioffi</b> 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.CIOFFIENGINEERS.COM
GENERAL CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
LANDSCAPE ARCHITECT	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
STRUCTURAL ENGINEER	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
MECHANICAL ENGINEER	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
ELECTRICAL ENGINEER	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
PLUMBING ENGINEER	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
CONCRETE CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
PAINT CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
IRONWORK CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
GLASS CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
MECHANICAL CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
ELECTRICAL CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM
PLUMBING CONTRACTOR	TRUCK STOP 1000 PINE JUNCTION PALMDALE, CA 93550 TEL: 805.350.1000 WWW.TRUCKSTOP.COM



1. FLOOR PLAN: ART WALK  
SCALE: 1/8" = 1'-0"



2. SECTION: ART WALK  
SCALE: 1/8" = 1'-0"



3. SECTION: ART WALK  
SCALE: 1/8" = 1'-0"

NOTES:  
1. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
2. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
3. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
4. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
5. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
6. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
7. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
8. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
9. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
10. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.

NO.	DATE	DESCRIPTION

DATE	3/18/15	DATE	JULY 02, 2015
NO.	1	NO.	1
BY	SCHMIDT	BY	SCHMIDT
CHK		CHK	
REV		REV	

ART WALK





NO.	DATE	DESCRIPTION

**NOTES:**  
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS SHALL BE TO FINISH SURF UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS SHALL BE TO OUTSIDE SURF UNLESS OTHERWISE NOTED.  
 6. ALL DIMENSIONS SHALL BE TO INSIDE SURF UNLESS OTHERWISE NOTED.  
 7. ALL DIMENSIONS SHALL BE TO CENTERLINE OF CURB UNLESS OTHERWISE NOTED.  
 8. ALL DIMENSIONS SHALL BE TO CENTERLINE OF ROAD UNLESS OTHERWISE NOTED.  
 9. ALL DIMENSIONS SHALL BE TO CENTERLINE OF RAILROAD UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS SHALL BE TO CENTERLINE OF AIRWAY UNLESS OTHERWISE NOTED.  
 11. ALL DIMENSIONS SHALL BE TO CENTERLINE OF CANAL UNLESS OTHERWISE NOTED.  
 12. ALL DIMENSIONS SHALL BE TO CENTERLINE OF DITCH UNLESS OTHERWISE NOTED.  
 13. ALL DIMENSIONS SHALL BE TO CENTERLINE OF TRENCH UNLESS OTHERWISE NOTED.  
 14. ALL DIMENSIONS SHALL BE TO CENTERLINE OF CUT UNLESS OTHERWISE NOTED.  
 15. ALL DIMENSIONS SHALL BE TO CENTERLINE OF FILL UNLESS OTHERWISE NOTED.  
 16. ALL DIMENSIONS SHALL BE TO CENTERLINE OF EASEMENT UNLESS OTHERWISE NOTED.  
 17. ALL DIMENSIONS SHALL BE TO CENTERLINE OF RIGHT-OF-WAY UNLESS OTHERWISE NOTED.  
 18. ALL DIMENSIONS SHALL BE TO CENTERLINE OF ADJACENT PROPERTY UNLESS OTHERWISE NOTED.  
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NO.	DATE	DESCRIPTION

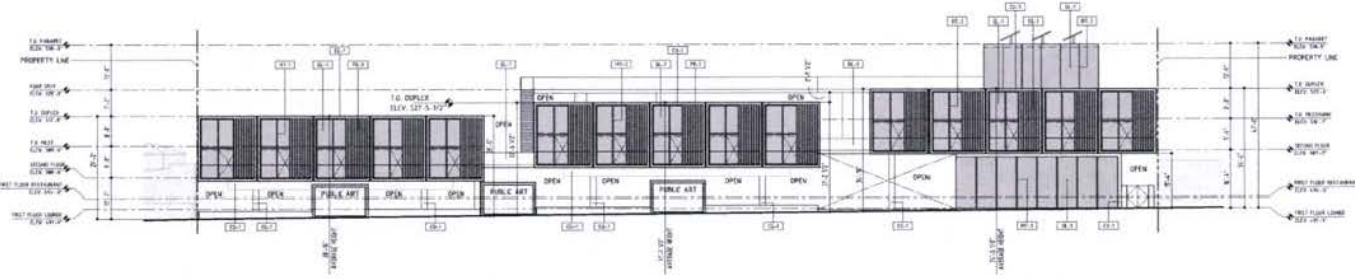
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6	1/18/15	REVISION
7	1/18/15	REVISION
8	1/18/15	REVISION
9	1/18/15	REVISION
10	1/18/15	REVISION

**PROJECT:** 160 N. PALM CANYON DRIVE, PALM SPRINGS, CA 92262

**DATE:** 1/18/15

**PROJECT:** 160 N. PALM CANYON DRIVE, PALM SPRINGS, CA 92262

**DATE:** 1/18/15



**1. BUILDING ELEVATION: EAST ELEVATION (INDIAN AVENUE)**

CLUSTER	AVERAGE HEIGHT
CLUSTER A	31'-5 1/4"
CLUSTER B	31'-2 1/2"
CLUSTER C	30'-8"
AVERAGE HEIGHT ON INDIAN CANYON	
30'-1 1/4" + 31'-1 1/2" + 30'-6 1/4" / 3 = 31'-3"	

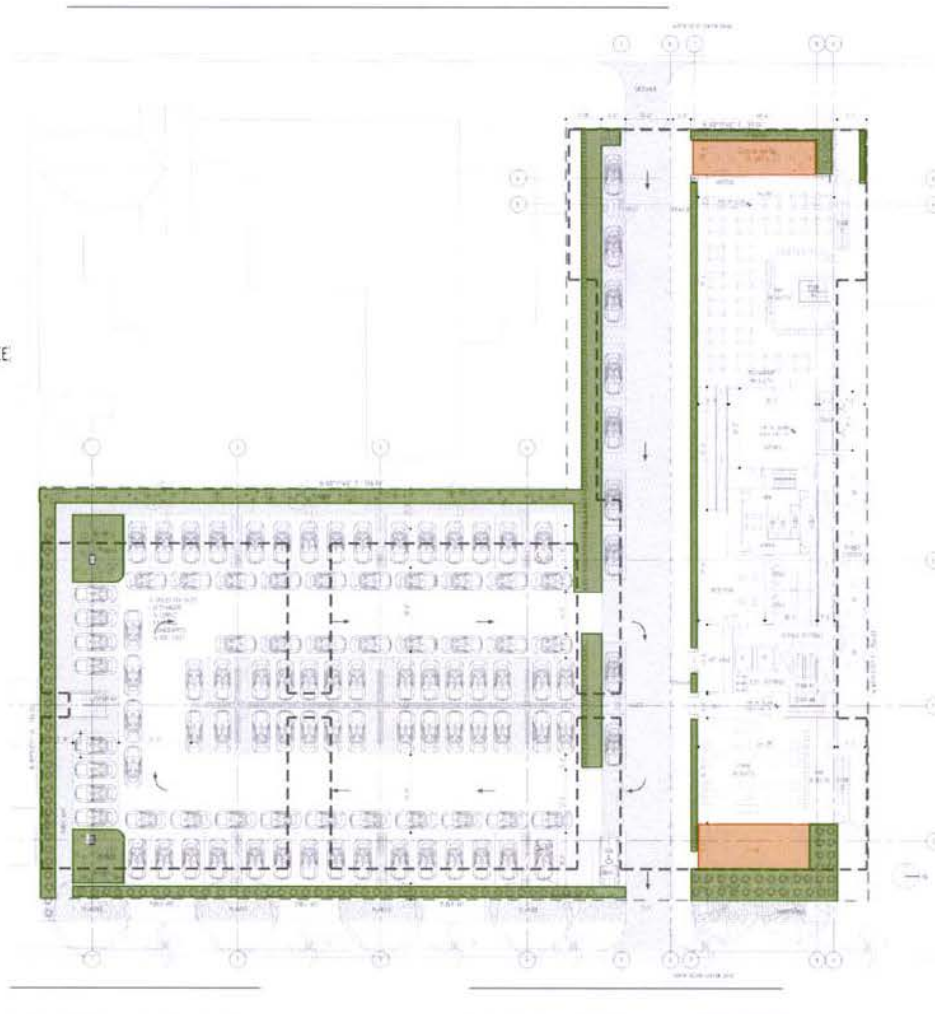


**2. BUILDING ELEVATION: WEST ELEVATION (PALM CANYON)**

CLUSTER	AVERAGE HEIGHT
CLUSTER A	31'-0"
AVERAGE HEIGHT ON PALM CANYON	
31'-0"	

- LANDSCAPE
- USABLE LANDSCAPED OPEN SPACES (NOT PART OF RECREATION SPACE)
- OUTDOOR LIVING/RECREATION

OPEN SPACE CALCULATIONS (PER OPENING RESOLUTION 02.04.04)				
		OPTION 01: W/O BALCONIES (SF)		OPTION 02: TOTAL SPACES (SF)
1ST FLOOR	LANDSCAPE	5482	6481	6481
	OPEN SPACES	0		
	OUTDOOR LIVING/RECREATION	999		
	LANDSCAPE	0		
2ND FLOOR	OPEN SPACES	0	0	6078
	OUTDOOR LIVING/RECREATION	6078		
	LANDSCAPE	0		
	OPEN SPACES	0		
ROOF	LANDSCAPE	0	11063	11063
	OPEN SPACES	0		
	OUTDOOR LIVING/RECREATION	11063		
	LANDSCAPE	0		
TOTAL		12544		23622
TOTAL SF OF PROPERTY		49378		
PERCENT OF OPEN SPACES ON TOTAL PROPERTY SF		4%		55%



1 FLOOR PLAN-FLOOR 01

**soma**

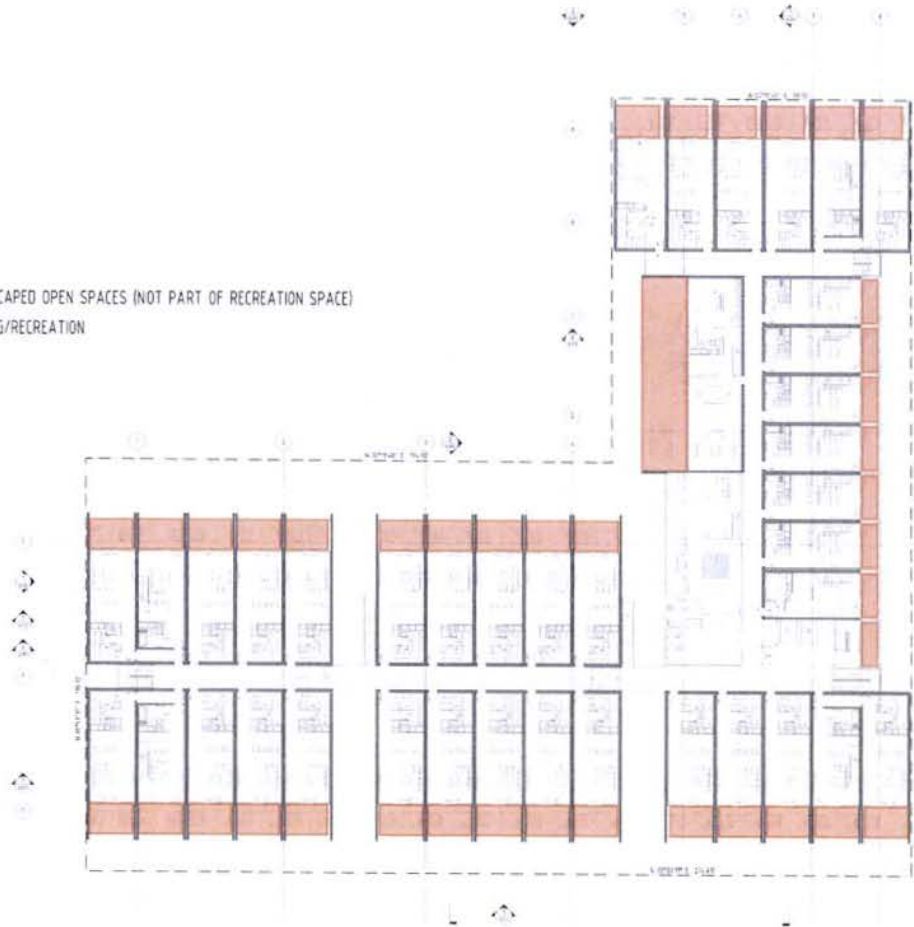
- DATE: 08/14/2018
- PROJECT: 1000 MARKET STREET
- CLIENT: SOMA
- DESIGNER: SOMA
- ARCHITECT: SOMA
- ENGINEER: SOMA
- PLANNING: SOMA
- LANDSCAPE: SOMA
- INTERIOR: SOMA
- MECHANICAL: SOMA
- ELECTRICAL: SOMA
- PLUMBING: SOMA
- HAZARDOUS WASTE: SOMA
- ASBESTOS: SOMA
- LEAD: SOMA
- ENVIRONMENTAL: SOMA
- ARCHITECTURAL: SOMA
- LANDSCAPE: SOMA
- INTERIOR: SOMA
- MECHANICAL: SOMA
- ELECTRICAL: SOMA
- PLUMBING: SOMA
- HAZARDOUS WASTE: SOMA
- ASBESTOS: SOMA
- LEAD: SOMA
- ENVIRONMENTAL: SOMA

NO.	DATE	DESCRIPTION
1	08/14/2018	SCHEMATIC DESIGN
2	08/14/2018	REVIEW

OPEN SPACE CALCULATION  
FLOOR PLAN  
FLOOR 01

**SK-09.01**

- LANDSCAPE
- USABLE LANDSCAPED OPEN SPACES (NOT PART OF RECREATION SPACE)
- OUTDOOR LIVING/RECREATION



1 FLOOR PLAN FLOOR 02

DATE: 08/08/2018  
PROJECT: SOMA 1000 MARKET STREET

SCALE: 1/8" = 1'-0"  
DRAWN BY: [Name]

**SOMA**

PROJECT: SOMA 1000 MARKET STREET  
PHASE: 02 - EXTERIOR  
DATE: 08/08/2018

SCALE: 1/8" = 1'-0"  
DRAWN BY: [Name]

DATE: 08/08/2018

PROJECT: SOMA 1000 MARKET STREET

PHASE: 02 - EXTERIOR

DATE: 08/08/2018

SCALE: 1/8" = 1'-0"

DRAWN BY: [Name]

DATE: 08/08/2018

PROJECT: SOMA 1000 MARKET STREET

PHASE: 02 - EXTERIOR

DATE: 08/08/2018

SCALE: 1/8" = 1'-0"

DRAWN BY: [Name]

DATE: 08/08/2018

PROJECT: SOMA 1000 MARKET STREET

PHASE: 02 - EXTERIOR

DATE: 08/08/2018

SCALE: 1/8" = 1'-0"

DRAWN BY: [Name]

DATE: 08/08/2018

PROJECT: SOMA 1000 MARKET STREET

PHASE: 02 - EXTERIOR

DATE: 08/08/2018

SCALE: 1/8" = 1'-0"

DRAWN BY: [Name]

DATE: 08/08/2018

PROJECT: SOMA 1000 MARKET STREET

PHASE: 02 - EXTERIOR

DATE: 08/08/2018

SCALE: 1/8" = 1'-0"

DRAWN BY: [Name]

DATE: 08/08/2018

SK-09.02



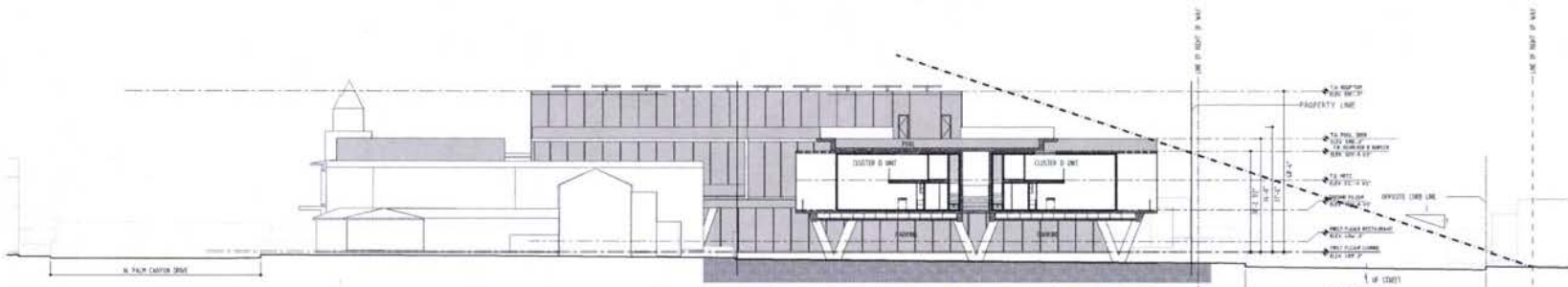
NOTES:  
1. THIS DRAWING IS THE PROPERTY OF SOMA ARCHITECTURAL, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED.  
2. ANY REVISIONS TO THIS DRAWING MUST BE MADE IN ACCORDANCE WITH THE REVISION LOG.  
3. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
4. SOMA ARCHITECTURAL, INC. SHALL NOT BE RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING FOR ANY OTHER PROJECT OR SITE.

NO.	DATE	DESCRIPTION

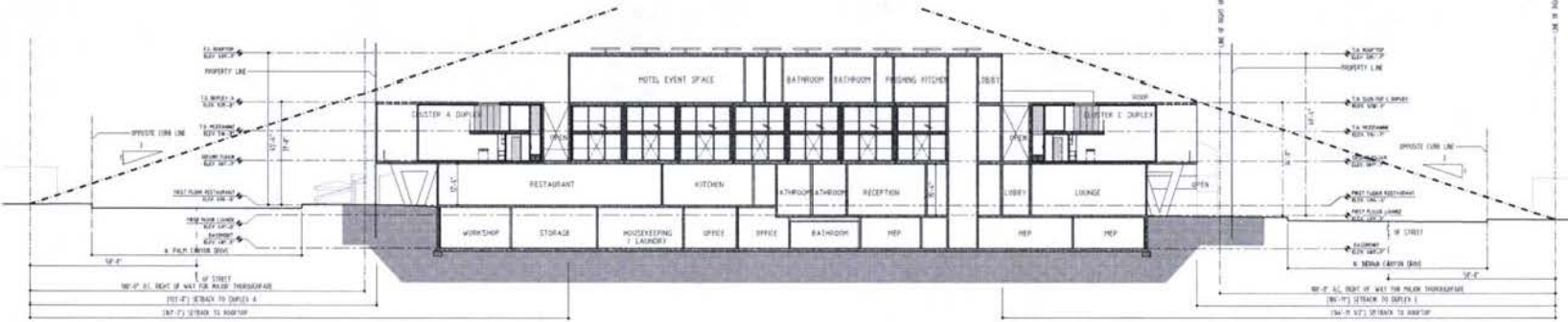
DATE	BY	DESCRIPTION
8/18/15	JK	SCHEMATIC DESIGN

PROJECT: 1000 W. PALM BLVD. PALM SPRINGS, CA 92262  
 SHEET: SK-12.03  
 BUILDING SECTION  
 SECTION E & F  
 BUILDING DETAILS

**SK-12.03**

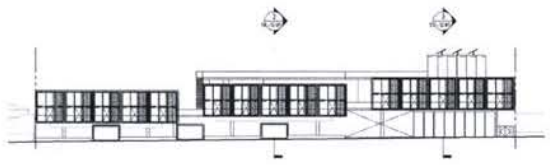


2. BUILDING SECTION: SECTION F  
SCALE: 1/8" = 1'-0"



3. BUILDING SECTION: SECTION E (OPP)  
SCALE: 1/8" = 1'-0"

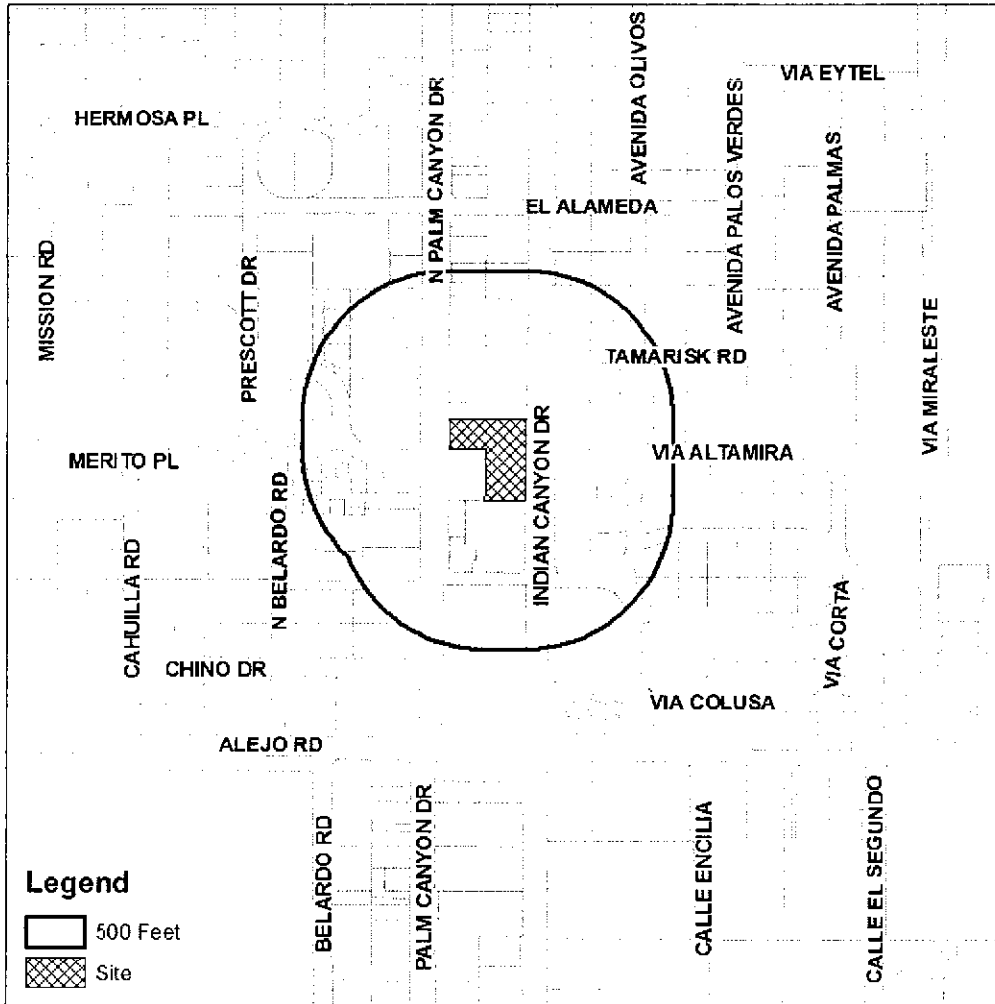
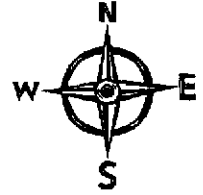
NOTE: RIGHT-OF-WAY CONFIRMED WITH DAVID KNOLL  
 AT DEPT OF PLANNING, CITY OF PALM SPRINGS



1. BUILDING ELEVATION: EAST ELEVATION (KEY)  
SCALE: 1/8" = 1'-0"



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

# EXHIBIT B

# LAS PALMAS HISTORIC BUSINESS DISTRICT CONCEPTUAL DESIGN GUIDELINES

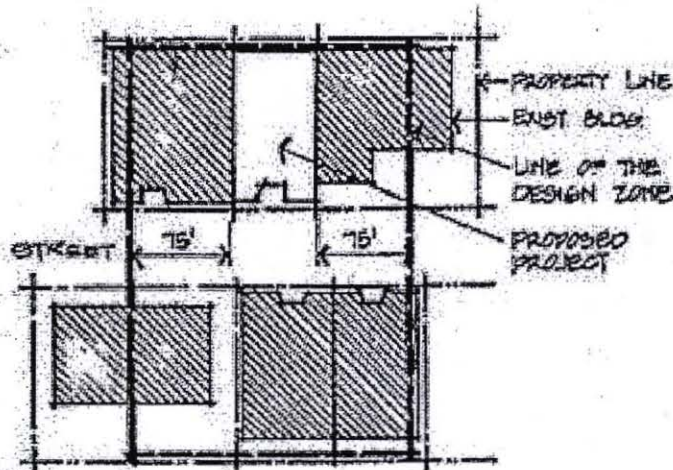
LAS PALMAS BUSINESS HISTORIC DISTRICT  
CONCEPTUAL DESIGN GUIDELINES: NEW COMMERCIAL CONSTRUCTION & MAJOR REMODEL

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 owners 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.

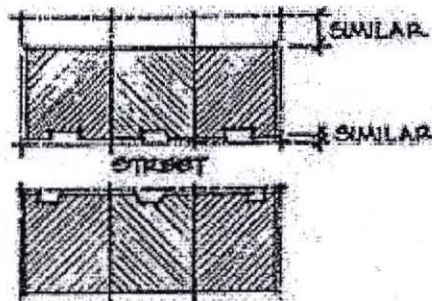
One- and two-story buildings are typical of this area. Towers with additional stories have been used at the corners of some buildings to create interest.

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.

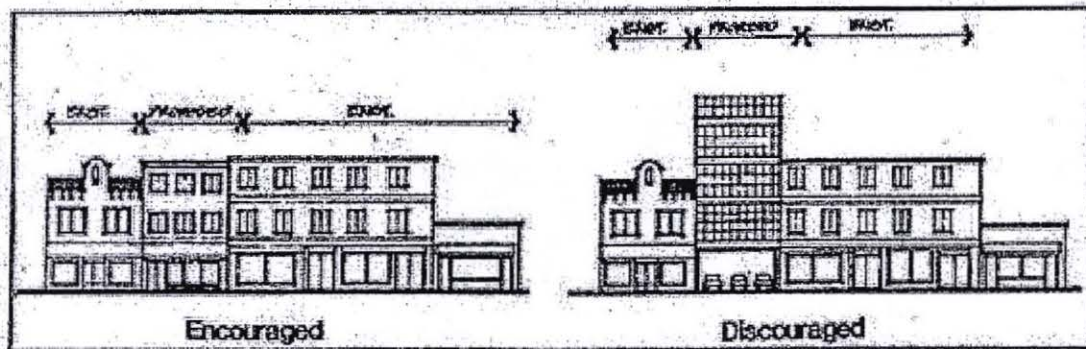
New construction should reinforce the dominant facade pattern of the street.

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 similar 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.

**LETTER OF TRANSMITTAL**

TO: KITTRIDGE HOTELS  
234 E. Colorado Boulevard, Suite 500  
Pasadena, CA 91101

DATE: July 31, 2015  
JOB NO.: 2441-2014-01  
SUBJECT: Proposed 750 Lofts Project  
(Updated 07/30/2015)  
Parking Analysis, City of Palm Springs

ATTN: Mr. Andy Carpiac

WE ARE FORWARDING:


By Messenger  By E-Mail

By Blueprinter  By Fedex

NUMBER OF COPIES	DESCRIPTION
1	PDF copy for your use

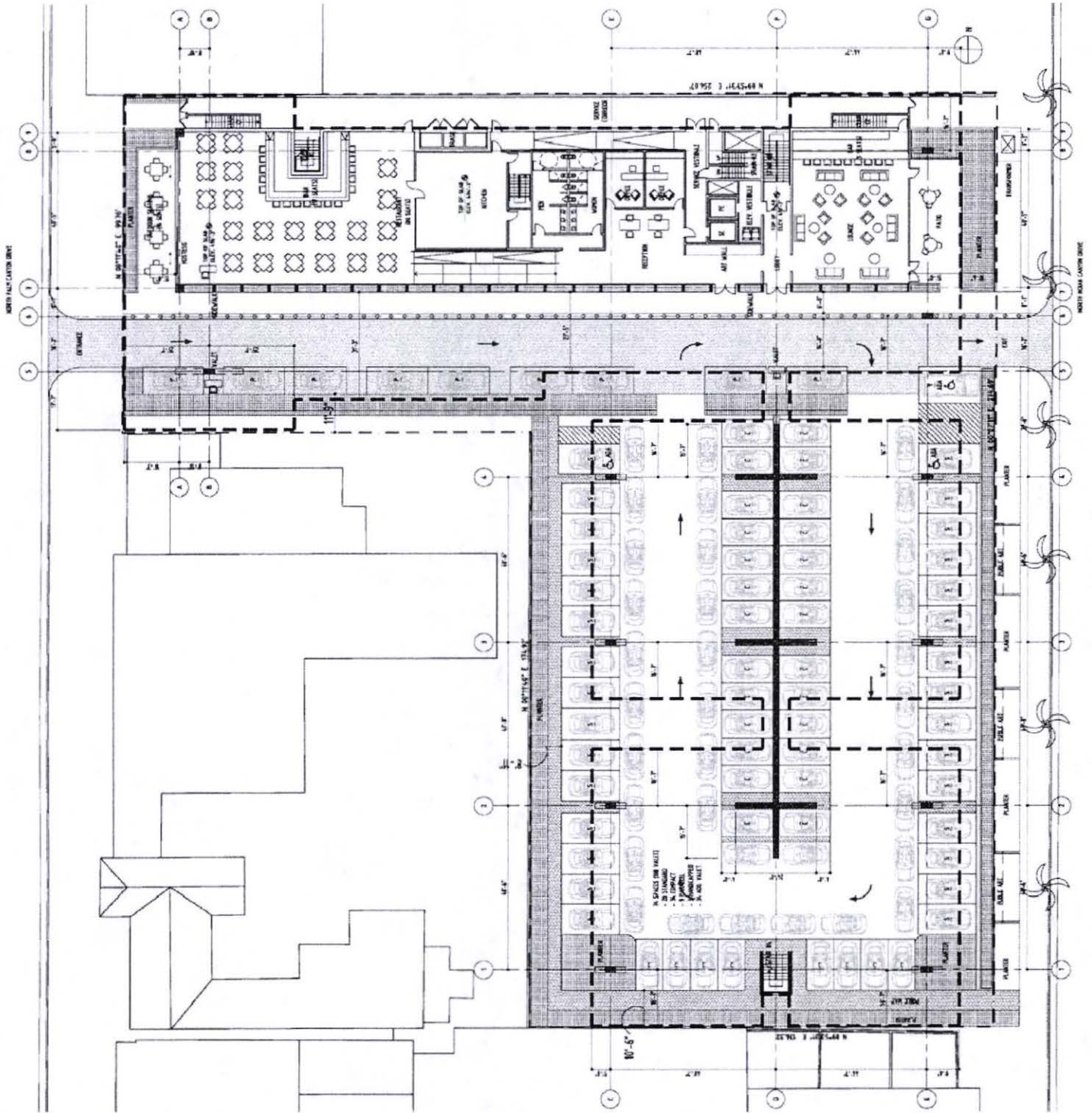
SENT FOR YOUR	STATUS	PLEASE NOTE
<input type="checkbox"/> Approval	<input type="checkbox"/> Preliminary	<input checked="" type="checkbox"/> Revisions
<input type="checkbox"/> Signature	<input checked="" type="checkbox"/> Revised	<input type="checkbox"/> Additions
<input checked="" type="checkbox"/> Use	<input type="checkbox"/> Approved	<input type="checkbox"/> Omissions
<input type="checkbox"/> File	<input type="checkbox"/> Released	<input type="checkbox"/> Corrections

REMARKS:  
Attached is a PDF copy of the Proposed 750 Lofts Project Parking Analysis (Updated 07/24/2015), City of Palm Springs.  
Please call me at (949) 474-0809 extension 214 if you have any questions.

BY:   
Alex Tabrizi, PE, TE  
Associate Principal

COPIES TO:

# PROPOSED 750 LOFTS PROJECT PARKING ANALYSIS (UPDATED 07/31/2015) City of Palm Springs, California



July 31, 2015

Mr. Andy Carpiac  
KITTRIDGE HOTELS  
234 E. Colorado Boulevard, Suite 500  
Pasadena, CA 91101

**Subject: Proposed 750 Lofts Project – Parking Analysis (Updated 07/30/2015),  
City of Palm Springs**

Dear Mr. Carpiac:

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this updated Parking Analysis for the proposed 750 Lofts Project. The proposed site is located to the north of Granvia Valmonte, 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 mixed-use project will consist of construction of a proposed hotel including the following components:

- 39-room hotel;
- 20-seat roof-top area;
- 113 seat quality restaurant (approximately 4,722 square feet); and
- 39-seat lounge area.

The proposed project is planned to provide 74 designated off-street parking spaces and will provide valet parking services. The valet service is planned to operate for majority of the day and will enable double parking of vehicles resulting in added parking capacity. The valet service is expected to add a minimum of approximately 34 parking spaces beyond the 74 designated parking spaces. Therefore, the project is planned to provide a minimum of 108 parking spaces when accounting for the valet services.

It should be noted that an agreement was previously in place between the project site and a hotel on the same street, the Colony Palms Hotel, that allowed for overflow parking rights for the Colony Palms Hotel on the project site. That agreement expired in early 2014 and has been terminated per the original terms of the agreement, as recorded on title.

An aerial image of the site plan is shown 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.

Based on the City of Palm Springs Municipal Code and the proposed land uses, the project would require 96 parking spaces without assuming mode and internal adjustments or a shared parking condition.

Based on the City of Palm Springs Municipal Code and a 50% reduction for mode and internal adjustments, the project would require 68 parking spaces without assuming a shared parking condition.

Utilizing the shared parking concept as applicable to the proposed project, the shared peak parking demand for the project has been estimated to be 60 parking spaces during peak weekday conditions and 62 parking spaces during peak weekend conditions.

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 GROUP, INC.

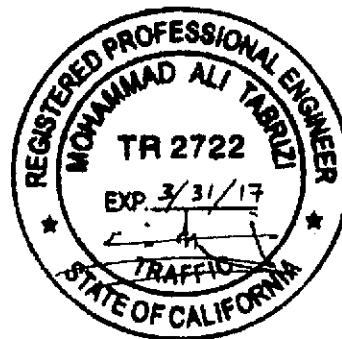
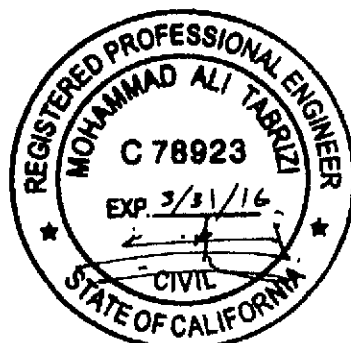


Alex Tabrizi, P.E., T.E.  
Associate Principal



Tiffany Giordano, E.I.T.  
Engineer II

Attachments



**PROPOSED 750 LOFTS PROJECT  
PARKING ANALYSIS  
(UPDATED 07/31/2015)  
City of Palm Springs, California**

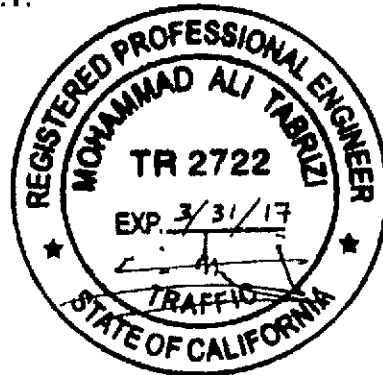
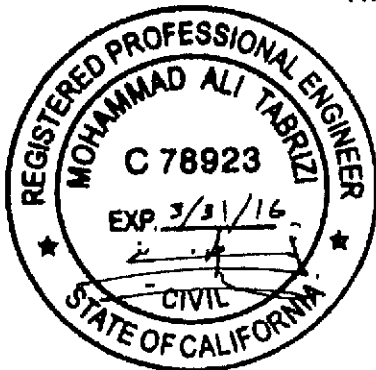
**Prepared for:**

KITTRIDGE HOTELS  
234 E. Colorado Boulevard, Suite 500  
Pasadena, CA 91101

**Prepared by:**

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

Mohammad "Alex" Tabrizi, P.E., T.E.  
Tiffany Giordano, E.I.T.



July 31, 2015

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<b>2.0 Parking Analysis.....</b>	<b>2-1</b>
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2.3 Shared Parking Results	2-4
<b>3.0 Conclusions.....</b>	<b>3-1</b>

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Site Plan .....	B

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

## **1.0 Project Description**

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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 of Granvia Valmonte, 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 is shown in Exhibit B.

The proposed mixed-use project will include the following:

- 39-room hotel;
- 20-seat roof-top area;
- 113 seat quality restaurant (approximately 4,722 square feet); and
- 39-seat lounge area.

The proposed project is planned to provide 74 designated off-street parking spaces and will provide valet parking services. The valet service is planned to operate for majority of the day and will enable double parking of vehicles resulting in added parking capacity. The valet service is expected to add a minimum of approximately 34 parking spaces beyond the 74 designated parking spaces. Therefore, the project is planned to provide a minimum of 108 parking spaces when accounting for the valet services.

It should be noted that an agreement was previously in place between the project site and a hotel on the same street, the Colony Palms Hotel, that allowed for overflow parking rights for the Colony Palms Hotel on the project site. That agreement expired in early 2014 and has been terminated per the original terms of the agreement, as recorded on title. The termination records are provided in Appendix C.

The proposed project will be served by two (2) driveways; one (1) existing full access driveway on North Palm Canyon Drive, and one new (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.

Based on the City Municipal Code without any shared parking assumptions or reductions for mode and internal adjustments, the proposed project requires 96 parking spaces. Therefore, the site is forecast to supply an excess of 12 parking spaces based on the required number of parking spaces for the City of Palm Springs.

Without assuming a shared parking condition for the proposed uses, using the City Municipal Code and assuming a total of 50% parking demand adjustment associated with noncaptive and modal reduction, the total combination of the proposed uses (hotel, lounge, roof-top area, and restaurant) for the proposed project would require a total of 68 off-street parking spaces. Therefore, based on the City Municipal Code and the mode and internal adjustments, without any shared parking, the site is forecast to supply an excess of 40 parking spaces.

When accounting for the shared parking conditions, the proposed project is forecast to have a maximum parking demand of 62 parking spaces occurring at 8:00PM and 11:00PM during the weekend conditions. Hence, assuming shared parking conditions, the proposed project is forecasted to provide a sufficient number of parking spaces.

**Based upon the shared parking analysis, an adequate number of parking spaces is forecast to be provided to accommodate the proposed land uses during any time of weekday or weekend.**

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## **2.0 Parking Analysis**

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### **2.1 City of Palm Springs Parking Requirements**

As shown in Table 1, without assuming adjustments for mode and internal capture nor any shared parking opportunity between the uses, the total combination of the proposed uses (hotel, lounge, roof-top area, and restaurant) for the proposed project would require a total of 96 off-street parking spaces based on the City of Palm Springs Municipal Code. The applicable City of Palm Springs Municipal Code Parking Requirements are included in Appendix A.

The project is planned to provide 108 off-street parking spaces when accounting for the valet services. Therefore, based on the City Municipal Code, the site is forecast to supply an excess of 12 parking spaces.

### **2.2 Mode and Internal Adjustment**

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 restaurant, lounge 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. Additionally, it is very likely some hotel guests will utilize taxi or shuttles to and from the airport.

Table 2 provides the required number of parking spaces as a result of the City Municipal Code and the 50% reduction for mode and internal adjustments. As can be seen from the table, the combination requires 68 parking spaces. Therefore, the project will supply an excess of 40 parking spaces.

### **2.3 Shared Parking Parameters**

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.

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 and 50% reductions for mode and internal adjustments 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 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.

## 2.4 Shared Parking Results

Table 3 and 4 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, 50% reductions, 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 with 50% reductions. Table 5 provides a detailed summary of the percent of parking spaces expected to be occupied throughout a typical weekday and weekend assuming shared parking conditions. As shown in Table 5:

- During a typical weekday, the expected peak will occur at 9:00 PM with 60 parking spaces occupied, or 55.6% of the total supplied parking.
- During a typical weekend, the expected peak will occur at 8:00 PM and 11:00 PM with 62 parking spaces occupied, or 57.4% of the total supplied parking.

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.

The proposed 750 Lofts Project would provide a total of 108 off-street parking spaces. **Based upon the shared parking analysis, adequate number of parking spaces are forecasted to be provided to accommodate the proposed land uses during any time of weekday or weekend.**

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### **3.0 Conclusions**

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

1. The project would consist of hotel, lounge, roof-top area, 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 96 parking spaces without assuming mode and internal adjustments or a shared parking condition.
3. Based on the City of Palm Springs Municipal Code and a 50% reduction for mode and internal adjustments, the project would require 68 parking spaces without assuming a shared parking condition.
4. Utilizing the shared parking concept as applicable to the proposed project, the shared peak parking demand for the project has been estimated to be 60 parking spaces during peak weekday conditions and 62 parking spaces during peak weekend conditions.
5. The proposed project is planned to provide 108 off-street parking spaces with the valet service in use. The valet service will allow double-stacking of vehicles, increasing the parking supply.
6. 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 108 off-street parking spaces planned to be provided by the proposed project.

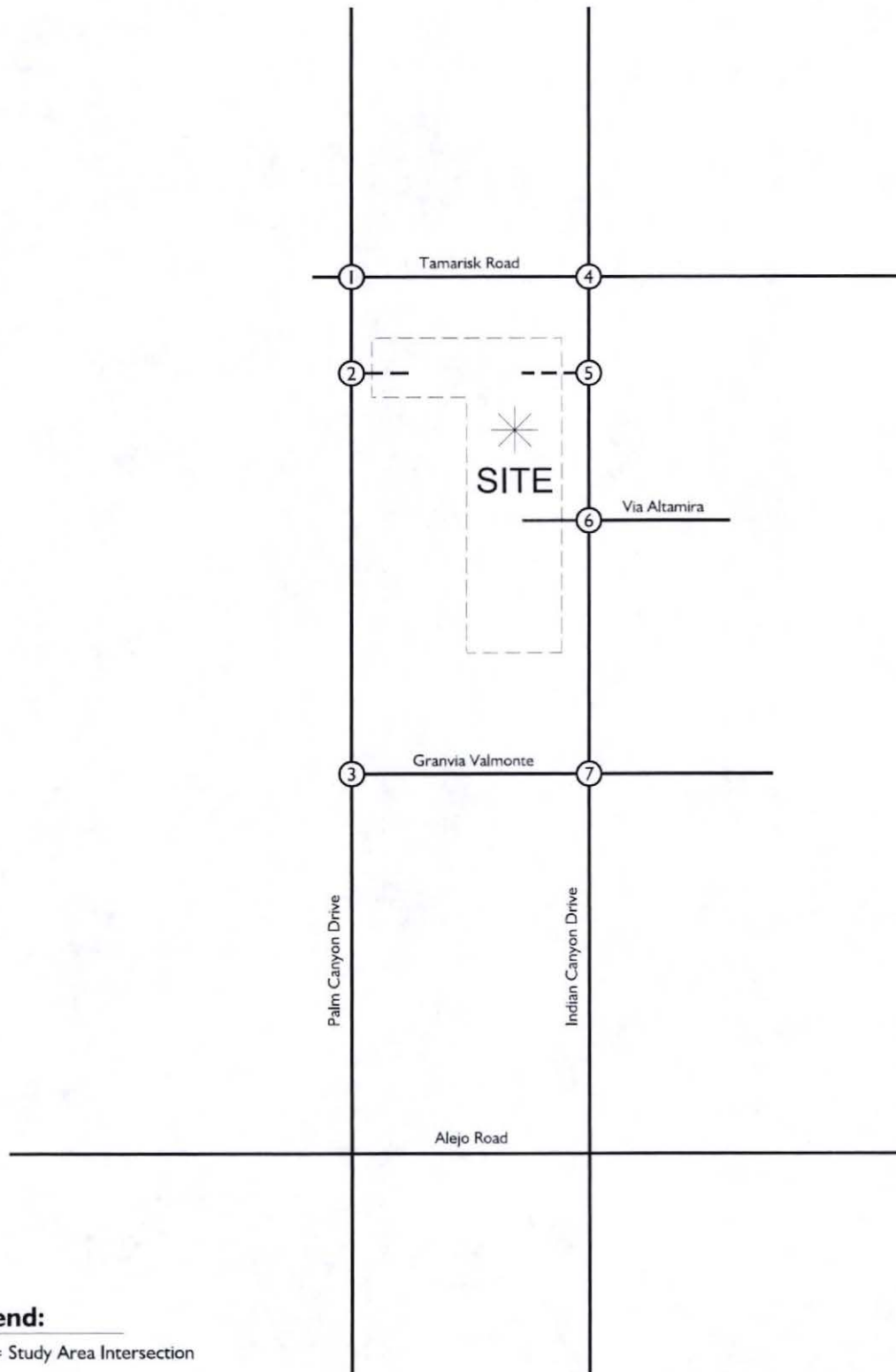
7. The project should monitor its peak parking demand as needed to refine parking management operations at the site.



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## Exhibits

# Exhibit A Location Map



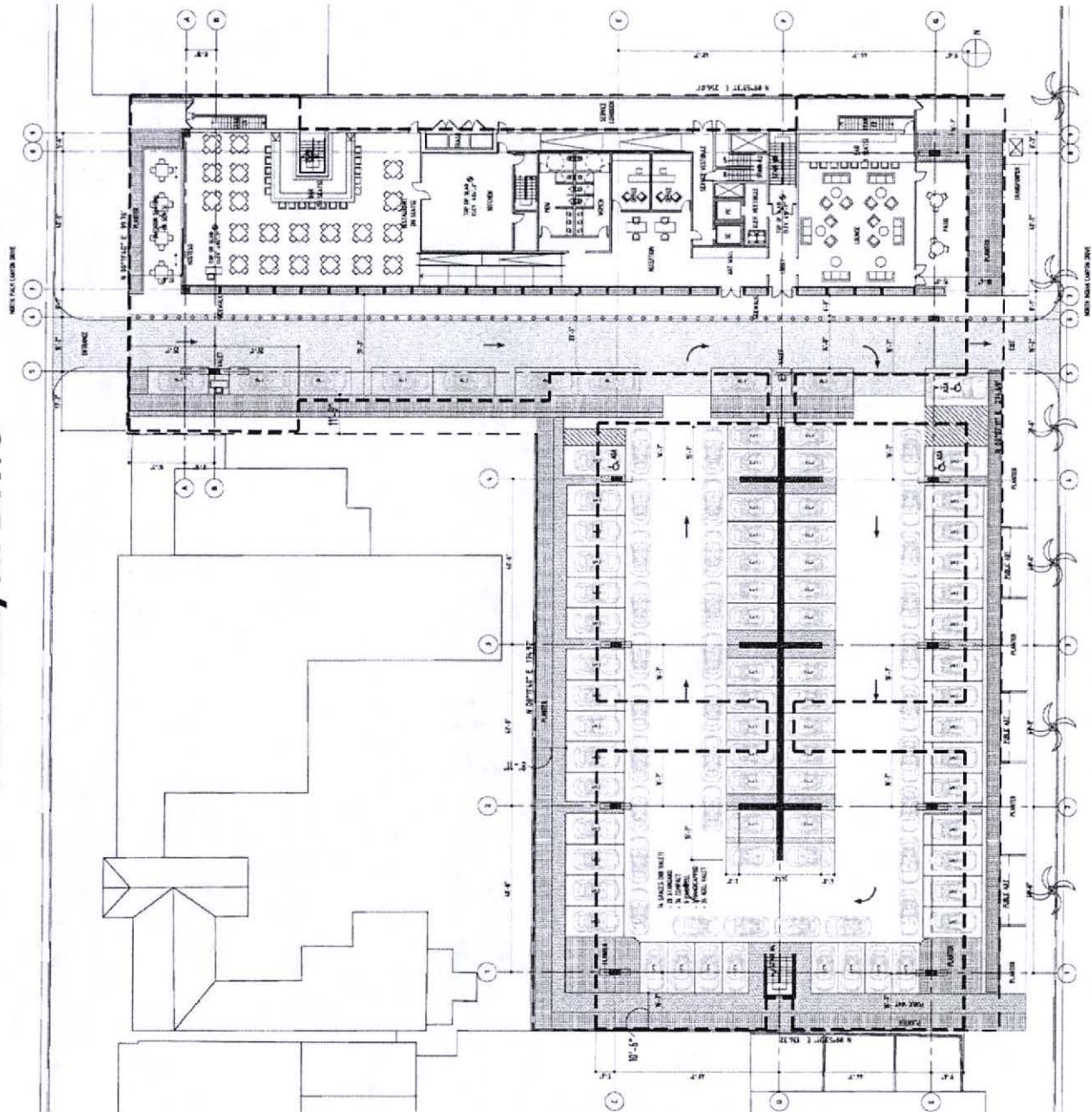
### Legend:

- ① = Study Area Intersection
- = Driveway to be Removed
- - = Proposed Project Driveway



**Palm Canyon Drive**

**Indian Canyon Drive**



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## Tables

**Table 1**  
**Proposed 750 Lofts Project**  
**City of Palm Springs Municipal Code Required Parking**

Land Use	Size			No. of Spaces Required
	SF (Gross)	Rooms	Seats	
Hotel <sup>1</sup>	N/A	39	N/A	39.0
Restaurant <sup>2</sup>	4,722	N/A	113	37.7
Lounge <sup>3</sup>	N/A	N/A	39	13.0
Roof-Top Bar <sup>3</sup>	N/A	N/A	20	6.7
<b>Total Proposed Project</b>				<b>96.3</b>
<b>Required Parking Per Palm Springs Code<sup>4</sup></b>				<b>96.0</b>
<b>Project Site Proposed Parking Spaces Provided</b>				<b>108.0</b>
<b>Parking in Excess Per Code</b>				<b>12</b>

Parking Analysis is based on City of Palm Springs Municipal Code Section 93.06.00

SF = Square Feet

<sup>1</sup> In accordance with City of Palm Springs Municipal Code, there shall be provided one (1) garage, carport, or open parking space as an accessory for each of the first fifty (50) guest rooms in any establishment. Establishments with more than fifty (50) guest rooms shall provide 0.75 parking spaces as an accessory for each guest room in excess of fifty (50).

<sup>2</sup> In accordance with City of Palm Springs Municipal Code, restaurants shall provide one (1) space for each thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

<sup>3</sup> In accordance with City of Palm Springs Municipal Code, cabarets, cocktail lounges, and discotheques as a separate use or within a restaurant shall provide (1) space for each thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

<sup>4</sup> From the City of Palm Springs Municipal Code: When computation of the required number of parking spaces results in a fractional parking space, one (1) additional parking space shall be required for one-half (1/2) or more fractional parking space and any fractional space less than one-half (1/2) of a parking space shall not be counted.

**Table 2**  
**Proposed 750 Lofts Project**  
**Required Parking with Mode and Internal Adjustments**

Land Use	Size			No. of Spaces Required
	SF (Gross)	Rooms	Seats	
Hotel <sup>1</sup>	N/A	39	N/A	39.0
Restaurant <sup>2</sup>	4,722	N/A	113	37.7
Restaurant Mode & Internal Adjustment (50%) <sup>4</sup>				18.8
Subtotal Restaurant				18.8
Lounge <sup>3</sup>	N/A	N/A	39	13.0
Lounge Mode & Internal Adjustment (50%) <sup>4</sup>				6.5
Subtotal Lounge				6.5
Roof-Top Bar <sup>3</sup>	N/A	N/A	20	6.7
Roof-Top Bar Mode & Internal Adjustment (50%) <sup>4</sup>				3.0
Subtotal Roof-Top Bar				3.7
<b>Total Proposed Project</b>				<b>68.0</b>
<b>Project Site Proposed Parking Spaces Provided</b>				<b>108.0</b>
<b>Parking in Excess with Adjustments</b>				<b>40</b>

SF = Square Feet

<sup>1</sup> In accordance with City of Palm Springs Municipal Code, there shall be provided one (1) garage, carport, or open parking space as an accessory for each of the first fifty (50) guest rooms in any establishment. Establishments with more than fifty (50) guest rooms shall provide 0.75 parking spaces as an accessory for each guest room in excess of fifty (50).

<sup>2</sup> In accordance with City of Palm Springs Municipal Code, restaurants shall provide one (1) space for each thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

<sup>3</sup> In accordance with City of Palm Springs Municipal Code, cabarets, cocktail lounges, and discotheques as a separate use or within a restaurant shall provide (1) space for each thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

<sup>4</sup> Due to the mixed-use nature of the proposed development, it is expected that approximately 50% of the visitors to the proposed project will be either internally captured from the hotel (25%), and therefore will not be needing an additional parking space, or will be using other modes of transportation (25%), such as walking or biking, and will not be needing a parking space. A total reduction of 50% is used conservatively, and it can be expected to be higher. The 50% reduction is not included nor addressed in the City of Palm Springs Municipal Code.

**Table 3**  
**Proposed 750 Lofts Project**  
**ULI Hourly Weekday Shared Parking Analysis**

Land Use	City of Palm Springs Required Parking with Mode and Internal Adjustments	User	Adjusted City Parking Rate With ULI-Based Split		Weekday Hourly Shared Parking Accumulation																		
					6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	
Hotel	39.0	Visitor	30.5	Percent Utilization	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	90%	95%	95%	100%		
				Parking Demand	29.0	29.0	27.5	24.4	21.4	21.4	19.8	19.8	21.4	21.4	22.9	24.4	25.9	25.9	27.5	29.0	29.0	30.5	
		Employee	8.5	Percent Utilization	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
				Parking Demand	0.4	2.6	7.7	7.7	8.5	8.5	8.5	8.5	8.5	8.5	7.7	6.0	4.4	1.7	1.7	1.7	1.7	1.7	0.4
		Total	39.0	Total Parking Demand	29.4	31.6	35.2	32.1	29.9	29.9	28.3	28.3	29.9	29.9	30.6	30.4	29.3	27.6	29.2	30.7	30.7	31.4	
		Restaurant	18.8	Visitor	15.9	Percent Utilization	0%	0%	0%	0%	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%
Parking Demand	0.0					0.0	0.0	0.0	2.4	6.4	11.9	11.9	10.3	6.4	8.0	11.9	15.1	15.9	15.9	15.9	15.1	11.9	7.5
Employee	2.9			Percent Utilization	0%	20%	50%	75%	90%	90%	90%	90%	90%	75%	75%	100%	100%	100%	100%	100%	100%	85%	85%
				Parking Demand	0.0	0.6	1.5	2.2	2.6	2.6	2.6	2.6	2.6	2.2	2.2	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.5
Total	18.8			Total Parking Demand	0.0	0.6	1.5	2.2	5.0	9.0	14.5	14.5	12.9	8.6	10.9	14.8	18.0	18.8	18.8	18.8	18.0	14.4	14.4
Lounge	6.5			Visitor	5.5	Percent Utilization	0%	0%	0%	0%	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%
		Parking Demand	0.0			0.0	0.0	0.0	0.8	2.2	4.1	4.1	3.6	2.2	2.8	4.1	5.2	5.5	5.5	5.5	5.2	4.1	2.8
		Employee	1.0	Percent Utilization	0%	20%	50%	75%	90%	90%	90%	90%	75%	75%	100%	100%	100%	100%	100%	100%	100%	85%	85%
				Parking Demand	0.0	0.2	0.5	0.8	0.9	0.9	0.9	0.9	0.9	0.9	0.8	1.0	1.0	1.0	1.0	1.0	1.0	1.0	0.9
		Total	6.5	Total Parking Demand	0.0	0.2	0.5	0.8	1.7	5.1	5.0	5.0	4.5	3.0	3.8	5.1	6.5	6.5	6.5	6.5	6.2	5.0	5.0
		Rooftop Bar Area	3.7	Visitor	3.1	Percent Utilization	0%	0%	0%	0%	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%
Parking Demand	0.0					0.0	0.0	0.0	0.5	1.2	2.3	2.3	2.0	1.2	1.6	2.3	2.9	3.1	3.1	3.1	3.1	2.9	2.3
Employee	0.6			Percent Utilization	0%	20%	50%	75%	90%	90%	90%	90%	90%	75%	75%	100%	100%	100%	100%	100%	100%	85%	85%
				Parking Demand	0.0	0.1	0.4	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6	0.5
Total	3.7			Total Parking Demand	0.0	0.1	0.4	0.5	1.0	1.7	2.8	2.8	2.5	1.7	2.1	2.9	3.5	3.7	3.7	3.7	3.5	2.8	2.8
<b>Weekday Forecast Shared Parking Demand</b>					<b>29</b>	<b>33</b>	<b>38</b>	<b>36</b>	<b>38</b>	<b>44</b>	<b>51</b>	<b>51</b>	<b>50</b>	<b>43</b>	<b>47</b>	<b>53</b>	<b>57</b>	<b>57</b>	<b>58</b>	<b>60</b>	<b>58</b>	<b>54</b>	
<b>Remaining Parking Capacity (Assuming a Total Parking Capacity of 108 Spaces)</b>					<b>79</b>	<b>75</b>	<b>70</b>	<b>72</b>	<b>70</b>	<b>64</b>	<b>57</b>	<b>57</b>	<b>58</b>	<b>65</b>	<b>61</b>	<b>55</b>	<b>51</b>	<b>51</b>	<b>50</b>	<b>48</b>	<b>50</b>	<b>54</b>	

**Table 4**  
**Proposed 750 Lofts Project**  
**ULI Hourly Weekend Shared Parking Analysis**

Land Use	City of Palm Springs Required Parking with Mode and Internal Adjustments	User	Adjusted City Parking Rate With ULI-Based Split		Weekend Hourly Shared Parking Accumulation																	
					6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM
Hotel	39.0	Visitor	33.1	Percent Utilization	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%
				Parking Demand	31.4	31.4	29.8	26.5	23.2	23.2	21.5	21.5	23.2	23.2	24.8	26.5	28.1	28.1	29.8	31.4	31.4	33.1
		Employee	5.9	Percent Utilization	5%	10%	90%	90%	100%	100%	100%	100%	100%	100%	90%	75%	60%	55%	55%	55%	45%	45%
				Parking Demand	0.3	1.8	5.3	5.3	5.9	5.9	5.9	5.9	5.9	5.9	5.3	4.4	3.5	3.2	3.2	3.2	2.7	2.7
Total		39.0	Total Parking Demand	31.7	33.2	35.1	31.8	29.1	29.1	27.4	27.4	29.1	29.1	30.1	30.9	31.6	31.3	33.0	34.6	34.1	35.8	
Restaurant	18.8	Visitor	16.0	Percent Utilization	0%	0%	0%	0%	0%	15%	50%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%
				Parking Demand	0.0	0.0	0.0	0.0	0.0	2.4	8.0	8.8	7.2	7.2	7.2	9.6	14.4	15.2	16.0	14.4	14.4	14.4
		Employee	2.8	Percent Utilization	0%	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%
				Parking Demand	0.0	0.6	0.8	1.7	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.8	2.8	2.8	2.8	2.8	2.8
Total		18.8	Total Parking Demand	0.0	0.6	0.8	1.7	2.1	4.5	10.1	10.9	9.3	9.3	9.3	12.4	17.2	18.0	18.8	17.2	17.2	16.8	
Lounge	6.5	Visitor	5.5	Percent Utilization	0%	0%	0%	0%	0%	15%	30%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%
				Parking Demand	0.0	0.0	0.0	0.0	0.0	0.8	2.8	3.0	2.5	2.5	2.5	3.3	5.0	5.2	5.5	5.0	5.0	5.0
		Employee	1.0	Percent Utilization	0%	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%
				Parking Demand	0.0	0.2	0.3	0.6	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	1.0	1.0	1.0	1.0	1.0	1.0
Total		6.5	Total Parking Demand	0.0	0.2	0.3	0.6	0.8	1.6	3.6	3.8	3.3	3.3	3.3	4.3	6.0	6.2	6.5	6.0	6.0	5.9	
Rooftop Bar Area	3.7	Visitor	3.1	Percent Utilization	0%	0%	0%	0%	0%	15%	50%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%
				Parking Demand	0.0	0.0	0.0	0.0	0.0	0.5	1.6	1.7	1.4	1.4	1.4	1.9	2.8	2.9	3.1	2.8	2.8	2.8
		Employee	0.6	Percent Utilization	0%	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%
				Parking Demand	0.0	0.1	0.2	0.4	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6
Total		3.7	Total Parking Demand	0.0	0.1	0.2	0.4	0.5	1.0	2.1	2.2	1.9	1.9	1.9	2.5	3.4	3.5	3.7	3.4	3.4	3.3	
<b>Weekend Forecast Shared Parking Demand</b>					<b>32</b>	<b>34</b>	<b>36</b>	<b>35</b>	<b>33</b>	<b>36</b>	<b>43</b>	<b>44</b>	<b>44</b>	<b>44</b>	<b>45</b>	<b>50</b>	<b>58</b>	<b>59</b>	<b>62</b>	<b>61</b>	<b>61</b>	<b>62</b>
<b>Remaining Parking Capacity (Assuming a Total Parking Capacity of 108 Spaces)</b>					<b>76</b>	<b>74</b>	<b>72</b>	<b>73</b>	<b>75</b>	<b>72</b>	<b>65</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>63</b>	<b>58</b>	<b>50</b>	<b>49</b>	<b>46</b>	<b>47</b>	<b>47</b>	<b>46</b>



**Table 5**  
**Proposed 750 Lofts Project**  
**ULI Hourly Shared Parking Analysis: Summary**

<b>TIME</b>	<b>Weekday Forecast Parking Demand</b>	<b>Weekday Remaining Parking Supply</b>	<b>Percent Occupied</b>	<b>TIME</b>	<b>Weekend Forecast Parking Demand</b>	<b>Weekend Remaining Parking Supply</b>	<b>Percent Occupied</b>
6:00 AM	29	79	26.9%	6:00 AM	32	76	29.6%
7:00 AM	33	75	30.6%	7:00 AM	34	74	31.5%
8:00 AM	38	70	35.2%	8:00 AM	36	72	33.3%
9:00 AM	36	72	33.3%	9:00 AM	35	73	32.4%
10:00 AM	38	70	35.2%	10:00 AM	33	75	30.6%
11:00 AM	44	64	40.7%	11:00 AM	36	72	33.3%
12:00 PM	51	57	47.2%	12:00 PM	43	65	39.8%
1:00 PM	51	57	47.2%	1:00 PM	44	64	40.7%
2:00 PM	50	58	46.3%	2:00 PM	44	64	40.7%
3:00 PM	43	65	39.8%	3:00 PM	44	64	40.7%
4:00 PM	47	61	43.5%	4:00 PM	45	63	41.7%
5:00 PM	53	55	49.1%	5:00 PM	50	58	46.3%
6:00 PM	57	51	52.8%	6:00 PM	58	50	53.7%
7:00 PM	57	51	52.8%	7:00 PM	59	49	54.6%
8:00 PM	58	50	53.7%	8:00 PM	62	46	57.4%
9:00 PM	60	48	55.6%	9:00 PM	61	47	56.5%
10:00 PM	58	50	53.7%	10:00 PM	61	47	56.5%
11:00 PM	54	54	50.0%	11:00 PM	62	46	57.4%

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# Appendices

## **Appendix A**

City of Palm Springs  
Parking Requirements

## Palm Springs Municipal Code

Up      Previous      Next      Main      Search      Print      No Frames

ZONING CODEChapter 93.00 GENERAL CONDITIONS**93.06.00 Off-street parking.**

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## A. Intent and Purpose.

1. These regulations are intended to create properly designed and integrated off-street parking areas, with adequate capacity, circulation and landscaping organized aesthetically to positively relate to the use or building being serviced.

2. "Off-street parking" means an area together with the required number of parking spaces and improvements thereon, as required by this section, for vehicle parking and maneuvering

necessary to serve particular land uses, irrespective of the zones in which they occur.

## B. General Provisions.

## 1. Applicability.

These standards shall apply:

- a. Upon construction of any main building;
- b. Upon establishment of any off-street parking;
- c. Upon alteration or enlargement of an existing building (including the addition of dwelling units or guest rooms or where the use is intensified by the addition of floor space or seating capacity).

## 2. a. Provision of Off-Street Parking.

Off-street parking required in connection with any existing building or use shall be provided so long as such building or use remains. Any off-street parking which is permitted but not required by this Zoning Code shall comply with all regulations herein.

b. Nothing shall prohibit the employee of a particular use or building, for which off-street parking is being provided, from using such off-street parking.

## 3. Nonconforming Parking.

a. Buildings or uses which have insufficient off-street parking per the requirements of this Zoning Code, shall not be expanded unless sufficient additional parking spaces can be provided in accordance with the standards of this Zoning Code. Existing parking shall be counted as meeting this requirement only if it is laid out in compliance with the standards at the time of its establishment.

b. In the case where parking requirements for particular uses become equal to or more restrictive, those uses established prior to the change in parking requirements may be continued without providing additional parking, as long as there is no interruption of such use for a period greater than one hundred eighty (180) days.

c. If such use is interrupted for a greater period, and the parking is nonconforming for such use, the planning commission may require reoccupation by a use which meets the intent of the current parking requirements or may grant continued nonconforming status according to Section 94.05.06.

d. Where a use which is nonconforming according to the current parking standards is replaced by another type of use, such new use shall meet the intent of the current parking requirements.

e. Exception.

Class 1 historic structures shall be exempt from the requirement to provide additional parking or pay in-lieu fees

for any new use allowed by the Zoning Code for the zone in which the Class 1 historic structure is located.

4. Computation of Required Off-Street Parking Spaces.

When computation of the required number of parking spaces results in a fractional parking space, one (1) additional parking space shall be required for one-half ( $\frac{1}{2}$ ) or more fractional parking space and any fractional space less than one-half ( $\frac{1}{2}$ ) of a parking space shall not be counted.

5. Location.

a. Single- or Multiple-family Dwellings and Hotels.

Parking facilities shall be located on the same lot or building site as the buildings they are required to serve.

b. Hospitals, Rest or Convalescent Homes, Boarding or Rooming Houses and Fraternity and Sorority Houses.

Parking facilities shall be located not more than one hundred fifty (150) feet from the building they are required to serve.

i. Exception.

When approved by the planning commission, hospitals may provide parking facilities more than one hundred fifty (150) feet from the building they are required to serve; provided that, an automatic parking gate or similar method of control approved by the commission shall be installed to insure that the parking lot will not be used by other developments in the area.

c. Other Uses.

Parking facilities shall be located not more than three hundred (300) feet from the building or use they are required to serve, except as follows:

i. Note.

Distances specified in subsections (B)(5)(a), (B)(5)(b) and (B)(5)(c) of this section shall be measured from the nearest point of the parking facility to the nearest point of the building or use served by such parking.

6. Mixed Uses or Occupancies.

In the case of mixed uses or occupancies, the total number of required off-street parking spaces shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities provided for one use shall not be considered as providing the required parking facilities for any other use, unless a joint use of parking facilities has been approved by the planning commission as specified in this section.

7. Joint Use of Off-Street Parking Facilities.

In the case of uses which operate at hours not coincident with adjacent uses, parking credit may be given for the use of those adjacent parking spaces under the following conditions:

- a. Sufficient evidence shall be presented to the director of planning and building demonstrating that no substantial conflict in the principal hours or periods of peak demand of the structures or uses for which the joint use is proposed will exist;
- b. The credited space may not exceed the distance authorized in this section from the subject use;
- c. The spaces must be attributed to the user by a covenant running with the land from the owner designating the spaces and their hours of use to the subject use; or
- d. A lease agreement from the owner to the subject user specifying the spaces and their hours of use with a requirement to notify the city if the lease is broken.

8. a. In-Lieu Payments.

In the C-B-D zone, in-lieu of furnishing the parking spaces required by the provisions of this section, the parking

requirement or any portion thereof may be satisfied by the payment of such amount as may be prescribed by resolution of the city council, into the parking fund of the city prior to the issuance of a building permit. In-lieu parking may be used to satisfy requirements in other zones only if a parking district has been established to include the subject property.

b. Funds placed in the parking fund of the city, pursuant to the provisions of this section, shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities, limited insofar as practicable to the general vicinity of the premises for which the in-lieu payments were made.

9. Uses Not Specified.

Where the parking requirement for a use is not specifically defined herein, the parking requirement for such use shall be determined by the planning commission in the manner set forth in Section 94.01.00; and such determination shall be based upon the requirement for the most comparable use specified herein.

10. Administrative Relief.

The director of planning and building may grant a reduction of width of required parking spaces by not more than six (6) inches and modification of other design standards subject to the finding that special circumstances would deprive the subject property of privileges enjoyed by other properties in the vicinity. Administrative relief from the number of parking spaces required by this section may be granted by the director of planning and building in the manner set forth in Section 94.06.01 (Minor modification).

11. Specific Parking Plan.

Economies in parking may be achieved by large or mixed use developments. The director of planning and building may approve a specific parking plan for these kinds of development under a land use permit.

C. Parking Design Standards.

1. Plot Layout Plan.

The layout plan of any proposed parking shall be completely dimensioned and shall include all of the informational requirements as set forth in the appropriate application forms.

In addition, the site plan shall indicate the following:

- a. School plot plans shall indicate: number of employees (including teachers and professional staff); number of students at ultimate enrollment; and square footage of assembly areas or number of seats;
- b. Plot plans for places of public assembly shall indicate, the number of seats in assembly area; or if no fixed seating, the total gross floor area of the assembly areas;
- c. Multiple-residential plot plans are to indicate the number of bedrooms in each unit as well as total number of units;
- d. Hospital plot plans shall indicate the number of beds and total gross floor area;
- e. Automotive repair shop plans are to indicate the number of service bays and number of hydraulic lifts;
- f. Restaurants, discotheques and cabarets are to indicate the square footage of area where the public is served and/or the amount of proposed seating.

2. Improvement of Parking Areas.

All parking areas shall be improved per city specifications as follows:

- a. Graded for Adequate Drainage.

All drainage flows shall be carried by concrete gutters or swales.

- b. The minimum pavement section shall be a minimum of two and one-half (2-1/2) inch asphalt concrete pavement over native soil, or equal. The pavement section shall be designed using “R” values, determined by a licensed soils engineer and submitted with the fine grading plan to the city engineer for approval.
- c. Parking stalls clearly delineated with a four (4) to six (6) inch stripe; “hairpin” or elongated “U” design; or other approved striping or stall delineation, except for single-family dwellings.
- d. Continuous six (6) inch concrete curbs installed to serve as wheel stops for cars, edging for planting areas, and protection for walls at entrances and exits, located no closer than five (5) feet from any building, hedge or fence, except for parking garages where a two (2) foot minimum protection space is required from the nose of the space to the face of the wall.

3. Landscape Treatment.

Landscaping shall be incorporated into the design of all off-street parking areas, including covered, decked or underground parking (but which may require special landscape treatment), as follows:

a. Parking Lot Shading.

Trees, of suitable eventual size, spread and climatic conditioning, shall be placed throughout the parking area to provide adequate shade for pedestrians and vehicles. Shade trees shall be placed so as to shade the following amount of the total parking area:

<b>Parking Spaces Required</b>	<b>Percentage of Total Parking Area to be Shaded</b>
5—24 spaces	30% minimum
25—49 spaces	40% minimum
50+ spaces	50% minimum

- i. Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen (15) years of age.
- ii. A shade plan shall be submitted with detailed landscaping plans, which shows canopies after fifteen (15) years growth to confirm the above percentages. Tree locations should not interfere with required lighting of public areas or parking areas.

b. Landscaped Planters and Perimeter Treatment.

Trees shall be placed in planters that must also include plant material such as groundcover or appropriate vines and screen shrubs. Boulders, gravel and the like, may be integrated with plant material into a well-conceived plan; berming or other aesthetic approaches integrating into the overall design are encouraged.

i. Alternative.

The planning commission may approve covered parking structures to be incorporated into the landscape shading for the purposes of providing equivalent shaded area.

c. Labeling the Plant Material.

A plant list shall be included giving the botanical and common names of the plants to be used.

d. Irrigation System.

An automatic irrigation system sufficient to sustain healthy planted areas shall be provided. Irrigation water shall be contained within property lines.

4. Lighting.

Parking lot lighting must be in accordance with Section 93.21.00, Outdoor lighting standards.

5. Bicycle Parking.

Bicycle racks or bicycle parking facilities may be required in any development submitted for architectural approval after the effective date of this Zoning Code. If required, the location and design of these facilities shall be shown on the site plan.

6. Tandem Parking.

Automobile parking so arranged as to require the moving of any vehicle in order to enter or leave any other stall shall be prohibited in any zone unless specifically approved by the director of planning and building.

7. Traffic Circulation Within Off-street Parking Areas.

Parking stalls, driveways, porte cocheres and landscape planters shall be arranged so that a free flow of vehicular traffic and adequate site clearances are permitted at all times. City standards and specifications relating to curve radii and similar maneuvering requirements shall apply.

8. On-site Turn-around.

Automobile parking so arranged as to require the backing of motor vehicles onto a major or secondary highway shall be prohibited in any zone.

9. Pedestrian Walkways.

Pedestrian walkways shall be provided between the parking area and the building or use being served.

10. Handicapped Parking Spaces (for all projects other than single-family residential development).

If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with this section and state and federal guidelines shall be provided according to the table below. These spaces need not be provided in the particular parking lot but may be provided in a different location, subject to Section 93.06.00(B) and approval by the director of planning and building, if equivalent or greater accessibility, cost and convenience is ensured.

Number of Parking Spaces Provided	Handicap Spaces Required
1—25 spaces	1 space
26—50 spaces	2 spaces
51—75 spaces	3 spaces
76—100 spaces	4 spaces
101—150 spaces	5 spaces
151-200 spaces	6 spaces
201—300 spaces	7 spaces
301—400 spaces	8 spaces
401—500 spaces	9 spaces
501—1000 spaces	2% of total
1001+ spaces	20, plus 1 for each 100 total spaces over 1000

At facilities providing medical care and other services for person with mobility impairments, parking space shall be provided according to the table above except as follows:

a. Outpatient Units and Facilities.



Ten (10) percent of the total number of parking spaces provided serving the unit or facility,

- b. Units and Facilities That Specialize in Treatment or Services for Person With Mobility Impairments.

Twenty (20) percent of the total number of parking spaces provided serving the unit or facility.

Individual spaces shall be nine (9) feet wide plus a five (5) foot walkway at the right side; two (2) spaces can share a common walkway. Ramp access shall be provided from the parking area to the interior walkway system. One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an eight (8) foot walkway at the right side and shall be designated as "van accessible."

#### 11. Controlled Access to Off-street Parking Areas.

Proposed off-street parking areas designed to control public access shall require planning commission approval upon recommendation from the fire and police departments and traffic engineer. Ingress and egress design should include vehicle maneuvering and "stacking" space to avoid internal and external traffic conflict.

#### 12. Off-street Parking Adjacent to Streets.

Where parking areas front, side or rear on a street, there shall be a landscaped boarder of not less than ten (10) feet in depth, adjacent to the property line, and a decorative solid masonry wall and/or landscaped berm at least four (4) feet in height plus adequate landscaping shall be erected between the property line and the paved parking area, unless otherwise prescribed in this Zoning Code. Such wall or berming shall be reduced to thirty (30) inches in overall height within any corner cutoff area. (See Exhibit "B," found at the end of this section).

#### 13. Off-street Parking Abutting Residential Zones.

Where parking areas side or rear directly on a residential zone, a solid masonry wall six (6) feet in height shall be installed on the property line, such wall shall be reduced to a maximum four and one-half (4 1/2) feet in height within the front or side front area of the adjacent property, and a landscape border not less than five (5) feet in width shall be installed between the wall and the paved parking area. (See Exhibit "C," found at the end of this section).

#### 14. Off-street Parking Abutting Nonresidential Zones.

Where parking directly abuts a nonresidential zone, there shall be a five (5) foot landscape border adjacent to the property line. (See Exhibit "D," found at the end of this section).

#### 15. Parking Bays.

Along local and collector streets in residential, commercial and industrial zones, parking may be provided in bays opening directly into the street, subject to the approval of the planning commission. The arrangement shall be developed in accordance with current city specifications and shall conform to the following standards (See Exhibit "E," found at the end of this section).

- a. Parking shall be installed at an angle of ninety (90) degrees with the street. Each stall shall be at least nine (9) feet wide and eighteen (18) feet deep, and entirely on private property.
- b. There shall be a landscaped area with a minimum width of nine (9) feet between each five (5) parking spaces in a parking bay.
- c. In the case of a corner lot, no bay shall be nearer than thirty (30) feet to the ultimate right-of-way lines of the intersecting local street. For intersecting streets other than local streets, no bay shall be nearer than one hundred (100) feet to the ultimate right-of-way of the intersecting major or secondary thoroughfare, and fifty (50) feet to the ultimate right-of-way line of the intersecting collector street. This dimension may be varied upon approval by the city traffic engineer where it can be determined there will not be a detrimental affect on public health, safety and welfare.
- d. No parking bay or driveway opening shall be installed closer than six (6) feet to any side or rear lot line.
- e. For residential and commercial zones, paving material shall be decorative paving, colored

and/or patterned to relate to the overall design.

f. For industrial zones paving material shall be six (6) inch concrete or asphalt concrete with minimum two and one-half (2 1/2) inch thickness.

g. A continuous six (6) inch concrete curb shall be installed to serve as a wheelstop, located no closer than five (5) feet from any building, wall or fence. Individual wheelstops shall be prohibited unless approved by the director of planning and building.

#### 16. Underground, Decked and Covered Parking.

The minimum dimensions for underground, decked or covered parking shall be as required for uncovered surface area parking as specified throughout this section, except additional minimum dimensions may be necessary for specific circulation conditions resulting from underground or decked parking.

a. A level transition area between the street and a ramp serving underground or decked parking shall be provided for a distance which will provide adequate site distance at the street.

b. Landscaping shall be incorporated into parking structures to blend them into the environment. This shall include perimeter grade planting and rooftop landscaping as deemed appropriate by the planning commission.

#### 17. Compact Car Parking.

Up to forty (40) percent of the total parking provided may be compact spaces, subject to planning commission approval. The first twenty (20) spaces of any proposal shall be standard sized spaces. Compact parking space dimensions shall be eight (8) feet by fifteen (15) feet (ninety (90) degree parking). Spaces shall be properly marked for compact cars only.

#### 18. Drive-through Facilities.

Such facilities shall conform to the following regulations. Exceptions to these regulations may be permitted by the planning commission when existing on- or off-site conditions warrant alternative design solutions.

a. Safe on- and off-site traffic and pedestrian circulation shall be provided, including, but not limited to, traffic circulation which does not conflict with entering or exiting traffic to the site, parking or pedestrian movements.

b. A stacking area shall be provided for each service window or machine and shall provide a minimum of seven (7) tandem standing spaces inclusive of the vehicle being serviced. The standing spaces shall not extend into the public right-of-way nor interfere with any internal circulation patterns. Vehicles at service windows or machines shall be provided with a shade structure.

c. The drive-through facility shall be designed to integrate with existing or proposed structures, including roof lines, building materials, signage and landscaping.

d. Amplification equipment, lighting and location of drive-through elements and service windows shall be screened from public rights-of-way and adjacent properties.

#### D. Off-street Parking Requirements.

The number of off-street parking spaces required shall be no less than the following for all zones within the city of Palm Springs unless otherwise noted in this Zoning Code:

##### 1. Automobile Rental Agencies.

One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) storage parking space for each vehicle to be stored on the lot. (Number of storage spaces to be determined by the maximum number of vehicles to be stored at any one time.)

##### 2. Automobile Service Stations.

Four (4) spaces plus four (4) spaces for each service bay. Exception: Stations with mini-marts shall provide parking at the rate of one (1) space for every two hundred (200) square feet of gross floor area within enclosed structures plus one (1) space for water/air dispensers, if provided.

Note: Submitted plans shall show the number of service bays and number of hydraulic lifts.

3. Banks, Savings and Loans, and Other Financial Institutions.

One (1) space for every two hundred (200) square feet of gross floor area. (For drive-through, see Section 93.06.00(C)(18)). Off-street parking spaces provided in the drive-through parking area may be considered as part of the required parking provision, at the discretion of the planning commission.

4. Bowling Alleys.

Five (5) spaces for each alley, plus two (2) for each billiard table, plus one (1) for each five (5) seats in any gallery.

5. Cabarets, Cocktail Lounges and Discotheques, as a Separate Use or Within a Restaurant.

One (1) space for every thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

6. Car Wash.

Four (4) spaces and stacking parking equal to five (5) times the capacity of the car wash; five (5) for every two (2) self-operated wash stalls.

7. C-B-D Zone (Central Business District) Parking Requirements.

a. Uses within the central business district (C-B-D) zone shall provide one (1) space for each three hundred (300) square feet of gross floor area where parking is to be provided on site at the time of development. Where "in-lieu" payments are used to satisfy parking requirements, then the parking requirement shall be at the ratio of one (1) space for each four hundred (400) square feet of gross floor area.

b. Mixed-use developments, which exceed twenty thousand (20,000) square feet of gross floor area, shall provide one (1) space for each three hundred twenty-five (325) square feet of gross floor area. Additional parking need not be provided for restaurants, provided that, no more than twenty-five (25) percent of the total floor area of the whole complex is devoted to restaurant use.

c. See Section 92.09.04(A) for requirements.

8. Convenience Markets, Supermarkets and Liquor Stores.

One (1) space for every two hundred (200) square feet of gross floor area.

9. Neighborhood Shopping Center (C-D-N) zone and community shopping center (C-S-C) zone uses.

One (1) space for each two hundred twenty-five (225) square feet of gross leasable floor area for all uses, including restaurants and theaters.

10. Furniture, Appliance Stores, Art Galleries and Interior Decorators.

One (1) space for every five hundred (500) square feet of gross floor area, but not less than five (5) spaces; and one (1) space for every company vehicles.

11. Game Courts.

Three (3) spaces for every one (1) court.

12. Golf Courses (full size) and Driving Ranges.

Six (6) spaces per hole plus the requirements for additional uses on the site; for driving ranges, one (1) space per tee, plus the requirements for additional uses on the site. Miniature golf, three (3) spaces per hole plus additional parking for ancillary commercial uses.

13. Gymnasiums and Health Studios.

One (1) space for each four hundred (400) square feet of gross floor area, plus one (1) for each employee.

14. Homes for the Aged, Sanitariums, Children's Homes, Asylums, Nursing and Convalescent Homes.

See Section 94.02.00(H)(7). One (1) space for each two (2) beds or one (1) space for each one thousand (1,000)

square feet of gross floor area, whichever provided the greater number, plus one (1) for each three (3) employees.

15. Hospitals.

Two (2) spaces for each bed, plus one (1) space for every vehicle owned and operated by the hospital.

16. Hotels and Clubs.

a. There shall be provided one (1) garage, carport or open parking space as an accessory for each of the first fifty (50) guest rooms in any establishment.

b. Establishments with more than fifty (50) guest rooms shall provide 0.75 garages/carports, or open parking space as an accessory for each guest room in excess of fifty (50).

Resort hotels and resort hotel complexes shall comply with the following additional standards:

c. One (1) parking space shall be provided for every sixty (60) square feet of gross floor area of dining room, bar and dancing areas, and places where the public is served. As an alternative where seating can be determined, one (1) parking space for every five (5) seats shall be provided. An additional twenty (20) percent of the above required parking spaces shall be provided for the use of the employees.

d. Commercial accessory uses shall provide one (1) parking space for each employee.

e. Parking for the single largest places of public assembly only, such as auditoriums, exhibition halls, theaters, convention facilities, meeting rooms, and other places of public assembly (excluding foyers, corridors, restrooms, kitchens, storage, and other area not used for assembly of people) shall be based on the following standards:

i. Up to thirty (30) square feet of the single largest above ancillary facility may be provided per each guest room without providing additional parking.

ii. The single large public assembly floor area in excess of thirty (30) square feet per guest room shall provide off-street parking at the ratio of one (1) space for each thirty (30) square feet or one (1) space for each six seats if the seats are fixed.

17. Manufacturing and Industrial Uses (including open industrial uses).

One (1) space for each five hundred (500) square feet of gross floor area.

18. Mini-warehousing.

Self-storage or Dead Storage. A minimum of six (6) spaces per complex; additional parking to be as required by the director of planning and building. Where a caretaker's residence is provided, a minimum of two (2) parking spaces shall be provided for the exclusive use of such residence in addition to those required for the miniwarehouse function.

19. Mixed-use Developments (with a gross floor area exceeding twenty thousand (20,000) square feet, including retail but excepting the C-B-D zone).

One (1) space for each two hundred fifty (250) square feet of gross floor area. Additional parking need not be provided for restaurants; provided that, no more than twenty-five (25) percent of the total floor area of the whole complex is devoted to restaurant use.

a. The percentage of floor area devoted to restaurant uses without additional parking may be increased by the planning commission where it finds that the nature of the use will not require increased parking, that other adequate arrangements exist to satisfy the parking demand or that other similar factors exist.

20. Mortuaries and Funeral Homes.

One (1) space for each twenty (20) square feet of floor area of assembly rooms plus one (1) per employee, plus one (1) for each car owned by such establishments.

21. Motor Vehicle or Machinery Sales.

One (1) space for each eight hundred (800) square feet of gross floor area to be clearly delineated as public parking. Plus any parking required for repairs as specified in Section 93.06.00(D)(2).

22. Motor Vehicle Repair Shops.

Four (4) spaces for each service bay or lift or one (1) space per one hundred (100) square feet of gross floor area.

23. Plant Nurseries, Building Materials, Yards and Outdoor Display Sales.

One (1) space for every five hundred (500) square feet of gross floor area and/or outdoor display area, plus one (1) space for every company vehicle.

24. Offices, Nonmedical.

One (1) space for each two hundred (200) square feet of gross floor area for facilities up to ten thousand (10,000) square feet in floor area. Nonmedical offices with a floor area which exceeds ten thousand (10,000) square feet shall provide parking at one (1) space per two hundred fifty (250) square feet of gross floor area in excess of ten thousand (10,000) square feet.

25. Offices, Medical and Dental.

One (1) space for each one hundred fifty (150) square feet of gross floor area for facilities up to ten thousand (10,000) square feet in floor area. Medical and dental offices with a floor area which exceeds ten thousand (10,000) square feet shall provide parking at one (1) space per two hundred (200) square feet of gross floor area in excess of ten thousand (10,000) square feet.

26. Private Park and Recreation Uses.

One (1) space for every three persons based upon the approved capacity of the facility.

27. Public Park and Recreation Uses.

One (1) space for each eight thousand (8,000) square feet of active recreational area within a park or playground, plus one (1) space per acre of passive recreational area within a park or playground.

28. Places of Public Assembly.

Churches, auditoriums, exhibition halls, theatres, convention facilities, meeting rooms and other places of public assembly shall provide one (1) off-street parking space for every three (3) seats, if seats are fixed; one (1) space for each twenty-four (24) square feet of assembly area, which does not include foyer, corridors, restrooms, kitchens, storage and other areas not used for assembly of people. For churches, off-street parking shall be required for primary seating only.

a. Note.

Submitted plans shall show the number of seats in assembly area; or if no fixed seating, the total gross floor area of the assembly area.

29. Residential Uses.

Note.

Submitted plans shall show the number of bedrooms in each unit as well as total number of units.

a. Single-family Homes.

Two (2) spaces for each dwelling unit, within a garage or carport. Trellises, or other construction providing a seventy (70) percent shade factor, may be used.

b. Condominiums or Residences Within a Planned Development District (PD).

i. Primary parking (per unit) shall be required as follows:

(A) Studio and efficiency units	One (1) primary space
(B) One (1) bedroom unit	One and one-quarter (1 ¼) primary spaces

(C) Two (2) bedroom units	One and one-half (1 ½) primary spaces
(D) Three (3) or more bedrooms	Three-quarters (¾) primary space per bedroom
(E) Mobile home parks	Two (2) spaces per mobile site

ii. Guest Parking.

In addition to the primary parking required above, one (1) designated parking space per each four (4) units shall be provided for guest parking, except that mobile home parks shall provide designated guest parking at a rate of one (1) space per each seven (7) units, unless guest parking can be provided on a private street.

iii. Covered Parking.

(A) One (1) covered parking space shall be provided for each unit. Trellises providing a seventy (70) percent shade factor may be used.

(B) This requirement shall not apply to existing lots of record which are substandard in area or dimension requirements as established elsewhere in the Zoning Code.

c. Apartments.

Apartment uses shall have the same requirements as condominiums for primary parking and guest parking, except that covered or enclosed parking spaces are optional.

d. Rooming, Boarding and Fraternity Houses.

One (1) space for each sleeping room or one (1) space for each two (2) beds, whichever yields the greater number.

30. Restaurants (Freestanding).

One (1) space for each thirty-five (35) square feet of gross floor area where the public is served, or one (1) space for every three (3) seats.

a. Restaurants in Large Mixed-use Commercial Complexes.

Additional parking need not be provided for restaurants in mixed-use commercial complexes (commercial, office, retail) which have a gross floor area which exceeds twenty thousand (20,000) square feet; provided that, no more than twenty-five (25) of the total floor area of the whole complex is devoted to restaurant use.

b. Note.

Submitted plans shall show the square footage of area where the public is served and/or the amount of proposed seating.

31. Retail Stores Not Otherwise Specified Herein, Including Ice Cream Parlors and Donut Shops.

One (1) space for each three hundred (300) square feet of gross floor area.

32. Schools.

a. Day Nurseries.

One (1) space for each employee plus one (1) space for each five (5) children in attendance.

b. Elementary and Intermediate.

One (1) space for each employee.

c. High Schools.

One (1) space for each eight (8) enrolled students, plus one (1) space for each employee.

## d. Colleges.

One (1) space for each three (3) enrolled daytime students, plus one (1) space for each employee.

## e. Trade Schools and Business Colleges.

One (1) space for each one hundred fifty (150) square feet of gross floor area.

## 33. Self-service Laundries.

One (1) space for every three (3) machines.

## 34. Wholesaling and Warehousing.

One (1) space for each eight hundred (800) square feet of gross floor area, plus one (1) space for each company truck or motor vehicle.

E. Design Dimensions. The off-street parking area design criteria, as set forth as follows, exemplify minimum dimensions necessary for traffic circulation, ingress and egress, and public safety to and through parking areas, while setting aside ample open space to integrate landscaping, lighting and pedestrian design features into the plan to create an off-street parking area aesthetically complementary to the urban environment.

In order to allow for innovative designs to be explored, alternate designs may be considered and approved by the planning commission. While this provision is not intended to allow deviation from the minimums as set forth herein, it is to provide flexibility in the application and structuring of landscaping and related environmental elements.

The following parking lot dimensions shall apply to all parking lots constructed in accordance with this Zoning Code. In event practical difficulties and hardships result from the strict enforcement of the following standards due to existing permanent buildings, or an irregular shaped parcel, administrative relief may be granted by the director of planning and building according to Section 93.06.00(B)(10) and Section 94.06.01 (Minor modifications).

Parking Dimensions—Ninety (90) Degree Angle (See Exhibit F-1 found at the end of this section).

1. Parking spaces shall be seventeen (17) feet deep (standard) and fifteen (15) feet deep (compact), except where nose-to-nose deep (see subsection E8 of this section).
2. Parking spaces shall be nine (9) feet wide (standard) and eight (8) feet wide (compact).
3. A driveway adjoining a double row of parking spaces shall be twenty-six (26) feet wide. Driveways adjoining a single row of spaces shall be twenty-four (24) feet wide.
4. Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings or other structures. This requirement excepts driveways that are not a part of the maneuvering area for parking.
5. Peripheral planting areas are required every ten (10) spaces. The planters shall have a minimum exterior width of nine (9) feet and provide at least six (6) foot minimum planting width.
6. Curbs shall be placed at a minimum of two feet from the face of walls, fences or buildings adjoining driveways which are not part of a maneuvering area. (See subsection E4 of this section where drive adjoins a maneuvering area).
7. Tree wells/median islands shall have a planting area of six (6) feet in diameter/width.
8. Nose-to-nose parking spaces shall be nineteen (19) feet long (standard) and seventeen (17) feet long (compact).
9. Cumulative dimensions.

(Deleted by Ord. 1300)

10. Driveway widths shall be twenty-four (24) feet minimum and constructed to city standards. The director of planning and building may require a wider driveway to accommodate needs.

11. First parking space shall be ten (10) feet minimum distance from property line adjacent to the street. The director of planning and building may require a greater distance. **74**

- 12. Six (6) inch PCC curb and gutters shall be installed, except that six (6) inch PCC vertical curbs may be installed in lieu of curb and gutters if no drainage is carried along curb line. Where a six (6) inch PCC vertical curb is used, a two (2) foot wide concrete gutter section shall be installed along drainage lines. Individual wheelstops shall be prohibited unless approved by the director of planning and building.
- 13. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces may be increased to eleven (11) feet wide.
- 14. Curb radii shall be three (3) feet minimum.
- 15. One-way drives shall be fourteen (14) feet minimum wide. Two-way drives shall be twenty-four (24) feet minimum wide.
- 16. Cumulative dimension.

(Deleted by Ord. 1300)

- 17. Parallel parking spaces shall be eight (8) feet wide by twenty-four (24) feet long. The length may be reduced to eighteen (18) feet, if a six (6) foot separation (no parking area) is provided between every two (2) spaces.
- 18. Single-family covered parking spaces shall be ten (10) feet wide by twenty (20) feet long.
- 19. Handicapped Parking Spaces.

See subsection (C)(10) of Section 93.06.00.

Other dimensions as accepted by the Institute of Traffic Engineers may be approved by the director of planning and building or planning commission.

Aisle Width	Parking Angle (In Degrees) 30	Parking Angle (In Degrees) 45	Parking Angle (In Degrees) 60	Parking Angle (In Degrees) 75
One-way traffic	12'	14'	18'	20'
Two-way traffic	20'	21'	22'	22'

- \* These dimensions are face-of-curb to face-of-curb for curb and gutter aisles, or edge of pavement to edge of pavement for strip paved aisles.
- \* Nose-to-nose parking spaces shall be an additional two (2) feet in length.

**Exhibit A**



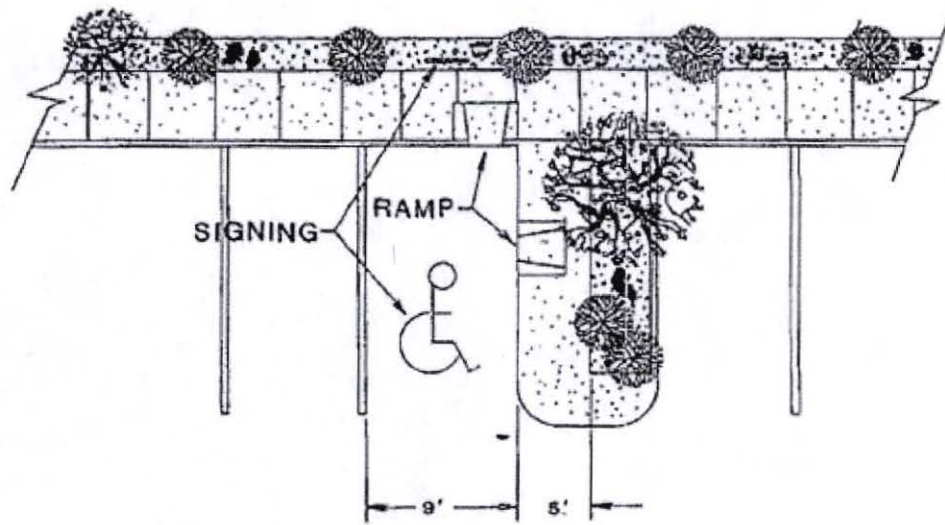


Exhibit B

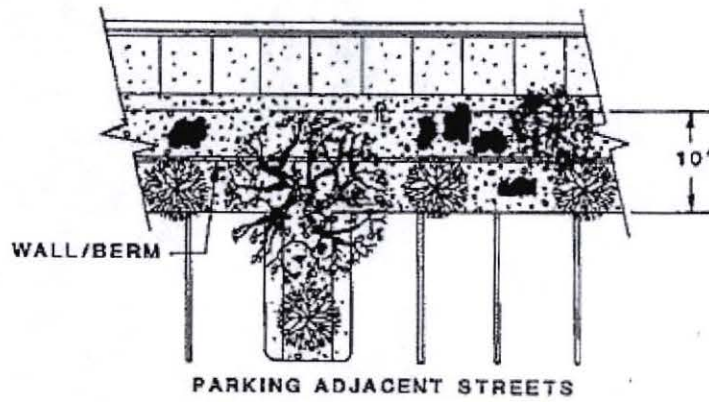


Exhibit C

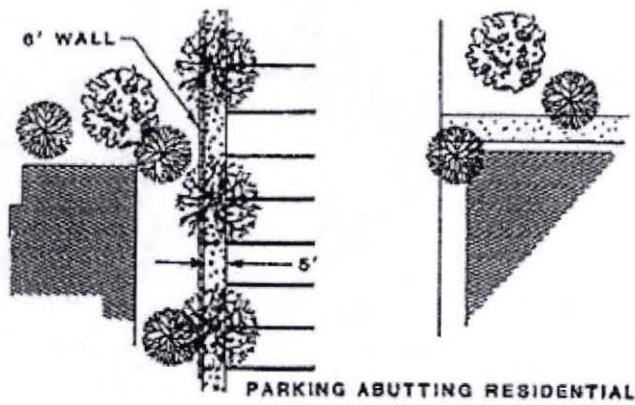
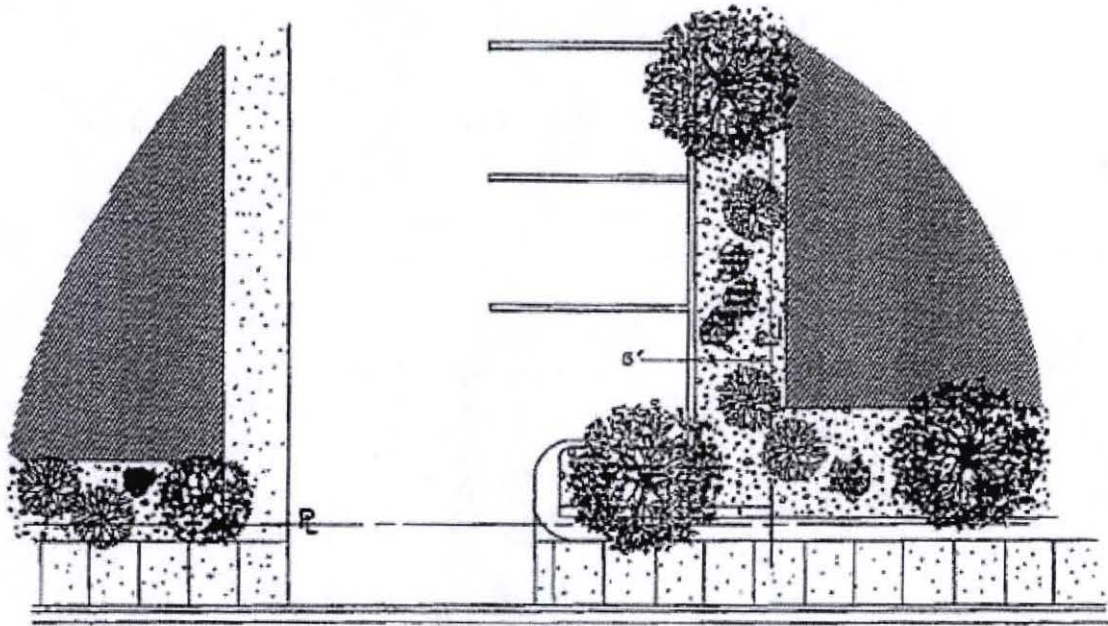
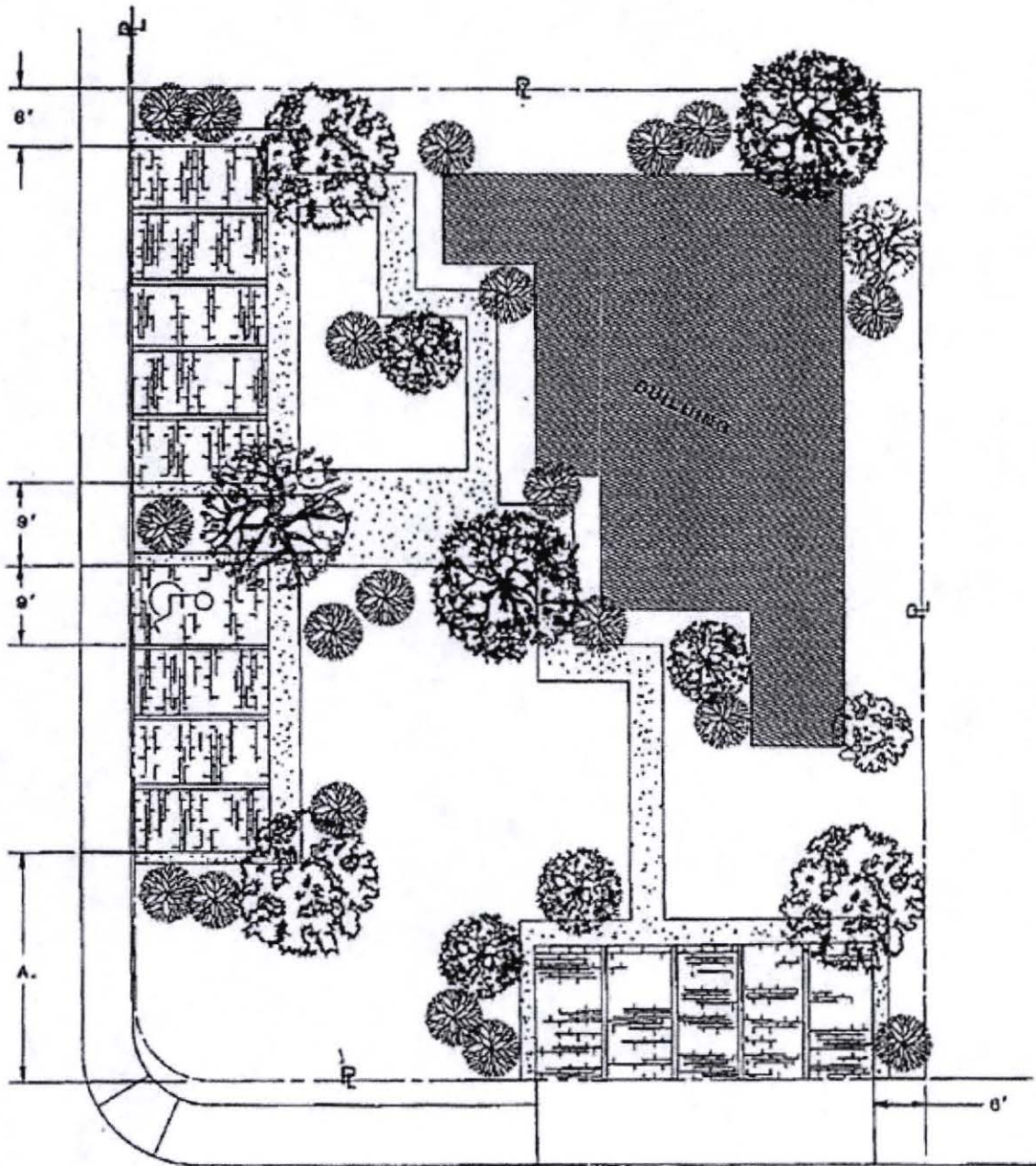


Exhibit D. Parking Abutting Non-Residential

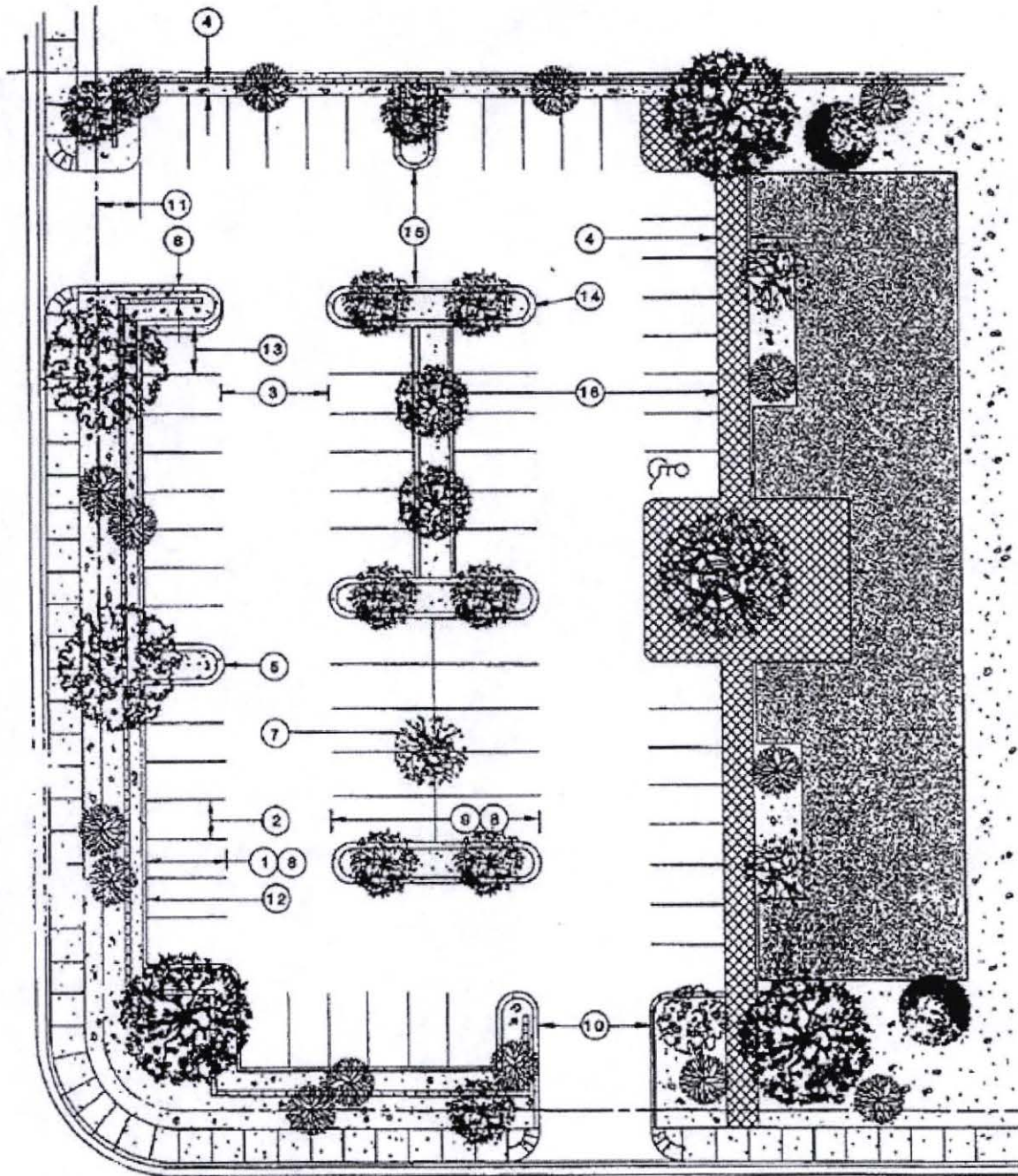


**Exhibit E. Bay Parking**



A. : 30' FROM LOCAL STREET  
50' FROM COLLECTOR STREET  
100' FROM SECONDARY OR MAJOR THOROUGHFARE

Exhibit F. Parking Design Dimensions

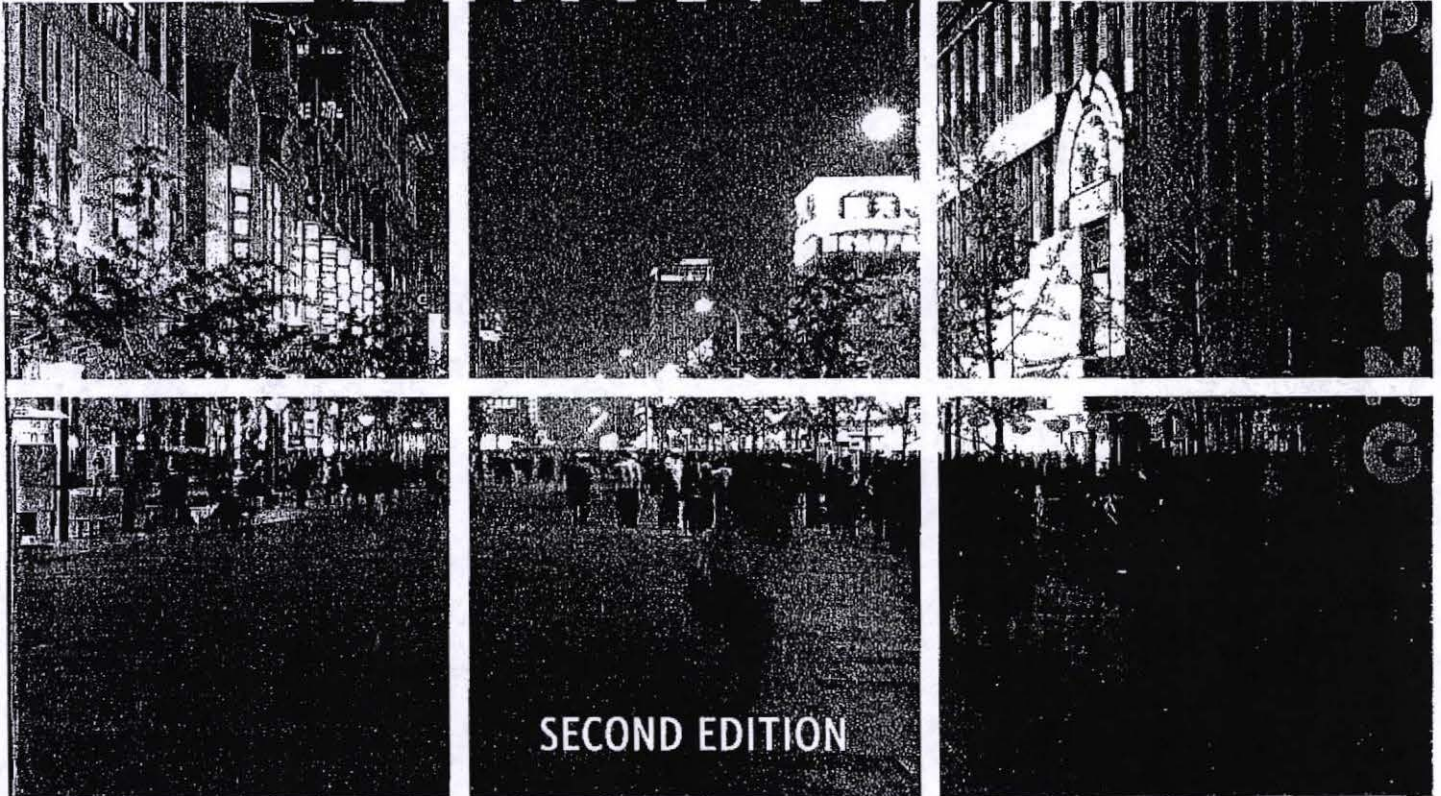


(Ord. 1840 § 1, 2014; Ord. 1590 §§ 15, 16, 2000; Ord. 1565, 1999; Ord. 1553, 1998; Ord. 1551, 1995; Ord. 1418, 1992; Ord. 1366, 1991; Ord. 1347, 1990; Ord. 1300, 1988; Ord. 1294, 1988)

## **Appendix B**

Urban Land Institute (ULI)  
Shared Parking Methodology

# SHARED PARKING



Mary S. Smith

 Urban Land  
Institute

  
International Council  
of Shopping Centers

# Introduction

## The Concept of Shared Parking

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 spaces is the result of two conditions:

- variations in the accumulation of vehicles by hour, by day, or by season at the individual land uses, and
- relationships among the land uses that result in visiting multiple land uses on the same auto trip.

Although the ULI methodology for shared parking analysis was developed in the early 1980s,<sup>1</sup> the concept of shared parking was already well established: a fundamental principle of downtown planning from the earliest days of the automobile has always been to share parking resources rather than to allocate parking for each use or building. The resurgence of many central cities resulting from the addition of vibrant residential, retail, restaurant, and entertainment developments continues to rely heavily on shared parking for economic viability. In addition, mixed-use

projects in many different settings have benefited from shared parking.

Parking is a key element of any site development plan. Parking can consume 50 percent or more of the building and land area of a development. An oversupply of parking can result in excess storm drainage impacts and unnecessarily high expenses (surface stalls can cost \$2,000 to \$3,000 per space and structured spaces \$15,000 to \$25,000 or more). Insufficient parking can result in the intrusion of parking into neighborhoods or adjoining properties, excessive vehicle circulation, and unhappy users. Ultimately, great parking alone won't make a mixed-use project successful; however, inadequate or poorly designed parking can limit its potential success.

The key goal of shared parking analysis, then, is to find the balance between providing adequate parking to support a development from a commercial viewpoint and minimizing the negative aspects of excessive land area or resources devoted to parking. Mixed-use developments that share parking result in greater density, better pedestrian connec-

tions, and, in turn, reduced reliance on driving, typically because multiple destinations can be accessed by walking. Higher-density development, especially on infill sites, is also more likely to support alternative modes of travel, including transit and carpools.

Concern for the negative impacts of growth has stimulated a search for better ways to develop land. "Smart growth" is a collection of planning principles and strategies designed to facilitate development without sprawl. Smart growth projects typically are designed to create transportation options and reduce driving, especially for short trips. Walkable live/work/play environments, located near established transportation and infrastructure resources, are central to the concept. Some communities are questioning the economic costs of abandoning infrastructure in the city only to rebuild it further out.<sup>2</sup> Ironically, a critical element of such pedestrian-oriented districts is adequate parking.

One of the hottest real estate trends is known as "place making," the development of town centers and urban villages with mixed uses in pedestrian-friendly settings. Another significant trend today is transit-oriented development, which seeks to cluster development near transit stations. With housing located within walking distance of rail transit, some trips and, in turn, some parking spaces can be eliminated.

Shared parking is a critical factor in the success of all these development approaches, and thus the importance of shared parking will continue to grow in future years. This report aims to provide planners, engineers, developers, and agencies with tools to better quantify and understand how shared parking can be successful.

## Objective of the Second Edition

The widely accepted methodology for shared parking analysis was established in 1983 with the publication of the first edition of *Shared Parking*. Two decades later, ULI and ICSC convened a working group of parking experts to examine the question of

whether shared parking is still appropriate, given changes in society, transportation, and mixed-use development trends. The consensus was that the underlying concept and methodology are still viable, but that an update of the default factors would be appropriate. The following three examples illustrate how changing trends have affected parking needs.

■ When *Shared Parking* was first published, a multiscreen cinema complex had two or three screens. By the late 1990s, new cinema developments had as many as 30 screens. It is far less likely that every seat in a 30-screen cineplex is filled than in a two- or three-screen cinema. The proliferation of these complexes has had a profound impact on the movie industry, and the parking needs of cineplexes will be discussed later in this report.

■ Changing lifestyles have led to a significant increase in the proportion of family meals eaten outside the home, which has caused a marked increase in the proportion of newly developed space that is occupied by restaurants. In 1955, 25 percent of expenditures for food in the United States was spent in restaurants (both limited and full service); in 2003, restaurants' share of the food dollar was 46.4 percent.<sup>3</sup>

■ As more women have joined the workforce, there has been an increase in the proportion of shopping trips that occur in evenings and a significant increase in "trip-chaining," owing to commuters making multiple stops to drop off or pick up children at daycare and to take care of household errands.

A committee of the Institute of Transportation Engineers (ITE) also agreed that the methodology recommended in the first edition of *Shared Parking* is still the correct approach to shared parking analysis, but it called for updating some default values.<sup>4</sup> It found that almost half of all local governments had incorporated shared parking into local codes, either directly or as an option, and many of those codes cited the ULI shared parking methodology.

The development of updated references on the parking needs of individual land uses also made an update of *Shared*

## 2 Shared Parking



*Parking* timely. In 1998, ULI and ICSC commissioned an update of *Parking Requirements for Shopping Centers*, the most widely recognized reference regarding that land use. That reference's second edition recommended a 10 percent reduction in the parking ratio for centers over 600,000 square feet and modified its recommendations for centers with more than 10 percent of GLA in restaurant, entertainment, or cineplex uses.<sup>5</sup> In particular, when more than 20 percent of the space in centers is allocated to those uses, shared parking analysis should be employed to determine the appropriate number of parking spaces.

ITE also has updated its *Trip Generation*<sup>6</sup> and *Parking Generation*<sup>7</sup> publications. The third edition of *Parking Generation* includes four times as much data as the second edition, with over 100 land uses now incorporated. This document provides much-needed information on the parking needs of individual land uses, but it simply provides statistical analysis of the data. It makes no recommendations regarding appropriate parking ratios to be used in parking studies, including shared parking analysis. In fact, the limited data in many land use classifications are not statistically reliable, and professional experience and judgment must be employed in their use. One of the purposes of this report is to formulate recommendations regarding the parking ratios to be used in shared parking analysis, using, to the extent appropriate, the data found in *Parking Generation*. Both documents are complementary.

ULI and ICSC concluded that the timely coordination of an updated *Shared Parking* publication with these other documents would result in a vastly improved set of tools for transportation planners to determine the appropriate number of parking spaces for mixed-use developments.

## **Definition of Terms**

A key to understanding the shared parking methodology is the definition of terms and assumptions inherent in the use of those terms.

**Parking ratio** is the number of parking spaces that should be provided per unit of land use, if parking serves only that land use. The ratios recommended herein are based on the expected peak accumulation of vehicles at the peak hour on a design day (see below), assuming nearly 100 percent modal split to auto use and minimal ridesharing. The recommended ratios also include consideration of effective supply issues.

**Parking accumulation** is the number of parked vehicles observed at a site.

**Parking supply** is the total number of spaces available to serve a destination. It may include spaces that are on site, off site, on street, or shared with other uses.

**Effective parking supply** is the number of occupied spaces at optimum operating efficiency. A parking facility will be perceived as full at somewhat less than its actual capacity, generally in the range of 85–95 percent occupancy. (The range is because regular users learn where spaces are likely to be available at a particular time of day and thus require less of an extra cushion than unfamiliar users.) It is appropriate to have a small cushion of spaces over the expected peak-hour accumulation of vehicles. The cushion reduces the need to search the entire system for the last few parking spaces, thus reducing patron frustration. It further provides for operating fluctuations, misparked vehicles, snow cover, vehicle maneuvers, and vacancies created by reserving spaces for specific users, such as disabled parking. The effective supply cushion in a system also provides for unusual peaks in activities.

**A design day or design hour** is one that recurs frequently enough to justify providing spaces for that level of parking activity. One does not build for an average day and have insufficient supply for the peak (if not multiple) hours on 50 percent of the days in a year. Conversely, it is not appropriate to design for the peak accumulation of vehicles ever observed at any site with that land use. That peak accumula-

tion might last only for an hour or so, while there are 8,760 hours in a year. A traffic engineer does not design a street system to handle the peak volume that would ever occur; instead, the level of activity that represents the 85th or 90th percentile of observed traffic volumes in peak hours on average days is used for design. This second edition of *Shared Parking* uses the 85th percentile of peak-hour observations for recommended parking ratios, unless otherwise noted. See chapter 3 for further discussion of design hour issues.

**Mode adjustment** is employed to adjust the base parking ratios for local transportation characteristics. Two factors must be considered in such adjustments: modal split for private auto and auto occupancy, both of which are terms commonly used in transportation planning. The parking ratios herein assume that nearly all users arrive by private auto with typical auto occupancy for the specific use. It should be noted that even in locations without transit, some walking and dropoffs occur, as well as some ridesharing. The base ratios are appropriate for conditions of free parking and negligible use of public transit. The mode adjustment then reflects local transit availability, parking fees, ride sharing programs, and so on. See chapter 3 for further discussion of mode adjustments.

**Modal split** is the percentage of persons arriving at a destination in different modes of transportation. Among the modes that may be available are commuter rail, light rail, bus, private automobile (including trucks, vans, and SUVs used for personal transportation), carpools and vanpools, walking, and bicycling. The percentage of persons who arrive at the destination by private automobile is generally called "auto mode split" and includes both driver and passengers.

**Auto occupancy** is the average number of persons per private automobile arriving at the destination. Vehicle occupancy (as employed in transportation planning) refers to the average number of persons per vehicle including all vehicle types, such as public and chartered buses.

**Noncaptive ratio** is an estimate of the percentage of parkers at a land use in a mixed-use development or district who are not already counted as being parked at another of the land uses. For example, when employees of one land use visit a nearby food court or coffee store, there usually is not any additional parking demand generated. See chapter 3 for further discussion.

## Units of Land Uses

Parking ratios are generally stated as a ratio of  $x$  spaces per  $y$  units, with the unit being the most statistically valid independent variable for that land use. In the vast majority of uses, the unit is square feet of building area. Other units that may be used are employees, dwelling units, hotel rooms, or seats. This publication uses the most widely accepted independent variable, generally in accordance with *Parking Generation*. The following terms describe specific formulas for parking ratios.

**Gross Floor Area (GFA):** Total gross floor area, including exterior building walls of all floors of a building or structure. Also referred to as gross square feet or GSF.

**Gross Leasable Area (GLA):** The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less "common" areas that are not leased to tenants, including spaces for circulation to and from tenant spaces (lobbies, elevator cores, stairs, corridors, atriums, and so on), utility/mechanical spaces, and parking areas.

**Net Floor Area (NFA):** Total floor area, excluding exterior building walls.

**Net Rental Area (NRA):** The portion of NFA that is rentable to a tenant. Also called net leasable area.

Thus, GFA and GLA are calculated out-to-out of exterior walls, while NFA and NRA are calculated between interior faces of exterior walls. GLA is commonly used for shopping centers, but GFA or NFA is more commonly used for office uses. No matter what calculation method is employed, the

vehicular parking and loading areas and the floor area occupied by mechanical, electrical, communications, and security equipment are deducted from the floor area for the purpose of calculating parking needs.

### **Organization of This Report**

Chapter 2 of this report presents key findings, including the recommended default values for shared parking analysis. Chapter 3 discusses the methodology, with an example analysis, and chapter 4 discusses the parking needs of individual land uses and the derivation of the default values. Chapter 5 presents case studies, while chapter 6 discusses the design, operation, and management of shared parking.

### **Notes**

1. ULI—the Urban Land Institute, *Shared Parking* (Washington, D.C.: ULI—the Urban Land Institute, 1983).
2. "About Smart Growth," [www.smartgrowth.org/about](http://www.smartgrowth.org/about) (October 2003).
3. 2004 Restaurant Industry Forecast, National Restaurant Association.
4. ITE Technical Council Committee 6F-52, *Shared Parking Planning Guidelines* (Washington, D.C.: Institute of Transportation Engineers, 1995).
5. ULI—the Urban Land Institute and the International Council of Shopping Centers, *Parking Requirements for Shopping Centers*, 2nd ed. (Washington, D.C.: ULI—the Urban Land Institute, 1999).
6. ITE Technical Council Committee, *Trip Generation*, 7th ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
7. ITE Technical Council Committee, *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).

**Table 2-2** Summary of Recommended Base Parking Ratios (Spaces per Unit Land Use)

Land Use	Weekday		Weekend		Unit	Source
	Visitor	Employee	Visitor	Employee		
Community Shopping Center (<400,000 sq. ft.)	2.9	0.7	3.2	0.8	/ksf <sup>1</sup> GLA	1
Regional Shopping Center (400,000 to 600,000 sq. ft.)	Sliding scale between 400,000 and 600,000 sq. ft.				/ksf GLA	1
Super Regional Shopping Center (>600,000 sq. ft.)	3.2	0.8	3.6	0.9	/ksf GLA	1
Fine/Casual Dining	15.25	2.75	17.0	3.0	/ksf GLA	2, 3
Family Restaurant	9.0	1.5	12.75	2.25	/ksf GLA	3
Fast Food Restaurant	12.75	2.25	12.0	2.0	/ksf GLA	2
Nightclub	15.25	1.25	17.5	1.5	/ksf GLA	3
Active Entertainment	Custom to each tenant					
Cineplex	0.19	0.01	0.26	0.01	/seat	3, 2
Performing Arts Theater	0.3	0.07	0.33	0.07	/seat	2
Arena	0.27	0.03	0.3	0.03	/seat	3
Pro Football Stadium	0.3	0.01	0.3	0.01	/seat	3
Pro Baseball Stadium	0.31	0.01	0.34	0.01	/seat	3
Health Club	6.6	0.4	5.5	0.25	/ksf GFA	3, 4
Convention Center	5.5	0.5	5.5	0.5	/ksf GLA	3
Hotel—Business	1.0	0.25	0.9	0.18	/room	2, 3
Hotel—Leisure	0.9	0.25	1.0	0.18	/room	2, 3
Restaurant/Lounge	10.0	—	10.0	—	/ksf GLA	2, 3, 5
Conference Center/Banquet (20 to 50 sq. ft./guest room)	30.0	—	30.0	—	/ksf GLA	2, 3, 5
Convention Space (>50 sq. ft./guest room)	20.0	—	10.0	—	/ksf GLA	2, 3, 5
Residential, Rental	0.15	1.5 <sup>2</sup>	0.15	1.5 <sup>2</sup>	/unit	2
Residential, Owned	0.15	1.7 <sup>2</sup>	0.15	1.7 <sup>2</sup>	/unit	2
Office (<25,000 sq. ft.)	0.3	3.5	0.03	0.35	/ksf GFA	2
Office (25,000 to 100,000 sq. ft.) Sliding scale between					/ksf GFA	2
25,000 sq. ft.	0.3	3.5	0.03	0.35		
100,000 sq. ft.	0.25	3.15	0.03	0.32		
Office (100,000 to 500,000 sq. ft.) Sliding scale between					/ksf GFA	2
100,000 sq. ft.	0.25	3.15	0.03	0.32		
500,000 sq. ft.	0.2	2.6	0.02	0.26		
Office >500,000 sq. ft.	0.2	2.6	0.02	0.26	/ksf GFA	2
Data Processing Office	0.25	5.75	0.03	0.58	/ksf GFA	2, 3
Medical/Dental Office	3.0	1.5	3.0	1.5	/ksf GFA	2, 3
Bank, Branch with Drive-in	3.0	1.6	3.0	1.6	/ksf GFA	2

**Notes**

Ratios based on peak parking spaces required with virtually 100% auto use and typical ridesharing for suburban conditions.

<sup>1</sup>/ksf = per thousand sq. ft.

<sup>2</sup>1.0 spaces reserved for residents' sole use, 24 hours a day; remainder shared with visitors and other uses.

**Sources:**

1. *Parking Requirements for Shopping Centers*, 2nd ed. (Washington, D.C.: ULI—the Urban Land Institute, 1999).
2. *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
3. Data collected by team members.
4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004
5. Gerald Salzman, "Hotel Parking: How Much is Enough?" *Urban Land*, January 1988.

**Table 2-3** Recommended Monthly Adjustment Factors for Customer/Visitor Parking

Land Use	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Late DEC	Source
Shopping Center	56%	57%	64%	63%	66%	67%	64%	69%	64%	66%	72%	100%	80%	1, 3
Restaurant	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%	1
Fast Food	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%	1
Nightclub	84%	86%	98%	90%	90%	91%	94%	96%	92%	98%	96%	100%	95%	1
Cineplex Weekdays	27%	21%	20%	19%	27%	41%	55%	40%	15%	15%	25%	23%	100%	3
Cineplex Weekends	71%	59%	67%	58%	71%	82%	92%	75%	51%	62%	78%	67%	100%	3
Performing Arts Theater	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	90%	100%	100%	2
Arena	90%	100%	100%	100%	100%	75%	—	—	60%	65%	90%	95%	95%	2
Pro Football Stadium <sup>1</sup>	—	—	—	—	—	—	—	67%	—	—	—	100%	100%	2
Pro Baseball Stadium	—	—	—	100%	100%	100%	100%	100%	100%	100%	—	—	—	2
Health Club	100%	95%	85%	70%	65%	65%	65%	70%	80%	85%	85%	90%	95%	2, 4
Convention Center <sup>2</sup>	75%	100%	90%	55%	60%	50%	45%	75%	80%	85%	100%	60%	—	2
Hotel—Business	71%	85%	91%	90%	92%	100%	98%	92%	93%	93%	81%	67%	50%	5
Hotel—Leisure	90%	100%	100%	100%	90%	90%	100%	100%	75%	75%	75%	50%	100%	5
Restaurant/Lounge	85%	86%	95%	92%	96%	95%	98%	99%	91%	96%	93%	100%	95%	1
Meeting/Banquet (20 to 50 sq. ft./guest room)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Convention (>50 sq. ft./guest room)	75%	100%	90%	55%	60%	50%	45%	75%	80%	85%	100%	60%	—	2
Residential	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Office, Bank	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%	2, 6

**Notes**

December = December 1-24. Late December = December 25-31.

<sup>1</sup>Because there is only one weeknight game and no Saturday games per NFL team, September through November, and activity patterns are modified at adjacent uses due to the crowds expected, this category is not considered a "design day" for parking planning.

<sup>2</sup>Many convention centers are completely dark between Christmas and New Year's Day.

**Sources:**

1. U.S. Census Bureau, unadjusted estimates of monthly retail and food service sales, 1999-2002
2. Data collected by team members.
3. *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004)
4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.
5. Smith Travel Research, www.wvstar.com
6. Parking study conducted by Patton, Harris Rust & Associates for the Peterson Companies, 2001.

**Table 2-4** Recommended Monthly Adjustment Factors for Employee Parking

Source	Land Use	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Late DEC	Source
1, 3	Shopping Center	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	90%	100%	90%	1, 2
1	Restaurant	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	1, 2
1	Fast Food	95%	95%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	1, 2
1	Nightclub	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	1, 2
3	Cineplex Weekdays	50%	50%	50%	50%	50%	75%	75%	75%	50%	50%	50%	50%	100%	3, 2
3	Cineplex Weekends	80%	80%	80%	80%	80%	100%	100%	90%	80%	80%	80%	80%	100%	3, 2
2	Performing Arts Theater	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
2	Arena	100%	100%	100%	100%	100%	75%	10%	10%	75%	75%	100%	100%	100%	2
2	Pro Football Stadium <sup>1</sup>	10%	10%	10%	10%	10%	10%	10%	100%	10%	10%	10%	100%	100%	2
2	Pro Baseball Stadium	10%	10%	10%	10%	100%	100%	100%	100%	100%	100%	10%	10%	10%	2
2, 4	Health Club	100%	100%	95%	80%	75%	75%	75%	80%	90%	95%	95%	100%	100%	4, 2
2	Convention Center	85%	100%	100%	65%	70%	60%	55%	85%	90%	95%	100%	70%	10%	5, 2
5	Hotel	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
5	Residential	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
1	Office, Bank	100%	100%	100%	100%	100%	100%	95%	95%	100%	100%	100%	100%	80%	6

**Notes**

December = December 1-24; Late December = December 25-31.

<sup>1</sup>Because there is only one weeknight game and no Saturday games per NFL team September through November, and activity patterns are modified at adjacent uses due to the crowds expected, this category is not considered a "design day" for parking planning.

**Sources:**

1. U.S. Census Bureau, unadjusted estimates of monthly retail and food service sales, 1999-2002.
2. Data adjusted by team members.
3. *Parking Generation*, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.
5. Smith Travel Research, [www.wvstar.com](http://www.wvstar.com).
6. Parking study conducted by Patton Harris Rust & Associates for the Peterson Companies, 2001.

adjacent

**Table 2-5** Recommended Time-of-Day Factors for Weekdays

Land Use	User	6 a.m.	7 a.m.	8 a.m.	9 a.m.	10 a.m.	11 a.m.	Noon	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	Midnight	Source	
Shopping Center—Typical	Customer	1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	—	1	
	Peak December	1%	5%	15%	30%	55%	75%	90%	100%	100%	100%	100%	95%	85%	80%	75%	65%	50%	30%	10%	—	1
Late December	Customer	1%	5%	10%	20%	40%	65%	90%	100%	100%	100%	100%	100%	95%	95%	90%	75%	40%	15%	5%	—	1
	Employee	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	100%	100%	95%	90%	75%	40%	15%	5%	—	2
Fine/Casual Dining	Customer	—	—	—	—	15%	40%	75%	75%	65%	40%	50%	75%	95%	100%	100%	100%	95%	75%	25%	—	2
	Employee	—	20%	50%	75%	90%	90%	90%	90%	90%	90%	90%	90%	90%	100%	100%	100%	100%	100%	85%	35%	2
Family Restaurant	Customer	25%	50%	60%	75%	85%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	85%	35%	2
	Employee	50%	75%	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Fast Food	Customer	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%	—	3
	Employee	15%	20%	30%	40%	75%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Nightclub	Customer	—	—	—	—	—	—	—	—	—	—	—	—	25%	50%	75%	100%	100%	100%	100%	100%	2
	Employee	—	—	—	5%	5%	5%	5%	10%	10%	10%	10%	20%	45%	55%	10%	20%	45%	55%	10%	10%	2
Cineplex—Typical	Customer	—	—	—	—	—	—	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	80%	65%	40%	—	2, 6
	Late December	—	—	—	—	—	—	35%	60%	75%	80%	80%	80%	70%	80%	100%	100%	85%	70%	55%	—	2, 6
Performing Arts Theater	Customer	—	—	—	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	2
	No matinee	—	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	10%	5%
Arena	Customer	—	—	—	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	2
	No matinee	—	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	10%	5%
Stadium	Customer	—	—	—	1%	1%	1%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	2
	8 p.m. start	—	10%	10%	20%	20%	20%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	10%	5%
Health Club	Customer	70%	40%	40%	70%	70%	80%	60%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	2, 4
	Employee	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	2, 4
Convention Center	Visitor	—	—	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
	Employee	5%	30%	33%	33%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Hotel—Business	Guest	95%	90%	80%	70%	60%	60%	55%	55%	60%	60%	65%	70%	70%	75%	80%	85%	95%	100%	100%	100%	5
Hotel—Leisure	Guest	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%	100%	2
Restaurant/Lounge	Customer	—	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%	—	5, 3
Conference/Banquet	Customer	—	—	30%	60%	60%	60%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	2
Convention	Customer	—	—	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
	Employee	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Residential	Guest	—	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	2
Residential	Reserved	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Residential	Resident	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	2
Office	Visitor	—	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	—	—	—	—	—	2
Office	Employee	3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	3
Medical/Dental Office	Visitor	—	—	90%	90%	100%	100%	30%	90%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
	Employee	—	—	60%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Bank	Customer	—	—	50%	90%	100%	50%	50%	50%	70%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	3
	Employee	—	—	60%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2

**Sources:**  
 1. Confidential data provided by shopping center managers.  
 2. Developed by team members.  
 3. Parking Generation, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).  
 4. John W. Dorset, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.  
 5. Gerald Szarmas, "Hotel Parking: How Much Is Enough?" *Urban Land*, January 1988.  
 6. Parking study conducted by Patton Harris Rust & Associates for the Peterson Companies, 2001.

06

**Table 2-6** Recommended Time-of-Day Factors for Weekends

Land Use	User	6 a.m.	7 a.m.	8 a.m.	9 a.m.	10 a.m.	11 a.m.	Noon	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	Midnight	Source
Shopping Center—Typical	Customer	1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	—	1
	Peak December	1%	5%	10%	35%	60%	70%	85%	95%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	—	1
	Late December	1%	5%	10%	20%	40%	60%	80%	95%	100%	100%	95%	90%	80%	75%	65%	50%	30%	20%	10%	—
Fine/Casual Dining	Customer	—	—	—	—	—	15%	50%	55%	45%	45%	45%	60%	90%	95%	100%	90%	90%	90%	50%	2
	Employee	—	20%	30%	60%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%	100%	100%	100%	85%	50%	2
Family Restaurant	Customer	10%	25%	45%	70%	90%	90%	100%	85%	65%	40%	45%	60%	70%	70%	65%	30%	25%	15%	10%	2
	Employee	50%	75%	90%	90%	100%	100%	100%	100%	100%	75%	75%	95%	95%	95%	95%	80%	65%	65%	35%	2
Fast Food	Customer	5%	10%	20%	30%	55%	85%	100%	100%	90%	60%	55%	60%	85%	80%	50%	30%	20%	10%	5%	3
	Employee	15%	20%	30%	40%	75%	100%	100%	100%	95%	70%	60%	70%	90%	90%	60%	40%	30%	20%	20%	2
Nightclub	Customer	—	—	—	—	—	—	—	—	—	—	—	—	25%	50%	75%	100%	100%	100%	100%	2
	Employee	—	—	—	5%	5%	5%	5%	10%	10%	10%	20%	20%	45%	70%	100%	100%	100%	100%	100%	2
Cineplex—Typical	Customer	—	—	—	—	—	—	20%	45%	55%	55%	55%	60%	60%	80%	100%	100%	100%	80%	50%	2,6
	Late December	—	—	—	—	—	—	35%	60%	75%	80%	80%	80%	70%	80%	100%	100%	100%	85%	70%	2,6
Performing Arts Theater	Customer	—	—	—	1%	1%	1%	1%	17%	67%	67%	1%	1%	1%	25%	100%	100%	—	—	—	2
	With matinee	—	10%	10%	20%	20%	20%	30%	100%	100%	100%	30%	30%	100%	100%	100%	100%	30%	10%	5%	2
Arena (two shows)	Customer	—	—	—	1%	1%	1%	1%	25%	95%	95%	81%	1%	1%	25%	100%	100%	—	—	—	2
	Employee	—	10%	10%	20%	20%	20%	30%	100%	100%	100%	100%	100%	100%	100%	100%	100%	30%	10%	5%	2
Stadium (1 p.m. start; see weekday for evening game)	Customer	—	—	1%	1%	5%	5%	50%	100%	100%	85%	25%	—	—	—	—	—	—	—	—	2
	Employee	—	5%	10%	20%	30%	30%	100%	100%	100%	100%	25%	10%	5%	5%	—	—	—	—	—	2
Health Club	Customer	80%	45%	35%	50%	35%	50%	50%	30%	25%	30%	55%	100%	95%	60%	30%	10%	1%	1%	—	2,4
	Employee	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	75%	100%	100%	75%	50%	20%	20%	—	2,4
Convention Center	Visitor	—	—	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	—	—	2
	Employee	5%	30%	33%	33%	100%	100%	100%	100%	100%	100%	90%	90%	70%	40%	25%	20%	20%	5%	—	2
Hotel—Business	Guest	95%	90%	80%	70%	60%	60%	55%	55%	60%	60%	65%	70%	75%	75%	80%	85%	95%	100%	100%	5
Hotel—Leisure	Guest	95%	95%	90%	80%	70%	70%	65%	65%	70%	70%	75%	80%	85%	85%	90%	95%	95%	100%	100%	2
Restaurant/Lounge	Customer	—	10%	30%	10%	10%	5%	100%	100%	33%	10%	10%	30%	55%	60%	70%	67%	60%	40%	30%	5
Conference/Banquet	Customer	—	—	30%	60%	60%	60%	65%	65%	65%	65%	65%	100%	100%	100%	100%	100%	50%	—	—	5
Convention	Customer	—	—	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%	50%	30%	30%	10%	—	—	—	2
	Employee	5%	30%	90%	90%	100%	100%	100%	100%	100%	100%	100%	90%	75%	60%	55%	55%	45%	45%	30%	5
Residential	Guest	—	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	2
Residential	Reserved	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	2
Residential	Resident	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%	2
Office	Visitor	—	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	—	—	—	—	—	—	2
Office	Employee	—	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	—	—	—	—	—	—	3
	Medical/Dental Office	Visitor	—	—	90%	90%	100%	100%	100%	—	—	—	—	—	—	—	—	—	—	—	—
Bank	Employee	—	—	60%	100%	100%	100%	100%	—	—	—	—	—	—	—	—	—	—	—	—	2
	Customer	—	—	25%	40%	75%	100%	90%	—	—	—	—	—	—	—	—	—	—	—	—	3
	Employee	—	—	90%	100%	100%	100%	100%	—	—	—	—	—	—	—	—	—	—	—	—	2

- Sources:
1. Confidential data provided by shopping center managers.
  2. Developed by team members.
  3. Parking Generation, 3rd ed. (Washington, D.C.: Institute of Transportation Engineers, 2004).
  4. John W. Dorsett, "Parking Requirements for Health Clubs," *The Parking Professional*, April 2004.
  5. Gerald Salzman, "Hotel Parking: How Much Is Enough?" *Urban Lane*, January 1988.
  6. Parking Study conducted by Paton Harris Rust & Associates for the Paterson Companies, 2001.



should be modified for resort hotels, which have distinct tourist seasons. Suggested factors for hotels in climates that attract winter tourists are provided for resort hotels, but these may not be suitable for resorts in northern climates that only have summer seasons. Monthly factors for restaurants are the same as those for non-hotel-based restaurants, because the parking need is based on non-guest patronage. The monthly factors for hotel convention centers are the same as those for freestanding convention centers.

The time-of-day factors developed in the 1988 study have been used for each component, with an additional set of factors for guest rooms at resort hotels to reflect the greater presence of vehicles there during the daytime. The time-of-day figures in *Parking Generation* reflect overall parking occupancy. To check the reasonableness of these factors, projections of parking accumulation for the average size of each component in each ITE subtype are shown in Table 4-17. Meeting and convention space where reported by seats rather than square feet were converted using 40 seats/ksf.

**Table 4-17** Hotel Parking Needs Projections Using Recommended Default Values

	Office Park		Full-Service		Airport		Business		Resort	
	WD	WE	WD	WE	WD	WE	WD	WE	WD	WE
	Salzman	Salzman	ITE Avg.	ITE Avg.	Salzman	Salzman	Suburban	Suburban	Resort	Resort
Rooms	300	300	350	350	300	300	130	130	450	450
Guest Room Mode Adjustment	66%	77%	66%	77%	54%	59%	66%	77%	66%	77%
Restaurant ksf <sup>1</sup>	7,350	7,350	8,575	8,575	7,350	7,350	1,050	1,050	13,125	13,125
Percent Noncaptive	90%	30%	90%	30%	90%	30%	90%	30%	30%	30%
Mode Adjustment	70%	60%	70%	60%	70%	60%	70%	60%	60%	60%
Meeting Room ksf	7,000	7,000	—	—	7,000	7,000	1,310	1,310	—	—
Percent Noncaptive	60%	70%	60%	70%	60%	70%	60%	70%	60%	70%
Mode Adjustment	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Convention ksf	—	—	20,400	20,400	—	—	—	—	31,175	31,175
Percent Noncaptive	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Mode Adjustment	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Estimated Peak-Hour Demand	304	252	322	289	264	210	105	97	470	393
Peak Hour	9 p.m.	9 p.m.	Noon	9 a.m.	5 p.m.	9 p.m.	8 a.m.	8 a.m.	Noon	8 a.m.
Overall Ratio: Spaces per Room	1.0	0.8	0.9	0.8	0.9	0.7	0.8	0.7	1.0	0.9
ITE 85th Percentile	1.1	0.9	1.1	—	—	—	0.7	0.7	1.86	—

**Notes**

- <sup>1</sup> ksf = thousand sq. ft.
- WD = Weekdays
- WE = Weekends

## **Appendix C**

### Shared Parking Termination

DOC # 2014-0450511  
11/25/2014 08:00 AM Fees: \$27.00  
Page 1 of 5  
Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Elkins Kalt Weintraub Reuben Gartside LLP  
2049 Century Park East, Suite 2700  
Los Angeles, California 90067  
Attention: Scott M. Kalt, Esq.

\*\*This document was electronically submitted  
to the County of Riverside for recording\*\*  
Received by: LJONES

(Space above this line is for recorder's use)

**TERMINATION OF MEMORANDUM OF AMENDED AND RESTATED**

**AMENDMENT TO PARKING LEASE**

This TERMINATION OF MEMORANDUM OF AMENDED AND RESTATED AMENDMENT TO PARKING LEASE dated Jan 27, 2012 (this "**Termination Memorandum**") will acknowledge that the Memorandum of Amended and Restated Amendment to Parking Lease dated January 26, 2012 by and between PACIFICA COLONY PALMS LOFTS, LLC, a California limited liability company ("**Landlord**") and PACIFICA COLONY PALMS, LLC, a California limited liability company, ("**Tenant**"), recorded on Feb. 1, 2012 in the Official Records of Riverside County as Instrument No. 2012-0046999 and pertaining to the real property described on Exhibit "A" attached hereto (the "**Memorandum**") has been terminated and is of no further force or effect (and that the parking lease agreement described in such Memorandum has expired or been terminated).

[Signature Page Follows]

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Elkins Kalt Weintraub Reuben Gartside LLP  
2049 Century Park East, Suite 2700  
Los Angeles, California 90067  
Attention: Scott M. Kalt, Esq.

(Space above this line is for recorder's use)

**TERMINATION OF MEMORANDUM OF AMENDED AND RESTATED**

**AMENDMENT TO PARKING LEASE**

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[Signature Page Follows]

IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered this Termination Memorandum as of the day and year first above written.

**TENANT:**

PACIFICA COLONY PALMS, LLC,  
a California limited liability company

By: [Signature]  
Name: ANDRE CARRIAE  
Title: MSE MEMBER

**LANDLORD:**

PACIFICA COLONY PALMS LOFTS, LLC,  
a California limited liability company

By: PALM CANYON DESIGNS LLC,  
a California limited liability company,  
its Member

By: [Signature]  
Carol Blum, its MG

By: [Signature]  
Clifford Lord, Jr., its MG

**LANDLORD'S ACKNOWLEDGEMENT**


STATE OF CALIFORNIA )  
 )  
COUNTY OF LOS ANGELES )

On JAN 27, 2012, before me, ARTHUR ONO, a Notary Public, personally appeared CAROL BLUM AND CLIFFORD LORD, JR., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument, and acknowledged to me that ~~he~~ ~~she~~ they executed the same in ~~his~~ ~~her~~ their authorized capacity(ies), and that by ~~his~~ ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



  
Notary Public

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } S.S.

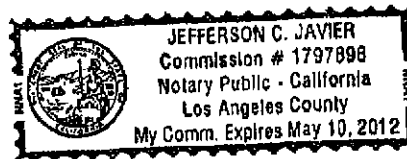
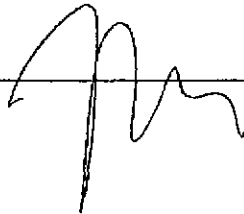
On January 31, 2012 before me, Jefferson C. Javier, a Notary Public in and for said County and State, personally appeared, ANDRE CARPIAC A/K/A ANDY CARPIAC

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_



(Notary Seal)

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**Parcel 1 of Parcel Map No. 17049, in the City of Palm Springs, County of Riverside, State of California, as shown by Map on File in Book 94 of Parcel Maps, Page 17, Records of Riverside County, California.**





**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

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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-coincident, 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.

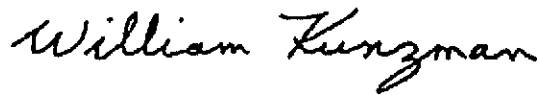


Carl Ballard, LEED GA  
Principal

#6008



KUNZMAN ASSOCIATES, INC.



William Kunzman, P.E.  
Principal



**CRM TECH**

1016 East Cooley Drive, Suite A/B  
Colton, CA 92324

July 9, 2015

Andy Carpiac  
Anda Realty Partners  
234 East Colorado Boulevard, Suite 502  
Pasadena, CA 91101

Re: Architectural/Historical Compatibility Analysis  
750 Lofts Hotel Project, 750 North Palm Canyon Drive  
City of Palm Springs, Riverside County, California  
CRM TECH Project No. 2950

Dear Mr. Carpiac:

At your request, CRM TECH has completed an architectural/historical appropriateness analysis on the proposed 750 Lofts Hotel project in the City of Palm Springs, Riverside County, California. The project seeks to replace an existing office building in the northern portion of downtown Palm Springs with a new mix-use hotel. The project site is located at 750 North Palm Canyon Drive, within the boundaries of the Las Palmas Business Historic District (Fig. 1), which was officially established by the Palm Springs City Council through Resolution No. 15858 in 1986.

The analysis is required by the City of Palm Springs, as the lead agency for the project, pursuant to the California Environmental Quality Act (CEQA; PRC §21000, et seq.) and the City's Historic Preservation Ordinance (Palm Springs Municipal Code §8.05). The purpose of the analysis is to assist the City in determining whether the proposed new hotel would potentially compromise the historic integrity of the Las Palmas Business Historic District and thus cause a "substantial adverse change in the significance of a historical resource" (PRC §21084.1).

In order to accomplish this objective, CRM TECH principal investigator/architectural historian Bai "Tom" Tang (see p. 5 for qualifications) reviewed existing documentation on the Las Palmas Business Historic District, pursued historical and architectural-historical research on the project vicinity, and conducted a field inspection of the district, including the project site, on July 7, 2015. The following analysis is based on the findings from these research procedures.

It is well known that the architectural history of Palm Springs has been largely dominated by two distinctive styles over the past century. During its early years of glamour (1920s-1930s), Palm Springs embraced mainly the Spanish/Mediterranean-inspired styles, as exemplified by many of the luxurious hotels frequented by the rich and famous from Hollywood. Since the 1940s, the home-grown Desert Modern architecture has prevailed in Palm Springs, for residential and commercial developments as well as public and institutional buildings. With the endorsement and participation by such distinguished architects as Albert Frey, Richard Neutra, John Porter Clark, Williams F. Cody, Paul R. Williams, E. Stuart Williams, and A. Quincy Jones, the Desert Modern style has defined Palm Springs' architectural landscape to the present time.

Tel: 909 824 6400 Fax: 909 824 6405

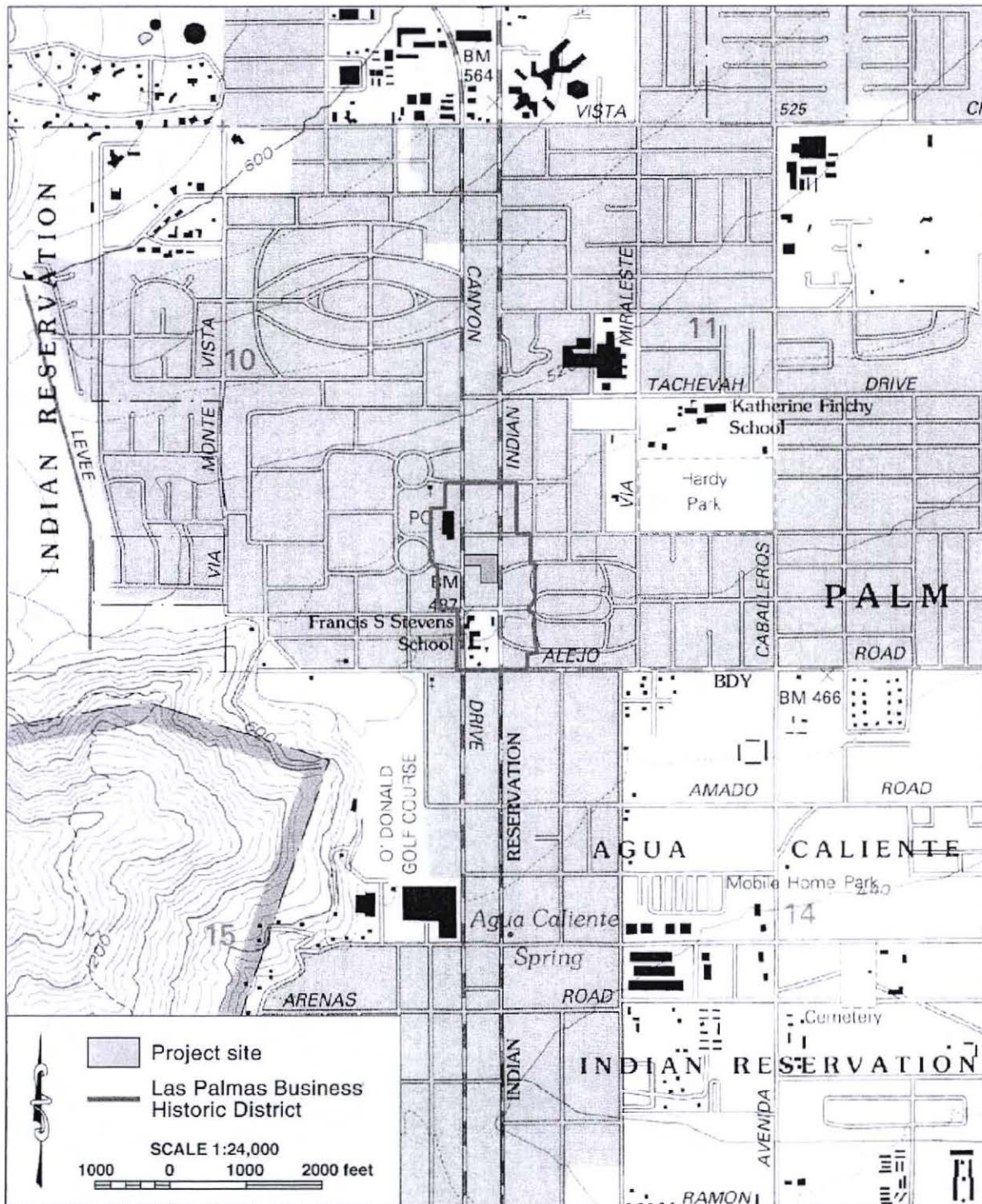


Figure 1. Location of the 750 Lofts Hotel project. (Based on USGS Palm Springs, Calif., 1:24,000 quadrangle)



As delineated in Resolution No. 15858, the Las Palmas Business Historic District encompasses some of the best preserved examples of Spanish Eclectic architecture in the city, and almost all of the buildings identified in the resolution as contributing elements of the district are specimens of that style. Considering that in 1986 the Desert Modern movement had not yet reached the generally recognized 50-year age threshold to be considered potentially historic, the emphasis of Resolution No. 15858 is not difficult to understand.

On the 600-800 block of North Palm Canyon Drive, however, the buildings in existence today are predominantly Modernist in character, including the 1980s-vintage Bianco-Liddy Building that will be replaced by the proposed hotel (Fig. 2). Although two Spanish Eclectic landmarks, namely the Pacific Building at 139 Tamarisk Road and the Pepper Tree Inn at 622 North Palm Canyon Drive, anchor the northern and southern ends of the eastern side of the block, respectively, the majority of the buildings on both sides of Palm Canyon Drive are of later vintage and express one variety of Modernism or another.

On the same block of Indian Canyon Drive, the streetscape is dominated by five large clusters of buildings that occupy the entire block except the eastern portion of the project site, which is currently a paved parking lot. Four of these properties represent the Spanish Eclectic style, while

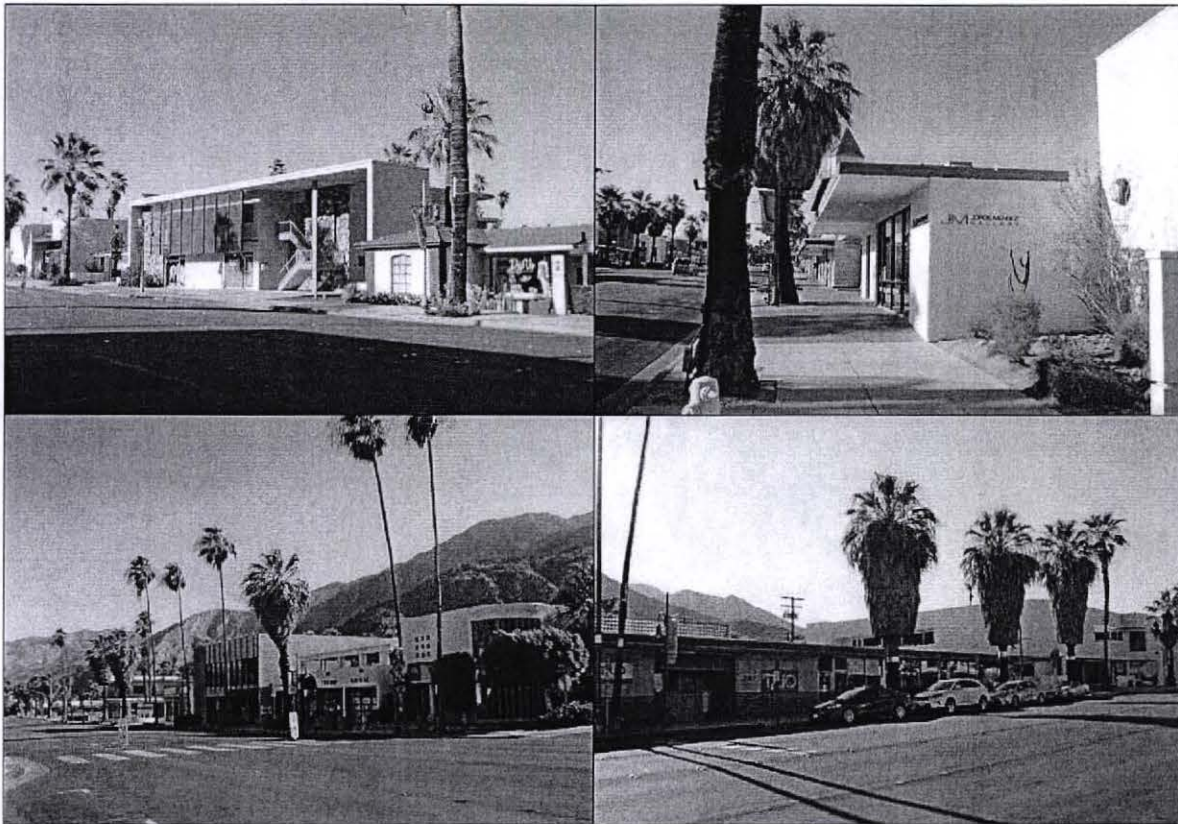


Figure 2. Existing buildings in the immediate vicinity of the project site. *Clockwise from top left*: the project site (*far left in this panel*) and adjacent properties on the south, view to the northeast; adjacent properties on the north, view to the north; properties across Palm Canyon Drive, view to the northwest from the project site; properties across Palm Canyon Drive, view to the southwest. (Photographs taken on July 7, 2015)

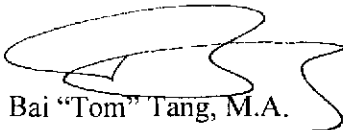
the fifth, namely the Movie Colony Hotel at 726 North Indian Canyon Drive, directly across the street from the project site, is designed in the Desert Modern style.

Today, Palm Springs architecture is much better known around the world for its very own Desert Modern heritage than for the borrowed Spanish/Mediterranean tradition. With the Modernist buildings gradually “coming of age” since 1986, the character of the Las Palmas Business Historic District is now defined as much by these mid-20th century creations as by the older, Spanish-style heirlooms recognized in Resolution No. 15858.

Based on architectural drawings and renditions you have provided, the exterior design of the proposed hotel, with its rectilinear forms, prominent horizontal planes, dramatic cantilevers, and large, unmodulated surfaces, pays much homage to the mid-20th century Modernist movement. Horizontal in exterior emphasis, mostly two stories tall, and featuring plain, flat walls in a muted color tone, the hotel would be compatible in design, height, massing, and texture to the existing Desert Modern-style commercial buildings on the surrounding properties, and thus would be consistent to the overall characteristics of the Las Palmas Business Historic District. Therefore, it is our opinion that the proposed project would not adversely affect the historic integrity of the district, and would not constitute a “substantial adverse change in the significance of a historical resource.”

Thank you for this opportunity to be of service. If you have any questions or need further information regarding this project, please do not hesitate to contact me at (909) 824-6400 or by e-mail at [ttang@crmtech.us](mailto:ttang@crmtech.us).

Sincerely,



Bai “Tom” Tang, M.A.  
Principal, CRMTECH

## STATEMENT OF QUALIFICATIONS

### PRINCIPAL INVESTIGATOR/HISTORIAN/ARCHITECTURAL HISTORIAN

Bai "Tom" Tang, M.A.

#### Education

- 1988-1993 Graduate Program in Public History/Historic Preservation, UC Riverside.  
1987 M.A., American History, Yale University, New Haven, Connecticut.  
1982 B.A., History, Northwestern University, Xi'an, China.
- 2000 "Introduction to Section 106 Review," presented by the Advisory Council on Historic Preservation and the University of Nevada, Reno.  
1994 "Assessing the Significance of Historic Archaeological Sites," presented by the Historic Preservation Program, University of Nevada, Reno.

#### Professional Experience

- 2002- Principal Investigator, CRM TECH, Riverside/Colton, California.  
1993-2002 Project Historian/Architectural Historian, CRM TECH, Riverside, California.  
1993-1997 Project Historian, Greenwood and Associates, Pacific Palisades, California.  
1991-1993 Project Historian, Archaeological Research Unit, UC Riverside.  
1990 Intern Researcher, California State Office of Historic Preservation, Sacramento.  
1990-1992 Teaching Assistant, History of Modern World, UC Riverside.  
1988-1993 Research Assistant, American Social History, UC Riverside.  
1985-1988 Research Assistant, Modern Chinese History, Yale University.  
1985-1986 Teaching Assistant, Modern Chinese History, Yale University.  
1982-1985 Lecturer, History, Xi'an Foreign Languages Institute, Xi'an, China.

#### Honors and Awards

- 1988-1990 University of California Graduate Fellowship, UC Riverside.  
1985-1987 Yale University Fellowship, Yale University Graduate School.  
1980, 1981 President's Honor List, Northwestern University, Xi'an, China.

#### Cultural Resources Management Reports

Preliminary Analyses and Recommendations Regarding California's Cultural Resources Inventory System (With Special Reference to Condition 14 of NPS 1990 Program Review Report). California State Office of Historic Preservation working paper, Sacramento, September 1990.

Numerous cultural resources management reports with the Archaeological Research Unit, Greenwood and Associates, and CRM TECH, since October 1991.

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

**RECIRCULATION OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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

**CONTACT PERSON:** Flinn Fagg, Director of Planning Services (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. 505 303 018

**PROJECT DESCRIPTION:** The project proposes the demolition of existing buildings on the site, and the construction of a four-story, 39-room hotel with accessory uses including a ground floor restaurant, cocktail lounge, a spa, rooftop cocktail lounge / bar, off-street parking and ancillary facilities on a 1.13 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, FAR 035) to Central Business District (CBD; FAR 1.0);
- A Planned Development District (#374) in lieu of a Change of Zone;
- A Conditional Use Permit for a hotel with more than 10% of the rooms containing kitchens, the restaurant use, to engage the high rise ordinance, and the spa use;
- A Major Architectural Review for the architectural and landscape design.

The proposed project consists of a total of 41,087 square feet of space on four stories. The building will range in height from approximately 30 feet to approximately 50 feet above grade.

**FINDINGS / DETERMINATION:** The project proponent has submitted revised plans for the project. The City has considered these plans, and has determined that the Initial Study should be recirculated for public comment. 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 June 29, 2015 and end on July 20, 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: [Flinn.Fagg@palm Springs-ca.gov](mailto:Flinn.Fagg@palm Springs-ca.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:** The comment period for the recirculation of this document closes on July 20, 2015. City Council consideration is expected on September 2, 2015, but please confirm the date with the City Clerk's office.

**F I L E D / P O S T E D**

County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder

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06/30/2015 10:13 AM Fee: \$ 0.00  
Page 1 of 1

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**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

Project Title:	750 Lofts	
Case No.	5.1350 (General Plan Amendment, Planned Development District 374 and Conditional Use Permit) 3.3795 (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/PD 104. Proposed: PDD 374	
Contact Person:	Ken Lyon, Associate Planner City of Palm Springs	
Phone Number:	(760)323-8245	
Date Prepared	February 1, 2015 revised June 24, 2015	

**Description of the Project**

The project proposes the demolition of existing buildings on the site, and the construction of a 4-story hotel on a 1.13 acre site in the Uptown district. Please note that this Initial Study was originally circulated for public comment in February of 2015. Since that time, the project proponent has amended the project. This Initial Study addresses these changes, which are summarized below.

**Summary of Project Changes**

<b>Item</b>	<b>Analyzed in 2/1/15 Initial Study</b>	<b>Revised Project</b>
Total Building Square Footage	39,423	41,087
Hotel Rooms	46	39
Other Facilities		
Restaurant	50 seats	97 seats
Bar	47 seats	40 seats 1 <sup>st</sup> floor/80 seats rooftop
Retail	3,000 square feet	None
Spa	2,150 square feet	2,361 square feet
Event Space	2,150 square feet	1,600 square feet
Off-Street Parking	87 spaces	92 spaces
Maximum Building Height	50 feet	50 feet
Building Height at Palm Canyon and Indian Canyon	35 feet	30 to 35 feet

The proposed project requires a number of applications, which have not changed from the earlier submittal:

- 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 spa, lounge and restaurant use, and the inclusion of kitchens in more than 10% of the hotel units;
- 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 in an L-shape, with most rooms located in the extension of the L-shape on Indian Canyon Drive. Access to the site will be provided from both streets, through a two-way drive aisle that will extend through the property at the angle of the L-shaped building. Parking is proposed under the structure, and along the drive aisle.

The building architecture is proposed in a contemporary style. The lobby, restaurant, cocktail lounge, support facilities and parking will occupy the ground floor. Hotel units and a spa for hotel guests will occur on the 2<sup>nd</sup> and 3<sup>rd</sup> floor. A roof-top deck, with a swimming pool, a cocktail lounge/bar an enclosed event space, fitness center and back-of-house functions, is also proposed at the center of the structure at the 4<sup>th</sup> 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 immediately 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 one and two story hotel properties on the east side of North Indian Canyon Drive.

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

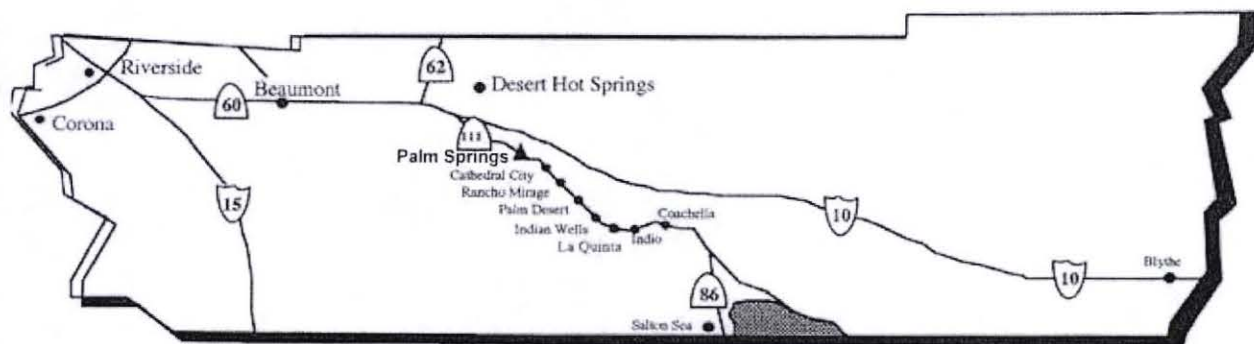
**Other public agencies whose approval is required**

None.

# CALIFORNIA



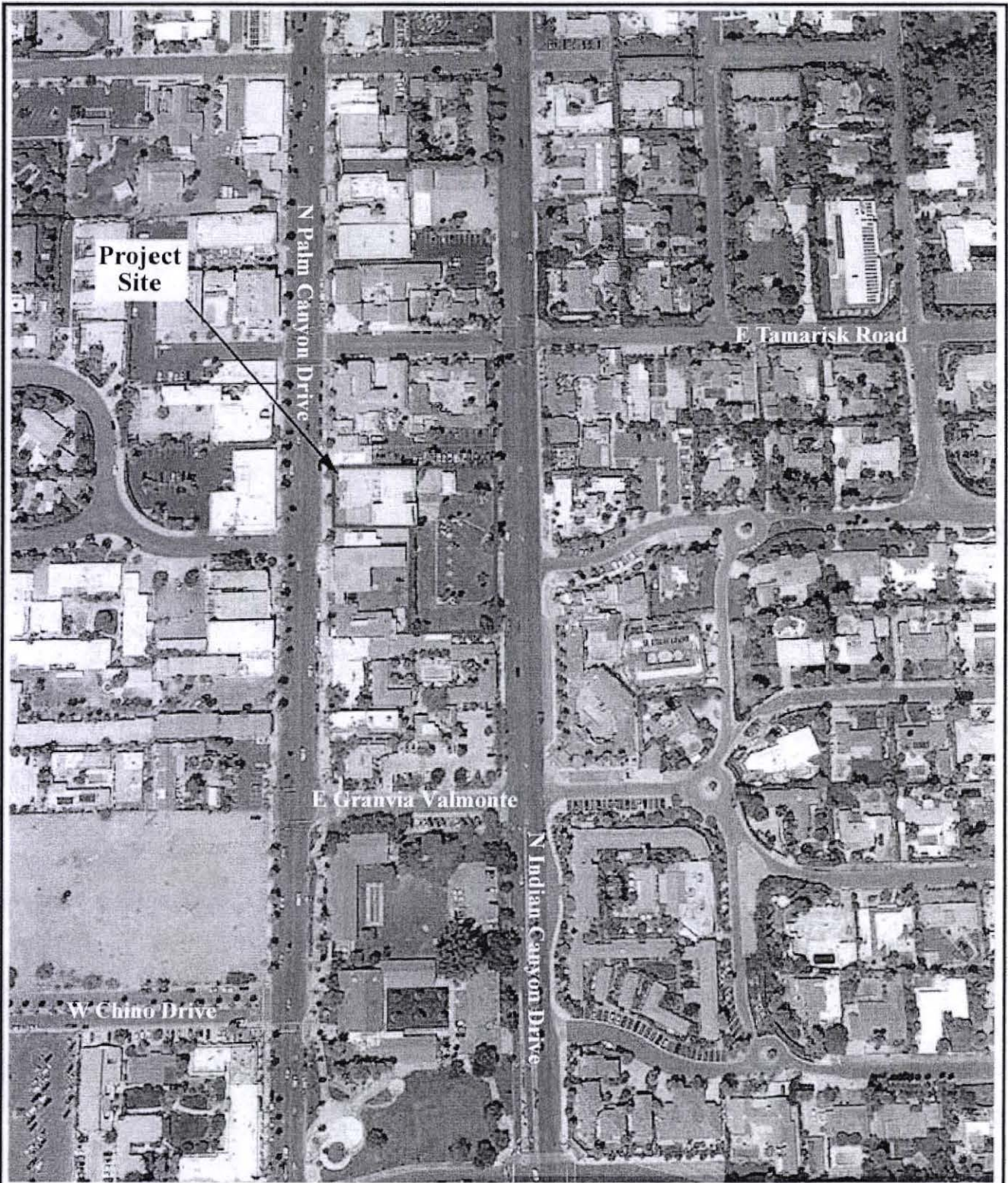
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# RIVERSIDE COUNTY

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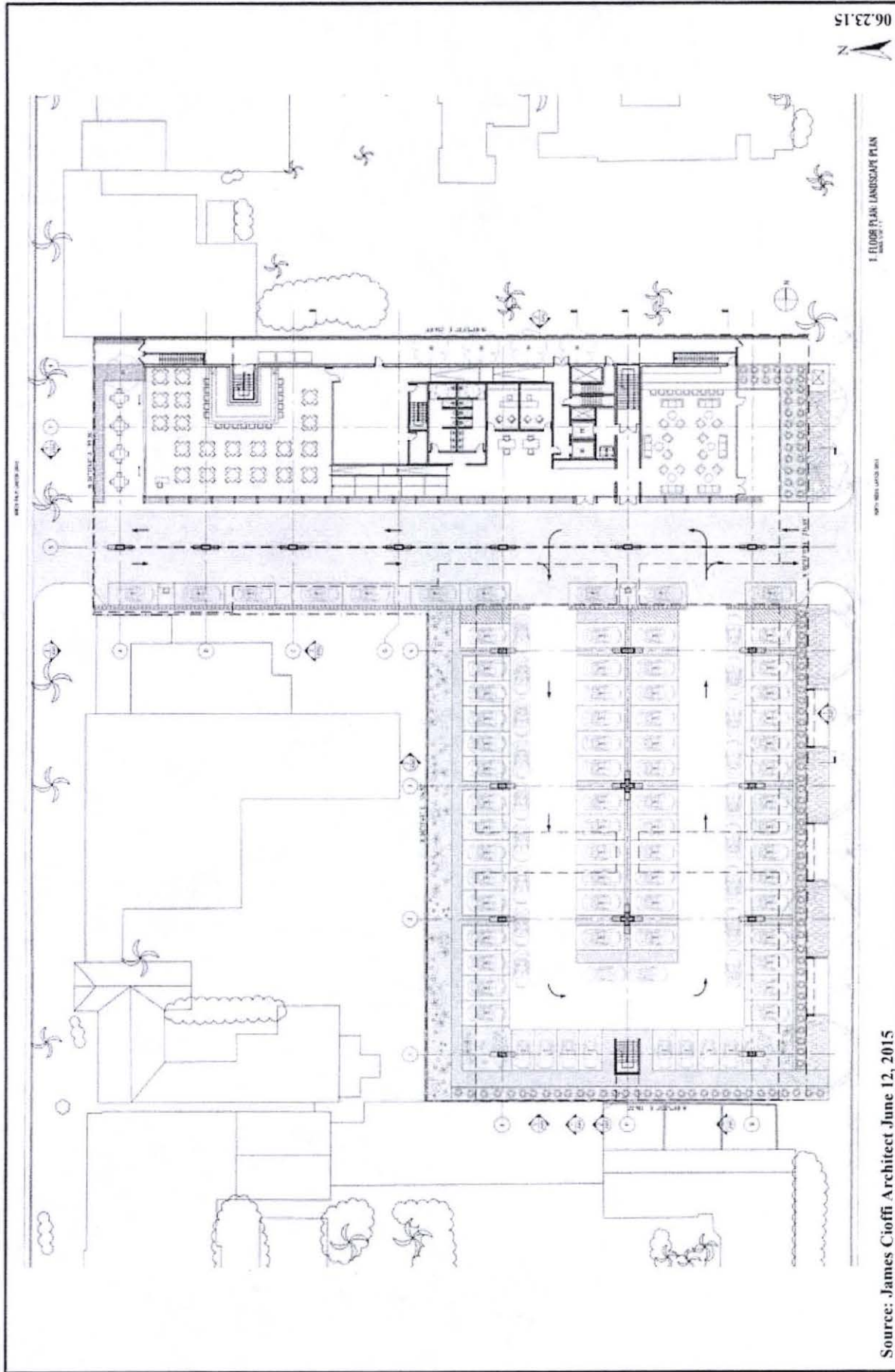
Source: Google Earth 2014



750 Lofts  
Aerial Vicinity  
Palm Springs, California

Exhibit

2



06.23.15  
N

1 FLOOR PLAN: LANDSCAPE PLAN  
DATE: 06.23.15

Source: James Cioffi Architect June 12, 2015

Exhibit  
3

750 Lofts  
Site Plan  
Palm Springs, California

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

**Environmental Factors Potentially Affected:**

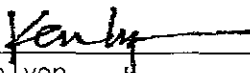
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- |  |   |   |
|--|---|---|
| <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 |   |

**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

June 24, 2015  
\_\_\_\_\_  
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.

- 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.

<b>I. AESTHETICS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect 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 building has been redesigned to lower the north-south trending portion of the building to 30 to 35 feet (varying based on the grade of the site), while the highest part of the structure, which extends to 50 feet, is located in the east-west trending portion of the building, on the northern boundary of the site. 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 on the north-south trending portion of the building will result in blocking of the lower part of the San Jacinto mountains from Indian Canyon Drive, but the peaks will remain visible.

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 oriented to resort and retail. The proposed building will be in a contemporary style which is widely present in the City. The building will be taller than existing structures, and will result in greater mass across the property. The mass of the northern portion of the site, however,

has been reduced from the previous design, as has the mass on the north-south trending portion of the building. 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**

<b>Would the project:</b>	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.

**III. AIR QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 PM<sub>10</sub> 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. The model was run again for the revised project. Demolition emissions will not change, but construction and operational emissions changed slightly, due to the marginal increase in square footage (affecting construction emissions), and the reduction in total hotel rooms (affecting operational emissions).

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 <sub>x</sub>	ROG	SO <sub>x</sub>	*PM <sub>10</sub>	*PM <sub>2.5</sub>
2015	26.43	33.17	3.94	0.03	3.79	2.51
2016	9.84	13.28	13.44	0.01	0.91	0.77
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

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 <sub>x</sub>	*PM <sub>10</sub>	*PM <sub>2.5</sub>
Project Emissions	26.43	33.17	3.79	2.51
LST	2,565.00	238.00	35.00	10.00
<b>Exceed?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

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 <sub>x</sub>	ROG	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2016	80.27	18.24	10.34	0.10	6.45	1.92
SCAQMD Threshold	550.0	100.0	75.0	150.0	150.0	55.0
<b>Significant</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

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.

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

**Discussion of Impacts**

**a-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 occur 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

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.

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

**Discussion of Impacts**

- a) **Less Than Significant Impact with Mitigation Incorporated.** 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 height of the building in the context of the Historic District. The Board considered the mass and scale of the structure in the context of the District, and found that as proposed, the building would have a significant impact on the District.

In order to mitigate these impacts, the Board found that three mitigation measures were available that would reduce the impacts on the Historic District to less than significant levels. The Board also recommended that the parking study be reviewed by the City Engineer (please see Traffic and Circulation, below). The Board approved the project, subject to the mitigation measures provided below. With the implementation of these mitigation measures, impacts associated with historic resources are expected to be less than significant.

**Mitigation Measure**

**MM V-1:** The building height shall be reduced by 4 feet.

**MM V-2:** The elevation of the building on Indian Canyon shall be limited to two stories and twenty feet adjacent to the street, and can step back to include additional height further from the street.

**MM V-3:** No additional rooftop structures shall be permitted beyond those illustrated in the approved plans.

- 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.



**VI. GEOLOGY AND SOILS**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 2014<sup>1</sup>. The discussion provided below is based on the findings of these reports.

<sup>1</sup> "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.

- 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 dust 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 194.98 metric tons per year of CO<sub>2e</sub>, while operation of the project would generate 1,793.09 metric tons per year of CO<sub>2e</sub>.

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 Climate Action Plan demonstrates that the City has already implemented a number of GHG reducing strategies and programs, and that in order to meet its state-mandated target of reducing emissions to 1990 levels by 2020, the City must reduce emissions by only 1%. In order to reach the City's goal of reducing emissions by 7% below 1990 levels by 2020, the City will need to reduce emissions by 7.9% over business as usual rates. The Plan was prepared prior to the adoption of 2013 Building Code requirements for energy efficiency. These requirements increase energy efficiency in buildings by 30% over pre-2013 construction. The existing buildings on the site date to the 1980s, and as a result are extremely inefficient. The proposed project will be 30% more efficient than buildings built from 2010 to 2013, considerably more efficient than the buildings on the project site currently, and will result in a parallel reduction in GHG emissions over its lifetime.

Finally, the City's baseline emissions in 2010 were 431,594 MT CO<sub>2E</sub>/year. The project's anticipated emissions represent an increase of 0.004% annually. This increase will not be

significant. The City's standard requirements and initiatives will reduce GHG emissions from the project to less than significant levels.

<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 project<sup>2</sup>. 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 air during demolition activities if not handled and treated as prescribed by law. 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 spa, cocktail lounge/bar 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.

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

- g) No Impact.** The proposed project is located in the urban core of the City, on the existing 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**

<b>Would the project:</b>	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**

<b>Would the project:</b>	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) & 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.

**b) Less Than Significant Impact.** The project site is currently served by Desert Water Agency. The proposed project will result in the use of water during demolition, construction and operation of the hotel. The project will be constructed to current Building Code standards, and will be required to comply with local and state mandates regarding the reduction of water use, as currently implemented, and as may be amended in the future. DWA is part of the Coachella Valley Regional Water Management Group, which prepared an Integrated Regional Water Management Plan (IRWMP) in 2013. The Plan analyzes the region's water needs and indicates that the long-term demand for domestic water will increase throughout the region, but conservation measures and replenishment programs will make it possible for DWA to meet increasing demand. Please also see Section XVI, Utilities and Service Systems.

**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)- j) 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 Tachevah Creek Detention Reservoir Dam Inundation Pathway. Flood risk on the property is therefore low. No impact is anticipated.

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

**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 adverse 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.

<b>X. MINERAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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.

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

**Discussion of Impacts**

- a) **Less Than Significant Impact.** The 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 project will include a restaurant and bar on the first floor, and a roof top bar. Both these uses have the potential for high noise levels due to patron activity and entertainment. The City has adopted and currently implements a noise ordinance which

limits noise generated in each zone. In the commercial zones (including hotels), the ambient noise is limited to either the ambient noise level, or the measured noise level at any given location. As stated above, the noise levels on the property line currently are approximately 70 dBA, with lower levels expected during the evening and nighttime hours. The noise ordinance further limits increases to noise of no more than 3 dBA during a 30 minute period. During the daytime hours, this would translate to 73 dBA at the project property line, and would be expected to be approximately 68 dBA during the evening hours, and 63 dBA during the nighttime hours. Should the proposed project include music or similar entertainment, it will be required to comply with these noise ordinance requirements, which the City enforces through citation. In addition, noise decreases in intensity with distance, and it can be expected that a reduction of 3 to 6 dBA will occur with every 100 feet of distance.

The distance between the proposed project and sensitive receptors, and the City's noise ordinance requirements are expected to reduce impacts associated with noise to less than significant levels.

- 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 site preparation phases. 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.

**XII. POPULATION AND HOUSING**

<b>Would the project:</b>	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 39 hotel rooms and ancillary spa, cocktail lounge/bar and restaurant use. Although these land uses will generate new jobs, it is not anticipated that the job potential will be substantial, or that it 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.

**XIII. PUBLIC SERVICES**

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

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 ½ 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 39 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 39 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.



**XIV. RECREATION**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

<b>XV. TRANSPORTATION/TRAFFIC</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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 project, and updated to reflect the changes proposed to the project and currently being analyzed<sup>3</sup>. The discussion below summarizes its findings.

**a) & b) Less Than Significant Impact with Mitigation Incorporated.** The proposed project will generate up to 705 daily trips, with 23 trips occurring during the morning peak hour, and 59 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:

<sup>3</sup> "Proposed 750 Lofts Project Traffic Impact Study.(Updated 5/20/15)" prepared by RK Engineering Group.

- Palm Canyon Drive at:
  - Tamarisk Road
  - Project Access
  - Granvia Valmonte
- Indian Canyon Drive at:
  - Tamarisk Road
  - Project Access
  - Via Altamira
  - 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. At project opening, therefore, all intersections will operate at an acceptable level of service.

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).

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.
- 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.** The Municipal Code requires that the project, including the hotel and its ancillary facilities, provide 112 parking spaces. The revised plan provides 92 spaces, including 20 valet spaces. A parking analysis was prepared for the proposed project, and updated for the revised project, to address the shared uses on the property<sup>4</sup>.

The parking study determined that the City's Municipal Code calls for 114 parking spaces for the uses proposed. The study then assumed a reduction of 50% for the restaurant, spa, lounge and roof top bar, on the basis that hotel guests would use these facilities, and would not require the additional parking assignment since their parking use was allocated to the hotel room. On the basis of this assumption, the proposed project will generate a demand for 76 parking spaces. With the implementation of a valet parking program, there would be sufficient parking to service the proposed project.

The City's Zoning Ordinance allows the reduction of parking spaces through the Planned Development (PD) permit process, if the reduction is supported by analysis and the project provides other public benefits. The approval of the PD in this case, would support the reduction in parking spaces, and reduce the impacts associated with parking to less than significant levels.

- 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.

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<sup>4</sup> "Proposed 750 Lofts Project Parking Analysis," prepared by RK Engineering Group, December, 2014. Revised 5-20-15

**XVI. UTILITIES AND SERVICE SYSTEMS**

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

**Discussion of Impacts**

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

Wastewater Treatment

Project-related impacts to wastewater treatment requirements 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 proposed project will generate wastewater flows of 5,850 gallons per day. 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 has the potential to generate a demand of 6.8 acre feet of domestic water annually<sup>5</sup>. Because the proposed project will be subject to the 2013 Building Code requirements, it is likely that its water use will be less, because the Building Code requirements mandate greater efficiency than previous codes applied to new construction.

The proposed project will be required to implement all water conservation measures imposed by DWA under normal as well as drought conditions over the life of the project. These include requirements of the recently signed Executive Order B-29-15, mandating reductions in water use by 36% in the Coachella Valley. DWA has, in response to the Executive Order, adopted restrictions on water use that include limiting days on which landscaping can be irrigated; a prohibition on the use of fountains or water features; a prohibition on irrigation by any means other than drip or micro-spray systems; and a requirement that hotels offer their guests the option of not having towels and linens laundered daily. Furthermore, should additional restrictions or regulations be implemented, the proposed project shall be required to comply with them as well.

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.

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<sup>5</sup> Coachella Valley Water District Annual Factor by Development Type, "Water System Backup Facilities Charge Study," December 2012.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

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

<b>Does the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input 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"/>
a) <b>No Impact.</b> 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.				
b) <b>Less Than Significant Impact.</b> The proposed project will not result in cumulatively considerable impacts. The addition of 39 hotel rooms will not significantly affect cumulative impacts in the City, including traffic impacts.				
c) <b>Less Than Significant Impacts with Mitigation Incorporated.</b> 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.				

**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 PM<sub>10</sub> 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](http://www.envirostor.dtsc.ca.gov).

2010 U.S. Census.



## **750 Lofts Initial Study/Mitigated Negative Declaration Response to Comments**

The following briefly summarizes the written comments received by the City on the initial study dated June 24, 2015 for this project. Although not required by CEQA, the City has provided extensive responses to those comments below.

Mr. Rick Moran, July 20, 2015

The commenter indicated that he supports the project.

Mr. Babak Naficy, July 20, 2015

Comment 1: The MND's discussion of aesthetics claims the project is located "immediately north of the Central Business District" This is not accurate as the project is not located immediately north. It is immediately surrounding by the Las Palmas Business District.

Response: The comment is incorrect. The Central Business District zoning designation extends to Alejo Road on Indian Canyon Drive, and to the project site on the west side of Palm Canyon Drive. The proposed project is located between Tamarisk Road and Gran Via Valmonte, one block north of Alejo on its Indian Canyon side.

Comment 2: The MND does not include the drawings provided by the applicant for consideration by the Planning Commission on June 24, 2015. These renderings do a much better job of depicting the project design, and more importantly, allow adequate analysis of the potential aesthetic/view shed impacts.

Response: The comment is incorrect. The Initial Study was based on the plan set submitted to the City for the June 24 Planning Commission hearing, and although the plans were not attached to the Initial Study, they were available at City Hall for public review, and distributed as part of the Planning Commission's June 24, 2015 hearing packet.

Comment 3: The MND's analysis of consistency with neighborhood is far less detailed and comprehensive than the staff report that was provided to the Planning Commission in June. The MND must be revised and recirculated to reflect the staff's comments regarding the project's inconsistency with the neighboring buildings and potential glare.

The MND states:

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 on the north-south trending portion of the

building will result in blocking of the lower part of the San Jacinto mountains from Indian Canyon Drive, but the peaks will remain visible.

This explanation is inconsistent with the renderings provided by the applicant, which show the views of the mountains will be completely blocked along Indian Canyon Drive. Moreover, these renderings show that the Project will have a significant cumulative impact on views because the project site is the last location along Indian Canyon Drive where views of the San Jacinto Mountains are currently clearly visible.

Response: The comment is incorrect. As shown on sheet G001.00 of the plan set, the views of the mountains are visible on the southern end of the property. On the north end of the property, sheet G001.00 shows that the peaks of the mountains are still visible. It is also important to note that the views of the mountains are partially obstructed from a direct head-on, stationary viewpoint. For the traveling public, for example, the partial obstruction occurs over the 275 foot length of the lot. Under current conditions, the Alcazar Hotel, located immediately south of the site, also limits views of the mountains to the west. Residents of the neighborhood to the east of Indian Canyon, which begins at a distance of over 250 feet east of the project site, will see above the proposed project, and will experience a loss of view of only the base of the mountains.

Comment 4: The MND fails to adequately describe the project setting. The discussion of the project setting in the aesthetics section of the MND is wholly misleading as it fails to mention that the proposed project site is located within the Las Palmas Historic District. To claim that the project surroundings is (sic) "as an urban environment" is very misleading because it leads the reader to believe the project surroundings has (sic) no particular cultural/historic significance.

Moreover, the MND's claim that the "contemporary style" of the proposed building is widely present in the City is again very misleading because the project's "contemporary style" is not widespread in the Las Palmas district where the project is proposed. The fact that contemporary style may be prevalent in other parts of the City is irrelevant and should be stricken.

The MND's discussion of the project's potential impact on the visual character of the area must therefore be revised, as the MND's discussion of this topic does not even hint that the proposed building is wholly incongruent with the historic setting of the project:

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 oriented to resort and retail. The proposed

building will be in a contemporary style which is widely present in the City.

The MND Aesthetics section's description of the project setting is inconsistent with the project setting discussion in the cultural resources section of the MND, which states: "The proposed project site is currently developed. It occurs in the Las Palmas Business Historic District, a locally designated historic district." The MND's discussion of the project setting must be consistent and not a moving target.

Response: The commenter is incorrect. The Initial Study describes the setting of the proposed project in multiple locations, including the project description, and the Aesthetics section, which specifically states "The site is located within the Las Palmas Business Historic District (please see Cultural Resources section, below, for a discussion on historic resource impacts)." [page 11, paragraph 3] This is entirely consistent with the Cultural Resources section of the Initial Study.

The properties immediately surrounding the proposed project include Spanish revival, Mediterranean, contemporary and mid-century modern architectural styles. The statement made is not particular to the immediate area, but is intended simply state that the contemporary style is indeed used throughout the City, including properties in the vicinity of the proposed project, such as the Movie Colony Hotel immediately across Indian Canyon, the 666 North Palm Canyon building, immediately south of the site, and the buildings on the northwest and southwest corners of Palm Canyon and Tamarisk, immediately west of the site.

Comment 5: The proposed project's height and mass is another reason the project will likely result in a significant visual impact. Here, the MND admits that the proposed project will be taller than the existing structures, but fails to include any diagrams to show the height disparity. More significantly, the MND mentions that the building's mass has been reduced in some places:

The building will be taller than existing structures, and will result in greater mass across the property. The mass of the northern portion of the site, however, has been reduced from the previous design, as has the mass on the north-south trending portion of the building. Impacts associated with the visual character of the site are expected to be less than significant.

This fact alone is legally irrelevant to the discussion of whether the proposed project will have a significant visual impact because of its incongruous mass (and height). The fact that the mass has been reduced in the revised project does not amount to substantial evidence supporting

a conclusion that the proposed project's visual impact will be less than significant.

Response: As stated in Comment 3, the mass of the building will not eliminate views, although it will reduce views, particularly on the north end of the project. The building height of the proposed project will be higher than existing structures in its northern portion, as stated in the Initial Study. Two-thirds of the building mass will occur at a height of approximately 30 feet, which is equivalent to, and slightly less than the height of the Alcazar Hotel immediately south of the site. The Alcazar's mass on Indian Canyon is similar and equivalent to that of the proposed project. The northerly one-third of the proposed project will extend to a height of 50 feet, for a distance of approximately 100 linear feet along Indian Canyon. This portion of the building relies on the use of glass curtain walls to minimize the mass of the structure. The diagrams referenced are pages G001.00 and A104.00 of the revised plan set submitted to the City.

Comment 6: As mentioned above, the June 24, 2015 staff report included a number of comments about the project's inconsistency with the visual character of the district and the adjacent buildings in its discussion of the findings necessary for project approval. It is not clear why the MND does not include these comments. The staff comments amount to substantial evidence supporting a c conclusion that the project's visual impact will be significant and therefore need to be analyzed in an EIR. ABCD hereby incorporates the June 24, 2015 staff report into these comments.

Response: The findings made for all applications proposed in this case support approval of these applications. The findings are not inconsistent with the discussion in the Initial Study. As stated in the current (August 12, 2015) staff report, the District includes a "variety of structures from various eras, including architectural styles as diverse as Spanish revival and International style." The findings also include references to the location of the lower portions of the building on the street frontage to maintain active use and reduce mass; the use of glass on the top floor to reduce mass; and that the structure proposes a "variety of building volumes, massing, setbacks, solids and voids, and material treatment."

Comment 7: The MND claims:

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.

This claim is false. As the MND itself admits, the project requires a significant General Plan Amendment to change the project's land use designation from Neighborhood/Community Commercial (NCC) to Mixed Use/Multi-Use – CBD. This amendment would allow triple the amount of density allowed under the NCC designation. The proposed project will be twice as tall as the type of buildings allowed under the existing land use designation. Accordingly, the MND's vague claim that "the project is consistent with the development already occurring in the area, and generally consistent with the land use designation for the Uptown district" is misleading, inaccurate and false.

Because the proposed project is inconsistent with the General Plan that was the basis for the assumptions used in the SCAQMD's 2012 Air Quality Management Plan (AQMP), the MND's conclusion that the Project is consistent with all applicable air quality management plans must be rejected. It can thus be fairly argued that the project may have a significant impact on air quality because it may thwart the attainment of the 2012 AQMP.

Response: The comment is incorrect. As stated in the Initial Study, and also in the staff report prepared for the proposed project, the land uses allowed in the project's current and proposed General Plan designations are similar. The project site is surrounded by existing hotel development on the north, south and east, all of which are allowed in both the NCC and the CBD land use designations. The NCC and CBD designations also allow restaurants, bars, retail shops and similar commercial uses. There is no significant difference between the permitted land uses in either designation. The Air Quality analysis therefore correctly identified that the land use is consistent with what would have been considered in the AQMP.

Comment 8: The design of the proposed project has undergone some changes, therefore the project must be reviewed again by the Historic Site Preservation Board ("HSPB"). The current more modern design is wholly inconsistent with the historic significance of the Las Palmas Business Historic District. This is especially important because the June 24, 2015 staff report to the Planning Commission identified several areas of inconsistency with the neighboring buildings. Owing to the project design changes, the MND's presumed conclusion that the projects' impacts to a historical resource will be less than significant with mitigation is no longer valid nor warranted based on the evidence in the record.

While the MND assumes that with the implementation of the mitigation measures imposed by the HSPB, the project will have a less than significant impact on a historical resource, there is no evidence in the record to suggest the project will be mitigated as required by HSPB. In

fact, the project description does not indicate that the project's height will be reduced as required by MM V-1 and V-2. This inconsistency in project description must be addressed and MND must be recirculated.

The evidence supports a conclusion that the project as proposed will have a significant impact on a historic resource.

Response: The proposed project's changes in design are not substantial, and do not require additional review by the HSPB. The modifications to the project are limited to a reduction in height for the southern portion of the structure, a reduction in the number of rooms, and the modification of the building facades to provide a continuous building plane on the street. The commenter's assertion that the building is "more modern" is inconsistent with the proposed building plans shown in the plan set, which show a more traditional modernist, angular approach to the balconies, almost identical to the architectural treatment of the balconies located at the northwest corner of Palm Canyon and Tamarisk. In addition, the comment does not identify any authority requiring the project to be sent back to the HSPB.

The mitigation measures included in the Initial Study, once adopted by the City, must be implemented under the requirements of CEQA. (Public Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).) Therefore, the commenter's assertion is incorrect and unfounded.

As relates to the reduction in height not being included in the project description, these mitigation measures were identified after the proposed project was submitted to the City for review and approval. They are intended to make changes to the project in order to reduce potentially significant impacts of the project to less than significant levels. As such, they are not part of the project description, since the project description provides a summary of what is originally proposed by the applicant.

Finally, as relates to the statement that the project will have a significant impact on historic resources, the comment's assertion is incorrect. The HSPB is the City Council's advisory body in matters relating to historic resources. The Board found that the impacts on the historic district could be mitigated with the implementation of mitigation measures. The Board concluded, and the Initial Study correctly restates, that the impacts associated with historic resources will be less than significant with the imposition of mitigation measures.

Comment 9: The project will require a General Plan Amendment from NCC to CBD to allow greater density. As ABCD has explained in its previous letters to the City in connection with this project, the proposed project creates a

significant land use conflict with the surrounding development, all which are currently designated NCC and are only one or two stories high.

As ABCD has already explained, the General Plan Amendment amounts to spot zoning because it would establish an island of CBD land surrounded by NCC, i.e., one or two story buildings with one third of the density allowed under the CBD designation. Spot zoning is illegal. *Foothill Communities Coal. v. Cnty. of Orange* (2014) 222 Cal. App. 4th 1302, 1314 ("the creation of an island of property with less restrictive zoning in the middle of properties with more restrictive zoning is spotzoning.") Spot zoning may be permissible if and only if it serves a compelling public need. *Id.* In this instance, the change to CBD land use designation does not serve any compelling public interest; it merely serves the financial interests of the applicant. Accordingly, it is not permissible under California law. The MND is legally inadequate to the extent that it does not address the issue of spot zoning.

The proposed project is inconsistent with Palm Springs Municipal Code §97.03.02 which provides:

A trash enclosure shall be provided for all uses in each zone district, except single-family zones. The requirements of this section shall not apply in the C-M, M-1, M-1-P and M-2 zones when a property is completely enclosed by walls and buildings. The trash enclosure shall be constructed so that the contents, including trash containers, shall not be visible from a height of five (5) feet above ground level on any street frontage.

The MND fails to note that the proposed project is inconsistent with the Palm Springs Municipal Code requirement that requires adequate trash enclosures.

Response: As stated in the Initial Study, the proposed project's land use designation is proposed to change from NCC to CBD. The CBD designation extends, on the west side of Palm Canyon Drive, to the project site. On Indian Canyon, it extends north of Alejo Road, immediately south of the project site. Please see the City's General Plan Land Use Map, page 2-15 of the General Plan. The extension of the designation is therefore not 'spot zoning,' insofar as the CBD designation is adjacent to the proposed designation.

As relates to trash enclosures, the comment is incorrect. The project includes a trash enclosure on its north boundary.

Comment 10: The MND's analysis of project noise impacts is legally inadequate. The MND assumes without any evidence that the noise levels along North

Palm Canyon and North Indian Canyon Drives are approximately 70 dBa. This speculative attempt at establishing ambient and/or baseline noise levels is wholly inadequate. Moreover, PSMC §11.74.031 **Noise level limit** specifically states that “the noise level or sound level referred to in this section shall mean the higher of the following: (1) **Actual measured ambient noise level.**” (Emphasis added.) Accordingly, the MND’s attempt to speculate about the ambient noise levels is prohibited by the Municipal Code.

The MND fails to actually measure noise levels at different times of the day in order to establish noise levels in the project’s vicinity. The MND acknowledges that ambient noise levels vary greatly depending on the time of day, but makes no effort to measure different noise levels depending on the time of day. Baseline noise levels must be measured to reflect that actual physical conditions of the site. CEQA Guideline §15125(a).

Where, as here, the City has not actually measured ambient noise levels, the Code provides the following maximum noise levels in commercial districts: 50 dBa from 10 pm to 6 a.m., 55 dBa from 6 pm to 10 pm, and 60 dBa from 7 a.m. to 6 p.m.. Accordingly, unless the MND establishes actual ambient noise levels during these relevant time periods, for the purpose of environmental analysis the City must assume these noise limits for the purpose of environmental review of the project.

Response: The comment is incorrect. The Initial Study does not “speculate” about noise levels, it clearly states that the noise levels were ascertained from the City’s General Plan and General Plan EIR. In the General Plan, Figure 8-5 depicts the Future (buildout 2025) Noise Contours. In the General Plan EIR, Table 5.11-10 cites General Plan buildout noise levels for all segments of Indian Canyon Drive. The predictive noise levels are based on existing noise levels (shown in Table 5.11-9 of the EIR) plus anticipated increases in noise, due to traffic increases. This is the accepted, professionally recognized method of calculating noise levels in any CEQA document. Since the noise levels are not speculative, the Initial Study correctly characterizes the current noise environment.

Comment 11: The MND’s noise analysis fails to describe the potential combined potential noise generated by the rooftop and first floor bars based on the type of “entertainment” allowed at these establishments. Clearly, live or amplified music is very much on the menu at these establishments, as the project description mentions “entertainment” as possible use, and the MND contemplates weddings at the rooftop bar and enclosed event center. The MND fails to establish expected noise levels with live or amplified music. Moreover, the MND fails to acknowledge that noise from



the cocktail lounge/bars tend to increase as bar patrons get more inebriated.

The MND speculates that the project can comply with the City's noise ordinance, which limits noise levels to no more than 3dBa (sic) over background levels. The MND speculates that at night, that level would be 63 dBa (sic), but otherwise fails to explain how it arrived at this number. Without any substantial evidence, this is nothing more than speculation. There is no substantial evidence supporting the MND's noise predictions.

The MND concludes that the proposed project's noise impact would be less than significant in part because the MND assumes that the project would be required to comply with the City's noise ordinance requirements, "which the City enforces through citation." There is no evidence in the record, however, to show city enforcement has been or will ever be an effective mechanism to ensure compliance with the noise ordinance. Where, as here, the lead agency purports to rely on enforcement as a means of ensuring a potentially significant impact would be reduced to a less than significant level, such reliance must be based on evidence that enforcement would be effective.

Response: The Initial Study explains the City's Noise Ordinance which is set forth in Title 11, Chapter 11.74 of the Palm Springs Municipal Code. As to fixed and nonstationary sources, no equipment or machinery (except construction equipment) may cause the sound level at any point on the property line of any property to exceed the noise level limits set forth in Section 11.74.031 by 5 decibels or more plus the allowances for time duration set forth in Section 11.74.032. The Initial Study also describes that the City's noise standards require that noise levels not be increased by more than 3 dBA. The noise level limit means the higher of actual measured ambient noise level or the noise level limit as listed in the table in Section 11.74.031. The measured noise level in this area is 70 dBA. The code further breaks down three periods during the day: daytime, evening and nighttime, and assigns maximum noise levels to these time periods. The 73, 68 and 63 dBA cited in the Initial Study reference the maximum potential allowable noise levels for a 30 minute period. The Initial Study also correctly goes on to cite the enforcement provisions of the code, and that the City has measures in place to assure that noise levels are mitigated to less than significant levels. The Initial Study correctly and adequately describes the current conditions, the maximum allowable noise that can be generated by the proposed project during the three established time periods, and the City's ability to impose standard requirements that will assure that the proposed project complies with these standard requirements.

Comment 12: The MND's analysis of traffic and circulation impacts is deficient for a number of reasons as set forth below.

The traffic study is not attached, therefore it is impossible to discern what assumptions informed that parking analysis.

Response: As stated in the Notice of Intent to Adopt a Mitigated Negative Declaration, all special studies supporting the analysis in the initial study were made available at City Hall, and could have been requested by any member of the public.

Comment 13: Contrary to the MND's conclusion, the analysis provided in the MND shows the project will likely result in a cumulatively significant traffic impact. The MND states: "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."

This analysis violates CEQA because it fails to identify any evidence justifying the conclusion that the necessary traffic improvements will be timely implemented. In fact, the MND fails to state whether the City currently has any plans to implement the necessary traffic improvements, what these improvements consist of, what other agency (ies) will be involved or whether the City has set up a fund to pay for the proposed improvements, etc. CEQA Guideline 15130(a)(3). Without this information, the conclusion that the traffic impacts will be less than significant is not supported by substantial evidence, and a fair argument can be made that the project traffic impacts will be significant even with the proposed "mitigation."

Response: The comment is incorrect. As clearly stated in the Initial Study and the traffic impact analysis, the street system will operate at LOS D or better at opening year, with and without project, and with project and cumulative projects. The Initial Study and traffic impact analysis also clearly state that one non-signalized intersection will operate at an unacceptable LOS in 2025, which is the General Plan build out year. The City has a well-established impact fee program, which allows developers to pay their fair share into a fund which is then used by the City to make the improvement, when the condition becomes unacceptable. This standard City requirement is an acceptable and correct method to address long-term traffic impacts.

Comment 14: The MND fails to analyze the traffic impacts of the applicant's proposal to have hotel/bar/restaurant delivery trucks utilize the hotel driveways and/or

on-street parking. It is likely that by parking delivery trucks on the street, the project would result in traffic delays that are not adequately analyzed. Likewise, the impacts of delivery trucks parking on driveways during delivery is not explained. The evidence suggests the project will have a significant impact on traffic and circulation.

Response: The delivery of products to any business occurs on a daily basis for any business. There are no facts in the record, and the comment cites no facts or evidence, that the deliveries for the proposed project will be any more than for any other similar use in the City or that special circumstances occur on this site that would warrant a specific analysis related to deliveries. There is therefore no need for such an analysis.

Comment 15: The Parking Study on which the MND relies is flawed and does not amount to substantial evidence supporting the MND's conclusion that the Project will provide adequate parking.

The Parking Study/MND fails to adequately account for the parking demand generated by the project. The Parking Study/MND fail to account for the roof-top event center, which can accommodate special events such as weddings. The Parking Study does not account for parking needed for such events.

The Parking Study fails to account for the need for employee parking, which the Palm Springs Code provides may utilize the facility's off-site parking.

The Parking Study claims the project would provide 74 parking spots, but the MND makes it clear that the project will include only 72 spots. This discrepancy is not explained.

The Parking Study assumes 33 lounge area seats and 34 seats in the roof-top area, for a total of 67 seats total for the bar and lounge areas. These assumptions contradict the MND's claim that the first floor lounge will include 40 seats, and the rooftop will accommodate another 80 seats, for a total of 120 seats.

The City code requires one parking space for each 35 square feet of restaurant space. At 4,722 square feet, the proposed restaurant is required to provide 134.9 spaces. The parking study rounds this number down to 134 instead of 135.

The MND assumes a total of 92 parking spaces, assuming an additional 20 spaces as a result of valet parking. The Parking Study assumes 34 additional parking spaces, without a hint of explanation or evidence. This discrepancy is not explained or even noted.

The Parking Study apparently assumes a very high (50%) mode adjustment in large part because of the alleged proximity of the restaurant and bar/lounges to a "resort hotel." See, page 2-1. This is a false assumption because far from being a "resort hotel", the proposed hotel is a small boutique type hotel with only 39 rooms equipped with full kitchens. Even if every one of the hotel residents patronized the bar/restaurant at the same time, they would still not account for a 50% reduction in these facilities parking demand. Because of the onsite kitchens, it is likely that only a fraction of the hotel guests will use the lounge/bar or restaurant during a stay; if the hotel guests intended to eat out, why would they spend the extra money on a kitchen? Accordingly, the 50% parking adjustment is wholly unreasonable and justified by the record. The evidence in the record thus supports a fair argument that the project will not have enough parking capacity because the 50% capture rate is unreasonable.

Response: The roof deck is proposed for a lounge, which will result in gatherings of people. The parking study utilized the Urban Land Institute (ULI) methodology for analyzing parking demand which is widely used in the industry.

The comment also incorrectly represents both the parking study and the Initial Study. The parking study states that the project plans 76 parking spaces (page 1-2), and the Initial Study claims the same number. The parking study states that the proposed project requires 112 parking spaces, without any reduction for shared parking, as does the Initial Study. The parking study does undercount the rooftop lounge by one seat. The parking study also clearly describes which sources in ULI were utilized, including peak parking demand, hourly variations, weekday vs. weekend, captive trip and modal adjustment reductions. These are all acceptable techniques in parking analysis which are described and quantified in the parking study's Table 1 through 4. The analysis correlates and explains the reduction taken for the project, and adequately demonstrates that the proposed project includes sufficient parking, and a valet program, which will address the parking needs of the site. Finally, the City's requirements do not include a separate calculation for employee parking, as these are included in the overall calculations for parking.

Comment 16: Despite California's ongoing historic drought, the MND fails to adequately assess the project's water demand or analyze the proposed project's potential impact on water supplies.

The MND claims the project will generate a demand of 6.8 acre feet per year ("afy"), but does not explain how this figure was arrived at. The reference to the Coachella Valley Water District Annual Factor by

Development type does not help the reader figure out how the MND arrived at the 6.8 afy figure.

The MND fails to analyze project impacts on water supplies. It concludes, without citing any evidence or analysis, that "conservation measures and groundwater replenishment programs will make it possible to meet increasing demand." MND at 42. This cursory statement is a far cry from an adequate analysis of project impacts on a water supply required by CEQA.

The MND ignores the Governor's Executive Order B-29-15, which requires all cities and towns to reduce their water use by a minimum of 25% compared to 2013 levels, which in the case of Desert Water Agency, translates to a staggering 36% reduction. Given the current drought conditions and the mandated cutbacks, substantial evidence supports a fair argument that the proposed hotel, restaurant, pool, spa, etc. will have a significant impact on water supplies.

**Response:** The Initial Study correctly quantifies the usage to be generated by the project for domestic water, and correctly states that conservation mandates currently implemented by DWA are effectively reducing demand. In recent months, the DWA has exceeded the 36% reduction mandate, and has demonstrated a reduction of 40% in its service area<sup>1</sup>. The Initial Study calculated the project's water use using the CVWD usage factor for hotels, which includes not only hotel rooms, but also ancillary facilities such as restaurants, bars and spas. The factor was developed from existing hotels in the CVWD service area, and thus represents an accurate representation of the water use in the desert area. The proposed project will be constructed using the current, stringent requirements of the 2013 California Building Code for water conservation, and will be required to implement the same mandated reductions as other customers in DWA's service area. There is no evidence that the proposed project will have a significant impact on water resources.

**Comment 17:** The record supports a fair argument that the project will likely have a significant growth-inducing impact by making it more likely that more intense, massive and dense development would occur in the Las Palmas Business Historic District (sic).

Heretofore, development in the Las Palmas District had been limited to one and two story neighborhood-serving businesses. The proposed project will require the conversion of the project site to CBD land use designation which allows three times (3) (sic) the density as compared to the underlying NCC. The project would introduce four-story buildings in

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<sup>1</sup> Desert Water Agency, July 15, 2015.

place of the one or two story buildings that exist in the neighborhood at this time. The project undeniably sets a precedent for no setback, massive and dense development in this District.

Accordingly, by approving this project, the City will stimulate future development in the Las Palmas District that will be more dense, taller and more massive.

Response: The General Plan Amendment introduces CBD adjacent to existing CBD designated land uses on the west side of Palm Canyon Drive and on the east side of Indian Canyon.

The comment relating to the nature of the area as consisting of primarily "neighborhood-serving businesses" is false. Existing land uses surrounding the project consist primarily of hotels to the north, south and east, and retail commercial to the west. Hotels are not 'neighborhood-serving,' and are consistent with the proposed land use.

The project consists of a 39 room hotel, not infrastructure which would be used to serve other projects that might induce growth, such as a water lines or a road. There is also no evidence that the project will result in additional 4 story buildings, since the area is built out, and the development potential for additional structures is limited.

Comment 18: As set forth above, the MND is inadequate and fails to comply with the mandates of CEQA. The evidence in the record supports a fair argument that the proposed project may have a significant impact on the environment in the areas of aesthetics, air quality, land use, cultural resources, noise, traffic/parking and water supply (utilities). Accordingly, the City must prepare an EIR before the project can be approved as proposed.

Response: There is no substantial evidence in the record that the project will have a significant effect on the environment. An EIR is not warranted in this case, as described extensively above.

Mr. Frank Tysen, Undated

Comment 1: My first critique is the staff's rating regarding two aesthetics issues (see page 11). I believe (a) and (b) should be rated as potentially significant since the project would significantly block mountain views of hotels and homes immediately to the west of Indian Avenue. The question under (a) is would it have a substantial adverse effect on a scenic vista and (b) Substantially degrade the existing visual character or quality of the site and its surroundings. Staff ranked them less than significant. I believe that they should be rated as potentially significant since the project would

significantly block mountain vistas of the hotels and homes immediately to the west across from Indian Avenue. This alone would qualify it for a full EIR.

Response: Please see response to Naficy Comment #3 and 5.

Comment 2: Secondly under Cultural Resources (page 19) the question under (a) would it cause a substantial adverse change in the significance of a historic resource. Staff is wrong by rating it with less than significant with mitigation incorporated rather than a potentially significant impact. The property is located in the Las Palmas Business Historic District. The historic guidelines governing this district suggest one and two very heights which this project would violate.

Response: Please see response to Naficy Comment #8.

Comment 3: Thirdly, under land use and planning (page 30) the questions are (a) would it physically divide an established community and (b) conflict with any applicable land use, etc. Staff ranked it no impact and as less than significant. Both should be ranked as potentially significant impact. Using spot zoning with CBD zoning will certainly divide and set a dangerous precedent which could ultimately destroy the entire district. The Las Palmas historic business district guidelines are distinctly violated.

Response: Please see response to Naficy Comment #9.

Comment 4: Fourthly, under noise (page. 32), staff minimizes at least two categories, giving it less than significant impact ratings; (a) Exposure of persons to the generation of noise levels in excess of standards etc and (d) a substantial temporary or periodic increase of amount noise levels. Particularly, the rooftop bar is a real potential problem.

Response: Please see response to Naficy Comment #11.

Comment 5: Fifth, under Transportation / Traffic (page 38) (a) cause an increase of traffic etc. and (f) an increase in adequate parking capacity would result, staff gives it a less than significant with mitigation ranking. Again, both need to be looked at more closely.

Response: Please see response to Naficy Comment #13, 14 and 15.

Comment 6: Finally, I am deeply concerned that the project can only fly if a general plan amendment is passed. That alone shows the level of violation of present zoning regulation. The conflict with the highrise ordinances is also of great concern. These are just too many issues not to require a full EIR.

Response: Please see response to Frith Comment #3.

Ms. Claire Best Hawley, July 20, 2015

Comment 1: There appears to be no easily available public record of who sold the property to whom and at what price and under what conditions. We need transparency in order to understand the willingness by the City Council members to overthrow the City Plan and Ordinance Codes in order to approve a project, which is inconsistent (despite revisions) with these and vastly out of character with the architecture, height, density and street presence presented by surrounding businesses and residences in the area.

Response: Comment noted. The Initial Study does not, and is not intended to address previous ownership or cost of acquisition. Also see response to Naficy Comment #9.

Comment 2: Who are the principals of 750 Lofts LLC and what is their track record and what is the publicly available data?

Response: See response to Hawley Comment #1.

Comment 3: Assuming that the purchaser did not enter into some "handshake agreement" with the City and assuming the purchaser paid proper and fair market value against comparable lots and businesses in the same zone and neighborhood (i.e. the Uptown Design District/Historic Business District) then despite the claims in the apparently biased NMD, it is obvious that a full Environmental Impact Report should be mandatory given the project's lack of compliance with the applicable zoning laws.

Response: The City's Planned Development District allows for variation to City standards, and is the applicable zoning tool for the proposed project. With approval of the PDD, the project will be consistent with City requirements.

Comment 4: The NMD notes that revisions to the project have been made to the project (sic) under the auspices of addressing some of the concerns raised by the Historic Sites Preservation Board (HSPB). However the square footage in the revised plan is 2000 sq ft more than the original plan with underground construction as well. The FAR of the proposed building has not been reduced at all and the height is over 50 ft. – with the roof bar pool and required safety fencing and permanent shade construction, this could add even more height and density.

Response: The Initial Study did not indicate that changes in the project represented reductions in the project across the board. It correctly stated that the total



number of rooms had been reduced, and that building height was relatively unchanged.

Comment 5: Parking – between the restaurant and two bars, the developer has increased capacity from the original plans to accommodate over 200 non-resident guests in addition to the residents. However, the parking situation has not been solved. This will cause congestion and potentially dangerous traffic situations and is likely to cause a hindrance to emergency vehicles. Parking is already a problem for other businesses such as the Colony Palm Hotel.

Response: Please see response to Naficy Comment #15. The hotel proposes 39 rooms, which could generate as many as 78 people (two persons per room). There is no evidence that the project will house 200 guests. Restaurant and bar patrons will include both guests, guests of other hotels, and local residents. The parking analysis was completed using a recognized expert authority in the field, and provided reductions where they were appropriate.

Comment 6: The “Substantial Adverse Effect on a Scenic Vista” – it is bizarre that the NMD (sic) report concludes that there will be a less than significant impact when the building will clearly not only interfere with but actually block some businesses’ and residents’ views. Palm Springs advertises the views of the San Jacinto Mountains in almost every advertisement that can be found. It has also spent a considerable amount of money in burying overhead cables which interfere with these views. Neighboring hotels currently boasting unobstructed views of the mountains, will have their view spoilt by this disproportionate structure which is being granted special privileges allowing it not to adhere to the same regulations as those hotels whose views it is destroying. This is unfair business practice and sets a precedent for other developers to do the same. You can’t make one rule for one business and another for another one. That is why the zoning codes exist and any waiver needs a thorough Environmental Impact Report to address each and every exception.

Response: Please see response to Naficy Comment #5, 6 and 18.

Comment 7: Visual impact – while a new construction on the existing site might be welcome, it cannot be argued that a building that is substantially higher and wider (a “Macmansion” in proportion to its neighbors) is not a degradation (sic) of the existing visual character of the site and its surroundings. Yet the NMD report claims that it would have “less than significant impact”. The character of this proposed structure is not consistent with the surrounding Spanish or low key 50s buildings and it will also invite other developers to ask for exceptions to build their own “Macmansions” nearby, paving the way for the long term demise of the

character of the Uptown Design District and the historic Las Palmas and Movie Colony Neighborhoods.

Response: Please see response to Naficy Comment #3 and 5.

Comment 8: Noise impact – a structure that boasts a roof bar and a roof pool is an invitation for noise which will carry to surrounding residences and businesses. An Environmental Impact Report is required to assess this and the damage it will cause to the business of neighboring hotels and residences. It is well known that the City is already challenged in its ability to control noise from vacation rentals. The developer is not going to open a roof bar and pool if the ultimate plan is not to attract a social crowd and with that goes noise.

Response: Please see response to Naficy Comment #11.

Ms. Sara Frith, July 20, 2015

Comment 1: The IS / NMD concludes that  
“although the project could have a significant effect upon the environment there will not be a significant effect in this case because revisions to this project have been made by or agreed to by the project proponent.”

This is an indefensible conclusion on the facts of the project, even as laid out by Staff in the IS/MND, and shows the clear bias of staff when reviewing this project. The requirements of CEQA have not been met by Staff's cursory and often illogical analysis. A full EIR is needed to provide an independent assessment of the environmental impacts.

The changes made to the proposed project have not been significant, have done nothing to mitigate the numerous significant impacts of this project on the environment, and in fact have actually resulted in a greater likelihood of significant impact than before the “redesign”:

It is now larger: 39,423 to 41,087 square feet and now involves digging underground one story.

The FAR of the proposed building has not been reduced, it remains more than 3 times greater than the buildings in the surrounding neighborhood.

The overall height is still 50 feet - without taking into consideration the barriers required around the pool and rooftop terrace. It is impossible to argue with any seriousness that the 1' reduction on Palm Canyon, or the 3 '9" reduction on a small portion of the Indian Canyon portion are significant mitigating factors, especially taking into account the HSPB's recommendation that the building on Indian Canyon be reduced to 20' and

taking into account that the Project is more than twice the height of any of the surrounding buildings and in the case of the optometrist office (1920s), the Palmeras Apartments (Paul R. Williams architect, 1928) and Los Arboles (1925) – all of which are single story structures and historic resources, will be more than 3 times the height of those buildings. To conclude that this project will not have a significant negative impact on those historic resources is disingenuous at best.

The restaurant has increased from 50 seats to 97 seats.

The bar has increased from 47 to 120 seats (40 on the 1<sup>st</sup> floor plus 80 on the roof top)

The spa has increased in size from 2150 to 2361 (or 2----- per the applicant's parking )

Despite a reduction in the number of rooms or apartments in this complex from 46 to 39, more than 73 additional seating spaces have been added to public areas in the restaurant and lounge, and there is an event space and spa for which capacity and parking has not been calculated and no provision has been made for employee parking for the “hotel”, restaurant, lounge, bar, event space, pool facilities, spa facilities, or landscaping.

Response: The comment refers to the Determination section of the Initial Study. This is a conclusionary page where the findings of the entire document result in a determination as to the level of review required under CEQA. Because the Initial Study found that impacts associated with the project could be mitigated to less than significant levels, the Determination was made correctly that a Mitigated Negative Declaration was the appropriate CEQA review for this project. Please also see responses to Naficy comments 8 and 13.

Comment 2: In answer to the issue of whether the Project would have a “substantial adverse effect on a scenic vista” Staff has inexplicably and unsustainably concluded that there would be “a less than significant impact”. This is clearly an unsustainable conclusion not supported by the evidence. A full EIR should be mandated to assess the impact on the views of the San Jacinto Mountains.

Most of the mountain views will be significantly negatively impacted from the Indian Canyon side. Staff concedes that because of the height and massing, the views of the mountains will be largely obstructed except for the very tops of the mountains. It is impossible, given those facts, to then conclude, as the IS/NMD purports to do, that the negative impact is “less than significant”.

It is widely accepted that the San Jacinto Mountain views are one of the most important attractions in the city. The Old Las Palmas Historic District Building Codes specifically refer to the importance of not blocking those from the East on Indian Canyon. The San Jacinto Mountains are ranked No. 2 on Trip Advisor of "things to do in Palm Springs". To degrade the views of those mountains cannot be said to have a "less than significant impact". One can only conclude that in reaching such an illogical "conclusion" staff has a bias in favor of the project applicants.

Response 2: The Initial Study reviewed the plans and visual simulations for the proposed project, and found that the base of the mountains would be obstructed by the proposed project, but the peaks would remain visible. The conclusion of the Initial Study is that the views will not be fully obstructed, and that impacts are therefore less than significant. Please also see response to Naficy comments #3, 4 and 5.

Comment 3: The IS / NMD repeatedly refers to the existing site as being "fully developed" as if there were not issue with this new development proposal; however it fails to acknowledge that the existing building on this "fully developed" site only occupies less than 1/3<sup>rd</sup> of the site and that the existing building is well set back from Indian Canyon Drive and therefore has little impact on Indian Canyon and the buildings to the East or on the view of the San Jacinto Mountains.

There are therefore currently spectacular views of the San Jacinto Mountains in this area, including the rise of the cable car to the summit, and including the dramatic "escarpment" currently clearly seen from the street on Indian Canyon and Via Altamira. These views are available for all to enjoy and are a significant reason people have invested in the properties in this area – and these views are supposed to be a protected cultural resource. Replacing those views with views of a 4 story building more than twice the height of any other buildings in the area, and with 2 story walls of glass for apartment like "units", and spreading across 90% of the lot, will have a dramatic and negative impact on the area. It will also have a dramatic and negative impact on the other boutique hotel businesses in this area whose patrons will no longer be able to enjoy those mountain views from their rooms or when walking to and from their hotels. There can be no doubt that the ability to experience those views is a key selling point among tourists and potential buyers of property in the area. It is certainly the reason we purchased our property on Via Altamira.

It is widely accepted that the San Jacinto Mountain views are one of the most important attractions in the city. The Old Las Palmas Historic District Building Codes specifically refer to the importance of not blocking those from the East on Indian Canyon. The San Jacinto Mountains are ranked No. 2 on Trip Advisor of "things to do in Palm Springs". To degrade the

views of those mountains cannot be said to have a "less than significant impact". One can only conclude that in reaching such an illogical "conclusion" staff has a bias in favor of the project applicants.

Staff concedes that the proposed building is "considerably higher" than surrounding buildings - being 3-4 stories vs 1-2 and 35-50' high vs 20-25. Among the many concessions required to approve this project, the applicant is requesting a zoning change to allow a FAR of 1.0 compared to .35 of the existing zoning. The project would result in a far greater density of building than the rest of the neighborhood, so the overall effect is of a far greater mass, height and density which has a much more severe impact on the views than if the existing applicable building codes were applied to the project.

Further, it has to be recognized that those views are only being so significantly impacted because the applicant is failing to comply with the height restrictions in the Las Palms Historic Building Guidelines [and further failing to comply with the setback and open space requirements of the High Rise Ordinance.]

Response: Please see response to Comment #2. Please note that the views of the foothills are currently blocked by the existing building on the site, and that views of the mountains are completely blocked by the structure of the Alcazar hotel on Indian Canyon. The Initial Study correctly identifies a loss of views on the northern end of the site, and the preservation of mountain top views on the balance of the site.

The proposed project applications are the correct processes required to implement the changes requested by the applicant, and these applications, including the PDD, General Plan Amendment and Highrise provisions of the Zoning Ordinance are reviewed and considered in the Initial Study.

Comment 4: The existing parking lot is not a beautiful site but the mountains are. They will be replaced on Indian Canyon by a parking lot at ground level and 2 story lofts with large glass windows above and a roof top pool, restaurant and event space above. It is impossible to conclude that replacing scenic views with a massive "in your face" building is not a degradation of the existing visual character of the site and its surroundings. However, staff has purported to conclude that it would have a "less than significant impact".

Apart from the mountain views which currently dominate, the other overwhelming visual character of the surroundings in this area in Indian Canyon is the low scale Spanish Revival courtyard buildings with their historic architecture and human scale and beautiful gardens and

landscaping. Again, it cannot be reasonably concluded that there will be less than significant impact on this existing visual character of the surroundings when it will be overwhelmed by an out of scale and out of style building in its midst.

On the Palm Canyon side, the architecture is more modern but also low in scale and mass.

This project is not consistent with its surroundings either on Palm Canyon or on Indian Canyon. Indeed it will dwarf and overwhelm the other buildings and fundamentally alter the character of this area.

A full EIR needs to be prepared to undergo an unbiased assessment of the impact of this project.

Response: The Initial Study discusses the different architectural styles surrounding the proposed project, and identifies the eclectic mix of styles in the area. The Initial Study also includes the mitigation measures recommended by the HSPB, which provide that the building be reduced on the Indian Canyon frontage. A reduction in height contributes to the determination that the impacts will be less than significant. Please also see responses to Naficy comments 3, 5 and 8.

Comment 5: In answer to this issue, Staff has again inexplicably and unsustainably concluded that the Project would have a "less than significant impact". The current building on the lot is a commercial building with no nighttime use, small windows in darkened glass and gives off no ambient light at night or glare during the day; further it only occupies a small portion of the lot set well back from the street. The rest of the lot, in fact all the lot fronting Indian Canyon Drive, is open space for parking without any lighting issues or glare issues.

It is currently possible to see the mountains from low down (including the escarpment) and at night because there is little light pollution in this area, to see the mountains etched against the night sky, and to see the cable car rising up the mountain side to the station at the top.

The change will be dramatic. It will not be possible to see the mountains – even the tops of them - from Indian Canyon. The long view down Altamira of the mountains and the escarpment will be gone. Instead the landscape which will dominate will be the "hotel". Large expanses of glass from the two story lofts will shed light and glare beyond anything experienced from any other building in this area. The roof terrace too, which be lit at night, will also add to the light pollution and negatively impact the view of the stars and the mountains at night. The proposed "flapping curtain structures to "mitigate" the light and glare from large glass

windows will do nothing to mitigate the light pollution at night or the glare during the day. This area is often windy, so the flapping sheeting will actually be distracting and annoying and it will quickly degrade in the sun. On the ground level, the parking area will inevitably be lit and will also have a considerable adverse effect on the discreet and low level of light in this area at night – lighting a structure which has no architecturally redeeming features at ground level for pedestrian at all (art nooks are not going to make any difference to the ugliness of the ground level view of this building). Also there will traffic emerging from and entering into the driveway in the center of the lot in both directions to and from Indian Canyon and Palm Canyon which will also disrupt the tranquility of the area and add glare from car headlights at night.

Response: The proposed project is required, as stated in the Initial Study, to comply with the City's standards regarding lighting. (See Initial Study, p. 12 citing City Zoning Ordinance Section 93.21.00.) These standards include a prohibition on light spillage off-site. The subject of glare is addressed in the Initial Study. The structures finishes are not proposed to include highly reflective materials. Windows will be recessed from the street and blocked by balcony walls. Further, as to the existing building, although no lights occur currently because of the vacancy of the structure, parking lot lighting occurs on the site, and has operated in the past.

Comment 6: Staff concedes that the project could adversely impact air quality immediately surrounding the project site during construction but concludes that the will be "less than significant impact". In reaching its conclusion, it takes the nearest sensitive receptor as the nearest single family residence (presumably mine) which it states is 90 meters away and applies threshold standards for 100 meters to determine whether the project will have a significant adverse effect.

This is a flawed approach and does not adequately analyze the potential for adverse environmental impacts to air quality from the project.

There are hotels and apartment residences nearer to the project site, both immediately to the North and East and South on Indian Canyon. All have employees and guests and outdoor pools where guests and children lounge and play. They will all be potentially adversely affected by air quality. Not to mention the pedestrians, businesses, shoppers and employees in the retail establishments and the restaurants on Palm Canyon. The staff should therefore have applied the standards for sensitive receptors closer to the project to determine whether or not there is a likelihood of adverse impact. There needs to be a full EIR to review these issues.

Response: The Localized Significance threshold was correctly applied, based on the requirements of the South Coast Air Quality Management District, which has jurisdiction in the methodology used for air quality analysis. The methodology used calculates the impacts based on the distance of the project from the sensitive receptor, the number and type of equipment to be used, and the number of days of construction activity expected using this equipment. The impacts associated with the project also relate to construction emissions, which will be temporary and periodic, and will be greatly reduced when site grading is complete, and eliminated when construction is complete. The Initial Study correctly concluded that the proposed project would not exceed SCAQMD thresholds, and that impacts will be less than significant.

Comment 7: The staff report admits that during the construction phase (optimistically anticipated to be one year) there will be objectionable odors from diesel vehicles, asphalt laying and paint and solvents, staff nonetheless Staff (sic) concludes that they will be temporary and infrequent and therefore concludes the impact will be "less than significant". This analysis is inadequate, especially in light of the potentially devastating impact on businesses trying to operate in the area during the construction phase. No hotel guest will be happy or will return when they find themselves subjected to objectionable odors (not to mention dust, air quality issues and noise) when on vacation. It can be expected that it will have a very significant negative impact on the economic viability of those hotel operators during construction.

The IS/NMD also states that during operation of the project there will likely be food odors, but concludes without evidence or analysis that the will have "no significant impact". Currently at this site there are no food preparation facilities like restaurants but with the proposed project there will be two restaurants and 39 independent kitchens (one in each of the hotel rooms). There is no analysis of any attempt to mitigate those odors, only a baseless opinion that those odors "are not expected to be objectionable". This is not adequate and a full EIR needs to be conducted to determine the potential adverse impact and possible mitigation measures.

Response: The odors associated with construction were correctly characterized as temporary in the Initial Study. The proposed project will be subject to the standard requirements imposed by the City on all construction projects, including the adherence to a dust management plan, the limitation of construction activities to daytime hours only, and the installation of fencing to separate construction areas from adjacent uses. These standard requirements will further reduce the impacts associated with the construction of the proposed project.



The odors associated with kitchen operations, whether in the restaurant or in individual rooms, are not considered objectionable, just as cooking odors are not considered objectionable in residential neighborhoods.

Comment 8: The effects of granting this application, which requires so many concessions on building height, mass, FAR in this historic neighborhood, granting relief from all the Building Guidelines for the Historic Business District of Old Las Palmas, from changing the character of the area, and effectively spot zoning this one lot in the heart of the Uptown District into the sort of zoning permitted in the very different Downtown District, could logically only have resulted in the conclusion that the project would have a significant negative impact on a Cultural Resource. If Historic Districts are not an Historical Resource then what is the point of the designation, and in addition, there are many buildings within the district which are of specific historical significance, especially those which are some of the oldest buildings in Palm Springs.

Staff disingenuously states that the proposed site is currently fully developed as if the proposed project was somehow consistent with that is now there. However, elsewhere Staff concedes that the proposed building is "considerably higher" than surrounding buildings - being 3-4 stories vs 1-2 and 35-50' high vs 20-25. Among the many concessions required to approve this project, the applicant is requesting a zoning change to allow a FAR of 1.0 compared to .35 of the existing zoning. The project would result in a far greater density of building than the rest of the neighborhood. The effect of building in the midst of historic resources, a new building with far greater mass, height and density than if the existing applicable building codes were applied to the project, cannot be other than a significant potential impact.

The current building is a bank which does not create noise and disturbance for neighbors and has no weekend or evening use. It did not have hotel rooms, restaurants or bars or pools or lounges or other such activities. The potential significant impacts of creating those facilities in this area in a density and in a form never experienced in this location or near this location has not been adequately analyzed. A full EIR is required to undertake such a review of the potential negative impacts on surrounding historic buildings.

Response: Please see response to Naficy Comment #9 as relates to the CBD designation. The site is located immediately adjacent to CBD designations on Palm Canyon Drive. Further, the HSPB, as the City Council's advisory body regarding historic resources matters, considered the building on the site, and the proposed project, and recommended approval of the project with the implementation of mitigation measures, including reductions in building height. The Initial Study correctly characterizes the historic

designation of the District, and the impact of the proposed project on the District.

Comment 9: The impact on the historic building immediately to the north on Indian Canyon (the Casa Palmeras Apartment hotel) will be significant. This is a single story Spanish style group of building from the 1920s built by Paul R. Williams. It is an historic resource of the city and will be completely overshadowed and overlooked by the hotel rooms. Similarly to the East the Los Arboles hotel is single story building in the Spanish style also dating from the 1920s. Its rooms will be overlooked and their mountain views which they currently enjoy will be lost. As a result, there is an inevitable degradation of those structures and their economic viability. These buildings and others like them in the neighborhood have been preserved by careful and sensitive restoration within the rules for building applicable in this Historic district. Operating and future renovation of such structures becomes economically unviable when such a competitive advantage has been given to an immediate neighbor through significant concessions and waivers of the applicable codes as are proposed for this project.

It is impossible to understand how the Staff Report can conclude that there is "less than significant impact" to the Historic District, when it has acknowledged that (1) the impacts to the adjacent historic buildings could be significant and (2) has acknowledged that the mitigation upon which HSPB's approval was conditioned have not been met by the applicant in the current design. Indeed, the current design did not reduce the overall height of the building, did not reduce Indian Canyon frontage to 20" and cannot have "no additional roof structures" as required by the HSBP, since there must be some sort of barrier around the pool. Further the roof structures have expanded since the last HSPB review to now include an event space and 80 seat restaurant was not planned for the roof top. There is also likely to be shade structures which were not supposed to be permitted originally.

Response: The Casa Palmeras site is separated from the project by its parking lot, which provides a distance of 50 feet from the project structure. Both this project and the Los Arboles hotel are located to the north of the project, and are courtyard-oriented facilities. Both projects' views of the mountains to the west will remain as they currently occur. Views to the southwest will be affected by the proposed project, insofar as the base of the mountains will be obstructed, but the peaks will remain visible. Further, the location east of Indian Canyon, at least 250 feet from the proposed project, will reduce the impact on these views further. Please also see responses to Naficy comment #3 and 5.

The restaurant continues to occur on the ground floor of the proposed project. A bar is proposed on the rooftop deck, as was previously proposed. The HSPB's recommendation of mitigation measures are included in the Initial Study, and prohibit the addition of other structures, including shade structures.

Comment 10: In addition, the project has not been resubmitted to HSBP for re-review in its current form and when it was submitted to the HSBP for review last time around, hearings were not properly notified to the public and those immediately affected, and so they were not given a chance to voice their concerns to the HSPB.

Further the HSBP, contrary to the assertions made by Staff, did not determine that if their conditions were met, the impact on the Historic District would be reduced to "a less than significant level". The HSBP review of an earlier iteration of the project cannot provide the basis for staff's conclusions that this project in its present form will have a less than significant impact on the Historic District.

Given that the HSPB has not reviewed the plan as currently submitted, and the project redesign did not comply with the conditions to approval given by the HSPB, there must be a finding of potential for significant adverse impact and a full EIR must be mandated. It is not appropriate for staff to conclude on the evidence provided that potential impacts on this historic district have been reduced to "less than significant levels with mitigation".

Response: .Please see response to Naficy comment #8.

Comment 11: A full EIR must be required to assess the potential impacts of permitting so many exceptions to the applicable building codes to allow such a non-conforming building to be built in the midst of an historic district which does not conform in style, character, size, height, density or mass with the other buildings surrounding it, does not follow the roof heights of shop fronts and neighboring buildings, and which is more than twice the height of any surrounding historic buildings and in several cases, more than 3 times the height, and is built to a density more than 3 times any adjacent buildings.

Further, the HSBP failed to address the serious negative impact on attempts to preserve historic districts within the City generally by permitting so many concessions to be granted to this project on a spot zoning basis, by amendment of the General Plan and use of CUP and PDD. The HSBP has said that it did not want to see this formula (General Plan Amendment, CUP, PDD, etc) used in other cases. But since it came before them, it has already been used in another case in another Historic

District. In that case, a full EIR has been required. What that case clearly shows and which the HSBP clearly stated was not their intent, was that it is not possible to grant one extraordinary slew of concessions without creating a precedent which will be used by other developers to seek concessions from the City. The city cannot be capricious or arbitrary in how it applies its rules, and therefore it will be used by future developers to systematically undermine the integrity of Palm Spring's historic districts and preservation efforts.

Given the significant adverse impact such a precedent will have over time on the historic districts of Palm Springs, the project should be returned to HSPB for further review and a full EIR should be required. It has to be recognized that creating this sort of exception in the heart of an historic district has the effect of eviscerating the protections in place in the form of building codes, guidelines and zoning restrictions which were expressly designed to preserve those historic districts.

Response: The project has not substantially changed. The HSPB's review of the project, and its recommendation of conditional approval of the proposal, mitigate impacts to less than significant levels. No additional review is required. Please also see response to Naficy comment #8.

As relates the permitting requirements for the project, please see response to Hawley Comment #3.

Comment 12: The project design now anticipated adding a story below grade which was not part of the original plan when the geological survey was done in 2007 or when it was updated in 2014. It was therefore inappropriate and inadequate under CEQA for staff to have relied on such survey in forming its conclusions that there will be a "less than significant impact? No analysis has been made of the potential impacts from this excavation. A full EIR needs to be undertaken to assess such impacts on the site and on the surrounding historic buildings.

Response: The building requirements, and standards for compaction, soils testing and certification which will apply to the proposed project will not be impacted by a foundation system that allows a partially underground facility. The project will be required to submit, prior to the issuance of grading and building permits, a structure-specific geotechnical analysis that provides foundation requirements for the below-grade structure, including the type of foundation to be constructed, the compaction of the soil surrounding this structure, and the proper drainage of storm flows away from the foundation. These standard requirements are designed to reduce the impacts associated with soil stability to less than significant levels, and will be implemented in this case.

Comment 13: There does not appear to have been sufficient investigation done into the building regarding the presence of mold and asbestos (which are admitted to be likely to be present) on which to determine that proper mitigation is in place and there would be "less than significant impact" from these hazards. Given the close proximity to shops, hotels and homes of this site, there needs to be a full EIR undertaken to determine actual risks and appropriate mitigation measures.

Response: The comment is incorrect. The Phase 2 site investigation conducted for the existing building identified mold within the structure. As described in the Initial Study, there are prescribed methods for disposing of mold and other hazards on the site. These standard requirements must be implemented for the proposed project, and with the implementation of the mitigation measures provided, impacts will be less than significant. (See, Initial Study, pp. 25-26, and Mitigation Measures MM VII-1 and MM VII-2.)

Comment 14: The IS has failed to properly analyze the water use of the project. It has relied on an outdated 2013 draft Integrated Regional Water Management Plan to conclude that there will be adequate water supply for the project.

There has been no update to that plan taking into account the required 36% reduction on water use mandated on the city, the climate change and drought conditions being experienced in the city, the issues the Desert Water Authority (sic) is having regarding its water sources, or taking into account the unprecedented level of building projects underway in the city or with applications pending. A full EIR study needs to be undertaken to determine the current impact of this project taken together with others in the city, to determine sustainability.

The IS has relied on this report to conclude that although long term demand for water is expected to increase, that conservation measures and groundwater replenishment programs will make it possible to meet that demand. There has been no review undertaken regarding the assumptions made in that report and the effect on the conclusions therein of the on-going severe drought conditions in California or of the effects of climate change. There is no indication as to what conservation measures and ground water replenishment programs have been put in place and whether they are in fact adequate to sustain the supply of water – the conservation measures referred to meet Governor Brown's reduction in water usage in no way are relevant to the inevitable greater demand for water which this project will create compared to the existing building on the site. There has been an unprecedented level of building in Coachella Valley in recent years, and there are plans for even more. Given the very dire state of water in California and with the severe and unsustainable pressure on the Colorado River, it is irresponsible to authorize proceeding with a project that is more dense and will use more water than the existing

use or than the use which would have been permitted under applicable codes for this lot absent the slew of concessions being requested. It is also irresponsible to proceed without first ordering a full EIR to assess the impacts of this project.

Response: Please see response to Naficy Comment #16.

Comment 15: Once again staff has concluded that a potential negative environmental impact (in this case drainage) will have a "less than significant impact" without proper analysis. In its reasoning it concluded (sic) that the project's drainage requirements would remain consistent with the current site because it is "fully developed". This makes no sense. The current site is a parking lot over more than 2/3 of the site with an office building on less than 1/3 of the lot with a FAR of .35% compared to the proposed FAR of nearly 90%, for a building more than twice the height of the existing building, with vastly different uses, 39 hotel rooms, 2 restaurants, a roof top pool and bar and spa and lounge and parking. The potential impact on drainage will bear no comparison to the current development. A full EIR needs to be mandated in order to assess these and other impacts.

Response: The current development on the site consists of impervious surfaces which currently drain into local streets. The proposed project will not increase the amount of impervious area currently occurring on the site. The proposed project will not significantly change drainage patterns, and will be required to comply with current local, state and federal standards regarding the elimination of pollutants from surface waters, including the implementation of BMPs to achieve such elimination. These requirements were not in place when the existing project was constructed. The City's standard requirements for drainage, including the use of best management practices for storm water pollution, drainage that does not increase flows off the property, and other measures will assure that impacts associated with flooding are reduced to less than significant levels.

Comment 16: In answer to the issue of whether the proposed project will physically divide an existing community, Staff have concluded that the proposed project will have "no impact" because the site is currently occupied by a bank building. This "rational" does not support the conclusion and is inadequate under CEQA. The bank building is built within the Building Guidelines for the Historic Las Palmas Business District; it is consistent in height, mass, FAR and setbacks with the other surrounding structures. The proposed project is seeking to change the general plan for this particular site to allow a far higher (3 time) density of building, is seeking a PDD to allow a far higher building height than any of the surrounding buildings (or the applicable existing codes) (2-3 times the height of other

structures), to change the use of the site to an occupancy which would allow loft living and restaurants.

The height alone divides the community – this building would stand 2 stories above anything else in the area – to the North, South East or West. That creates a physical divide. The NMD conclusions are wrong and fail to satisfy the requirements of CEQA, A full EIR must be required.

Response: Please see responses to Hawley Comment #3 and Naficy Comment #18.

Comment 17: In answer to this issue Staff has again reached the unsupportable conclusion that it would have “no significant impact”. The only conclusion that was possible under CEQA in this section was that the project would have a “potentially significant impact”

The proposed project is not in compliance with the general plan or with the CBD zoning or with the Old Las Palmas Historic Business District Building Guidelines, or even with the High Rise Ordinance which it is seeking to invoke. These apply to all the surrounding sites and have been adhered to by their occupants. The Historic Building Guidelines were developed specifically to provide protection to Historic areas of Palm Springs to avoid inconsistent and excessive building which it was recognized has a fundamentally adverse impact on preservation of those areas.

In contrast, to build the project as proposed a general plan amendment is required to change the land use from NCC to CBD, a PDD is required to exceed the height restrictions and gain other exceptions and exemptions from other applicable municipal codes, and a CUP is required to permit the spa, lounge and hotel rooms which all have independent kitchen facilities.

Staff contends that a change from Neighborhood Community Commercial to Central Business District is not a significant impact. However, this change allows a far greater density of building on a site, from .35 floor area ration (“F.A.R.”) to 1.0 F.A.R. It also changes land use from commercial uses that serve neighboring communities to a mix of commercial, residential and office uses. This would allow the site to change use from a business which serves its neighbors to one which is directly competitive with those neighbors, with the added unfair advantage that it would be able to build to a far greater density than any of those neighbors giving it an unfair competitive and commercial advantage. This clearly creates a significant potential impact on the area surrounding this site and is quite unprecedented in this area.

The project also does not meet the minimum C-1 zoning requirements for setbacks along Palm Canyon, or the North and South sides of the property.

The property exceeds the 30' height restrictions applicable under the Historic Building Guidelines and the C-1 zoning guidelines.

The project also does not comply with City ordinances regarding trash disposal and pickup; nor with applicable parking codes.

Through a combination of measures which result in spot zoning of this site in the midst of an historic district, and through a request of the city to develop building guidelines which grant further concessions from applicable ordinances (which are only supposed to be considered if there is a compensating public benefit to balance potential impacts, which is not the case here), the project would be receiving special treatment and concessions not available to any of its neighbors. It will change the character of the area, have a significant impact on historic resources and create a very bad precedent that will undermine any future attempts to preserve historic designated areas throughout the city.

The requirements of CEQA have not been met and cannot be met by a NMD and there cannot be a finding of "less than significant impact" under such circumstances. The city must mandate a full EIR to fully and impartially assess the environmental impact from such an exceptional and precedent setting set of concessions and changes being requested by this application.

Response: Please see responses to Hawley Comment #3 and Naficy Comment #9 and 18.

Comment 18: Again, Staff have whitewashed the issue and concluded without adequate independent analysis, that there would be a less than significant impact with mitigation". It should have concluded that the impact will be "potentially significant" and mandated an EIR to properly analyze the impact.

It is admitted that the project will result in up to 705 daily trips. Illogically at "peak" times the trips seem only to be 23 in the morning and 59 in the evening. That makes no sense. Setting that issue aside, common sense requires one to conclude that 705 additional trips in this block is a significant increase if you live in the vicinity or have rented a room in one of the hotels facing Indian Canyon. There is no mitigation proposed to reduce that impact and indeed none is possible. Efforts to change traffic flow at nearby intersections will not reduce in any way the impact of the noise, and fumes from this significant increase in the number of vehicles



heading to this site. Currently there are almost no vehicles heading to the site. The change will be dramatic and negative. It must be determined that the impact has "potentially significant impacts" and a full EIR must be required.

The mitigation measure which is supposed to reduce the impact to less than significant appears to be off site intersection work which the city will undertake and the applicant will pay some portion of. There does not appear to be any mitigation for the new mid block traffic flow this project will create.

Response: Please see response to Naficy Comment #13.

Comment 19: Staff has concluded that the proposed parking plan will have an impact "less than significant with mitigation". Staff should properly have determined that there is a "potentially significant impact". A full EIR needs to be mandated to address these issues.

There are inconsistencies between the IS / MND, the Staff report on the Project dated June 24, 2015, and the parking study provided by the applicant regarding the number of parking spaces required. None of the reports show fully and clearly how spaces are being calculated and all seem to have different square footage used to calculate parking requirements for the different facilities, and in the number of seats provided in the restaurant, bar, lounge areas. It seems that the Spa is now to be open to the public. It is not clear how many the event space is planned to accommodate. No provision seems to have been made for employees for all these different facilities.

The MND (and the parking study) fails to provide its analysis of how it has calculated the parking so that it cannot be determined whether it is in accordance with City Codes.

It is my understanding that using a valet stacking parking system is not supposed to be used to calculate the number of spaces required. Even allowing for valet parking to provide an additional 20 spaces, the facilities are still underparked. Further, at the last Planning Commission meeting the applicant stated that it would be providing 24 hour valet servicing. Now it is only proposed to be provided at certain times.

There is no street parking on Indian Canyon. Overflow is therefore inevitably pushed into the residential areas. Already from the other hotels and from the lack of parking available on Palm Canyon, there has in the last year been a significant increase in parking issues in the Movie Colony area. Outside my home on Altamira I am now finding cars parked illegally on the verges of my property and around the circle, creating obstruction to

access by firetrucks and issues for guest parking near or outside our houses. Also creating dangers from traffic which habitually ignores the one-way sign off the circle to take a shortcut to the rest of the Movie Colony to find parking.

This project is going inevitably to exacerbate those problems.

Staff has relied without question or analysis on the assumption of shared parking made in the applicant's parking study, without independent review or looking at the impact of alternative assumptions which might have been applied. An assumption of shared use by hotel guests of the parking requirements for the restaurant, bar, lounge, event space of 50% seems unreasonably under the circumstances. There are only 39 "rooms", all of which have kitchens so they are not intended to attract people who eat out every meal. A lesser percentage should be applied to come up with a more realistic level of parking for this project.

While it is not clear exactly how many people can really be accommodated in the public areas, there would be 39 spaces for the "hotel" rooms, plus there appear to be more than 220 seats in the restaurants, lounge and bar (taking into account the 16 outside seats referred to in the Staff Report for this project which are not mentioned in the IS / NMD). On the 3 seats/one parking space ratio applied by Staff, that would seem to require 73 parking spaces, then there would be spaces required for the event space and the spa which do not appear to have been included, and 20% for employees (at least an additional 23 parking spots – more if event and spa employees are added to the calculation): making a total of 140 spaces, not including event parking, or spa parking. It is not clear how the city or the applicant's parking report arrived at lesser figures (albeit that they each arrived at different numbers).

In a sensitive area with already acknowledged parking issues, it is inappropriate for the City to grant excessive building concessions to a developer and at the same time allow it to underpark those facilities.

The application of a 50% reduction factor, the failure to take account of the event spaces and spa and employees, and the failure to show proper calculations with respect to how parking has been calculated (either in the IS / NMD or in the self serving parking study provided by the applicant on whose assumptions city has relied in forming its conclusions, on top of the concession of valet parking to get closer to the required number of spaces (even though that does not meet the city codes) and the fact that valet parking is not being provided or required 24/7 as originally undertaken by the applicant, together with the inconsistencies between the various reports, shows that the impacts of this project in this area have not been

properly or adequately analyzed under CEQA and therefore a full EIR is mandated for a proper, impartial and independent review.

Response: Please see response to Naficy Comment #15.

Comment 20: The applicable general plan would not have permitted this building to be built. That is why an amendment of the general plan is required. It is not reasonable to conclude that there will be a "less than significant impact" from noise when a building with unprecedented density, mass, height and facilities is being placed in the midst of an area that has never had those potential sources of noise to deal with. The inclusion of a roof top pool and restaurant and event space on a 4<sup>th</sup> story, with music, large numbers of people, large numbers of cars

Again staff have failed to include the immediately neighboring hotel guests, and apartment hotel residences to the North, East and South in their analysis. These will all be frequently and negatively impacted during construction and operation of the project.

Both c and d should have been answered in the affirmative as resulting in "potentially significant impact". Staff has erred in concluded that there is a "less than significant impact". The current building on the site is a bank building which has no night time operation is much smaller than the proposed building and built on less than 1/3<sup>rd</sup> of the lot. It is simply not reasonable to conclude that the Project, which is more than 3 times as dense, built to more than twice the height, has 2 restaurants, a lounge, spa, roof top pool and restaurant and event space (which is not mentioned by in this section of the IS), and is anticipated to result in 705 daily vehicles accessing the site, will not result in a permanent increase in ambient levels of noise and periodically and temporarily result in perhaps even more significant increases in noise. Indeed the IS itself concedes that there "**is potential for high noise levels due to patron activity**". No conclusion other than that there is "potential for significant impact" was reasonable in this case under c and d.

It is absurd to posit that this can be mitigated by imposing on individuals in the vicinity the burden of trying to get the city to enforce noise ordinances every time they are breached.

It is inappropriate and in error for the IS to form its conclusions without first undertaking the analysis it states will be required as part of the permitting process. Since that analysis has not been undertaken, given the IS's own conclusion that noise levels will be high as a result of the project, a NMD is not appropriate here, and a full EIR is required to properly assess likely impact and permanent and effective mitigation measures.

Above all of that, the City should not be subjecting those in the vicinity to this type of development which is not consistent with the surrounding area and with the existing applicable city codes. Had the project been consistent with the applicable codes and with the surrounding buildings, it would be possible for the general public to feel comfortable that the noise levels would be similar to those experienced from other hotels and restaurants in the area and this issue would not be arising. A similar argument can be made with respect to many of the other significant negative environmental impacts created by this proposed project.

Response: The noise levels were provided, as was the City's requirement for noise control. Please see response to Naficy Comment #11.

Ms. Judy Deertrack, July 20, 2015

Comment 1: This section assesses whether the project, as designed, would have a substantial adverse effect on scenic vistas, and concludes that the impact is "less than significant," with or without mitigation. Yet in this section, the City admits the surrounding district was built to a height of two stories, consistently with the Las Palmas Historic District Guidelines, and admits that construction is anticipated to a height of thirty to fifty feet. Firstly, lowering portions of the building at one end to below 35 feet does not relate to visual impact assessment, because the baseline is not "before and after" the previous proposal for this project. This is environmental baseline review. What is missing, at the least, are "visual simulation studies," considering the applicant wants to violate the High Rise Standards. Visual simulation studies do not cure the illegality of building beyond set standards, but it would at least inform the general public of the degree of damage from not following its laws. What does the view look like when one follows the District standards, what does the view look like when standards are violated? Perhaps the difference would stimulate the City to respect its General Plan limitations.

The discussion under aesthetics also discusses citywide building styles (contemporary). The standard for this district is not citywide, it is those standards set forth in the Las Palmas Historic District Guidelines, which are not referenced. Overall, the viewshed discussion is conclusionary and contains no data to support its conclusions. The greatest question is this – if this building results in a greater height, mass, floor area ratio, and intensity of use than allowed in this District, how can the City conclude that mitigation has been adequate. Is the City saying that a building cannot be designed to meet the standards and remain feasible? If that is the argument, either change the standards, or demonstrate that following these standards is infeasible. Neither has been considered.

Response: As regards the lack of reference to both the Las Palmas Historic District and the lack of visual simulations, the comment is incorrect. Please see response to Naficy Comment #3 and 4.

Comment 2: The discussion centers around the evaluation of the Historic Site Preservation Board (HSPB), but (rather amazingly), the HSPB has not evaluated this project!! The HSPB evaluated the previous project that is compared in the Summary of Project Changes at page 2 of the IS/MND, but there are major modifications between the previous proposal and this proposal. What the City has done, and it appears quite improper, is to take the recommendations of the HSPB from a previous evaluation, and transplant them into a new project, only about half-heartedly, because in one breath, the MND suggests that the recommendations are incorporated into the new design, and in the other breath, it is very apparent they are not, because the recommendation was that the height be lowered across-the-board, and this has not been accomplished. In my previous letter, I recommended that the HSPB review this project and the City review for possible incorporation before the City can make any claim that its project is fully mitigated. Why is the City saying that this project height was reduced four feet? Only in certain limited areas, but not across the board! This is a misleading and inaccurate statement.

The greatest failing of this section of the IS/MND is the failure to properly evaluate the standards of the Las Palmas Historic District Guidelines and how they apply to this project.

Response: The project has not significantly changed in mass or form from that originally reviewed by the HSPB. The conditions recommended by the HSPB have been incorporated as recommended mitigation measures in the Initial Study, which is the appropriate disposition of the HSPB's role as an advisory body to the City Council in the area of cultural resources. CEQA requires that these mitigation measures be incorporated if the project is to go ahead. Please also see response to Naficy comment #8.

As relates to the review of the District Guidelines, this task was undertaken by HSPB, the City Council's advisory body in matters of historic resources. The HSPB found the project to be conditionally acceptable, and those findings are correctly reported in the Initial Study.

Comment 3: I hereby attach and incorporate the evaluation of Miller Starr Regalia in their comment letter to the Orchid Tree Inn, dated April 21, 2015, page 12-14 and suggest that after this excellent analysis of the City's failure to comply with environmental hazard conditions, the City has duplicated the same failure to adequately assess the asbestos and mold factors in this case. I am more than a bit sensitive to this issue, because I spent five weeks ill after Mr. Wessman, on the Dakota Project, excavated thirty-five

feet and transported unanalyzed soils from the Downtown Project to a residential project. It is really time for the City of Palm Springs to come to terms on this issue!

Response: Please see response to Frith Comment #13.

Comment 4: The IS/MND concludes at page 30 that this project does not “Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project...” This conclusion is patently absurd. I would incorporate into my comments the analysis of ABCD, in a comment letter received on this project dated February 25, 2015. The egregious violation is the “cherry-picking” that has been so well established, without justification, that the applicant would seek the use of the High-Rise Ordinance in order to entitle this project to build to a height of fifty feet, and then seek a waiver of the 3:1 setback and open space requirements. It has been well discussed that the City also considers open space to be the dance floor on the fourth floor bar, against the express language of its open space ordinance, which requires ground-level landscaping.

Response: Please see response to Hawley Comment #3. The applicant is permitted to request for variations in zoning standards, including the requirements of the highrise provisions, through a Planned Development District. This is the case here.

Comment 5: This section inappropriately defers analysis of the noise impacts to the future at the time the applicant will apply for a music and entertainment permit. The potential for noise comes from the design of the building itself, and the choice to build an open-air bar on the fourth floor. Any noise impacts should be considered at the design stage, which is the IS/MND, and certainly are not mitigated. The City also has a horrific history of noise violations, which is has allowed in this same manner; by allowing noise in areas it is improperly zoned for, in excess of its own ordinances from the beginning. I have attached the conclusions of the noise review from Hacienda Cantina as an example. The City has opened seven hotels and restaurants to the Splash Party and Raves that are occurring with hard rock music. It is likely with this owner, or another later owner, that this project design will lend the City to the same temptation.

Response: Please see response to Naficy Comment #11. The Initial Study does not defer mitigation. It applies the City's standard requirements to the noise environment the proposed project will create.

Comment 6: The cumulative impact to be addressed is the risk of a precedent-setting factor of changing an historic district from a FAR of .35 to 1.0, and allowing the City to violate its own high rise ordinance. Once the precedent is set, the change in the General Plan Amendment to start

changing the character of the District may affect the entire nature of evaluation.

Response: Please see response to Naficy comment #17.

Ms. Roxanne Ploss

Comment 1: This will, indeed, "substantially degrade the existing visual character or quality of the site and its surroundings". It is difficult to understand how such a radical departure from the existing architecture, height and density, would not be considered a "degradation" of the existing visual character. The applicant admits that the project will "result in a greater view blockage at the north end of the property"; this area has always been parking lot and therefore offered no obstruction to the nearby small hotels. Noting that this will "result in blocking of the lower part of the...mountains...but the peaks will remain visible" is insensitive, at best. Indeed, the renderings shared with the Planning Commission on 6/24/15 GRAPHICALLY show this loss of mountain views!

Response: Please see response to Naficy Comment #3.

Comment 2: Quite simply the "Environmental Setting and Surrounding Land Sites" are all included in the Las Palmas Historic Business District so designated by the Palm Springs City Council. In order to protect the very reason for historic districts, this proposal should be seriously re-investigated as NOT being compliant with the Guidelines listed for said district. The MND actually makes NO mention of the historic nature of the district which should not be interpreted as mere "oversight" since this was discussed with the applicant many times during presentations to the HSPB. The historic quality of the district MUST be a primary focus (or the purpose of such a district is lost).

Response: The comment is incorrect. The Initial Study repeatedly addresses the site's location within the District, including within the project description, Aesthetics and Cultural Resource sections. The Initial Study correctly states that the existing building on the site is not historic in nature, and does not contribute to the historic character of the District, and relies on the HSPB's review of the project, and conditional acceptance of the design, insofar as HSPB is the City Council's advisory body for historic issues.

Comment 3: As to "other public agencies whose approval is required". The original proposal and another with some changes were brought before the Historic Sites Preservation Board. The second was approved with very strict conditions written into that approval. Since that time, apparently changes (not necessarily the ones requested) were made but have not been shown

to the HSPB. The Board is quite serious about preserving the district for future generations so that they may appreciate the evolution that is Palm Springs. It is unfortunate that the applicant does not feel the need to bring it back to the Board. It would also be more than unfortunate if, given the many changes, the Planning Commission does not feel the need to send this back to HSPB.

Response: Please see response to Deertrack Comment 2 as relates to changes in the project prior to approval. The mitigation measures recommended by HSPB and as may be ultimately approved by the City Council must be undertaken by the applicant once the Initial Study is approved and if the Project is approved.

Comment 4: "must take into account the whole action involved" was given comparatively little weight in this study. There is no instance, as an example, of photos taken from the position of the casual passerby using the sidewalk on the eastern side of Indian Canyon. Or even passengers in cars driving out of town! Or of anyone sitting in the courtyard of Los Arboles to judge the impact on views and/or the existing noise patterns vs. that during construction. Both are mentioned later in, literally, a few words.

Response: . The visual simulations prepared by the applicant show views from the east side of Indian Canyon Drive. The noise analysis in the Initial Study addresses existing and future noise levels. Please also see response to Frith Comment #9.



406 17 2015

PLANNING SERVICES  
DEPARTMENT

Law Office of **Babak Naficy**



August 11, 2015

**Via Email and U.S. Mail**

Ken Lyon, Associate Planner  
Director Planning Services  
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**RE: August 12, 2015 Planning Commission’s consideration of Item 2.B, Revised Initial Study/Mitigated Negative Declaration for the 750 Lofts Project, including application for a General Plan Amendment, PDD, etc.**

Enclosed please find the comments of Advocates for Better Community Development (“ABCD”) relative to the above-referenced project. ABCD incorporates its previous comments by this reference.

**No Response to Comments**

According to the Staff Report, the Planning Commission voted to continue the July 22, 2015 hearing “at the request of staff, pending a response to comments received during the recirculation of the Initial Study/MND.” Yet, the current Staff Report does not include a response to any of the comments submitted by the public, including ABCD. Staff’s failure to respond to public comments, including those of ABCD, prevents both the public and the Planning Commission from understanding whether and on what basis Staff (apparently) disagrees with the arguments and points raised by public comments. Staff’s practice of essentially ignoring public comments precludes informed decision-making on the part of the Planning Commission and is antithetical to the principle of informed decision making.

**Staff’s analysis has been inexplicably revised**

As ABCD explained in its July 20, 2015 letter, the June 24, 2015 Staff Report catalogued some of the Project’s inconsistencies and incompatibilities with the Las Palmas Business Historic District and the surrounding architecture. For example, in discussing the relationship between the Project and adjoining developments and the immediate neighborhood, in June 2015 Staff observed that “the project as revised does not relate as successfully to the existing structures due to the changes in materials, massing and detailing.... The “floating” appearance of the building, due to the setback of first floor

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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.” June 24, 2015 Staff Report at 10. In contrast, the August 12, 2015 Staff Report now claims the proposed structure is “generally consistent with the materials and details utilized by other modern structures in the district, ...” but no longer states that the floating appearance of the building “contrasts greatly” with the immediately adjacent buildings. August 12, 2015 Staff Report, at 11.

Likewise, the June 24, 2015 Staff Report explained that 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.” June 24, 2015 Staff Report at 11. It also stated that the size and design of the Project “may overwhelm existing adjacent buildings, ...” *Ibid.* The August Staff Report no longer notes the contrast between the architectural materials proposed for the Project and those used on the nearby structures and no longer concludes that the Project would greatly contrast with or may overwhelm adjacent buildings. The August 2015 Staff Report now reaches the opposite conclusion, claiming that “overall, the design of the project is generally harmonious consistent in its composition.” August 2015 Staff Report at 12.

The Staff Report fails to explain this radically different analysis and conclusions relative to the compatibility of the Project with the immediately surrounding neighborhood. The analysis and conclusions of the August Staff Report must therefore be rejected because the Staff’s unexplained departure from its own previous analysis and conclusions is arbitrary and capricious.

**The IS/MND and Staff Report fail to analyze the Project’s potential incompatibility with the Las Palmas Business Historic District**

According to the MND, the Project can cause a potentially significant impact on a historical resources as defined in CEQA Guideline §15064.5. The MND concludes that with the imposition of Mitigation Measures (MM) V-1, V-2 and V-3, said impact would be reduced to a less than significant level. Despite this analysis and conclusion, the Staff Report describes these mitigation measures as “recommendations” of the Historic Site Preservation Board (“HSPB”) which the City Council may decide to reject. None of these mitigation measures have been proposed as a condition of approval and Staff claims it would be up to the City Council’s discretion whether they are appropriate. August 12, 2015 Staff Report at 9. Accordingly, the MND does not reflect the City’s proposed findings or the Staff’s description of the Project, which still depicts the Project as between 29 to 34 feet high.

As it appears that the applicant has not agreed to reduce the Project height as required by MM V-1 & V-2, (1) the Initial Study must be revised to conclude that the Project’s impact on cultural resources will be potentially significant and (2) the Project’s impact on cultural resources (i.e. the Las Palmas Business Historic District) must be analyzed by preparing an Environmental Impact Report.

AUG 17 2015

PLANNING SERVICES  
DEPARTMENT**Project does not conform to Planning Department Condition PLN 14**

According to Condition of Approval PLN 14, “vehicles associated with the operation of the proposed development ... shall not be permitted to park off the proposed building site unless parking management plan has been approved.” Yet, the Staff Report indicates that “no 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 space.” Staff Report page 7. This patent contradiction must be addressed.

Likewise, the MND and the parking reports in the record do not account for staff parking. There is no analysis of how many of the onsite parking spaces will be taken by staff or delivery. As such, the MND’s analysis of Project parking is inherently inaccurate and not based on substantial evidence.

**Planning Department PLN 18 shows MND defers analysis of the Project’s noise impact and mitigation**

The MND concluded that the Project would not result in a substantial increase in periodic noise levels in the project’s vicinity above existing levels and would not expose anyone to noise levels above City standards. These conclusions were largely based on the premise that the Project would be required to comply with the City’s noise ordinance, which the MND claims the City enforces through citation. ABCD’s July 20, 2015 letter explained that this analysis and the corresponding assumptions violate CEQA.

PLN 18 supports ABCD’s argument that the MND’s noise analysis is fundamentally flawed and does not meet the requirements of CEQA. “PLN 18 Sound Attenuation Plan for Rooftop Bar” requires the Developer to prepare a future 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 18 essentially admits that the Project as proposed is capable of generate nuisance noise from the rooftop bar. The MND fails to acknowledge this potential. PLN 18, moreover, demonstrates that the City expects structural measures (i.e. walls, railings, barriers or other physical devices) would mitigate the potential noise impacts. The MND fails even to mention such physical mitigation measures; it only cites code enforcement as noise mitigation. The MND therefore is misleading and inadequate.

Even if the MND had described PLN 18, it would still not pass legal muster because PLN 18 impermissibly defers the formulation of mitigation measures without any explanation or adequate performance standards. Where practical considerations prevent formulation of mitigation measures early in the planning process (e.g., at zoning stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. CEQA Guideline §15126.4(a)(1)(B); Sacramento Old City Assn. v. City Council,

(1991) 229 Cal. App. 3d 1011, 1028-1029. Here, the City's approach violates CEQA because the City (1) has failed to articulate any reasons for deferring the formulation of noise mitigation measures, and (2) has failed to adopt specific performance criteria for said noise mitigation.

**Conclusion**

For these and other reasons stated in ABCD's July 20, 2015 comment letter, I urge you to recommend denial of the Project at this time.

/s/ Babak Naficy  
Babak Naficy, Attorney at Law

cc. Flinn Fagg, Director of Planning

Claire Best Hawley  
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August 12, 2015

Planning Commission  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Attention: James Thompson, City Clerk

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

To Whom it May Concern:

I am unable to attend the hearing regarding the 750 Lofts, LLC building application at 750 North Palm Canyon. However, as a follow up to my earlier emails to the City on the matter, it appears that the changes that have been made to the application have not satisfactorily answered the concerns raised in the initial application. For this reason, I appeal to the Planning Commission to thoroughly and carefully review compliance and where the project does not meet current standards to really question what the value is of granting permission. Granting permission to this particular project in this particular location sets a dangerous precedent which would likely be the catalyst for the entire landscape of the Uptown Design district to change and become more of a high-rise and dense commercial district such as the unfortunate knock-on effect of the Hyatt's construction on the corner of Tahquitz and Palm Canyon. One might argue that the Hyatt's construction has been beneficial to surrounding properties but apart from the chains such as Coffee Bean and Starbucks, the local and more charming and individual retailers have suffered because there is no overriding feeling of quintessential Palm Springs now on that block. The old Spanish buildings have been dwarfed by the Hyatt and the smaller retailers and restaurants seem to struggle to stay open. By contrast, when we bought our house in the Movie Colony East/Ruth Hardy Park area of Palm Springs, the Uptown Design District was far more harmonious to the eye and therefore to the would be shopper, diner or hotel guest. The low-impact architecture of places such as Birba and the Trina Turk shop are harmonious with the desert landscape and mountains and have proved that harmony in city planning and in the kinds of businesses in a particular area are a successful way of building a district's profile. If the City allows the 750 Lofts project to pass, that harmony is disrupted, the skyline changes and the neighboring businesses will be dwarfed, struggling for a new identity in the shadow of a building which, by comparison, is giant and out of place.

The architecture of the proposed 750 Lofts project may well be pleasing to the eye when it is seen out of context but the effect of any building on a neighborhood which defies the existing codes and creates a

new skyline needs a full, thorough and non-biased Environmental impact report. Whichever way you look at it, the neighboring businesses and residences will be affected by the appearance of such a structure. Those businesses such as Los Arboles Hotel which currently boasts unobstructed mountain views as an attraction to its guests, will no longer be able to advertise these because the 750 Lofts Project will clearly block that view. Residences in the Movie Colony neighborhood will be impacted due to the lack of adequate on-site parking at the 750 Lofts project, their views to the mountains will be partially blocked by the height of the structure and they will likely be subjected to the noise emanating from the open air rooftop bar and pool.

The dangerous precedent that this project sets in one of the areas of Palm Springs which has been extremely well preserved to date, needs the utmost consideration. While it may be just one exception to the rules today, other developers will have every right to be able to use it as an example for further variations and waivers down the line. Before long, the atmosphere will change completely with a new skyline, obstructed mountain views, traffic congestion and parking problems. The businesses that have carefully tallied their models to be cohesive with and compliment the surrounding businesses will have to rethink their strategy and may well be forced out of the neighborhood.

This cannot be a desirable outcome when the area has worked hard to garner the positive coverage it currently receives in the local and international press, Trip Advisor and other go-to tourist sites.

Obstructing the skyline cannot be so readily accepted as a consequence when the City and residents of the Movie Colony and Las Palmas districts have worked hard to remove overhead cables in order to provide a clear view of the San Jacinto Mountains.

The noise from a rooftop bar and pool cannot be so easily ignored when there are residential neighborhoods within 500 feet of the project.

Palm Springs has suffered in the past as a result of decisions to allow the construction of anomalies which go against the zoning codes. The long-term impact of the decision to allow the current plan for 750 Lofts cannot be overlooked just to appease a developer and associated parties who are eager to profit at the City's residents', businesses' and taxpayers' expense.

Sincerely,

Claire Best Hawley

RECEIVED

AUG 12 2015

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DEPARTMENT



Vacation Palm Springs Real Estate Inc. | 1276 N. Palm Canyon Drive 211 | Palm Springs, California 92262 | 760.778.7832

**Dear Palm Springs Planning Commission:**

**As the General Manager of a business in Uptown Palm Springs, new businesses and development in Uptown are of great interest. The proposed 750 Lofts is a project I'm in favor of. I believe the 39 room boutique hotel fits well into the neighborhood, especially since it will replace a building in disrepair. This project will help the current forward momentum of Uptown Palm Springs in attracting more high end tourist clientele that enjoys and appreciates the relaxed feel and culture of Uptown with all its wonderful retailers and art galleries.**

**Thank you for your consideration in this matter.**

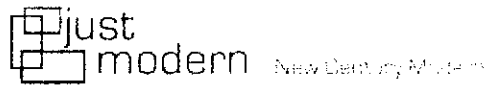
**Sincerely,**

**Davis Meyer  
Executive General Manager  
Vacation Palm Springs**

RECEIVED

AUG 12 2015

PLANNING SERVICES  
DEPARTMENT



August 12, 2015

Dear Palm Springs Planning Commission:

My name is J. Chris Mobley and I am the owner of Just Modern Inc. in the Uptown Design District of Palm Springs. I am in favor of the proposed *750 Lofts* project and believe that its size as a 39-room boutique hotel will be a great addition to the neighborhood. Additionally, this project will be a tremendous benefit to the numerous retail stores, restaurants and galleries in the Uptown Design District, by attracting a high end tourist clientele.

Best regards,

J. Chris Mobley  
President - Just Modern Inc.



# PELAGO Palm Springs

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AUG 12 2015

PLANNING SERVICES  
DEPARTMENT

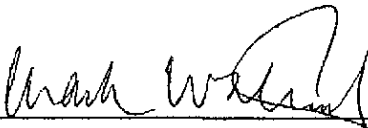
August 9, 2015

To: Palm Springs Planning Commission

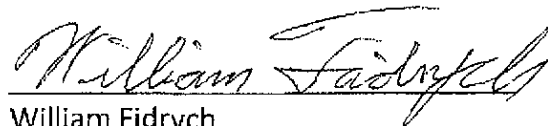
**RE: 750 LOFTS PROJECT**

We are the owners of Pelago in the Uptown Design District Palm Springs. We are in favor of the 750 Lofts project and believe that its size as a 39 room boutique hotel fits well into the neighborhood, especially since it will be removing a blighted old bank building in disrepair. And we think this project will help the momentum of Uptown Palm Springs in attracting a high end tourist clientele that enjoys and appreciates the relaxed feel and culture of Uptown with all its wonderful retailers and art galleries.

Sincerely,



Mark Wallaert



William Fidrych



July 20, 2015

**Via Email and U.S. Mail**

Ken Lyon, Associate Planner  
Director Planning Services  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
[Ken.Lyon@palmsprings-ca.gov](mailto:Ken.Lyon@palmsprings-ca.gov)

**RE: Comments regarding the Revised Initial Study/Mitigated Negative Declaration for the 750 Lofts Project**

Enclosed please find the comments of Advocates for Better Community Development relative to the above-referenced project.

**Aesthetics**

The MND's discussion of aesthetics claims the project is located "immediately north of the Central Business District" This is not accurate as the project is not located immediately north. It is immediately surrounding by the Las Palmas Business District.

The MND does not include the drawings provided by the applicant for consideration by the Planning Commission on June 24, 2015. These renderings do a much better job of depicting the project design, and more importantly, allow adequate analysis of the potential aesthetic/view shed impacts.

The MND's analysis of consistency with neighborhood is far less detailed and comprehensive than the staff report that was provided to the Planning Commission in June. The MND must be revised and recirculated to reflect the staff's comments regarding the project's inconsistency with the neighboring buildings and potential glare

The MND states:

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 on the north-south trending portion of the building will result in blocking of the lower part of the San Jacinto mountains from Indian Canyon Drive, but the peaks will remain visible

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This explanation is inconsistent with the renderings provided by the applicant, which show the views of the mountains will be completely blocked along Indian Canyon Drive. Moreover, these renderings show that the Project will have a significant cumulative impact on views because the project site is the last location along Indian Canyon Drive where views of the San Jacinto Mountains are currently clearly visible.

The MND fails to adequately describe the project setting. The discussion of the project setting in the aesthetics section of the MND is wholly misleading as it fails to mention that the proposed project site is located within the Las Palmas Historic District. To claim that the project surroundings is “as an urban environment” is very misleading because it leads the reader to believe the project surroundings has no particular cultural/historic significance.

Moreover, the MND’s claim that the “contemporary style” of the proposed building is widely present in the City is again very misleading because the project’s “contemporary style” is not widespread in the Las Palmas district where the project is proposed. The fact that contemporary style may be prevalent in other parts of the City is irrelevant and should be stricken.

The MND’s discussion of the project’s potential impact on the visual character of the area must therefore be revised, as the MND’s discussion of this topic does not even hint that the proposed building is wholly incongruent with the historic setting of the project:

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 oriented to resort and retail. The proposed building will be in a contemporary style which is widely present in the City.

The MND Aesthetics section’s description of the project setting is inconsistent with the project setting discussion in the cultural resources section of the MND, which states: “The proposed project site is currently developed. It occurs in the Las Palmas Business Historic District, a locally designated historic district.” The MND’s discussion of the project setting must be consistent and not a moving target.

The proposed project’s height and mass is another reason the project will likely result in a significant visual impact. Here, the MND admits that the proposed project will be taller than the existing structures, but fails to include any diagrams to show the height disparity. More significantly, the MND mentions that the building’s mass has been reduced in some places:

The building will be taller than existing structures, and will result in greater mass across the property. The mass of the northern portion of the site, however, has been reduced from the previous design, as has the mass on the north-south trending portion of the building. Impacts associated with the visual character of the site are expected to be less than significant.

This fact alone is legally irrelevant to the discussion of whether the proposed project will have a significant visual impact because of its incongruous mass (and height). The fact that the mass has been reduced in the revised project does not amount to substantial evidence supporting a conclusion that the proposed project's visual impact will be less than significant.

As mentioned above, the June 24, 2015 staff report included a number of comments about the project's inconsistency with the visual character of the district and the adjacent buildings in its discussion of the findings necessary for project approval. It is not clear why the MND does not include these comments. The staff comments amount to substantial evidence supporting a conclusion that the project's visual impact will be significant and therefore need to be analyzed in an EIR. ABCD hereby incorporates the June 24, 2015 staff report into these comments.

### **Air Quality**

The MND claims:

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.

This claim is false. As the MND itself admits, the project requires a significant General Plan Amendment to change the project's land use designation from Neighborhood/Community Commercial (NCC) to Mixed Use/Multi-Use – CBD. This amendment would allow triple the amount of density allowed under the NCC designation. The proposed project will be twice as tall as the type of buildings allowed under the existing land use designation. Accordingly, the MND's vague claim that "the project is consistent with the development already occurring in the area, and generally consistent with the land use designation for the Uptown district" is misleading, inaccurate and false.

Because the proposed project is inconsistent with the General Plan that was the basis for the assumptions used in the SCAQMD's 2012 Air Quality Management Plan (AQMP), the MND's conclusion that the Project is consistent with all applicable air quality management plans must be rejected. It can thus be fairly argued that the project may have a significant impact on air quality because it may thwart the attainment of the 2012 AQMP.

### **Cultural Resources**

The design of the proposed project has undergone some changes, therefore the project must be reviewed again by the Historic Site Preservation Board ("HSPB"). The current more modern design is wholly inconsistent with the historic significance of the Las Palmas Business Historic

District. This is especially important because the June 24, 2015 staff report to the Planning Commission identified several areas of inconsistency with the neighboring buildings. Owing to the project design changes, the MND's presumed conclusion that the projects' impacts to a historical resource will be less than significant with mitigation is no longer valid nor warranted based on the evidence in the record.

While the MND assumes that the with the implementation of the mitigation measures imposed by the HSPB, the project will have a less than significant impact on a historical resource, there is no evidence in the record to suggest the project will be mitigated as required by HSPB. In fact, the project description does not indicate that the project's height will be reduced as required by MM V-1 and V-2. This inconsistency in project description must be addressed and MND must be recirculated.

The evidence supports a conclusion that the project as proposed will have a significant impact on a historic resource.

### **Land Use**

The project will require a General Plan Amendment from NCC to CBD to allow greater density. As ABCD has explained in its previous letters to the City in connection with this project, the proposed project creates a significant land use conflict with the surrounding development, all which are currently designated NCC and are only one or two stories high.

As ABCD has already explained, the General Plan Amendment amounts to spot zoning because it would establish an island of CBD land surrounded by NCC, i.e., one or two story buildings with one third of the density allowed under the CBD designation. Spot zoning is illegal. Foothill Communities Coal. v. Cnty. of Orange (2014) 222 Cal. App. 4th 1302, 1314("the creation of an island of property with less restrictive zoning in the middle of properties with more restrictive zoning is spotzoning.") Spot zoning may be permissible if and only if it serves a compelling public need. Id. In this instance, the change to CBD land use designation does not serve any compelling public interest; it merely serves the financial interests of the applicant. Accordingly, it is not permissible under California law. The MND is legally inadequate to the extent that it does not address the issue of spot zoning.

The proposed project is inconsistent with Palm Springs Municipal Code §97.03.02 which provides:

A trash enclosure shall be provided for all uses in each zone district, except single-family zones. The requirements of this section shall not apply in the C-M, M-1, M-1-P and M-2 zones when a property is completely enclosed by walls and buildings. The trash enclosure shall be constructed so that the contents, including trash containers, shall not be visible from a height of five (5) feet above ground level on

any street frontage.

The MND fails to note that the proposed project is inconsistent with the Palm Springs Municipal Code requirement that requires adequate trash enclosures.

### Noise

The MND's analysis of project noise impacts is legally inadequate. The MND assumes without any evidence that the noise levels along North Palm Canyon and North Indian Canyon Drives are approximately 70 dBA. This speculative attempt at establishing ambient and/or baseline noise levels is wholly inadequate. Moreover, PSMC §11.74.031 **Noise level limit** specifically states that "the noise level or sound level referred to in this section shall mean the higher of the following: (1) **Actual measured ambient noise level.**" (Emphasis added.) Accordingly, the MND's attempt to speculate about the ambient noise levels is prohibited by the Municipal Code.

The MND fails to actually measure noise levels at different times of the day in order to establish noise levels in the project's vicinity. The MND acknowledges that ambient noise levels vary greatly depending on the time of day, but makes no effort to measure different noise levels depending on the time of day. Baseline noise levels must be measured to reflect that actual physical conditions of the site. CEQA Guideline §15125(a).

Where, as here, the City has not actually measured ambient noise levels, the Code provides the following maximum noise levels in commercial districts: 50 dBA from 10 pm to 6 a.m., 55 dBA from 6 pm to 10 pm, and 60 dBA from 7 a.m. to 6 p.m.. Accordingly, unless the MND establishes actual ambient noise levels during these relevant time periods, for the purpose of environmental analysis the City must assume these noise limits for the purpose of environmental review of the project.

The MND's noise analysis fails to describe the potential combined potential noise generated by the rooftop and first floor bars based on the type of "entertainment" allowed at these establishments. Clearly, live or amplified music is very much on the menu at these establishments, as the project description mentions "entertainment" as possible use, and the MND contemplates weddings at the rooftop bar and enclosed event center. The MND fails to establish expected noise levels with live or amplified music. Moreover, the MND fails to acknowledge that noise from the cocktail lounge/bars tend to increase as bar patrons get more inebriated.

The MND speculates that the project can comply with the City's noise ordinance, which limits noise levels to no more than 3dBA over background levels. The MND speculates that at night, that level would be 63 dBA, but otherwise fails to explain how it arrived at this number. Without any substantial evidence, this is nothing more than speculation. There is no substantial evidence supporting the MND's noise predictions.

The MND concludes that the proposed project's noise impact would be less than significant in part because the MND assumes that the project would be required to comply with the City's noise ordinance requirements, "which the City enforces through citation." MND at 33. There is no evidence in the record, however, to show city enforcement has been or will ever be an effective mechanism to ensure compliance with the noise ordinance. Where, as here, the lead agency purports to rely on enforcement as a means of ensuring a potentially significant impact would be reduced to a less than significant level, such reliance must be based on evidence that enforcement would be effective. See, Californians for Alternatives to Toxics v. Dept. of Food and Agric (2005) 136 Cal.App.4<sup>th</sup> 1, 17 ("Compliance with the law is not enough to support a finding of no significant impact under the CEQA.")

### **Traffic Impacts.**

The MND's analysis of traffic and circulation impacts is deficient for a number of reasons as set forth below.

The traffic study is not attached, therefore it is impossible to discern what assumptions informed that parking analysis.

Contrary to the MND's conclusion, the analysis provided in the MND shows the project will likely result in a cumulatively significant traffic impact. The MND states: "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." MND at p. 39.

This analysis violates CEQA because it fails to identify any evidence justifying the conclusion that the necessary traffic improvements will be timely implemented. In fact, the MND fails to state whether the City currently has any plans to implement the necessary traffic improvements, what these improvements consist of, what other agency(ies) will be involved or whether the City has set up a fund to pay for the proposed improvements, etc. CEQA Guideline §15130(a)(3). Without this information, the conclusion that the traffic impacts will be less than significant is not supported by substantial evidence, and a fair argument can be made that the project traffic impacts will be significant even with the proposed "mitigation." Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4<sup>th</sup> 1173, 1187 ("Fair share" mitigation programs are adequate only if they are "part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.").

The MND fails to analyze the traffic impacts of the applicant's proposal to have hotel/bar/restaurant delivery trucks utilize the hotel driveways and/or on-street parking. It is likely that by parking delivery trucks on the street, the project would result in traffic delays that are not adequately analyzed. Likewise, the impacts of delivery trucks parking on driveways during

delivery is not explained. The evidence suggests the project will have a significant impact on traffic and circulation.

### **Parking**

The Parking Study on which the MND relies is flawed and does not amount to substantial evidence supporting the MND's conclusion that the Project will provide adequate parking.

The Parking Study/MND fails to adequately account for the parking demand generated by the project. The Parking Study/MND fail to account for the roof-top event center, which can accommodate special events such as weddings. The Parking Study does not account for parking needed for such events.

The Parking Study fails to account for the need for employee parking, which the Palm Springs Code provides may utilize the facility's off-site parking.

The Parking Study claims the project would provide 74 parking spots, but the MND makes it clear that the project will include only 72 spots. This discrepancy is not explained.

The Parking Study assumes 33 lounge area seats and 34 seats in the roof-top area, for a total of 67 seats total for the bar and lounge areas. These assumptions contradict the MND's claim that the first floor lounge will include 40 seats, and the rooftop will accommodate another 80 seats, for a total of 120 seats.

The City code requires one parking space for each 35 square feet of restaurant space. At 4,722 square feet, the proposed restaurant is required to provide 134.9 spaces. The parking study rounds this number down to 134 instead of 135.

The MND assumes a total of 92 parking spaces, assuming an additional 20 spaces as a result of valet parking. The Parking Study assumes 34 additional parking spaces, without a hint of explanation or evidence. This discrepancy is not explained or even noted.

The Parking Study apparently assumes a very high (50%) mode adjustment in large part because of the alleged proximity of the restaurant and bar/lounges to a "resort hotel." See, page 2-1. This is a false assumption because far from being a "resort hotel", the proposed hotel is a small boutique type hotel with only 39 rooms equipped with full kitchens. Even if every one of the hotel residents patronized the bar/restaurant at the same time, they would still not account for a 50% reduction in these facilities parking demand. Because of the onsite kitchens, it is likely that only a fraction of the hotel guests will use the lounge/bar or restaurant during a stay; if the hotel guests intended to eat out, why would they spend the extra money on a kitchen? Accordingly, the 50% parking adjustment is wholly unreasonable and justified by the record. The evidence in the record thus supports a fair argument that the project will not have enough parking capacity because the 50% capture rate is unreasonable.



## Utilities

Despite California's ongoing historic drought, the MND fails to adequately assess the project's water demand or analyze the proposed project's potential impact on water supplies.

The MND claims the project will generate a demand of 6.8 acre feet per year ("afy"), but does not explain how this figure was arrived at. The reference to the Coachella Valley Water District Annual Factor by Development type does not help the reader figure out how the MND arrived at the 6.8 afy figure.

The MND fails to analyze project impacts on water supplies. It concludes, without citing any evidence or analysis, that "conservation measures and groundwater replenishment programs will make it possible to meet increasing demand." MND at 42. This cursory statement is a far cry from an adequate analysis of project impacts on a water supply required by CEQA.

The MND ignores the Governor's Executive Order B-29-15, which requires all cities and towns to reduce their water use by a minimum of 25% compared to 2013 levels, which in the case of Desert Water Agency, translates to a staggering 36% reduction. Given the current drought conditions and the mandated cutbacks, substantial evidence supports a fair argument that the proposed hotel, restaurant, pool, spa, etc. will have a significant impact on water supplies. Voices for Rural Living v. El Dorado Irrigation Dist. (2012) 209 Cal.App.4<sup>th</sup> 1096, 1111-1113 (water analysis must take into account effects of drought and climate change on water supply).

## Growth Inducing Impacts

The record supports a fair argument that the project will likely have a significant growth-inducing impact by making it more likely that more intense, massive and dense development would occur in the Las Palmas Business Historic District. See, CEQA Guideline §15126.2 (d) ("Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.")

Heretofore, development in the Las Palmas District had been limited to one or two story neighborhood-serving businesses. The proposed project will require the conversion of the project site to CBD land use designation which allows three times (3) the density as compared to the underlying NCC. The project would introduce four-story buildings in place of one or two story buildings that exist in the neighborhood at this time. The project undeniably sets a precedent for no setback, massive and dense development in this District.

Accordingly, by approving this project, the City will stimulate future development in the Las Palmas District that will be more dense, taller and more massive. Stanislaus Audubon Soc'y, Inc. v. Cnty. of Stanislaus (1995) 33 Cal. App. 4<sup>th</sup> 144, 154 (substantial evidence supported the conclusion that a new golf course would induce growth in part because it "may set a precedent for

growth not anticipated by the general plan.”)

Evidence that the Project would foster growth include the applicant’s attorney’s statement that the project would “revitalize Indian Canyon” Drive.

**Conclusion**

As set forth above, the MND is inadequate and fails to comply with the mandates of CEQA. The evidence in the record supports a fair argument that the proposed project may have a significant impact on the environment in the areas of aesthetics, air quality, land use, cultural resources, noise, traffic/parking and water supply (utilities). Accordingly, the City must prepare an EIR before the project can be approved as proposed.

*Babak Naficy*  
Babak Naficy, Attorney at Law

cc. Flinn Fagg, Director of Planning

# RESPONSE TO MND

Judy Deertrack  
1333 South Belardo Road, Apt 510  
Palm Springs, CA 92264

Monday, July 20, 2015

To the Honorable Members of the  
City Council  
City of Palm Springs, California

Re: Response to Mitigated Negative Declaration / 750 Lofts

To Whom It May Concern:

Please be advised that it is premature for release of a Mitigated Negative Declaration on the 750 Lofts Project, because this matter, after major revisions and modifications to the Planned Development District for the newest project re-design, which is also a new and major rezone action, has not yet been reviewed in its revised form by the City's Historic Site Preservation Board, even though the City determined that a necessary stage on the original review, and a later revised review.

There is every indication that the City of Palm Springs has determined that on the second review of the HSPB, on a re-design, the HSPB placed a **CONDITIONAL APPROVAL** of the project. The City states that it has mitigated those concerns, even though one of the conditions is a reduction of height by four feet to all portions of the project. This, just taken alone, was not accomplished, and accordingly, a conclusion that the mitigation of HSPB was implemented, was not achieved.

The real inconsistency is the failure to again refer the new project for HSPB review, assuming that their prior review would be appropriate to the new project, and how could it be? As you can see, the project has eliminated retail, has substantially increased the restaurant and bar spaces, and has made other significant façade and massing / design changes.

Therefore, until this matter is sent to the HSPB for their advisory opinion and suggested mitigation, it is premature for a Mitigated Negative Declaration to be released.

With regard,

Judy Deertrack

# RESPONSE TO MND

Judy Deertrack  
1333 South Belardo Road, Apt 510  
Palm Springs, CA 92264

Monday, July 20, 2015

To the Honorable  
Members of the City Council  
City of Palm Springs, California  
Attn: Planning Staff, Mr. Ken Lyons

Re: Response to Mitigated Negative Declaration / 750 Lofts / Second of Two Letters

To Whom It May Concern:

Where there is a fair argument a project "may have a significant effect upon the environment", an agency is required to prepare a full Environmental Impact Statement (EIR). If, after careful factual evaluation and either re-design, or with the imposition of conditions, the project cannot be mitigated to less than the significant impact standard, the EIR is unavoidable. Without a doubt, as currently designed and conditioned, this project requires an EIR. It is my request to the City that this be evaluated, and the appropriate acts taken to comply with the California Environmental Quality Act. The primary benefit of the full EIR is the analysis of alternative scenarios where the project could be built within the proper guidelines anticipated by the City's General Plan and local ordinances. Regardless, under the California Consistency Doctrine, the project must comply with the General Plan and all local ordinances in order for the City to issue a valid land use permit.

I wish to clarify that even with the changes to the current project, the environmental baseline is NOT measured against the previously proposed project that has recently been revised. According to the Summary Table of Project Changes on page 2 of the Draft IS/MND, the building square footage has increased by almost 2,000sf. The retail feature has been eliminated, with use and square footage transferred primarily to a restaurant and bar on the first and fourth floors, with the potential for greater noise. The off-street parking has increased to 92 spaces from 87 spaces, but is still at least twenty spaces short of the required 112.

## I. AESTHETICS (a) & (c)

This section assesses whether the project, as designed, would have a substantial adverse effect on scenic vistas, and concludes that the impact is "less than significant," with or without mitigation. Yet in this section, the City admits the surrounding district was built to a height of two stories, consistently with the Las Palmas Historic District Guidelines, and admits that construction is anticipated to a height of thirty to fifty feet. Firstly, lowering portions of the building at one end to below 35 feet does not relate to visual impact assessment, because the baseline is not "before and after" the previous proposal for this project. This is environmental baseline review. What is missing, at the least, are "visual simulation studies," considering the applicant wants to violate the High Rise Standards. Visual simulation studies do not cure the illegality of building beyond set standards, but it would at least inform the general public of the degree of damage from not following its laws. What does the view look like when one follows the District standards, what does the view look like when standards are violated? Perhaps the difference would stimulate the City to respect its General Plan limitations.

The discussion under aesthetics also discusses citywide building styles (contemporary). The standard for this district is not citywide, it is those standards set forth in the Las Palmas Historic District Guidelines, which are not referenced. Overall, the viewshed discussion is conclusionary and contains no data to support its conclusions. The greatest question is this – if this building results in a greater height, mass, floor area ratio, and intensity of use than allowed in this District, how can the City conclude that mitigation has been adequate. Is the City saying that a building cannot be designed to meet the standards and remain feasible? If that is the argument, either change the standards, or demonstrate that following these standards is infeasible. Neither has been considered.

#### V. CULTURAL RESOURCES (a)

The discussion centers around the evaluation of the Historic Site Preservation Board (HSPB), but (rather amazingly), the HSPB has not evaluated this project!! The HSPB evaluated the previous project that is compared in the Summary of Project Changes at page 2 of the IS/MND, but there are major modifications between the previous proposal and this proposal. What the City has done, and it appears quite improper, is to take the recommendations of the HSPB from a previous evaluation, and transplant them into a new project, only about half-heartedly, because in one breath, the MND suggests that the recommendations are incorporated into the new design, and in the other breath, it is very apparent they are not, because the recommendation was that the height be lowered across-the-board, and this has not been accomplished. In my previous letter, I recommended that the HSPB review this project and the City review for possible incorporation before the City can make any claim that its project is fully mitigated. Why is the City saying that this project height was reduced four feet? Only in certain limited areas, but not across the board! This is a misleading and inaccurate statement.

The greatest failing of this section of the IS/MND is the failure to properly evaluate the standards of the Las Palmas Historic District Guidelines and how they apply to this project.

#### VII. HAZARDS AND HAZARDOUS MATERIALS (a-c)

I hereby attach and incorporate the evaluation of Miller Starr Regalia in their comment letter to the Orchid Tree Inn, dated April 21, 2015, page 12-14 and suggest that after this excellent analysis of the City's failure to comply with environmental hazard conditions, the City has duplicated the same failure to adequately assess the asbestos and mold factors in this case. I am more than a bit sensitive to this issue, because I spent five weeks ill after Mr. Wessman, on the Dakota Project, excavated thirty-five feet and transported unanalyzed soils from the Downtown Project to a residential project. It is really time for the City of Palm Springs to come to terms on this issue!

#### IX. LAND USE AND PLANNING (b)

The IS/MND concludes at page 30 that this project does not "Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project..." This conclusion is patently absurd. I would incorporate into my comments the analysis of ABCD, in a comment letter received on this project dated February 25, 2015. The egregious violation is the "cherry-picking" that has been so well established, without justification, that the applicant would seek the use of the High-Rise Ordinance in order to entitle this project to build to a height of fifty feet, and then seek a waiver of the 3:1 setback and open space requirements. It has been well discussed that the City also considers open space to be the dance floor on the fourth floor bar, against the express language of its open space ordinance, which requires ground-level landscaping.

#### XI. NOISE (a), (c), (d)

This section inappropriately defers analysis of the noise impacts to the future at the time the applicant will apply for a music and entertainment permit. The potential for noise comes from the design of the building itself, and the choice to build an open-air bar on the fourth floor. Any noise impacts should

be considered at the design stage, which is the IS/MND, and certainly are not mitigated. The City also has a horrific history of noise violations, which is has allowed in this same manner; by allowing noise in areas it is improperly zoned for, in excess of its own ordinances from the beginning. I have attached the conclusions of the noise review from Hacienda Cantina as an example. The City has opened seven hotels and restaurants to the Splash Party and Raves that are occurring with hard rock music. It is likely with this owner, or another later owner, that this project design will lend the City to the same temptation.

#### XVII MANDATORY FINDINGS OF SIGNIFICANCE (b)

The cumulative impact to be addressed is the risk of a precedent-setting factor of changing an historic district from a FAR of .35 to 1.0, and allowing the City to violate its own high rise ordinance. Once the precedent is set, the change in the General Plan Amendment to start changing the character of the District may affect the entire nature of evaluation.

With regard,

Judy Deertrack

Re: Comments On Intent To Adopt A Mitigated Negative Declaration For The 750 Lofts

By

Frank Tysen

“Advocacy for Better Community Development”

RECEIVED

JUL 20 2015

PLANNING SERVICES  
DEPARTMENT

My concern is the project’s potential harm to the historic character of Palm Springs so crucial to our current success as well as our future. Specifically, I am questioning the rationale for a Mitigated Declaration when only a full EIR would do.

My first critique is the staff’s rating regarding two aesthetics issues (see page 11). I believe (a) and (b) should be rated as potentially significant since the project would significantly block mountain views of hotels and homes immediately to the west of Indian Avenue. The question under (a) is would it have a substantial adverse effect on a scenic vista and (b) Substantially degrade the existing visual character or quality of the site and its surroundings. Staff ranked them less than significant. I believe that they should be rated as potentially significant since the project would significantly block mountain vistas of the hotels and homes immediately to the west across from Indian Avenue. This alone would qualify it for a full EIR.

Secondly under Cultural Resources (page 19) the question under (a) would it cause a substantial adverse change in the significance of a historic resource. Staff is wrong by rating it with less than significant with mitigation incorporated rather than a potentially significant impact. The property is located in the Las Palmas Business Historic District. The historic guidelines governing this district suggest one and two very heights which this project would violate.

Thirdly, under land use and planning (page 30) the questions are (a) would it physically divide an established community and (b) conflict with any applicable land use, etc. Staff ranked it no impact and as less than significant. Both should be ranked as potentially significant impact. Using spot zoning with CBD zoning will certainly divide and set a dangerous precedent which could ultimately destroy the entire district. The Las Palmas historic business district guidelines are distinctly violated.

Fourthly, under noise (page. 32), staff minimizes at least two categories, giving it less than significant impact ratings; (a) Exposure of persons to the generation of noise levels in excess of standards etc and (d) a substantial temporary or periodic increase of amount noise levels. Particularly, the rooftop bar is a real potential problem.

Fifth, under Transportation / Traffic (page 38) (a) cause an increase of traffic etc. and (f) an increase in adequate parking capacity would result, staff gives it a less than significant with mitigation ranking. Again, both need to be looked at more closely.

Finally, I am deeply concerned that the project can only fly if a general plan amendment is passed. That alone shows the level of violation of present zoning regulation. The conflict with the highrise ordinances is also of great concern. These are just too many issues not to require a full EIR.



**As a two-term member of the HSPB, the designated researcher of the buildings within the Las Palmas Historic Business District and on the subcommittee reviewing the wording of the ordinance(s), I feel a very real obligation to comment on this MND and the many problems with it. There are several things missing altogether but, most importantly, as this proposed building is in the middle of an historic district, it is potentially life-changing (for the City) that the history in question seems to have been totally erased from the equation.**

**I would ask you again to carefully study the “Las Palmas Business Historic District Conceptual Design Guidelines (for new commercial construction & remodels) dated 11-05-85. Diagrams are included and a “bullet” list is provided as a summary. These guidelines have been the accepted guide for quite some time; no changes (to my knowledge) have ever been proposed.**

**Thank you, Roxann Ploss**

Blue=minor amendments

**This will, indeed, “substantially degrade the existing visual character or quality of the site and its surroundings”. It is difficult to understand how such a radical departure from the existing architecture, height and density, would not be considered a “degradation” of the existing visual character. The applicant admits that the project will “result in a greater view blockage at the north end of the property”; this area has always been parking lot and therefore offered no obstruction to the nearby small hotels. Noting that this will “result in blocking of the lower part of the...mountains...but the peaks will remain visible” is insensitive, at best. Indeed, the renderings shared with the Planning Commission on 6/24/15 GRAPHICALLY show this loss of mountain views!**

**Page 3:**

**Quite simply the “Environmental Setting and Surrounding Land Sites” are all included in the Las Palmas Historic Business District so designated by the Palm Springs City Council. In order to protect the very reason for historic districts, this proposal should be seriously re-investigated as NOT being compliant with the Guidelines listed for said district. The MND actually makes NO mention of the historic nature of the district which should not be interpreted as mere “oversight” since this was discussed with the applicant many times during presentations to the HSPB. The historic quality of the district MUST be a primary focus (or the purpose of such a district is lost).**

**As to “other public agencies whose approval is required”. The original proposal and another with some changes were brought before the Historic Sites Preservation Board. The second was approved with very strict conditions written into that approval. Since that time, apparently changes (not necessarily the ones requested) were made but have not been shown to the HSPB. The Board is quite serious about preserving the district for future generations so that they may appreciate the evolution that is Palm Springs. It is unfortunate that the applicant does not feel the need to bring it back to the Board. It would also be more than unfortunate if, given the many changes, the Planning Commission does not feel the need to send this back to HSPB.**

**Page 9: Evaluation of Environmental Impacts (2 and 4)**

**“must take into account the whole action involved” was given comparatively little weight in this study. There is no instance, as an example, of photos taken from the position of the casual passerby using the sidewalk on the eastern side of Indian Canyon. Or even passengers in cars driving out of town! Or of anyone sitting in the courtyard of Los Arboles to judge the impact on views and/or the existing noise patterns vs. that during construction. Both are mentioned later in, literally, a few words.**

RECEIVED

JUL 20 2015

PLANNING SERVICES  
DEPARTMENT

## **Flinn Fagg**

---

**From:** Rick Moran <marin-moran@mindspring.com>  
**Sent:** Friday, July 10, 2015 8:47 AM  
**To:** Flinn Fagg  
**Cc:** James Cioffi  
**Subject:** Fw: 750 Lofts Project, 750 North Palm Canyon

-----Forwarded Message-----

>From: Rick Moran <marin-moran@mindspring.com>  
>Sent: Jul 9, 2015 4:42 PM  
>To: FlinnFagg@palmsprings-ca.gov  
>Cc: Doug Donenfeld <jdonenfeld@sidley.com>, James Cioffi <james@cioffiarchitect.com>  
>Subject: 750 Lofts Project, 750 North Palm Canyon

>

>Dear Director,

>

>I am writing you not only as a local resident who lives two and one half blocks from the project and but also as Chairman of The Old Las Palmas Neighborhood Organization. I feel strongly that the 750 Lofts project would be a huge benefit not only to the residents of Old Las Palmas but also the citizens of Palm Springs as well as visitors to our rapidly improving uptown area.

>

>By building an architecturally exciting mixed use development on the long overlooked Indian Canyon Corridor, a foundation for more resident and visitor serving high quality development in the area would be created which hopefully would continue to extend northward on Indian Canyon.

>

>I have been to Jim Cioffi's office with neighbors to view detailed drawings of the project as well as have been able to attend public meetings where the project was discussed and received near unanimous support. I don't think the argument that it creates some view blockage from the owner of the Mexican restaurant and hotel has any merit as all his windows on Indian are always closed and covered with blinds or curtains, presumably because of the traffic noise on Indian.

>

>I hope you will support this exceptional project.

>

>Best regards, Rick Moran  
>325 W. Mountain View Place  
>Palm Springs, CA 92262

>

SARA FRITH AND PATRICK HARBINSON

[sarafrith@gmail.com](mailto:sarafrith@gmail.com)

310-305-8011

292 East Via Altamira  
Palm Springs, CA 92262

440 Linnie Canal  
Venice, CA 90291

June 23, 2015

Planning Commission  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Attention: James Thompson, City Clerk

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

Dear Sirs,

I live in the historic movie colony district within the 500 feet impact zone of this site.

Once again I am writing to object to the 750 Lofts, LLC. building application for a mixed use hotel development at 750 North Palm Canyon and I incorporate herein by reference my letter to the Planning Commission in connection with the hearing in February 2015, my letter to the City Council dated March 18, 2015 and the letter of the law office of Babak Naficy dated March 17, 2015, all of which are on the public record. Since the changes made to the plans since the last hearing have not significantly altered the plans, all the objections raised in those letters still apply.

When I attended the last Planning Commission hearing in February on this project, I was struck by the fact that the Planning Commission had obviously already made up its mind to approve this project before the hearing, notwithstanding the evident problems with the Staff Report and the objections of members of the public and the unprecedented nature of this application. At best, I saw a token acknowledgement of a few of the problems the project raises but no will to address them and most of the issues were simply ignored.

When it originally came up 2-1/2 years ago in October 2012 it received a much greater level of critical review from the Historic Site Preservation Board and it was not approved. This time around, however, for whatever reason, the critical analysis has ceased and the project was waived through to the City Council. One has to wonder why since the problems with the project are substantially the same as they were then: it is too high, too dense, it invokes the High Rise Ordinance in order to exceed the permitted height restrictions in this area and then totally ignores the setback and open space requirements of that ordinance; it blocks the mountain views to the east across the whole lot (a consequence of ignoring the open space requirements); it has inadequate parking; it is not consistent with the surrounding buildings in height, scale, density, style or character; and it creates potential noise from a roof top pool and event

space which none of the surrounding hotels have and which has not been adequately studied; it does not provide any public benefit remotely commensurate to the exceptions to the rules being requested, and thus fails to satisfy that requirement for a grant of PDD status. In addition, it should most certainly have been required to have a full Environmental Impact Review since the environmental issues raised by this project cannot and have not been properly addressed by the Negative Mitigation Declaration.

It has only been sent back to you now because of the threat of litigation. But once again I note that City Staff are recommending approval of the Negative Mitigation Declaration, despite the fact that they have now been informed in a legal comment letter from the law firm of Miller Star in connection with the New Church project that such a course of action would not be appropriate in that case and they can clearly see that most of the issues raised in that case also pertain to this case. In that case a full EIR has now been required and the same should be done here. So why are City Staff recommending adoption of the Negative Mitigation Declaration?

As we are all aware, since the hearing in March before the City Council, the City has been racked by scandal about the close ties between some developers and certain city representatives.

In that regard, and in connection with this project in particular, I have heard that this lot was purchased by a foreign billionaire from Poland to qualify his son for a US visa by investing \$500,000 in property in the US. I have also heard that certain representatives of the City, in order presumably to induce the owner to purchase this property, sat down with the owner's representatives to determine the design, height and mass of the building and gave assurances to the property owner that the City would get it approved by April or May this year. That plan was only upset by threat of litigation. It has also been indicated to some of us who are opposed to this project as currently designed that the billionaire owner will bury us in litigation costs if we continue to object. Needless to say, such a situation raises serious doubts about the integrity of this process.

Of course I cannot verify what I have heard but it certainly is concerning to see an application like this being supported, even facilitated, by City Staff and meeting with so little scrutiny by the various agencies whose job it is supposed to be to keep new building substantially compliant with the rules of the City and consistent with the General Plan and the surrounding neighborhoods, especially in such a prime area of town as this, in the heart of a designated historic preservation district and neighboring on the historic Movie Colony.

The structure of this planning application would provide a terrible precedent for the City if approved, with a General Plan amendment, a PDD, a CUP and certain other complicated aspects with far reaching implications, designed to get around all the planning restrictions which were supposed to protect the City from inappropriate overbuild. At the last Planning Commission hearing on this project, certain commissioners voiced concern over carving up the codes in this manner and stated that they hoped they would not see other applications formulated in this manner. And yet it was voted through. And already, and predictably, we have seen other developers seize upon this unholy formula in constructing their own applications – also in other historic areas of Palm Springs – and we have seen the Planning Commission approving those plans too. The Planning Commission must take full responsibility for the precedents their approvals set. They should not pass something “hoping” it won't become a formula in the future. They know full well that it will, and so they should not be passing applications of this sort in the first place– and especially not for sites in the midst of historic preservation areas.

So I say to you, once again, please apply the laws of this City openly, fairly and consistently, in a manner which does not result in spot zoning for this site, does not require a General Plan amendment, does not eviscerate all the setback and open space requirements and public benefit requirements that were supposed to be the quid pro quo of granting an exception to the building guidelines if the High Rise Ordinance is invoked, and does not increase nearly threefold the prevailing FAR. Also, please recommend that a full EIR be undertaken.

Please stop forcing the concerned citizenry to show up here time and again to object to the things you should be objecting to, and to ensure the process runs as it should; stop forcing us to waste time and money hiring lawyers to bring the permitting process back within the parameters of the law. None of that would be necessary if the system were working as it should without undue influence from vested interests.

Although I have outlined above my concerns with respect to this application in a general manner, for the sake of the public record and to preserve my right to raise these matters in judicial hearing, I feel I have to spend more time and space here setting out in greater detail some of my objections. The issues listed below are not exhaustive and I have not sought to cite chapter and verse of the legal support for my objections, but they are based on my understanding of the law applicable to this project, and I reserve my right to raise further issues in the future.

With that said, here are some of the issues raised by this project:

If invoking the High Rise Ordinance in order to build above 30', then the setback and open space requirements of that ordinance must be applied. This is not a matter of discretion. A straightforward reading of the law does not permit application of only one part of the High Rise Ordinance (i.e. the additional height allowance) while ignoring the other provisions of that ordinance (i.e. the increased setback, open space and public benefit requirements). As is clear from the Staff Report, the project as designed does not come close to meeting the setback, open space and public benefit requirements and therefore should not be approved as designed.

The building project should not be allowed to block the mountain views to the East across the whole lot. Those views were expressly intended to be preserved under the building guidelines applicable to this area. Because it is not compliant with the High Rise Ordinance, if build as designed it would block those views to the East across the whole lot, not merely on 40% of the lot to which the building and its parking should have been restricted if the Open Space requirement of the High Rise Ordinance were complied with.

There is no public benefit from the building remotely commensurate with the detriments flowing from the grant of concessions requested by the applicant. The Staff Report's attempt to construct a public benefit argument is so obviously weak on its face, it actually serves to illustrate the lack of public benefit from this project. For example, it is impossible to conclude that the provision of a walkway through the building is a public benefit when there are existing roads a few hundred yards to the north and the south which provide the same function. It is also absurd to suggest that a few "possible" public art "nooks" on Indian Canyon (designed to help shield pedestrians from the ugly parking at ground level along most of

Indian Canyon) in any way compensates the public for the loss of the mountain views across the whole lot. In that regard, I would point out that in the Aberdeen project, another aggressive and problematic developer plan currently under consideration, the Planning Commission found that insufficient public benefit was offered to justify granting a PDD and yet in this project even less is being offered by way of public benefit. It therefore follows that the PDD should not be approved.

There is also no commensurate compensating public benefit for the loss of privacy for surrounding neighbors from being overlooking by hotel guests in the glass-fronted loft rooms; from being dwarfed by a building far higher than any other in the area; from the failure to provide garden space at ground level to continue the general garden feel of the hotels in this part of town; for the increased traffic and parking issues created by the change in use of this lot; or for the noise from a rooftop pool and event space (which as far as I could tell has not yet addressed the height of the barrier on the roof which presumably would make the building even higher than that proposed); or for the undermining of the character of the area, which on Indian Canyon is predominantly one- and two- story boutique garden hotels in the Spanish style; or from the creation of a precedent which fundamentally undermines the preservation of the historic areas of Palm Springs.

Spot zoning through a cocktail of a General Plan Amendment, CUP, PDD etc are not appropriate in the midst of an historic preservation district and are also frowned upon by California State law. The applicant in constructing this tortuous application, has sought to cherry-pick its way through the ordinances and rules of the City taking only those parts of statutes which are compatible with what it wants to build and ignoring all those which are not. The issue created by allowing greater density and FAR changes the character of the neighbourhood and negatively impacts the historic integrity of this part of town. City Staff's attempt to justify some of this by calling this area a "transitional" zone between Uptown and Downtown is plainly unsustainable. This is the very heart of the Uptown Design District. It is a vibrant area full of historic buildings; it is not a blighted area of the City in a part of town where redevelopment needs to be stimulated and might therefore justify some greater leniency with respect to the rules.

Under CEQA, a full EIR should be required. The concerns raised in public comments more than support a fair argument that negative environmental impacts will flow from this project and those concerns cannot and have not been adequately addressed in the Negative Mitigation Declaration. The Negative Mitigation Declaration should therefore not be adopted.

The current building occupies only a small percentage of the lot (less than 50%) and is within the height restrictions applicable to this area and consistent with neighboring buildings. The proposed building effectively builds on 100% of the lot and is considerably higher than anything else in the neighborhood. If the setback and open space requirements of the High Rise Ordinance were properly applied, then the new building and its parking would be limited to 40% of the lot which would not result in such a drastic change to the neighborhood. The impact of such a significant change in FAR building density (nearly threefold its current FAR) and of the change in use of the building from a bank to a mixed use hotel, spa, restaurant and event space with a pool raises many environmental issues, for example with respect to water consumption, air quality, traffic, noise, etc etc, which have not been and cannot be adequately addressed in the Negative Mitigation Declaration and need to be reviewed by in a full EIR.

The noise impact of building on this scale and of creating a rooftop bar and event space have not been assessed at all and also require a full EIR. The Staff Report suggests imposing a condition that certain

decibel noise levels be imposed on the development. However I would say to you that such an approach is totally inadequate to protect the public's interests. It imposes an impossible burden on those harmed by the noise to keep taking decibel readings and bring complaints every time they are bothered by noise. It is not a realistic or reasonable solution to the potential problem. I would remind you that at the last hearing when this issue came up City Staff offered their inexpert (and technically wrong) opinion that noise travels upwards so it would not be a problem for surrounding areas; and the owner's representative gave the ludicrous response that his clientele would be older and listening to "starbucks playlists" not loud rock music, so there would be no problem. Such ignorant and arrogant responses to the creation of a potential problem for surrounding businesses and residents is troublesome and cannot be allowed to prevail. I would point out that noise travels out (not up) on sound waves and is amplified by water. It can only be effectively "stopped" by placing barriers in its path. As far as I can tell, the barriers around the pool which would stop the noise travelling out have not been addressed in the plan and obviously would add to the height issue. The newly proposed use of the pool area as an event area will only exacerbate the problem. All the other hotels in this area have their pools set within garden courtyards surrounded by their own buildings which act as a noise barrier and protect the neighbors from undue disturbance. Since there are no other roof top pools and event spaces in the area, it is impossible to know what impact this project will have and a proper and full independent study needs to be undertaken through the EIR process.

The noise and air quality during construction should also be properly studied since surrounding hotel businesses will undoubtedly be negatively impacted by the fact that their hotel guests will be unable to enjoy the peace and quiet which they expect to find in a boutique garden hotel.

The long term impact to surrounding hotel businesses from the permanent loss of privacy for their guests by the imposition of an overbearing neighbor whose occupants will be able to look down from their glass lofts into the gardens and rooms of neighboring hotel's guests also needs to be reviewed. The negative impact on those garden rooms on Indian Canyon from an increase in the flow of traffic outside those hotels also needs to be reviewed.

Similarly, the negative impact to residents, businesses and the general public from the permanent loss of the mountain views and the views of the palm trees in the foreground of the mountains from the hotels and residences to the East of Indian Canyon and to the general public walking on Indian Canyon and in the neighborhood should also properly be subject to an EIR.

This project is also likely to have a serious long term negative impact to the viability of restoring and maintaining the boutique historic hotels in this area once the mountain views are lost and the sense of privacy, and greenery and general low rise ambience of the neighborhood has been degraded by allowing a competing hotel of such density and height to be placed in their midst with all the unfair economic advantage that the applicant will gain from building higher and more densely than any other building around.

There are already significant parking issues in the area from the existing hotels. When the city approved the renovation in 2009 of the Colony Palms Hotel they were required to enter into a parking agreement with the former owner of this lot to address their overflow parking issues. We are told that that agreement has lapsed and yet the City has not addressed what is to happen to the parking which once occurred on this lot. In your last review, certain members of the Planning Commission took the position that this admitted parking problem was not a problem for this applicant but rather a problem that the



City must address independently. This is wrong. The City must address the additional parking that will flow into the area if it permits the change in use of this lot from its current zoning and use. The situation is made even more egregious in this case in that the City Staff propose not to even require the minimum number of parking spaces its own rules would require, and instead to allow a valet parking stacking scheme to park the cars more densely than the rules permit. Such a concession is wholly inappropriate in an area where there are already serious issues as to parking. From my own experience I can attest to the fact that this year with the opening of the former Spanish Inn hotel and possibly with the loss of use of the parking lot by the Colony Palms Hotel, there has been a dramatic increase in the cars parked on the verges in surrounding residential streets, where no public parking is supposed to occur. Outside my own house I frequently am confronted with cars parked offstreet on the verges which I pay to landscape and maintain. And all of my neighbors are experiencing the same issues. Frustrated drivers, in their attempt to find parking, frequently ignore the fact that Altamira is a one way street from the circle outside my house (which was supposed to stop through traffic from Indian Canyon and the hotels in the vicinity) and rather than go round the block, they just ignore the sign and drive the wrong way up it in search of elusive parking. The situation is intrusive and dangerous, and this development will make it worse. Again, a full independent EIR is the only appropriate mechanism to look at this problem - not a self-serving study commissioned and paid for by the applicant which inevitably concluded that the non-conforming parking is nonetheless adequate. Again an EIR is called for.

These are just some of the serious issues with this application and some of the reasons why it should not be allowed to proceed as currently designed, why the Negative Mitigation Declaration should not be adopted and why a full EIR should be required.

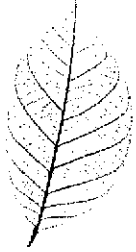
Sincerely,

SARA FRITH

Attorney

PATRICK HARBINSON

Writer/Producer



June 23, 2015

**Via Email and U.S. Mail**

Planning Commission, City of City Palm Springs  
Doug Hudson, Chair  
Phillip Klatchko, Vice-Chair  
Lyn Calerdine  
Randy Lowe  
Lisa Middleton  
J.R. Roberts  
Kathy Weremiuk  
c/o Ken Lyon, Associate Planner ([ken.lyon@palmspringsca.gov](mailto:ken.lyon@palmspringsca.gov))  
3200 East Tahquitz Canyon Way  
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[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

**RE: 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/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.)**

Dear Mr. Newell and Honorable Commissioners,

I submit this letter on behalf of Advocates for Better Community Development, or ABCD, in opposition to the 750 Lofts project ("Project"). I urge you not to recommend approval of this Project at this time. Despite the changes to the Project, the core problems remain: the Project is too tall and massive for the site and incompatible with the surrounding Las Palmas Historic District. The Project, moreover, amounts to impermissible spot zoning and will likely foster similarly tall and massive projects within a recognized historical district.

The Project should not be recommended for approval also because it has not been adequately reviewed under CEQA and will likely result in a number of significant impacts, including a significant impact on a historic resource. The Project also violates a number of development standards, including but not limited to the height constraints imposed by the City's Historic Preservation Board (HSPB) pursuant to the Las Palmas Business Historic District design guidelines ("design guidelines") and the setback and open space requirements required by the High-rise regulations (PSMC 93.04.00). The proposed General Plan Amendment, moreover, is inconsistent with City Council Resolution No. 15858 (designating the Las Palmas neighborhood a historic resource).

Now that the City's approval of the applicant's appeal of the HSPB's conditions of approval has been rescinded, I am at a loss as to why the staff would bring the Project back to the Planning Commission without the modifications required by the by the HSPB's conditions of approval and the design guidelines. Clearly the Commission cannot recommend approval in contravention of the conditions imposed by the HSPB.

**Project revisions do not adequately address the issues raised by ABCD in March 2015, and if anything, make it more likely the Project will cause significant impacts**

According to the staff report, as redesigned, the Project will only be marginally shorter than before. While the number of rooms have been reduced by 5, the hotel rooms are now two stories and feature kitchens. The number of parking spaces has been increased from 62 to 72, but the retail space has now been replaced with a restaurant and bar. No parking spaces have been allocated for the indoor event center whose dimensions and purpose is not explained by the staff report.

The parking issue has been complicated because the Project does not include any dedicated loading space. According to the staff report, the applicant has indicated that "delivery vehicles will either park in the on-site driveway or the nearby on-street parking spaces." Page 7. The operation of the hotel and restaurants therefore will likely be taking away a number of existing on-street parking spaces on a regular basis, further exacerbating the parking shortage that will likely be caused by the Project. In the alternative, loading and unloading of commercial vehicles will likely cause traffic delays, which has not been analyzed.

The staff essentially admits that the Project's parking impact has not been adequately studied and therefore is poorly understood when it recommends that "the submitted parking study be updated" to reflect Project changes. Any such parking study must be completed and made available for public review before Planning Commission reviews the Project for a final recommendation.

**The General Plan Amendment would result in fundamental and long term changes in development patterns and density which would be inconsistent with the Las Palmas Historic District**

As ABCD pointed out in March, the Project will require a General Plan amendment to change 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 because it results in denser and much more intensive development that is typically inappropriate for areas other than the downtown core. The re-designation of the site to CBD will increase the Floor Area Ratio ("FAR") from .35 lot coverage to 1.0, an almost three fold increase. The Las Palmas Business Historic District cannot support this level of density

without losing its historic character and significance.

As the staff report explains, the Project is somewhat near the far edge of the downtown core CBD zone, but not a part of it. However, by approving the proposed General Plan Amendment (along with the added height of this project), the City would be setting a historic precedent that will likely act as a catalyst for future, similarly dense development in this historic district.

The Initial Study/Mitigated Negative Declaration (IS/MND) fails to analyze the Project's potential growth inducing impacts generally, and the potential impacts on the Las Palmas Business Historic District, specifically. "[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.

**To adequately analyze the Project's potentially significant impacts on aesthetics, land use, noise, significant historical resource, the City must prepare an EIR.**

The City must prepare an Environmental Impact Report (EIR) for this Project because the record contains substantial evidence supporting a fair argument that the Project as proposed would have significant growth inducing impacts, as well as adverse impacts on aesthetics, a significant historic resource, land use and noise. The Project, moreover, is incompatible with an existing neighborhood, which in this case happens to be a recognized and registered historic resource.

The Project will likely result in significant aesthetic impacts by blocking views of the San Jacinto Mountain which, according to the staff report, is considered a "significant scenic vista." While the existing structures have a small impact on the views, the northern most 1/3 of the Project will be more than 48 feet tall, and will likely completely obscure views of San Jacinto Mountain. The IS/MND speculates that "the overall impacts associated with scenic resources are expected to be less than significant." This assessment is entirely speculative, as it is not based on any substantial evidence, such as visual stimulations to actually evaluate the extent to which the Project would obscure views of the San Jacinto Mountains.

The applicant's own visual stimulations of the Project (attached to the Staff Report) depicting eastern views of the Project along North Indian Canyon Drive demonstrate that the Project would completely obscure the last remaining views of the San Jacinto Mountains on this stretch of North Indian Canyon Drive. Blocking views of the San Jacinto Mountain is substantial evidence supporting a fair argument that the Project will have a significant aesthetic impact.

The Project could result in a significant aesthetic impact also because the proposed glass curtain wall system is more than capable of significant glare, thereby affecting nearby residents, as well as pedestrians and motorists.

Moreover, a fair argument can be made that owing to its height, mass, absence of setbacks and open space, the Project is incompatible with the surrounding Las Palmas Historic Commercial District and will therefore result in a significant environmental impact. It is particularly ironic that the recent revisions to the Project make it even more aesthetically incompatible with the historic nature of the neighborhood. In this regard, the staff report states: "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." Page 11. Likewise, the staff report notes that 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." Page 11.

As I pointed out in my March letter, the IS/MND does not accurately reflect the HSPB's conclusion that the Project, as proposed, is too tall and massive to be compatible with this historic neighborhood. The IS/MND still claims "the Board's concerns centered on the adequacy of the amount of off-street parking..." This statement is contradicted by the staff report, which admits the HSPB was concerned about the Project's height and bulk and approved the Project only on the condition that the height and bulk be reduced. The HSPB's determination that, as proposed, the Project is too tall to be consistent with the historic district is itself substantial evidence that the Project is incompatible with the surrounding neighborhood and will therefore cause a significant impact. Pocket Protectors v. City of Sacramento (2004) 124 Cal. App. 4th 903, 937 (height, view and inconsistency of project with surrounding neighborhood may evidence a significant aesthetic impact).

The IS/MND's analysis of land use compatibility is likewise flawed. The staff report claims the change from NCC to the CBD "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." IS/MND page 27. This analysis and conclusion is contradicted by the expert analysis of the HSPB, which concluded that the height and mass of the project is incompatible with the historic district. By tripling the allowable density, the proposed General Plan Amendment is inherently incompatible with the surrounding lower density neighborhood. Please also see below discussion of spot zoning.

The IS/MND's analysis of noise impact is inadequate in that it fails to take into account substantial evidence demonstrating that the Project could cause a significant adverse noise impact. The IS/MND failed to actually establish a base-line noise level; instead, it speculated that the frontage of both streets bounding the Project experience noise levels of about 70 dBA. The MND failed to analyze the noise that could be generated by the roof-top bar and pool deck, which may

also accommodate live music. As revised, the Project will have an additional bar with side-walk seating, which could also potentially feature loud music. Finally, the Project could generate significant noise from balconies and terraces.

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”. The IS/MND fails to use worst case noise scenarios.

The IS/MND concludes the Project will not result in a significant noise impact because the Project “will be required to comply with those requirements as they relate to elevated noise levels, particularly at night.” IS/MND p. 30. There is no assurance that code enforcement alone would ensure the Project would meet these requirements. In fact, the IS/MND (at p.29) states “the City will require the preparation of project specific noise analysis as part of its building permit process, **to be assured that the project will meet its standards.**” (Emphasis added). The mere fact the IS/MND recognizes that such a study is needed supports ABCD’s claim that there is currently no substantial evidence in the record to show enforcement of the City’s noise ordinance in itself will mitigate the Project’s noise levels to a less than significant level.

Based on the foregoing, the City must prepare an Environmental Impact Report because substantial evidence supports a finding that the Project may have one or more significant impacts on the environment.

**The Proposed General Plan Amendment is inconsistent with the surrounding neighborhood and Resolution No. 15858.**

This Project requires a General Plan Amendment because it is simply too dense, too massive and too big for Las Palmas Business Historic District. Currently, the Project’s land use designation is Neighborhood Community Commercial, or NCC, which has a maximum allowed FAR of .35 per acre. The applicant has requested 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. While the NCC designation is compatible with the Las Palmas District, the CBD designation is not.

As the staff report notes, the crucial difference between the CBD and NCC designations is “density or intensity of development—defined by FAR.” The staff opines that the Project site is in a “transition area” between Downtown and Uptown” and 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 CBD design guidelines is irrelevant on the question of whether the proposed CBD designation is compatible with the Las Palmas Business Historic District. Even if the Project can be considered in a transition zone between CBD and Uptown, it does not follow that the CBD designation is compatible with the historic nature of this neighborhood.

By approving this proposed General Plan Amendment, the City would essentially remove any line of demarcation between the dense and bustling downtown core and this less intense, less dense historical neighborhood. This Project would essentially act as a first domino that would act as a catalyst for the eventual demise of the entire Las Palmas Business Historic District as envisioned by Resolution 15858 and its eventual transformation into an extension of downtown core. Accordingly, the General Plan itself is inconsistent with the both the General Plan (which designates this district NCC) and the City's own Resolution 15858.

**The proposed General Plan Amendment amounts to impermissible "spot zoning" because it creates an island of incompatible use**

ABCD's March 13, 2015 letter to the City Council argued the proposed change in zoning and land use designation amounts to impermissible "spot zoning". For reasons that are only clear to staff, the current staff report fails to discuss or even mention this issue.

'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.4<sup>th</sup> 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.

Pursuant to Foothill Communities, the proposed GPA and PDD in lieu of zone change amounts to impermissible spot zoning. This is a single high-density project surrounded on all sides by an expanse of lower density NCC. The Project site, moreover, is not physically connected to any other CBD designated land.

The question, then, is whether the proposed rezoning is justified by a substantial public need for this Project. Unfortunately, this is not a question that the City has asked or answered. 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.

**The City may not waive the requirements of the High-rise buildings ordinance by adopting a PDD**

The City continues to view the PDD as a magic wand with which it can waive any and all development standards in the name of “flexibility”. Here, the Project’s maximum height of 48-50 feet greatly exceeds the allowable 30 feet. The Project must therefore comply with the City’s High-rise buildings regulations (PSMC 93.04.00), which require the approval of a conditional use permit or planned development district pursuant to PSMC 94.02.00 and 94.03.00, respectively.

In addition, the High-rise buildings code section specifically provides that high rise building (i.e. exceeding 35 feet) **must satisfy the following standards:** (1) Sixty (60) percent of a site area must be developed s usable landscaped open space and outdoor living and recreation area and (2) the high-rise building must have a minimum setback of three (3) feet of horizontal setback for each one (1) foot of vertical rise of the building.

The Staff Report admits that at over 48 feet, the Project must comply with 93.04.00. In particular, the Project as revised will only provide 26% open space, where 60% is required by the City code. It is important to note that before the current revisions, the Project provided 43% open space. The



current revision therefore reduces the open space provided by 17%.

Likewise, while the Project as currently designed provides 0 to 15 foot setbacks in the front and back, compliance with 93.04.00 requires 145-foot setbacks. The Project also fails to meet the less stringent set back and open space requirements of the proposed C-1/R-3 zone.

Without any explanation or analysis, the staff report claims the PDD application “addresses the requested relief from the high-rise regulations.” Page 7. The March City Council staff report stated that the applicants sought a PDD 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.” March 18, 2015 Staff Report at page 8 of 23.

Even with a PDD, the applicant’s failure to comply with the High-rise regulation cannot be waived or excused. According to 94.03.00(C), “the planning commission and the city council **shall establish a full range of development standards** appropriate to the orderly development of the site which shall include the following: (1)“Structures which exceed permitted heights **shall be subject to the requirements of Sections 93.03.00 and 93.04.00.**” 94.03.00(C)(1) (Emphasis added). As already explained, 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, pursuant to 94.03.00(C)(1), in issuing a PDD, the City must adhere to standards contained in the High-rise buildings regulation codified at 93.04.00. In other words, the City may not use a PDD to waive the minimum open space and setback requirements required by 93.04.00 (A) and (C)(1).

In any event, it is impossible to comment on the applicant’s PDD application because the staff report does not include any analysis of a PDD or proposed findings to allow departures from the setback and open space requirements of the High-rise regulation. If the City intends to go forward with a PDD to excuse the Project’s failure to comply with the High-rise building standards, the City’s analysis and proposed findings must first be disclosed to the public.

**PDD public benefits are ephemeral and not proportionate to the requested benefits**

According to a 2008 Resolution of the City, to be eligible for a PDD, the applicant must demonstrate that the project will benefit the public “proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.” Here, the applicant seeks relief from a host of development standards, relief from the open space and setback requirements of the High-rise buildings regulations, a reduction in required parking, and elimination of off-street loading requirement. Yet, none of the proposed benefits are

significant or meaningful. Generating TOT taxes or opening a new business cannot be considered a special benefit as every project built in the City will generate some form of tax revenue and would promote some business development. The remaining improvements proposed by the applicant as a public benefit, such as an Art Walk or pedestrian walkway cannot be considered public benefits of the project because these Project features are essentially designed to enhance the Project itself. These are the type of improvements that the applicant would have likely made even if the City did not require the dedication of a public benefit as a condition of a PDD. Whatever benefit accrues to the general public as a result of this Project is tangential and wholly disproportionate to the proposed wholesale departure from the City's development standards.

**Facts do not support the necessary findings.**

The facts in the record do not support many of the necessary findings. For example, a finding that the project would not be detrimental to existing uses or future uses cannot be made because, as staff notes, the noise from the roof-top pool deck and bar (cocktail lounge) "could impact adjacent properties if outdoor entertainment is allowed." Page 12.

Likewise, Major Architectural Application Finding No. 2 (Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, ...," Page 10 of staff report) cannot be made because, according to the staff report, "the project as revised does not relate as successfully to the existing structures due to the changes in the materials massing and details." This conclusion is consistent with the HSPB's conclusion that to ensure compatibility with the historic neighborhood, the Project's mass and height must be substantially reduced.

As mentioned above, the finding that the Project is consistent with adjacent buildings (Finding 5, Page 11) cannot be made because the Project is considerably taller and more massive than the surrounding buildings and the concrete columns and open ground floor "contrasts greatly with the box-like structure of the hotel units and existing adjacent development."

The proposed findings in support of a CUP for a high-rise include a finding that "the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences,..." Page 13, Finding No. 3. The staff report explains that "while the application requests relief from the setback and open space requirements, the site is urban in nature and design of the structure is generally consistent with urban development standards." The question, however, is not whether the Project is "generally" consistent with urban development standards. The question the Planning Commission must answer is whether this site is adequate in size for this Project. The answer is clearly "no", because the Project cannot meet the set back and open space requirements of the High-rise building regulations.

Palm Springs City Council  
June 23, 2015  
Page 10 of 10

**Conclusion**

This Project is simply incompatible with this neighborhood, violates too many development standards, and has not been adequately analyzed. For all these reasons, I respectfully urge you not to recommend approval of this Project.

Sincerely

/S/

\_\_\_\_\_  
Babak Naficy  
Counsel for ABCD

cc. City Attorney, Douglas Holland

SARA FRITH AND PATRICK HARBINSON

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RECEIVED  
CITY OF PALM SPRINGS

2015 MAR 18 AM 9:46

JAMES THOMPSON  
CITY CLERK

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440 Linnie Canal  
Venice, CA 90291

March 18, 2015

Palm Springs City Council  
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,

I am writing, on behalf of myself and my husband, to object strenuously to the granting of the 750 Loft LLC application for 750 North Palm Canyon, an application which, if granted, would permit a building of unprecedented height, size and density in the midst of an historic preservation district, which does not conform to any of the building ordinances in place for this area. This is not a question of whether you like the design of the building or not, or whether you like these developers. This is a question of whether such a building is suitable for this site and whether the City Council really has the powers to grant the sort of sweeping exemptions from the existing applicable building ordinances which have been put in place by prior administrations to protect historic sites in this City from being undermined and destroyed by excessive and inappropriate new developments being built in their midst.

There seems to be many things not working as they should in this process.

I live in the historic movie colony district within the 500 feet impact zone of this site. I was not notified of this application last October when it first came before the board, or in January when it went before the Historic Site Preservation Board or in February when there was an appeal from that HSPB's restrictions. In 2012 when this development previously came up for review, I was notified; so why not now?

When I did finally receive notice of the last hearing in February before the Planning Commission, I reviewed the staff reports on the appeal from the Historic Site Preservation Board restrictions on their conditional approval and was struck by the evident bias in favor of the development displayed therein; the tenuous arguments made to try to justify the recommendations to approve the project and the obvious lack of logic between the admitted facts and the conclusions being drawn were striking and perturbing.

Additional Materials  
03-18-2015  
Item 1.D.

When I attended the Planning Commission Hearing, I was also struck by the fact that the Planning Commission had obviously already made up its mind to approve this project before the hearing, notwithstanding the evident problems with the staff report and the objections of the public and the unprecedented nature of this application.

I understand the staff report has now been substantially rewritten. I have not yet had time to review it, but it matters not. All the efforts of the City and its staff have been bent on flouting the rules in favor of this development without regard to the long term consequences from such short-sighted planning decisions and without regard to the interests of the public.

We, the public, should be entitled to expect that the building regulations will be complied with and that the City will ensure that they are being complied with by everyone - whether private citizen, business or developer. There should not be one rule for some of us and another for those select few of your choosing. When we purchase property here in the historic districts of Palm Springs, we know what the rules are and we have a right to expect they will apply to future developments so that our interests and our investments will be protected and we won't suddenly find ourselves living among high rise buildings where none existed before, overshadowed by buildings out of keeping in scale and density and character with any of the others in the area. We are entitled to expect that we will receive proper notice of such building applications and that the proceedings will be conducted in a fair and open and transparent manner. We are entitled to expect that the City will not grant special exemptions that harm existing property owners. We are entitled to expect that a full environmental impact review will be required by the City to assess the potential damage to the neighborhood when someone comes forward with a project which breaks every applicable building regulation, that is so much larger in height and density than the rules allow, that lacks the open space it is supposed to have to balance its buildings within its own lot, that negatively impacts neighboring historic buildings and is out of character with the neighborhood, that blocks views of the mountains which are supposed to be protected, that inserts a roof top pool and bar with all the consequent noise that will flood out over the neighborhood, and that does not meet the parking requirements of the building regulations. We are entitled to expect that the recommendations of the Historic Site Preservation Board will be complied with. We are entitled to expect that the rules - all the rules - for granting exceptions to the building ordinances will be complied with. We are entitled to expect that you - who are guardians of this City, and are here to serve the interests of the general public and uphold the laws - will not be instructing your staff to help developers find ways around those laws. But that is what is happening here. That is why this application is so incredibly complicated that you need to be a land use lawyer to figure out what is going on here. That is why there is such a striking disconnect in the staff report between the facts and the conclusions and recommendations. And that is why the hearings conducted have been so evidently pro-developer from the outset. That is why the developers were relieved of rulings to erect height poles at each point of setback to clearly demonstrate to everyone the height of the proposed building. That is why I and others did not receive proper notification of hearings.

The process that has gone on here gives rise to many questions about the scope of your powers; the proper exercise of your discretion; the proper interpretation of laws and ordinances. Questions which need to be answered.

At no point has the City required that the developers attempt to design a building that fits within the existing building ordinances - either the guidelines that impose a 30' height on buildings or the High Rise building ordinance which allow for higher building but only with more strenuous setbacks and open space requirements. Where the Historic Site Preservation Board did set some restrictions to try to get the building into closer conformity with the rules and the historic neighborhood, the City Council removed those restrictions.

This is a small site; whether it is suitable at all for application of the High Rise ordinance is extremely questionable given its location in the heart of an historic district and the lack of any similar structures around. But if you are going to allow the High Rise ordinance to be invoked, you have at least to apply all of its requirements to this project. You cannot allow a developer to pick only those parts of the ordinance which are favorable to it (i.e. the increased height) while ignoring the set back and open space requirements that would balance the height within the lot.

When you chose to grant a PDD to allow greater flexibility to a developer, and allow them to invoke the High Rise ordinance, you are also supposed to ensure that the public receive a benefit proportional to the greater flexibility being granted to the developers. There is nothing here which remotely compensates the public for the detriments resulting from the exemptions granted.

You may like the style of this building, and you may like these developers, but that is irrelevant to the issue of whether there is a public benefit:

-there is no public benefit in building a high rise building in the midst of an historic district where no other building exceeds 2 stories, and which will overwhelm all of its neighbors;

-there is no public benefit to compensate for the failure to apply the setback requirements of the High Rise ordinance;

-there is no public benefit which can compensate for the loss of ground level open space which was supposed to limit the building and its parking to 40% of the lot size and thereby achieve a balance between the building and the rest of the site. Had this been done, at least the mountain views would have been preserved over 60% of the lot;

-there is no public benefit to compensate for the loss of mountain views from Indian Canyon and east of there. It damages the property values of hotels and homes which formerly had mountain views and now will not have them, and deprives pedestrians on the street of the view of the mountains and treetops and destroys the feeling of airiness and openness which now exists and which it has been acknowledged is one of the charms of Palm Springs;

-there is no public benefit to compensate for the damage inflicted on the owners of the surrounding historic buildings who cannot build on this scale and whose land values and investor return cannot compete with such a new specially exempted competitor placed in their midst. That sort of unfair competitive advantage given to a new building in the midst of an historic neighborhood has a chilling effect on the economic viability of purchasing, restoring and operating historic hotels. Your forebears understood that and that is why they passed ordinances which were designed to protect historic buildings against unfair competition from new buildings by making new buildings conform in height, density and open space to the existing buildings neighboring them;

-there is no public benefit to compensate for allowing the developer to provide less parking spaces than the rules require. This area already has a parking problem from all the businesses, restaurants and hotels that have opened in recent years. Specifically since 2009 this site has provided overflow valet parking to the Colony Palms Hotel, an arrangement which formed part of the City's conditions for granting a CUP to that hotel. The loss of those spaces and the consequent parking issues resulting therefrom are already being experienced by residents in the Movie Colony area. I now routinely find cars parked all over the verges outside my house, and my neighbors houses, verges which we pay to landscape and maintain, because there is insufficient parking at the hotels operating nearby. Granting permission to this development to provide less parking spaces than is required under the rules only adds to that problem;

-there is no public benefit from allowing a roof top pool and bar in an area where no others exist and where no study has been made as to the impacts from noise on the surrounding area of such a development. Noise travels outward – it can be mitigated by building high walls which block the sound from travelling but here that would cause more harm by increasing the height of the building and further blocking mountain views;

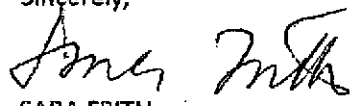
-perhaps worst of all, there is no public benefit to compensate for eviscerating the protections these rules were supposed to provide to preserve historic areas of Palm Springs from excessive and inconsistent developments which fundamentally alter the character of the surrounding neighborhood and for rendering toothless the Historic Sites Preservation Board by ignoring and removing the restrictions it placed on its approval of this project. To ignore those regulations and the HSPB is not a benefit to the public; it is a very grave detriment with serious long-term consequences.

In short, there is no public benefit here – only private gain - for the investors and for the architect. The proposal to provide a walkway within the site from Indian Canyon to Palm Canyon Drive is hardly a compensating public benefit – one only has to walk a dozen or so paces in either direction to Tamarisk or Gran Via Valmonte to be able to walk from one street to the other. Similarly, a few pieces of art placed along the sidewalk on Indian Canyon to help mask the parking hardly compensates for the loss of open space or mountain views from the excessive height and mass of the proposed building. There is simply nothing in this development to outweigh the significant and irrevocable long term detriments to the public of permitting this building in this particular location.

This is an area of town that does not need revitalizing. It has been undergoing a rejuvenation for the past several years. It already has several small boutique hotels which exist discreetly and for the most part quietly alongside residents. This is the one part of Indian Canyon Drive that has charm and history and is pleasant to walk. This area has been revitalized successfully because of its historical integrity. Unlike downtown, where excessive and insensitive building development in the past has overwhelmed the historic buildings and lead to a severe detrimental impairment of the historic character of the town on Palm Canyon Drive, this area has remained intact. This building will destroy that. This building also sets a precedent for all future developers who want to maximize their profits in historic areas of the city.

I and my husband do not believe you can or should approve this application. We want to see a comprehensive review of the environmental impacts on this neighborhood of allowing such a radical non-conforming development and we want to see the City use its powers fairly and without bias by requiring that this development conform to the building ordinances. It should be sent back to the drawing board not waived through.

Sincerely,



SARA FRITH

Attorney



PATRICK HARBINSON

Writer/Producer



March 17, 2015

Via Email and U.S. Mail

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Jay T.  
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**RECEIVED**

MAR 25 2015

**PLANNING SERVICES  
DEPARTMENT**

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**RE: 750 LOFTS**

Dear Councilmembers,

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.

babaknaficy@sbcglobal.net

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.4<sup>th</sup> 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



**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 completion

RECEIVED  
CITY OF PALM SPRINGS

2015 MAR 12 AM 11:00

JAMES THOMAS  
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 Lotfs 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

## Cindy Berardi

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**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

# 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](mailto:michael@workshoppalmsprings.com)  
c: 310-977-7018  
o: 760-459-3451

Submitted to  
Planning Commission

FEB 25 2013

Case # \_\_\_\_\_ 255

**Ken Lyon**

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**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

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: 750 NORTH PALM CANYON DRIVE

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

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



## Ken Lyon

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**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](mailto: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

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**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](http://www.bearfootinn.com)  
888 N Indian Canyon Dr  
Palm Springs, CA 92262-5719  
760-699-7641  
855-438-0414 toll free

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

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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 that 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

**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.

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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 213 205

Planning Commission Meeting  
Date: 2-25-15

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

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

RECEIVED  
CITY OF PALM SPRINGS  
2015 FEB 23 AM 9:1  
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

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Additional Material 287



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 manoeuvre 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

---

**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 8380

"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@rctima.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.

***Emily Perri Hemphill***

Attorney-at-Law  
P.O. Box 1008  
Rancho Mirage, CA 92270  
760-880-4292  
[ephemphill@aol.com](mailto:ephemphill@aol.com)

July 16, 2015

Flinn Fagg  
Planning Director  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92662

RE: 750 Lofts Project (Case 5.1350PDD/GPA/CUP/ and 3.3795MAJ)

Dear Mr. Fagg:

This office represents the applicant in the above referenced case. On behalf of my client, I would like to offer the following responses to comments that have been lodged with respect to this Project, and ask that this letter be made a part of the record and provided to the Planning Commission and City Council prior to their respective action on this matter.

**PARKING**

There has been much discussion about the adequacy of parking, as raised by the ABCD comment letter. There was also discussion of this issue at the Planning Commission, however, much of that discussion centered around parking issues in the neighborhood, and the Planning Commissioners correctly observed that a single project cannot be saddled with the obligation to solve the neighborhood's existing parking problem. Rather, each project must provide adequate parking for itself only.

There was also a mention that the subject property was being used for parking by a neighboring property, suggesting that the current Project would displace that parking. This statement is incorrect. The Colony Palms Hotel once had an agreement with this property owner for overflow parking, however, that agreement expired in 2014 and no parking has been provided on this Property since that time to satisfy the parking requirement of neighboring businesses.

With respect to the adequacy of parking for the Project, we have submitted a report, completed by RK Engineering Group, parking and traffic engineers, a copy of which was provided to staff for distribution to the Council. That report clearly shows that whether judged based on the City's parking requirement, or on ULI standards, the Project has provided more than adequate parking to serve the proposed development, with a total of 108 parking spaces for a 39 room hotel project.

## COMPATIBILITY WITH SURROUNDING DEVELOPMENT

The proposed Project is located in an area marked by eclectic development styles and materials. Surrounding building materials range from stucco and painted brick to steel, marble and cement. Building styles in the area similarly vary widely from multi story office buildings and hotels to single story low rise shops and restaurants. Architectural styles in the area include spanish as well as modern, and a structure at 803 N. Palm Canyon with a similar design aesthetic as that being proposed. Given this eclectic mix of style and materials, the modern design proposed by the Project adds to the evolution of modern design in the area.

Further, the Project site is currently occupied by a vacant, run down office building which contributes nothing to the City economically, and is an eye sore which degrades the area. The proposed Project would remove that eye sore, and replace it with a vibrant development that relates well to both Palm Canyon and Indian Canyon Drive, thereby adding energy to the area, as well as adding to the City's economy via job creation, generation of transient occupancy tax and by providing a high quality hotel experience close to the City's downtown core.

## HISTORIC IMPACTS

The City's HSPB reviewed the Project and voted to approve it, contrary to what ABCD seems to assert. HSPB did ask that the Project be conditioned to reduce its height along Indian Canyon to 20 feet. Since that time, the Project applicant has reduced building heights in all areas, including Indian. As we were able to reduce Indian Avenue heights to an average height of 31'7" (with height varying slightly at different points of the structure), we asked historic preservation consultants CRM Tech to review the revised drawing for the Project. A copy of their report has been submitted to Planning Staff for distribution to the Council. Their report concludes that the current plan for the Project "would not adversely affect the historic integrity of the district, and would not constitute a 'substantial adverse change in the significance of a historical resource.'" We therefore request that the Council approve the Project, with the proposed height along Indian Avenue.

## BUILDING HEIGHT

ABCD claims that the City may not modify the strict standards of the high rise ordinance. This claim is incorrect in that the high-rise ordinance by its terms states: "The city council may alter the provisions of this section upon finding that the intent of this section is met." [PSMC 93.04.00(G).]

To determine if the intent of the section is met, it is important to understand the building's design. The height of the building at Palm Canyon Drive and Indian Canyon is 31' and an average of 31'7" respectively. This is below the 35 feet required to trigger the City's high rise ordinance. [PSMC 93.040.00.] The only portion of the building that triggers the high rise ordinance are the limited rooftop facilities which include a small fitness center, finishing kitchen and a fully enclosed event space of just over 1700 square feet. The maximum height of these rooftop facilities is 48'4", which does trigger the high rise ordinance. However, the facilities that trigger the high rise ordinance are located in the central portion of the roof, and are therefore setback far more than the building, itself. The high rise ordinance asks for three feet of setback for every one foot of vertical rise, with the setback measured from the right of way line on the opposite side of the abutting street [PSMC 93.04.00(C)(1).] The portion of the building with a height of 48'4", therefore would require a setback from each street of approximately 145 feet. As proposed, the portion of the proposed building that triggers the high rise ordinance is set back from Palm Canyon

161 feet, and is set back from Indian Canyon nearly 165 feet, measured as required by the ordinance. The limited portion of the building that actually triggers the high rise ordinance is therefore well within the setback requirements of that ordinance. It is therefore reasonable to conclude that the building meets the intent of the ordinance as to set backs.

#### **OPEN SPACE**

The High Rise Ordinance asks for 60% of the site area to be developed with “usable landscaped open space and outdoor living and recreation area”. Contrary to the comments provided at the Planning Commission, to qualify as “open space” the usable recreation area does NOT have to be at ground level. In fact, the City’s CBD zoning code, which clarifies the open space requirement for hotel uses, indicates that “open space” includes balconies, terraces, roof decks and other similar features which are usable by the occupants of the primary use. [PSMC 92.09.03(C)(3)(b).] The open space calculation for this Project contained in the staff report to the Planning Commission failed to take into account those open space elements which are not at ground level. When all eligible open space elements are included in the calculation, the open space for this Project is 62% (see attached calculation.) The Project therefore meets both the intent and the letter of the high rise ordinance as to open space.

#### **NOISE**

The Project is conditioned to comply with the City’s Noise ordinance, and has established operational rules for the roof top facilities that will assure compliance. Specifically, the pool, itself is open only from 8 a.m. to 10 p.m., and is designed to feature the low-key, relaxing pool environment consistent with other uptown Palm Springs hotel destinations. Any special events which occur at the pool area will be limited to the 8a.m. to 10 p.m. pool operations hours. Special events, such as wedding receptions, which occur in the rooftop event area, which is totally enclosed, may be allowed to continue until 1 a.m. on a case by case basis, however, all events will be required to comply with the City’s noise ordinance, which defines acceptable noise levels for the area. Given the restrictions on use of the roof top facilities, and their distance from surrounding land uses, there is simply no evidence to suggest that noise impacts from these facilities will be significant.

#### **PUBLIC BENEFIT**

The Project will result in the creation of jobs in the downtown area and a new source of transient occupancy tax for the City. Among the more unique public benefits which results directly from the Project’s design is the public Art Walk. The Art Walk is a permanent part of the Project, and will feature rotating exhibits, focusing primarily on local artists. Therefore, the Project’s proposed public benefit creates not only an opportunity for the public to enjoy the art walk on display, but the applicant intends for this public art walk to give local artists the opportunity to display their work through the use of rotating exhibits. This creates opportunities for local artists and encourages a dynamic energy around the project which benefits the commercial neighborhood in which the project is located.

The Project will also result in an increased vibrancy in the Historic District as the hotel component adds the opportunity to place visitors directly within the Historic District, thereby making it more likely that the District will be appreciated by the visitors to our city. The mixed use component, particularly the outdoor dining, brings energy to the area that encourages pedestrian traffic within the district in a way which is currently lacking.

The Project's design also responds to a unique historic problem in this area of the City. Much of the current development along the Palm Canyon/Indian corridor "turns its back" on Indian Canyon, making that important thoroughfare seem like a series of "back doors." To truly revitalize this area, it is critical that development in this area begin to treat the Indian Canyon frontage with the same respect that is afforded the Palm Canyon frontage. This Project, as proposed, does exactly that, making its entry on Indian as inviting as its entry on Palm Canyon. The project includes a very high-end library/lounge establishment on Indian Canyon, similar to the various new library/lounge establishments that are being built in top world class cities of the United States such as New York and San Francisco. The library/lounge will be separately branded and will serve high quality food and beverage offerings and will be a showcase space for the project, thereby upgrading the character of development on the Indian Canyon corridor with this important food and beverage destination.

In addition to creating an important entry on Indian Canyon Drive, the Project is also designed to provide a pedestrian pass through from Palm Canyon Drive to Indian Canyon. This gives the visitor the opportunity to see the Art Walk and its local art works, increases the synergy between Palm Canyon Drive and Indian Canyon, and further takes away the "back door" feel that currently exists on Indian Canyon Drive by encouraging pedestrians to pass through to Indian, and giving them something to do once there.

#### SUMMARY

Contrary to the assertions of ABCD, therefore, the Project does provide public benefits which would result from the approval of the PDD, consistent with the City's policy. The Project revitalizes what is now a dilapidated office building which provides no economic support to the community, and turns it into a vibrant mixed use development which will bring more visitors to the Historic District, will encourage public art and local artists, and will help to revitalize Indian Canyon. The Project's design meets the intent of the high rise ordinance by making its tallest component a small part of the Project footprint, and setting that component back from the surrounding streets further than required by the ordinance. The Project's modern design is responsive to the City's historic district and furthers the development of this signature style of architecture for which the City has become known. The Project provides exciting dining opportunities that complement the City's core downtown development while encouraging visitors to extend their exploration of the City to the area north of downtown and within this Historic District. These benefits, coupled with the jobs created and the TOT generated, makes the Project a true asset to the City, and for these reasons we request the City's approval.

Sincerely,

Emily Perri Hemphill

M/S/C (Secoy-Jensen-Hirschbein, 7-0) Approve, as submitted.

8. ~~BUREAU OF INDIAN AFFAIRS FOR A CONDITIONAL USE PERMIT TO DEVELOP A 32-UNIT CONDOMINIUM COMPLEX AND TWO LIVE WORK UNITS LOCATED AT 262 SOUTH INDIAN CANYON DRIVE, ZONE LSC/C-1AA & C-2, SECTION 14 (CASE 5.1358 CUP). (ER)~~

M/S/C (Faubert/Hirschbein, 7-0) Table indefinitely.

9. 750 LOFTS, LLC. FOR A MAJOR ARCHITECTURAL APPLICATION TO DEVELOP A FOUR STORY MIXED USE HOTEL WITH RESTAURANT, SPA, RETAIL SPACES, PARKING AND OPEN SPACE LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD104 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (HD-1) (CASE 3.3795 MAJ / 5.1350 PDD-374 / GPA / CUP). (KL)

Associate Planner Lyon presented the proposed project and outlined the changes made to the landscape, articulation of the driveway and sidewalk.

Member Secoy-Jensen commented that previous conditions included a parking study and story-poles. She questioned if this has been done. Staff responded that the draft parking study was reviewed by staff and requires revisions prior to review by the City Engineer. Story poles or equal will be scheduled at the site at a later time.

JAMES CIOFFI, architect, provided an overview on the changes, addressed the lifts and parking study.

Member Hirschbein asked if the artwork shown in the illustrations is specific and if the location of "sky bridge" is on the plan.

JAMES CIOFFI noted the artwork was schematic and denoted the "skybridge" on the exhibits.

Member Pumel made several comments pertaining to the landscaping:

1. Likes the organization;
2. Minimal use of plant material;
3. Connection to Alcazar - and if paving materials have been decided.

Member Song questioned if the artwork on Indian Canyon will be part of the project.

WILLIAM KOPELK, landscape architect, explained the selections and locations of plant material within the proposed project.



Member Secoy-Jensen stated that overall this project is well done.

Vice-Chair Fredricks commented that the color change is more harmonious with the surroundings.

M/S/C (Cassady/Fauber, 7-0) Approve as presented.

Member Cassady left the Council Chamber at 5:30 pm for the remainder of the meeting.

**10. BEST SIGNS ON BEHALF OF ROGER STOKER FOR A SIGN PROGRAM FOR THE MULTI TENANT BUILDING LOCATED AT 1001-09 NORTH PALM CANYON DRIVE, ZONE C-1 / R-2 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (HD-1) (CASE SP14-009). (KL)**

Associate Planner Lyon presented the proposed sign program.

Member Secoy-Jensen noted an error in the staff report on page 5.

JOHN CROSS, representing BEST SIGNS, commented that their goal is to keep it simple.

Member Hirschbein said he appreciates push-through letters; however, expressed concern about the size/height of monument sign, signage on windows in the back is overkill - would rather see wall signs similar to the front.

Member Secoy-Jensen questioned the existing sign material - (plywood - temporary sign); and agreed with the concern of the vinyl window letters. She noted a good point is that the letters are not illuminated (minimal impact).

Member Song noted the building is Spanish style and questioned the modern shape of the signage.

Member Secoy-Jensen said she likes the simple contemporary sign; and spoke in support of this concept.

Member Purnel said he supports Member Song's comments - likes the simple Spanish building and feels the vinyl signage is too much. The cabinet seems foreign to the architecture of the building.

M/S/C (Hirschbein/Fredricks, 6-0-1 absent/Cassady) Approve subject to conditions:

1. Sign box shall not have a border treatment;
2. Sign box to match color of existing stucco (face and sides);

Director Fagg summarized the staff report.

Al Smoot, representing the City (applicant), provided a status update, and invited the board members to attend the re-opening ceremony on February 19, 2015.

Board member La Voie requested that Mr. Smoot provide staff with the source of the replacement tiles for the library roof.

Chair Johns asked about the temporary chain link fencing around the mechanical equipment in the rear courtyard, and the purpose of the courtyard security plan.

Board member Williamson suggested that the preliminary landscape plan be vetted with the WMML subcommittee for input prior to final submittal to the HSPB for approval to make the process more efficient.

Vice Chair Ploss requested that future reports include the complete list of actions taken to date on the project by the board.

Board member Burkett noted an issue with COA 11.6.12/4, wherein historic images were to be used in determining the interior finishes and fixtures.

M/S/C (Ploss, Dixon) (7-0-0) To approve the report as presented.

**2.B. A REQUEST BY 750 LOFTS, LLC FOR HSPB APPROVAL OF A NEW MIXED USE HOTEL DEVELOPMENT LOCATED AT 750 NORTH PALM CANYON DRIVE (ZONE C-1/R-3/PD 104/RESORT COMBINING ZONE/THE LAS PALMAS BUSINESS HISTORIC DISTRICT) (HD-1, CASE 3.3795 MAJ/5.1350 PDD374/GPA/CUP).**

Director Fagg summarized the staff report

JIM CIOFFI, representing the applicant, summarized the changes to the project and reviewed the color and materials selections with the board.

WILLIAM KOPELK, the landscape architect for the project, reviewed the proposed landscape selections.

Chair Johns requested clarification on the materials proposed for the exterior of the structure.

Board member La Voie asked about the roof terrace, and suggested that no other roofed structures should be permitted other than the elevator/stair tower.

Board member Williamson noted that the project was successful in maintaining the retail storefronts along the sidewalk, and was a contemporary design as

encouraged by the Las Palmas Business Historic District guidelines. He asked for verification of the height of the scissor lift used in the on-site height demonstration comparable to the proposed height of the building.

Board member Dixon questioned if a condition could be placed upon the project to limit rooftop structures.

Vice Chair Ploss questioned if the rooftop facilities would be open to the public.

Board member Hays expressed concerns about obstructing views of the mountains, and asked where the photos were taken from that were used in the photo simulations.

Chair Johns opined that the location of the scissor lift should have been placed closer to the existing building so as to give a scale comparison. He expressed disappointment that the project was not going to be joined with the Alcazar Hotel, and raised questions about the proposed crosswalk on Indian Canyon Drive.

Board member Burkett asked the applicant if the loft units would be sold or if they would be incorporated into the hotel.

Vice Chair Ploss noted that the design of the building is lovely, but that the bulk and size is out of line with the historic district. She also stated that she felt the parking as proposed is inadequate.

Board member La Voie also expressed concern with the placement and use of the scissor lift and that it didn't fully describe the full size of the building. While he agreed that the pedestrian scale and commercial space was appropriate, the height and scale is out of character of the district and that the height should be lowered by roughly four feet.

Board member Hays expressed concern that the building is out of proportion with its context, will impact the views of buildings across the street, and that the height adjacent to Indian Canyon needs to be lowered. He indicated that he felt the architectural design and materials were appropriate.

Board Member Dixon stated that the building is too large for the site and that the integrity of the area is harmed by it.

Board member Williamson stated that the building is in scale with the proposed Rael project and with the nearby Desert Regional Medical Center, and that the character and mass is appropriate for the district.

Board member La Voie questioned if the height demonstration would be a justification to change the board's recommendation for approval at the October 2014 meeting.

M/S (Dixon/Ploss) To deny the application based upon the finding that the height and massing of the project is inconsistent with the historic district guidelines.

Board member La Voie commented on the motion that he didn't feel that the project should be denied, but that the project could be approved with conditions to reduce the height and massing.

Motion withdrawn by the maker.

M/S/C (La Voie/Dixon) (6-1, Johns opposed) To approve subject to the following conditions:

1. The height is inconsistent with historic district guidelines and needs to be reduced by roughly 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.)
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.

### 3. NEW BUSINESS:

#### 3.A. A REQUEST BY RACQUET CLUB GARDEN VILLAS ASSOCIATION, OWNER, PROPOSING LANDSCAPE MODIFICATIONS TO COMMON AREAS AROUND THE EXISTING POOL AND AT THE SOUTHERLY SITE ENTRY LOCATED AT 360 CABRILLO ROAD, ZONE: RGA-6 (HSPB 887 HD-3).

Board member La Voie recused himself from the item as he is a resident of the property.

Staff member Newell summarized the staff report

CHRIS HERMANN, landscape architect for the project, described the proposed materials palette. He noted that they had completed a survey of the existing landscaping as part of their efforts, identifying the materials that appeared to be original to the property.

Vice Chair Ploss questioned if the landscaping was included as part of the Class 1 nomination, and noted that the park-like setting was one of the reasons for the property being given Class 1 status. She further stated that the use of stones is a contemporary aesthetic, and questioned if the landscape proposal honors the original intent. She also questioned if there were original photos of the property, and if the HOA had voted on the proposal.

City of Palm Springs  
**ARCHITECTURAL ADVISORY COMMITTEE**  
Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262

**Minutes of June 22, 2015**

**CALL TO ORDER:** Chair Fauber called the meeting to order at 3:01 pm.

**ROLL CALL:**

**Committee Members Present:** Cassady, Hirschbein, Secoy-Jensen, Song, Vice-Chair Fredricks and Chair Fauber

**Committee Member Excused:** Purnel

**Planning Commissioner Present:** Roberts

**Also Present:** Flinn Fagg, Ken Lyon, Glenn Mlaker and David Newell

**REPORT OF THE POSTING OF AGENDA:** The Agenda is available for public access at the City Hall bulletin board (west side of Council Chamber) and the Planning Department counter by 2:00 pm on Thursday, June 18, 2015.

**ACCEPTANCE OF THE AGENDA:** The agenda was accepted, as presented. Chair Fauber noted his abstention on the minutes of June 8, 2015.

**PUBLIC COMMENTS:** No comments.

**CONSENT CALENDAR:**

**1. APPROVAL OF MINUTES**

**1A. APPROVAL OF MINUTES: JUNE 8, 2015**

M/S/C (Secoy-Jensen/Fredricks, 5-1-1 abstention/Fauber, absent/Purnel) Approve with one correction.

**2. UNFINISHED BUSINESS:**

**2A. 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/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.) (KL)**

Associate Planner Lyon presented an overview of the proposed project.

Vice-Chair Fredricks requested clarification on the building height.

Member Secoy-Jensen requested staff address the review process and conditions that were previously imposed.

Member Song questioned if the photovoltaic panels will be provided for the project.

Chair Fauber questioned the shortage in parking spaces.

JAMES CIOFFI and Development Team, project architects, provided details on the redesign of the project including the reduction in height along Indian Canyon and 5 star quality hotel branding. The project redesign was explained in detail pertaining to the open-air circulation scheme, architectural elements and screening device for sun and privacy.

WILLIAM KOPELK, landscape architect, provided details on the landscape plan.

Member Secoy-Jensen verified with the applicant agreement with the conditions:

1. 40' gap in pedestrian frontage on Palm Canyon;
2. Maintenance of curtains (curtain will be secured at the bottom);
3. Enclosed trash enclosures;
4. Repetitive nature of hotel units;
5. Glazing - Fins will be utilized on North elevation;
6. Underside of 2nd floor will have a soffit;
7. Widening pedestrian walk - applicant will restudy;
8. 5' gates will be added;
9. One ADA parking space - van accessible;
10. More articulation of "art nooks" on Indian Canyon;
11. Diagonal braced columns;
12. Identify permanent/portable shade structures on roof décor.

Member Hirschbein asked for verification of alignment of proposed crosswalk; driveway needs to be more pedestrian friendly.

Member Cassady asked about conformance to Las Palmas Business District.

Member Song asked questions about landscaping and use of vines on exterior of building; how the outdoor dining relates to the public sidewalk and how the building relates to one story buildings on the north and south.

Member Hirschbein asked about the relationship between the building and optometry building will be dramatic - it has a lot of art and has a potential to be iconic. He expressed concern with through-block pedestrian sidewalk - would like to see it become a one-way driveway.

Member Secoy-Jensen concurred with Member Hirschbein; noting that architecture is very exciting and the building responds well to modern buildings in the historic district. She likes the authentic expression of the structure.

Member Cassady confirms support of Members and supports the project; the only disappointment is not having a restaurant on Indian Canyon.

Member Song commented that the composition on Indian Canyon works but the composition on Palm Canyon does not work (it does not address the scale of existing content); however, has pedestrian concerns with driveway through-site.

Vice-Chair Fredricks supports the project; he feels the driveway needs further work. He is impressed with the change in materials.

Chair Fauber expressed concern with parking and shading/glare of Event space. He commented that the architecture is representative of Palm Springs.

M/S/C (Hirschbein/Fauber, 5-1-1 opposed/Song, absent Purnel) Recommend approval to the Planning Commission with the following conditions and return to the AAC for review of design of the breezeway and removal of parallel parking (recommendation) and consider enhancing the pedestrian experience.

3. Provide enclosed trash enclosure(s) appropriate for the volume of waste and recycling anticipated and with sealed compacting dumpsters as necessary to control odors, vermin, unauthorized scavenging, etc.
6. Require a soffit or other means to conceal water, sewer, sprinkler, conduit, and other utility penetrations that puncture the ceiling plane of the parking garage, drive aisles, dining patios and other first floor areas where the underside of the floor above is exposed.
8. Provide minimum five foot wide gates or doors at the north side service aisle for greater ease of moving dumpsters and large material to the street.
9. One ADA parking space must be van accessible with an eight foot side walkway on the passenger side of the vehicle.

10. Consider more design articulation at the "art nooks" along Indian Canyon Drive.
12. Identify the type, approximate height, color and location of all permanent and portable shade structures, cabanas, or other shading devices that are anticipated at the roof top pool deck so that it has a unified coordinated appearance from street level.

3. **NEW BUSINESS:**

**3A. RANCH CLUB HOA FOR A MINOR ARCHITECTURAL APPLICATION TO CONVERT 4,530-SQUARE FEET OF TURF AREA TO DESERTSCAPE LOCATED ALONG THE NORTHWEST CORNER OF SUNRISE WAY AND CHIA ROAD, 1411 NORTH SUNRISE WAY, ZONE R-2 (CASE 3.388 MAA). (DN)**

Associate Planner Newell presented the proposed turf replacement project.

RICK BICANOVSKY, president, HOA, APPLICANT, described plans for turf removal plans.

Vice-Chair Fredricks asked about irrigation for the existing trees.

Member Song questioned if plants would be grouped (as opposed to equally spaced).

Chair Fauber verified that plants were increased to provide coverage.

Vice-Chair Fredricks said he likes the plan and supports the massing; however, concerned about irrigation of existing trees and would like to see variation in height of plant material.

M/S/C (Fredricks/Cassady 6-1 absent/Purnel) Approve with comments noted (irrigation of existing trees and a variation in height of plant material).

**3B. FAIRWAYS HOA FOR A MINOR ARCHITECTURAL APPLICATION TO CONVERT 27,500-SQUARE FEET OF TURF AREA TO DESERTSCAPE LOCATED ALONG 34<sup>TH</sup> AVENUE, 1600 CROSSLEY ROAD, ZONE O5 (CASE 3.0218 MAA). (GM)**

Assistant Planner Mlaker presented the proposed turf replacement.

ANGEL BARBA, Westview Landscape, provided details on the landscape plan and



**2B. CITY OF PALM SPRINGS TO AMEND THE DESERT PALISADES SPECIFIC PLAN TO ALLOW RESIDENT ACCESS TO TRAMWAY ROAD AND TO DESIGNATE A +/- 5 ACRE PORTION OF THE PLAN AREA FOR PERMANENT OPEN SPACE, ZONE ESA-SP, PLANNING AREA 4 (CASE 5.1154 SP). (FF)**

Planning Director Fagg presented the proposed amendment as outlined in the staff report.

The Commission asked technical questions pertaining to:

- Who owns the parcel of land that will be dedicated to the public?
- Accessible open space for public use;
- Prohibition of construction trucks on Racquet Club Road.

Planning Director Fagg pointed-out that a condition of approval will need to be added to the resolution pertaining to approval of final design subject to San Jacinto Winter Park Authority.

Commissioner Roberts opened the public hearing:

EMILY HEMPHILL, legal representation for Desert Palisades, clarified that this is an approved project and provided details on development for permanent open space.

There being no further speakers the public hearing was closed.

**ACTION:** To recommend approval to City Council with the added condition of approval pertaining to approval of the final design subject to San Jacinto Winter Park Authority.

**Motion:** Commissioner Lowe, seconded by Commissioner Middleton and unanimously carried 4-0-2 on a roll call vote.

**AYES:** Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk

**ABSENT:** Commissioner Calderine, Vice-Chair Klatchko

**2C. 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/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.) (KL)**

Planning Director Fagg provided background information on the project's reconsideration and minor modifications made to the development.

Associate Planner Lyon provided a summary of the project revisions made to the project.

The Commission commented and/or asked questions pertaining to:

- Parking calculations and capture ratio for accessory uses;
- Previous recommendations made by the Historic Site Preservation Board;
- Request for the applicant to address the parking shortage;
- Overall height reduction.

Commissioner Roberts opened the public hearing:

JAMES CIOFFI, project architect, provided details on the modifications made to the project relating to the reduction in height, pedestrian access, drive-lanes and materials. Mr. Cioffi addressed the parking study including use of valet parking, eclectic mix of architecture in the neighborhood and the open-space on roof deck.

FRANK TYSEN, said he would like to work with the developer according to the rules and wants to set precedence doing this.

JUDY DEERTRACK, recommended the feasibility of the project be considered; and emphasized the need for an environmental impact report on this project.

FELIPE CASTANADA, commented that all the single and second story buildings on this block will be affected by the height of this development.

ADAM ROSS, said he is amazed that developers do not follow the rules in reference to height and parking; this project will create more congestion and traffic.

EMILY HEMPHILL, legal representation for the applicant, addressed public testimony regarding the prior approvals of this project (there have been no disapprovals), CEQA guidelines, height and eclectic mix of architecture in the city.

ANDY CARPIAC, commented on the rigorous approval process this project has been through and indicated that the changes include a reduction in height and density and increase in parking spaces.

There being no further speakers the public hearing was closed.

Commissioner Weremiuk made the following comments;

- Liked the reduction in height and density;
- Concern with adequate parking for guests and staff;

- Requested modifications to the treatments on the ground floor and widening of the pedestrian lane;
- Uncomfortable with the 4th story floor and invoking the high-rise ordinance.

Commissioner Lowe made the following comments:

- Parking is a significant problem in this neighborhood and should not punish one applicant; nonetheless, he would like to see that adequate parking will be provided.
- Requested clarification on the use of the 4,000 sq. ft. of open space.

Commissioner Middleton made the following comments:

- Noted that a dilapidated building will be replaced with a much better building;
- Concern that adequate parking is provided;
- Struggling with the window curtains (screening material);
- Glad to see that walkway has been improved;
- Public benefit is weak - cannot find any description of the art walk.

Commissioner Roberts made the following comments:

- Beautiful project - this city has always been a blend of architecture and this project fits in as contemporary architecture;
- Pleased to see the reduction in height;
- Great to see this mixed-use project not turn its back on Indian Canyon;
- There are major parking problems in this neighborhood and he would like to see more parking for this project;
- Understands that the 4th floor element is a tower element; however, would like to see a reduction on this floor;
- The project works well in this neighborhood;

**ACTION:** Continue to a date certain of July 22, 2015.

**Motion:** Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried 4-0-2 on a roll call vote.

**AYES:** Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk

**ABSENT:** Commissioner Calerdine, Vice-Chair Klatchko

~~2D. CROWN CASTLE (T-MOBILE WIRELESS) FOR AN AMENDMENT TO A  
CONDITIONAL USE PERMIT ELIMINATING THE TERM LIMIT AND THE ADDITION  
OF THREE NEW PANEL ANTENNAS TO AN EXISTING 55 FOOT TALL MONOPOLE~~

**1A. APPROVAL OF MINUTES: JUNE 24, 2015**

ACTION: Approve the minutes of June 24, 2015, as amended.

Motion: Vice-Chair Roberts, seconded by Commissioner Weremiuk and carried 4-0-0 on a roll call vote.

AYES: Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts

ABSTAIN: Commissioner Calderine, Commissioner Donenfeld, and Chair Klatchko.

**2. PUBLIC HEARINGS:**

**2A. CONT'D - 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/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.) (KL)**

Director Fagg reported that staff is requesting a continuance to the meeting Aug. 12, 2015, to respond to the comments received relative to the recirculated initial study.

ACTION: Continue to date certain of August 12, 2015.

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

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

**2B. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A STREET NAME CHANGE THE NAME FOR CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC). (FF)**

Planning Director Fagg provided background information the proposed street name change.

Assistant Planner Mlaker presented an overview on the proposed street name change as outlined in the staff report.

The Commission asked technical questions relating to:

- Is Crossley Tract a neighborhood organization?

Planning Director Fagg noted that representatives of Tahquitz Creek Villas have been unavailable to meet at this this time and requested a continuance to the meeting of September 23, 2015.

ACTION: Continue to date certain of September 23, 2015.

Motion Commissioner Calerdine, seconded by Vice-Chair Roberts and unanimously carried 6-0-1 on a roll call vote.

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

ABSENT: Commissioner Weremiuk

**2B. CONT'D: 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/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374 GPA/CUP AND 3.3795 MAJ.) (FF)**

Planning Director Fagg noted a correction on the agenda's recommendation for this item. He clarified that it should read, "recommend approval of a draft mitigated negative declaration".

Planning Director Fagg pointed-out the changes made to the proposed development as outlined in the staff report. He addressed the parking spaces, valet plan, reduction in seat count, driveway and pedestrian walkway, setback requirements and trash enclosure.

Technical Questions:

1. Clarification on parking spaces;
2. Enforcement of valet plan (private property);
3. Height of the buildings on the street front;
4. Historic Site Preservation Board's (HSPB) conditions placed on the project;
5. The relation of the General Plan, Las Palmas Historic District and Zoning Code;
6. Noise analysis - difference between ambient and existing noise;
7. Compliance with noise ordinance;
8. Validated valet parking plan;
9. The Historic Site Preservation Board is an advisory body to the City Council.

Chair Klatchko opened the public hearing:

-JAMES CIOFFI, project architect, provided an overview on the HSPB's review of the project. Mr. Cioffi commented that style in this area is "eclectic" with very modern

buildings (Spanish revival, marble, restaurant and office space) which led to the design of this project. He provided details on the loading zone.

ANDY CARPIAC, representing the applicant, clarified that development will provide a full valet parking and addressed the project's compliance with the noise ordinance.

EMILY HEMPHIL, legal counsel for the applicant, addressed the differences between the original and current staff report, compliance with the noise and height ordinance and the "eclectic" architectural design of the project.

JOSHUA RYAN, Uptown Design District Business Association, business development/program manager, said they have about 215 licensed businesses in this area and are in full support of this project; noting that it will benefit the businesses and fits well into the neighborhood.

ADAM GILBERT, local attorney and real estate broker, spoke in support of the project; noting that the design is beautiful and fits into the neighborhood.

DOUG JONES, Movie Colony resident, said he grew up in the neighborhood and the existing building is dilapidated and spoke in support of this project. He noted that this development is quality construction and does not have a problem with the height.

FRANK TYSEN, represents the A Better Community Development (ABCD), said this project does not go by the rules and feels they should abide by them.

TEE JONES, Movie Colony resident, commented that the project is beautiful and spoke in support.

EMILY HEMPHILL, legal counsel for the applicant, addressed the "eclectic" district and revitalization that will be made to this area. Ms. Hemphill emphasized that the environmental report and the PD process is appropriate.

There being no further appearances the public hearing was closed.

Commissioner Roberts expressed concern with spot zoning, height and designation of a loading zone for the project. He suggested limiting the loading times to early morning hours.

Commissioner Middleton said she would be voting in favor of the project because it is needed in the area and will replace a dilapidated building. She expressed concern with the parking but sees progress with the valet plan.

Commissioner Donenfeld expressed concern with using PD's as an exception to the General Plan and suggested looking at the overlying documents more carefully if they need to be changed. He said this is a beautiful project that is well needed but thinks it

will change the character of the uptown area; it will bring more density. He will support the project.

Commissioner Calerdine suggested measuring the existing noise levels for the baseline in future conditions.

The Commission commented and/or requested clarification on:

- Will solar considered for the project?
- Is proposed median island and crosswalk to the east of the project a part of the Public Benefits?
- The variety and consolidation of zones.
- Consider limiting loading zones to morning hours.
- Noise level limits and setting an accurate baseline.

**ACTION:** To recommend approval to the City Council, subject to conditions; and

- The applicant to work with Public Works & Engineering Dept. to designate an on-street parking space adjacent to the site for limited-term loading and unloading.

**Motion:** Commissioner Lowe, seconded by Commissioner Middleton and unanimously carried 6-0-1 on a roll call vote.

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

**ABSENT:** Commissioner Weremiuk

A recess was taken at 3:08 pm. The meeting resumed at 3:16 pm.

**2C. TWIN PALMS NEIGHBORHOOD ORGANIZATION REQUESTING A STREET NAME CHANGE OF ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE AND NORTH OF EAST TWIN PALMS DRIVE TO WILLIAM KRISSEL WAY (CASE 5.1380 SNC). (FF)**

Planning Director Fagg provided an overview of the proposed street name change as outlined in the staff report.

Chair Klatchko opened the public hearing.

ERIC CHIEL, Twin Palm Neighborhood Organization, chair, summarized the endorsements they received in support of the proposed street name change and indicated no opposition was received.

There being no further appearances the public hearing was closed.