



CITY COUNCIL STAFF REPORT

DATE: April 6, 2016

New Business

SUBJECT: APPROVAL OF A CONFORMITY REPORT FOR A PROPOSED PARKING STRUCTURE ON TRIBAL TRUST LAND CONSISTING OF A FOUR-LEVEL 850-SPACE PARKING STRUCTURE ON A 2.8 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF CALLE ENCILIA AND AMADO ROAD, ZONE RA (RESORT ATTRACTION), SECTION 14 SPECIFIC PLAN (CASE 5.1390).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The Agua Caliente Band of Cahuilla Indians (Tribe) proposes to develop a new four-level parking structure with 850 parking spaces on an existing surface parking lot immediately north of the Spa Resort Casino building.

In accordance with the Agreement for Tribal/City Land Use Coordination ("Agreement"), Appendix 4 of the Zoning Code, the City has prepared the following Conformity Report for the project. The City Council may approve the Conformity Report and transmit it to the Tribe for their consideration pursuant to the Land Use Coordination Agreement, or request a Joint Meeting with the Tribe to further discuss the project.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR A PROPOSED PARKING STRUCTURE ON TRIBAL TRUST LAND AT THE SOUTHEAST CORNER OF CALLE ENCILIA AND AMADO ROAD; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1390."

ITEM NO. 50

BACKGROUND INFORMATION:

<i>Related Relevant Actions by Planning, Building, Fire, etc.</i>	
02/18/16	Staff from the Planning & Natural Resources Division of the Tribe met with staff from the Department of Planning Services to discuss the Project Report for the proposed parking structure.
03/16/16	The City Council received and filed an Administrative Analysis for the proposed parking structure project.
03/23/16	The Tribe submitted a response letter to the Administrative Analysis, and did not have any comments relative to the analysis.

<i>Site Area</i>	
Net Acres	2.8 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Section 14</i>	<i>Existing General Plan Designation</i>	<i>Existing Section 14 Designation</i>
Subject Property	Casino Use; Parking Lot Use	TRC (Tourist Resort Commercial)	RA (Resort Attraction)
North	Parking Lot Use	TRC (Tourist Resort Commercial)	RA (Resort Attraction)
South	Hotel Use	TRC (Tourist Resort Commercial)	RA (Resort Attraction)
East	Multifamily Residential Use	HDR (High Density Residential)	HR (Residential High)
West	Post Office; Parking Lot Use	P/QP (Public/Quasi-public)	RA (Resort Attraction)

PROJECT ANALYSIS:

The Tribe has proposed the construction of a four-level parking structure on the existing surface parking lot immediately north of the Spa Resort Casino building. The structure will be approximately 47 feet in height as measured to the top of the wall on the upper parking deck; the elevator tower on the east side of the building will be 60 feet in height, as measured to the top of the roof. Solar-ready rooftop shade structures are proposed for portions of the upper deck of the garage, the highest point of which will be approximately 53 feet above grade. The structure will utilize a stucco finish to match the casino building, with decorative screen panels applied to portions of the exterior to screen the ramps and structure. Landscaping is proposed around perimeter of the structure, and will feature ground-level shrubs and a combination of Date Palm and California Fan Palm trees adjacent to the sidewalk and parking structure. Primary access to the structure will be from Amado Road and Calle El Segundo; access will also be available internally from the driveway that separates the casino building and the parking structure.

Pursuant to the Section 14 Specific Plan, the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Max. Floor Area Ratio	1.0 FAR	1.9 FAR	N
Max. Building Height	35'; up to 100' with CUP	47'-1" (60'-0" to top of elevator tower)	Y (with CUP)
Min. Open Space	40%	27%	N
Min. Setbacks			
• Front	20'	0'-8"	N
• Side (Encilia)	20'	78'-8"	Y
• Side (El Segundo)	20'	17'-0"	N
• Rear	20'	30'-0"	Y
Min. Setback – High-rise building (El Segundo frontage)	141'	102'	N
Min. Lot Area	2.0 gross acres	2.8 net acres	Y

The proposed structure exceeds the Floor Area Ratio (FAR), open space, and certain setback requirements. While the principal structure is consistent with setback requirements, the ramp to the upper levels of the garage extends into the front yard setback along the Amado frontage, and a stair tower encroaches three feet into the setback along the Calle El Segundo frontage. The height of the structure is permitted by the Section 14 Specific Plan upon approval of a Conditional Use Permit (CUP). While the structure does not conform to all development standards of the specific plan, projects with similar setbacks have been approved by the City through the Planned Development District process.

Pursuant to the Section 14 Specific Plan, the following design guidelines apply to parking structures:

Required	Provided	Compliance
Screening of undesirable elements	Sloping floors are not visible from adjacent streets due to the use of decorative screens. Solid walls (45" high) are provided around the perimeter of the structure to minimize views of light sources and cars.	Y
Compatibility with Principal Structure	The parking structure will utilize a stucco finish and colors that are consistent with the Spa Resort Casino building. The parking structure is generally compatible with the height and scale of the casino building.	Y
Compatibility with Adjacent Residential	The structure will utilize decorative screening, variations in the wall plane, and landscaping to address adjacency issues with the residential development to the east.	Y

Required	Provided	Compliance
Security for Parking Facility Users	The proposed design includes the use of open stairwells, increased floor-to-floor heights, and shielded lighting as a means to address security design standards.	Y

The proposed structure is generally consistent with the design guidelines of the Section 14 Specific Plan. Two types of decorative screening are proposed for the exterior of the structure so as to minimize views of the ramps and the vehicles within the garage. Exterior materials are generally consistent with the Spa Resort Casino building, and landscape materials will be provided at the perimeter of the structure to provide a buffer from the sidewalk. Key areas of the structure will remain open and visible from surrounding streets so as to address security issues.

In addition to the required development standards and design guidelines listed above, the Section 14 Specific Plan also outlines circulation and streetscape improvements. The following streetscape guidelines are identified in the specific plan:

- Amado Road: The specific plan recommends a nine-foot wide parkway (4' landscape and 5' sidewalk) on Amado Road. The submitted plan depicts a sidewalk of approximately eight feet in width adjacent to the curb; it is recommended that the sidewalk be adjusted to conform to the configuration described in the specific plan. In addition, the plan recommends the addition of Class II bicycle lanes on Amado Road, which could be considered as part of any future street improvements.
- Calle Encilia: The plan recommends an eight-foot wide sidewalk along Calle Encilia, which is shown on the submitted plans. Class II bicycle lanes are also recommended along Calle Encilia, which could be added with future street improvements.
- Calle El Segundo: The plan recommends that a five-foot wide sidewalk and four-foot wide parkway be installed adjacent to the curb along Calle El Segundo; the plan depicts a sidewalk of approximately eight feet in width and does not include a parkway between the sidewalk and the street. It is recommended that the plan be revised along the El Segundo frontage to conform to the recommendations of the specific plan.

SUGGESTED CONDITIONS OF APPROVAL:

The City has developed a set of suggested conditions for consideration by the Tribe in its review of the project. These conditions are attached and made a part of this Conformity Report; they include recommendations for compliance with various City and State ordinances.

LAND USE COORDINATION AGREEMENT:

As previously noted in the Administrative Analysis, the project site is located on Tribal Trust Land and subject to the Land Use Coordination Agreement established by the Palm Springs City Council and the Tribal Council. This Agreement recognizes the Tribe's sovereign authority within the Reservation and provides for City review and comment on projects proposed on Tribal Trust Property, including the proposed parking structure site.

Staff reviewed the project in light of the requirements of the Land Use Coordination Agreement which describes a specific process for review (see attached). The table below summarizes the timeframe of coordinated review:

Item	Timeline Required	Timeline
1. Pre-Submittal	N/A	February 19, 2016
2. Submission of Project Report	90 days prior to Tribal approval	February 19, 2016
3. Administrative Review	CC review 30 days after submission of Item #2	March 16, 2016
4. Conformity Report	CC adopts within 30 days of receiving Item #3	April 6, 2016
5. Joint Meeting	City and Tribal Councils within 30 days of adopting Item #4	May 4, 2016
6. Final Tribal Action	90 days after Item #2	No sooner than May 19, 2016

Section 7 of the Agreement states that *"...with the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."* Since the project is generally consistent with the General Plan and Section 14 Specific Plan in terms of use and intensity, staff would propose that a Joint Meeting of the City Council and Tribal Council is unnecessary.

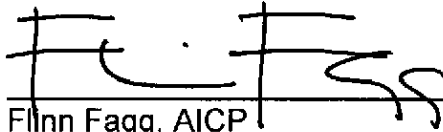
However, if the City Council finds that the proposed design should be modified to conform completely to setback and open space requirements, a Joint Meeting of the City Council and Tribal Council may be scheduled. Section 5 of the Agreement states: *"Within thirty (30) days, the Tribal Council and the City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the Project more conforming with the rules, regulations, and ordinances of both the City and the Tribe."* Based on the Agreement, a Joint Meeting would need to be scheduled by May 4, 2016, to discuss changes to the project. The Agreement notes that the Tribal Council is free to disregard any or all comments made by the City, and may approve or modify the project as is deemed appropriate.

NOTIFICATION:

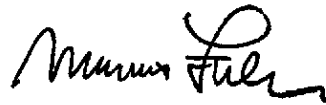
Under the Agreement, notification of a project on Tribal Trust land is not required. City staff mailed notices to property owners within 500 feet of the proposed project on March 23, 2016. The Tribe has also provided notification to surrounding properties as part of their environmental review process.

CONCLUSION:

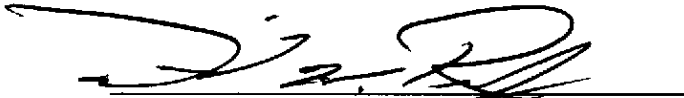
The proposed project is generally consistent with the development standards and design guidelines of the Section 14 Specific Plan, but will require Tribal approval of waivers or variances from setback requirements, open space requirements, and FAR limitations. Conditions of approval are suggested for consideration by the Tribe in their review of this project, and are included as an attachment to this report.



Flinn Fagg, AICP
Director of Planning Services



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



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

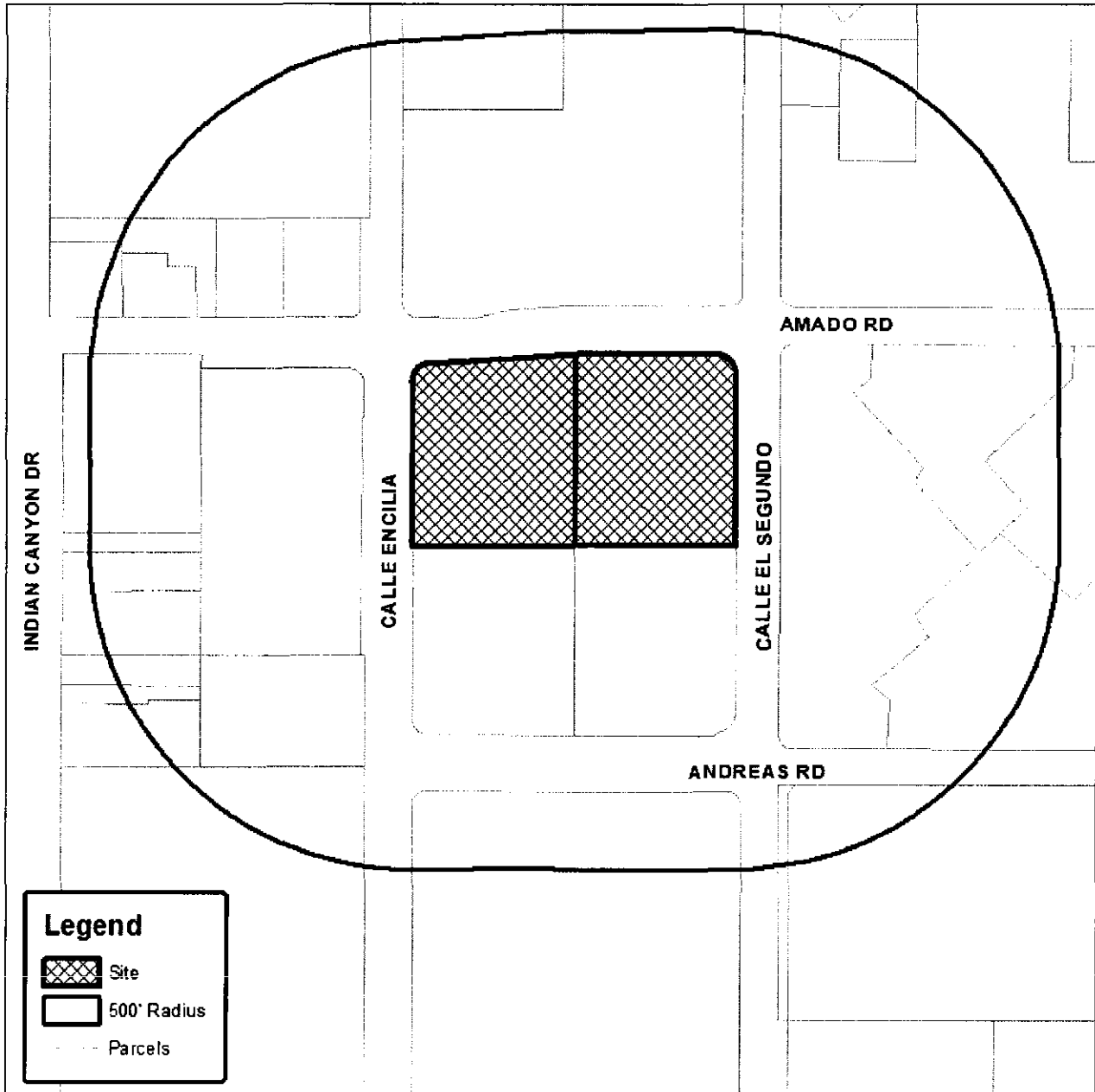
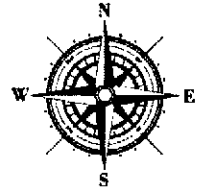
Attachments:

1. Vicinity Map
2. Draft Resolution with Recommended Conditions of Approval
3. Tribal/City Land Use Coordination Agreement
4. Calle Encilia Parking Structure Project Report

Attachment 1



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

Attachment 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR A PROPOSED PARKING STRUCTURE ON TRIBAL TRUST LAND AT THE SOUTHEAST CORNER OF CALLE ENCILIA AND AMADO ROAD; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1390.

The City Council of the City of Palm Springs finds:

A. On December 15, 1998, the City Council of the City of Palm Springs and the Tribal Council of the Agua Caliente Band of Cahuilla Indians ("Tribe") entered into a Land Use Coordination Agreement which provides for City review and comment on projects outside of the Land Use Agreement of 1977, while retaining the Tribe's final approval and authority over projects on Tribal Land.

B. On February 3, 1999, the City and the Tribe amended the Land Use Agreement of 1977 with Supplement No. 5, which exempted all Tribal lands from the Land Use Agreement of 1977 subject to the aforementioned Land Use Coordination Agreement.

C. Pursuant to Section 8 of said Agreement, the City Council and the Tribal Council may waive procedural requirements of the Agreement, as follows:

8. Waiver. With the approval of both parties, any part of the foregoing process may be waived if the Project is not deemed significant or if the project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."

D. On February 18, 2016, the Tribe submitted to the City a Project Report for a four-level parking structure, to be constructed at the southeast corner of Calle Encilia and Amado Road on 2.8 acres of Tribal Trust land within Section 14.

E. The Project Report was transmitted to the City for review and comment under the terms of the Agreement, including an Administrative Analysis completed on March 16, 2016, and a Conformity Report reviewed on April 6, 2016.

F. On April 6, 2016, the City Council conducted a public meeting and considered the matter, including the Project Report, the Conformity Report, and related exhibits.

G. The City Council has concluded that the proposed parking structure project is generally consistent with the goals and objectives of the Section 14 Specific Plan and the City of Palm Springs General Plan, such that it is "not deemed significant under the

terms of the Agreement and such that certain procedures may be waived under Section 7 of the Agreement.”

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

SECTION 1. The Conformity Report, dated April 6, 2016, including the suggested conditions contained in Exhibit “A” attached and made a part thereto, is hereby approved and staff is directed to transmit the Conformity Report to the Tribe.

SECTION 2. The following requirement for a joint meeting of the City Council and the Tribal Council to discuss the project (Case No. 5.1390), as outlined in the Agreement for Tribal/City Land Use Coordination on Certain Parcels, is hereby waived:

Section 5. Joint Meeting.

“...Within thirty (30) days (of the City Council's adoption of the Conformity Report), the Tribal Council and the City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the project more conforming with the rules, regulations, and ordinance of both the City and the Tribe.”

ADOPTED THIS 6TH DAY OF APRIL, 2016.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

Resolution No. _____
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I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO. _____

EXHIBIT A

Case No. 5.1390 – Conformity Report

Southeast Corner of Calle Encilia and Amado Road

April 6, 2016

CONDITIONS OF APPROVAL

The recommended conditions below are provided by the Director of Planning Services, the Director of Building and Safety, the Fire Chief, and the City Engineer or their designee, depending on which department recommended the condition.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. It is recommended that an exterior lighting plan, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, be submitted for approval by the Department of Planning or Tribal Planning Department prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized.
- PLN 2. Water Efficient Landscaping Conformance. It is recommended that the project conform to the City's Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. It is recommended that landscape plans be approved by the Riverside County Agricultural Commissioner's Office.
- PLN 3. Exterior Alarms & Audio Systems. It is recommended that no sirens, outside paging or any type of signalization be permitted, except approved alarm systems.
- PLN 4. Bicycle Parking. It is recommended that the project provide secure bicycle parking facilities on site for use by patrons and employees.
- PLN 5. Streetscape Standards. It is recommended that the streetscape treatment along the Amado Road and Calle El Segundo frontages be revised to conform to the standards contained in the Section 14 Specific Plan.

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

- ENG 1. It is recommended that any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 24 to 48 hour inspection notification is required.
- ENG 2. It is recommended that Agua Caliente Band of Cahuilla Indians (ACBCI) submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. It is recommended that master planned roadways (Amado Road, Calle El Segundo, and Calle Encilia) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.
- ENG 4. It is recommended that upon completion of required improvements by the applicant, the applicant shall prepare and submit to the Bureau of Indian Affairs an Affidavit of Completion in accordance with Section 169.16, Title 25, of the Code of Federal Regulations, for the Public Improvements constructed by the applicant. A copy of the Affidavit of Completion shall be provided to the City Engineer prior to final acceptance of the project, including issuance of a final certificate of occupancy. The applicant shall be responsible for obtaining the necessary form for the Affidavit of Completion from the Palm Springs Agency of the Bureau of Indian Affairs, and for having it completed as necessary by the applicant's Engineer of Record.

AMADO ROAD

- ENG 5. It is recommended that a 30' feet wide driveway approach be constructed in accordance with City of Palm Springs Standard Drawing No. 205.
- ENG 6. It is recommended that a Type "A" curb ramp be constructed meeting current California State Accessibility standards on each side of the proposed driveway location in accordance with City of Palm Springs

Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 7. It is recommended that Agua Caliente Band of Cahuilla Indians (ACBCI) remove and replace existing asphalt concrete pavement, curb, gutter and sidewalk as necessary, in accordance with applicable City standards.

ENG 8. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

CALLE EL SEGUNDO

ENG 9. It is recommended that two (2) driveway approaches be constructed in accordance with City of Palm Springs Standard Drawing No. 205.

ENG 10. It is recommended that a Type "A" curb ramp be constructed meeting current California State Accessibility standards on each side of the proposed driveway locations in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 11. It is recommended that Agua Caliente Band of Cahuilla Indians (ACBCI) remove and replace existing asphalt concrete pavement, curb, gutter and sidewalk as necessary, in accordance with applicable City standards.

ENG 12. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

CALLE ENCILIA

ENG 13. It is recommended that a driveway approach be constructed in accordance with City of Palm Springs Standard Drawing No. 205.

ENG 14. It is recommended that a Type "A" curb ramp be constructed meeting current California State Accessibility standards on each side of the proposed driveway location in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway,

and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 15. It is recommended that Agua Caliente Band of Cahuilla Indians (ACBCI) remove and replace existing asphalt concrete pavement, curb, gutter and sidewalk as necessary, in accordance with applicable City standards.

ENG 16. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 17. It is recommended that on-site bay parking in commercial zones, paving material shall be decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.

ENG 18. It is recommended that the minimum pavement section for all on-site pavement (specify drive aisles, parking spaces, etc.) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 19. It is recommended that a clearly designated pedestrian walkway of adequate width shall be provided to centralize a location for pedestrians entering or leaving the parking areas. A pedestrian walkway shall be designated along the west and south sides of the ground floor parking level. Traffic signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design of the ground floor parking level to support the use of the walkway by pedestrians and alert vehicles of the potential for crossing pedestrians.

GRADING

ENG 20. It is recommended that a Precise Grading Plan prepared by a California registered Civil engineer be submitted to the Agua Caliente Band of Cahuilla Indians (ACBCI) Engineering Division for review and approval. It is recommended that the Grading Plan be approved by the Agua Caliente Band of Cahuilla Indians (ACBCI) prior to issuance of grading permit.

- ENG 21. It is recommended that a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 22. It is recommended that A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Agua Caliente Band of Cahuilla Indians (ACBCI) Engineering Division with the first submittal of a grading plan.
- ENG 23. It is recommended that the applicant provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. It is recommended that no certificate of occupancy be issued until the required certification is provided to the Agua Caliente Band of Cahuilla Indians (ACBCI).
- ENG 24. It is recommended that in cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).
- ENG 25. It is recommended that a mylar copy of the approved Grading Plan be provided to the City Engineering Division for the City's information, use and files.

WATER QUALITY MANAGEMENT PLAN

- ENG 26. It is recommended that this project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of

the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB).

The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

ENG 27. It is recommended that a Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 28. It is recommended that prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 29. It is recommended that all stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).

ENG 30. It is recommended that this project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination

System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB).

The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

- ENG 31. It is recommended that all on-site storm drain systems shall be privately maintained by the Agua Caliente Band of Cahuilla Indians (ACBCI). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

GENERAL

- ENG 32. It is recommended that any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 33. It is recommended that all proposed utility lines shall be installed underground.

ENG 34. It is recommended that nothing shall be constructed or planted in the corner cut-off area of any (intersection or) driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 35. It is recommended that all proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 36. It is recommended that the existing parcels identified as APN (assessor's parcel number) 508-042-008, 508-042-010 shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

ENG 37. It is recommended that a minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 38. It is recommended that all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 39. It is recommended that stop signs, stop bars, and "STOP" legends be installed for traffic exiting the development in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 40. It is recommended that construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on

Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT CONDITIONS

FID 1. Fire Department Recommendations were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards.

FID 2. **Fire Apparatus Access Road (CFC 202 Definitions)** – A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (*for designated fire lanes*) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

FID 3. **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Aerial Fire Access Road Width (CFC Appendix D105.2): Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.

Aerial Access Proximity to Building (CFC Appendix D105.3): At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

FID 4. **Required Water Supply (CFC 507.1):** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

FID 5. **Location of Class I standpipe hose connections (CFC 905.4):** Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise *approved* by the fire code official. *See Section 909.20.3.2 for additional provisions in smoke-proof enclosures.*
2. On each side of the wall adjacent to the exit opening of a horizontal exit.
Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a nozzle attached to 100 feet (30 480 mm) of hose, as measured along the path of travel, a hose connection shall not be required at the horizontal exit.
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.
Exception: Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.
4. N/A
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), a hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.
6. Where the most remote portion of a non-sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than *150 feet (45 720 mm)* from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations. *The distances from a hose connection shall be measured along the path of travel.*

FID 6. **New Elevator (CBC Chapter 30):** The new elevator shall comply with Chapter 30 of the CBC.

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

FID 7. **Fire Extinguisher Requirements (CFC 906):** Provide one (1) 2A-10B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.

END OF CONDITIONS

Attachment 3

Palm Springs Municipal Code

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ZONING CODEZONING CODE APPENDICES**APPENDIX 4 AGREEMENT FOR TRIBAL CITY TRIBAL/CITY LAND COORDINATION ON CERTAIN PARCELS AGREEMENT #1324A R19450, 1-6-99**

THIS AGREEMENT FOR TRIBAL CITY LAND USE REVIEW ON CERTAIN PARCELS (“Agreement”) is made this 15th day of December, 1998 by and between the AGUA CALIENTE BAND OF CAHUILLA INDIANS, acting through its Tribal Council (the “Tribe”), and the CITY OF PALM SPRINGS, CALIFORNIA, acting through its City Council, a municipal corporation (the City). This Agreement is made with reference to the following:

RECITALS:

- A. WHEREAS, the Tribe is a federally recognized Indian tribe which exercises its sovereign authority over the lands of the Agua Caliente Indian Reservation according to a constitution approved by the Commissioner of Indian Affairs, as well as applicable federal law, with portions of the City of Palm Springs located within the boundaries of federal Indian reservation; and
- B. WHEREAS, the city of Palm Springs is a charter city, possessing full powers with respect to municipal affairs to regulate the territory under its jurisdiction and in accordance with the California Constitution, its Charter and State law. The trust land of the Agua Caliente Indian Reservation are interspersed in a checkerboard pattern within that portion of the City located within the Reservation; and
- C. WHEREAS, both the Tribe and the City wish to cooperate in promoting the orderly and expeditious use and development of all lands of the Agua Caliente Indian Reservation to their highest and best use consistent with principles of sound planning and the sovereignty of the tribe; and
- D. WHEREAS, on July 26, 1977, the Tribe and the City entered into that certain Agreement No. 1324 (hereinafter the “Land Use Agreement”), adopted by city Council Resolution No. 12298. Pursuant to that Agreement, the parties agreed that applications for issuance of permits and development pertaining to any Trust lands would initially be processed through the City, with the City collecting its normal fees and charges. Any party aggrieved by an action of the City Council in any such planning and zoning matters was given the right to appeal any action of the City to the Tribal Council with the Tribal Council having the ability, following a noticed hearing, to affirm, reverse, or modify any decision of the City Council on any matter affecting Indian Trust Lands, with the decision of the Tribal Council being final, after consideration of the recommendation of the Indian Planning Commission, as well as applicable federal and tribal law; and
- E. WHEREAS, the Land Use Agreement has been amended from time to time, by Supplements 2, 3, and 4, and most recently by Supplement No. 5, which would exempt all land acquired by the Tribe from regulation by the City, including: Application of all laws, ordinances, and codes; application of all fees, including drainage, sewer, school, Uniform Transportation Mitigation fees, building and other fees. The taking of title to parcels into trust by the United States for the tribe would exempt such property from regular City taxes such as property taxes, sales taxes, transient occupancy taxes, and others; and
- F. WHEREAS, the Tribe has generally supported development consistent with the City’s General Plan and other ordinances and regulations but has the authority to adopt its own land use plan and policies; and
- G. WHEREAS, the Tribe has commenced a program, when economically feasible, to reacquire any Trust Land which has been sold in fee. To facilitate Indian development on such Land, the Tribe would like to have an expedited process for City review and comment on said projects. The Tribe is willing to consider such review and comment if given in a timely manner. The City believes that the opportunity to provide review and comment, but not approval, of such projects would be valuable to assure that such projects are integrated with surrounding development and to assure that the City’s and the Tribe’s normal development standards are maintained insofar

as possible. In addition, both parties believe that all development throughout the City on both Tribal and non-Tribal land should make a fairshare contribution in exaction, fees or other consideration to pay for the burdens imposed by the development on the City or for the benefits received by the development from the City.

IN CONSIDERATION OF THE FOREGOING, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Pre-Submittal.

Prior to the initiation of a Project on Tribal Land and initiation of the process detailed below, the Tribe, where feasible, will consult with the City to determine the scope and significance of the Project and its appropriate level of review. This consultation will normally, but not necessarily, be satisfied by a meeting between the Tribal Planning Department and City Department of Planning and Building.

2. Submission of Report.

When any new development or substantial expansion or renovation of a project is proposed on land located within the Reservation and has been acquired by the Tribe, at least ninety (90) days prior to Tribal approval of the project including preliminary or schematic design, the Tribe shall submit to the City a report on the Project ("Project Report"). As used herein, "Reservation" means those lands whose legal description is set forth in Exhibit A hereto. The Project Report shall include a description of the Project, the preliminary or schematic plans and drawings for the Project, environmental documents per NEPA, if any, or any equivalent Tribal document, an analysis of the compatibility of the proposed Project with the City's and the Tribe's development standards, an analysis of the fiscal impact of the Project and a statement identifying any manner in which the Project would be exempt from, or not conform to, any ordinance, rule, regulation, or standards of the City or of the Tribe. The Tribe shall provide any explanation of any of the foregoing, as they shall deem reasonable or necessary. The Indian Planning Commission, and other Tribal bodies, will develop this report in accordance with applicable federal and Tribal law. The level of detail provided in the Project Report should be as follows: if a minor project, then similar to the level of detail normally required by the City for architectural review; if a major project, then similar to the level of detail which would be required by the City for Planned Development District permit. The determination of whether a project is major or minor shall require the agreement of the chief staff planning official of each party but, in the event of a disagreement, the opinion of the Tribe's planning official shall govern. It is the intent of the parties that this process be undertaken, not at the point at which the land is acquired by the Tribe, but when development is contemplated, and when the development is contemplated, and when the development can be described and its impacts forecast.

3. Administrative Review.

Upon receipt of a Project Report, the City Manager shall distribute the Project Report to appropriate departments, including Police, Fire, Finance, Public Works, Planning and Building and such other departments as the City Manager shall deem relevant, such as Parks and Recreation, Tourism, Economic Development, and so forth. It shall be the purpose of this administrative review to determine how well the Project conforms with the City's existing rules and regulations; any health and safety, or welfare concerns; the adequacy of police and fire safety services, and other services of the city necessary for the Project; compatibility of the project with surrounding properties; and the fiscal impact of the Project. The purpose of the fiscal impact analysis shall be to determine whether the Project will pay the normal City fees, taxes charges, and assessments; to the extent that any of such revenues will not accrue to the city, what will be the resulting financial impact therefrom; what other direct and indirect financial impacts, negative or positive, will result and what the overall economic impact will be of the Project on the city. Within thirty (30) days of the City Manager's receipt of the Report from the Tribe, the City shall prepare the "Administrative Analysis" of the foregoing information and shall submit the Administrative Analysis to the City Council for its review and approval.

4. City Council Conformity Report.

The City Council shall have thirty (30) days from the submission of the Administrative Analysis to prepare the City Council's Conformity Report ("Conformity Report"). The Conformity Report shall be adopted by the City Council at a public meeting. At the same time that the City Manager submits the Administrative Report to the City Council, a copy of the same shall be submitted to the Tribe. The Tribe shall have ten (10) days to prepare

its comments on the Administrative Analysis for submission to the City Council to be considered at the time the City Council determines the Conformity Report. The Conformity Report shall contain the same subject matter as the Administrative Analysis.

5. Joint Meeting.

Upon the City Council’s adoption of the Conformity Report, the Project Report shall be immediately submitted to the Tribal Council. Within thirty(30)days, the Tribal Council and the City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the Project more conforming with the rules, regulations, and ordinances of both the City and the Tribe.

6. Final Tribal Action.

At the Joint Meeting, or following the Joint Meeting, the Tribal Council may take any action authorized by its Constitution, Bylaws, rules, and ordinances concerning the Project. The Tribal Council shall be free to disregard any or all comments in the Conformity Report or otherwise made by the City Council and may approve or modify the Project in any way the Tribal Council deems appropriate. It is expressly understood by the parties hereto that the Tribal Council retains full and complete sovereignty to administer Tribal lands in accordance with the Constitution, Bylaws, and Ordinances of the Tribe and applicable federal law. This Agreement deals solely with the consultation process in which the City is being given the opportunity to review and comment on certain projects being undertaken by the Tribe, and the Tribal Council retains full and complete authority to make final decisions concerning the development of Tribal Land under its Constitution and applicable federal and Tribal law.

7. Waiver.

With the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated.

8. Amendments.

This Agreement maybe amended by mutual agreement by the parties, provided that neither party may terminate this Agreement, without prejudice to any legal position thereafter asserted, upon thirty (30) days written notice to the other party.

9. Approval.

This Agreement shall be approved by Resolutions of the Tribal Council and the City Council.

10. Lands Located Inside Reservation and Owned in Fee by Parties Other than the Tribe.

This Agreement will not affect, alter, increase, or decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of parcels of land located within the Reservation, which are owned in fee by parties other than the Tribe. The parties recognize that federal law already allocates such jurisdiction over such parcels.

11. Lands Located Outside Reservation.

The parties recognize that federal law provides to the City notice and an opportunity to express its views on the subject of the proposed taking of title into trust for the Tribe of parcels located outside the Reservation but within the city limits of the City in 25 CFR. § 151.11(d), as well as time in which to challenge such a proposed action before it occurs, in 25 C.R.F. § 151.12(b). Otherwise, this Agreement will not affect, alter, increase, or decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of such parcels of land. The parties recognize that federal law already allocates such jurisdiction over such parcels.

IN WITNESS WHEREOF, the parties have executed this Agreement by their respective authorized officers on the day and year first above written.

CITY OF PALM SPRINGS, CALIFORNIA
a municipal corporation.

Will Kleindienst, Mayor

Attest:

Judith Sumich, City Clerk

Approved as to form:

David Aleshire, City Attorney

Approved by the City Council

By Res. No. 19450, 1-6-99, A1324-A

AGUA CALIENTE BAND OF CAHUILLA INDIANS,

a federally-recognized Indian tribe

By:

Richard M. Milanovich, Chairman

Approved as to form:

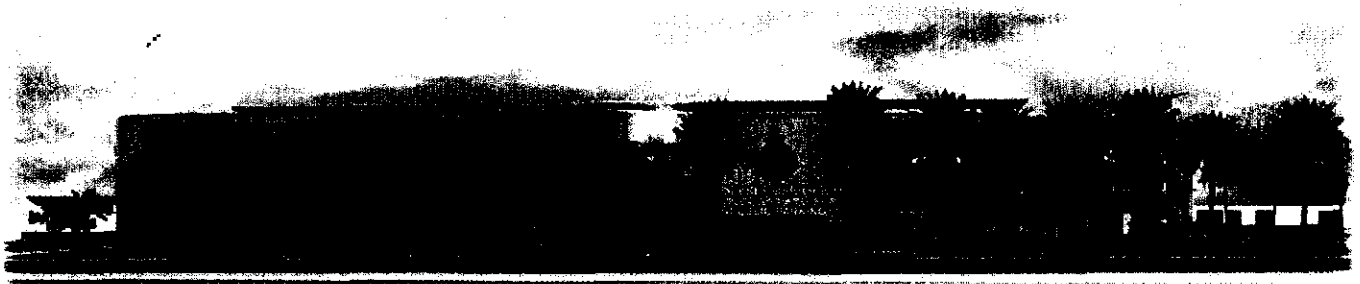
Art Bunce, Tribal Attorney

View the [mobile version](#).

Attachment 4

CALLE ENCILIA PARKING STRUCTURE

PROJECT REPORT



Prepared by:

Planning & Development Department
AGUA CALIENTE BAND OF CAHUILLA INDIANS
5401 Dinah Shore Drive
Palm Springs, CA 92264

February 16, 2016

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I. INTRODUCTION

The Calle Encilia Parking Structure (the "Project") is a four level/three story, above ground public parking structure with approximately 850 stalls proposed to be constructed on approximately 2.8 acres of Tribal Trust land (the "Project Site") of the Agua Caliente Band of Cahuilla Indians (the "Tribe"). The Project Site is located within Section 14, Township 4 South, Range 4 East of the San Bernardino Base and Meridian, Palm Springs, California, on the Agua Caliente Indian Reservation (the "Reservation") south of Amado Road between Calle Encilia and Calle El Segundo, adjacent to and immediately north of the Spa Report Casino (see Exhibit A, *Project Site Location Map*).

As part of the project approval process and pursuant to the terms of the *Agreement for Tribal/City Land Use Coordination on Certain Parcels* with the City of Palm Springs (the "City") dated December 15, 1998, the Tribe has prepared this report on the Calle Encilia Parking Structure (the "Project Report") for the City's administrative review. The following key Tribal and/or City actions establish the project approval process for Tribal lands:

1. On July 26, 1977, the Tribe and the City entered into Agreement No. 1324 (hereinafter, the "Land Use Agreement") adopted by City Council Resolution No. 12298. Pursuant to the Land Use Agreement, the parties agreed that applications for issuance of permits and development pertaining to any Trust lands would initially be processed through the City, with the City collecting its normal fees and charges. Any party aggrieved by an action of the City Council in any such planning and zoning matters was given the right to appeal any action of the City to the Tribal Council, with the Tribal Council having the ability, following a noticed hearing, to affirm, reverse, or modify any decision of the City Council on any matter affecting Indian Trust lands, with the decision of the Tribal Council being final, after considering the recommendation of the Indian Planning Commission, as well as applicable Federal and Tribal law.
2. On December 15, 1998, the Tribe and City entered into the aforementioned "Land Use Coordination Agreement" which provides for City review and comment on projects outside of the Land Use Agreement, while retaining the Tribe's final approval and authority over projects on Tribal land.
3. On February 3, 1999, the City and the Tribe amended the Land Use Agreement with Supplement No. 5, which exempted all Tribal lands from the Land Use Agreement subject to the Land Use Coordination Agreement process.

This Project Report serves as an expanded project description and goes "hand in hand" with other submittal documents including site plans, technical reports, and other pertinent information. The proposed Project will be developed to the standards of development set forward in this Project Report.

II. EXISTING CONDITIONS

Project Site

As shown on Exhibit B, *Existing Site Conditions Map*, the Project Site is currently utilized as a surface parking lot for the Spa Resort Casino (See Exhibit C, *Project Site Photos*). Utility connections for water, sewer, power and telecommunication services are available, and the public streets surrounding the Project Site providing direct access to the parking structure include Amado Road to the North, Calle Encilia to the west, and Calle El Segundo to the east.

Surrounding Land Uses

Land uses on adjacent properties include:

- North – Surface parking lot
- Northwest – Commercial buildings and vacant land
- West – U.S. Post Office
- South – Spa Resort Casino
- East – Multi-Family Residential (Plaza Villa Condominiums)
- Northeast – Multi-Family Residential (Deauville Condominiums)

III. STATEMENT OF PROJECT

The Tribe is proposing to construct an approximately 850 stall, four level/three story, public parking structure adjacent to the Spa Resort Casino that will include the following features:

- Modern native and contextual architecture
- Four separate entrances with three exits for improved vehicular ingress/egress
- External two-way vehicle loop ramps for improved circulation between floors
- Parking Demand Management System
- Electrical Vehicle Charging Stations
- LED lighting
- Drought tolerant/water efficient landscaping
- Solar ready rooftop shade structures

The *Site Plan* for the Project is included as Exhibit D, and as discussed further in the remainder of this Project Report, Exhibits E through G provide additional information on the parking structure.

A. Property Development Standards

While the Project is located within the Section 14 Specific Plan area, it is located on Tribal lands that are not subject to City land use regulations. As a result, the Section 14 Specific Plan serves as a guiding framework but does not bind the Tribe in its

decision to approve the Project. Under the Section 14 Specific Plan, the Project Site is designated Resort Attraction (RA), where standalone automobile parking lots/structures are allowed subject to a Conditional Use Permit (CUP).

The Project supports the Specific Plan's Parking and Circulation goal for Amado Road and its use "as the major access route to shared parking structures (future) serving the Convention Center, Spa Resort Casino, and resort areas," and Table 1 below compares the proposed development standards for the Project against the allowed/required standards of the RA Zone.

Table 1 – Development Standards Comparison		
Section 14 Specific Plan Property Development Standard	Allowed/ Required	Proposed
Building Height	100'	47'-1" ¹
Yard Setbacks:		
Front (North - Amado Road Frontage)	20'	8" ²
Side (West - Calle Encilia Frontage)	20'	83'-6"
Side (East - Calle El Segundo Frontage)	20'	22' ³
Rear (South - Spa Resort Casino)	20'	30'
High-Rise Setbacks: ⁴		
Side (East - Calle El Segundo Frontage)	47'-1"	62'-6"
Floor Area Ratio	1.0	1.9
Open Space	40%	27%
<p>¹ The height of the parking structure including the appurtenant elevator shaft and rooftop carport shade structures is 60' and 53'-4", respectively. To reduce the perceived massing of the building, carport shade structures will not be installed along the northern and eastern edges of the parking structure.</p> <p>² Only the external two-way vehicle loop ramp extends into the minimum front yard setback area across 36% of the property frontage along Amado Road. The setback to the rest of the parking structure along this street frontage ranges from 36' to 45'.</p> <p>³ The landings for Stairwell No. 3 at the southeast corner of the Parking Structure extend 3' into the minimum side yard setback.</p> <p>⁴ High-rise buildings in Section 14 are required to have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of the building.</p>		

As the above table illustrates, with the exception of the minimum front yard setback along a portion of Amado Road, maximum building floor area ratio (FAR) and minimum open space requirements, the Project complies with all the other development standards established by the Section 14 Specific Plan. These exceptions were necessary due to the narrow width of the Project Site and the required 30 foot fire safety setback between the parking structure and the Spa Resort Casino.

If the parking structure was designed to meet minimum front yard setback and open space requirements, the height of the building would have to be much higher (up to eight levels/seven stories) in order to accommodate 850 stalls, and the only way

to lower the FAR to 1.0 is to reduce the number of stalls to approximately 550. The tradeoff for these development standard exceptions is a lower and less visually impactful building, and more efficient structure in terms of both the number of stalls provided and improved vehicle circulation. Similar exceptions to these property development standards were granted by the City for the Downtown Parking Structure.

B. Design Guidelines

The Section 14 Specific Plan requires that "[t]he walls of any parking structure...shall be designed to substantially screen vehicles in the structure from a view of a person on a public street," and "shall be similar in color, material, and architectural detail with the building it serves." It also states that "[s]tructured parking should be designed so that sloping floors are not visible from adjacent streets [in order] to minimize views of light sources and cars from nearby streets and sidewalks"

The parking structure will be painted to match the Spa Resort Casino, and its external walls and architectural features have been designed to substantially screen the vehicles inside from surrounding uses. Solid, 3'-9" tall walls are provided around the exterior of each level to minimize the amount of vehicle light and sound escaping onto neighboring properties. The external two-way vehicle loop ramps, as further described in Section IV, will be screened using a decorative metal mesh fabric material. External vehicle ramps are being used along with open stairwells and increased 11-16 foot ceiling heights to open up the interior of the structure, bring in more light and ventilation, increase visibility, and improve safety.

C. Circulation

Primary vehicular access to the parking structure will be from Amado Road, midblock between Calle Encilia and Calle El Segundo; a secondary access point is located on Calle El Segundo. A new private driveway south of the parking structure will provide access to valet drop off and pickup service to the Spa Resort Casino. A valet entry to the parking structure is provided at the east end of the private driveway, and return access to the valet drop off/pickup area is provided through the surface parking area located to the west of the parking structure.

An external two-way loop ramp at the northeast corner of the building provides improved vehicular access to the different levels within the parking structure. To accommodate the location of this ramp and provide a more pedestrian friendly environment along the south side of Amado Road north of the parking structure, the sidewalk there will be extended 8 feet into the area that could be set aside for on-street parking between the north entrance and Calle El Segundo; however, on-street parking is currently prohibited along Amado Road between Calle Encilia and Calle El Segundo. As a result, no on-street parking would be eliminated where the sidewalk is being extended. The extension of the sidewalk would also not impact the number of travel lanes provided on Amado Road.

D. Public Utilities and Services

Since the Project is simply replacing surface parking with structured parking, there will be negligible impacts to public utilities and services. The Project does, however, provide covered public parking that not only benefits the Spa Resort Casino, but the greater downtown area including the nearby Palm Springs Convention Center.

IV. ARCHITECTURAL AND LANDSCAPE CONCEPT

The architecture of the parking structure is both modern native and contextual, taking inspiration from Cahuilla culture and the surrounding environment. The architectural screening elements were inspired by the color, shape and form of Cahuilla baskets and pottery. These elements are used to help screen the parked cars from public view as well providing visual interest for the parking structure. The metallic mesh fabric material screening the external two-way vehicle loop ramps at the northeast corner of the parking structure will be chemically etched with imagery of the San Jacinto and Santa Rosa Mountains (See Exhibits E.1, E.2 and F). The etching process will result in different finishes to the metal making the entire screen a mural of the mountains.

As shown on Exhibit G, the landscaping surrounding the parking structure will be drought tolerant/water efficient desert-scape, and will include palm trees to help soften the views of the parking structure from the east and north looking west and south.

V. ENVIRONMENTAL ANALYSIS

An Environmental Assessment (EA) has been prepared for the Project and is included as Appendix A. The EA analyzed the potential effects of the proposed Project including impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards, land use and planning, mineral resources, noise, population and housing, public services, recreation, traffic/circulation, utilities and service systems, and water. Based on the analysis contained in the EA, no adverse environmental impacts are anticipated.

VI. FISCAL IMPACT ANALYSIS

As a standalone public parking structure proposed to be constructed on an existing surface parking lot, the Project is not anticipated to generate any growth inducing impacts. There are no standard development fees applicable to the Project that would typically be imposed by the City (public art fees, park (Quimby Act) fees, regional traffic impact (TUMF) fees, school fees, etc.); however, the Project will have a beneficial impact to the City by providing more covered public parking in the downtown area.

EXHIBIT A – PROJECT SITE LOCATION



EXHIBIT B – EXISTING SITE CONDITIONS



EXHIBIT C – PROJECT SITE PHOTOS



Northwest Corner looking Southeast



Northwest Corner looking Southeast

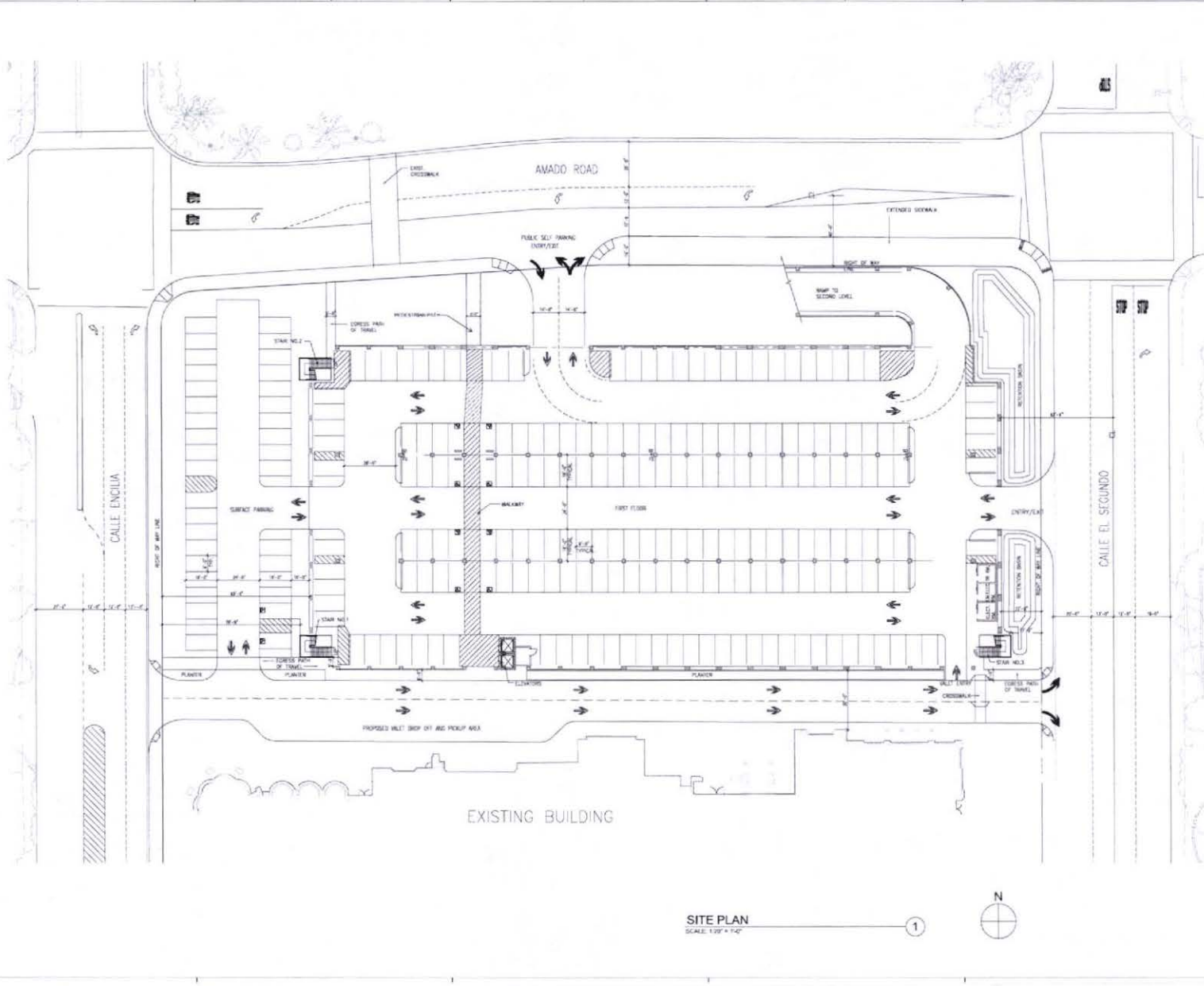


Calle Encilia Parking Structure

PALM SPRINGS, CA

**Parking
Design
Associates**
Architects & Planner

1807 Woodland St., 10a Floor - Palm Springs, CA 91708
P: 760.868.0844 F: 760.868.0844



EXISTING BUILDING

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

1



SITE PLAN
EXHIBIT D

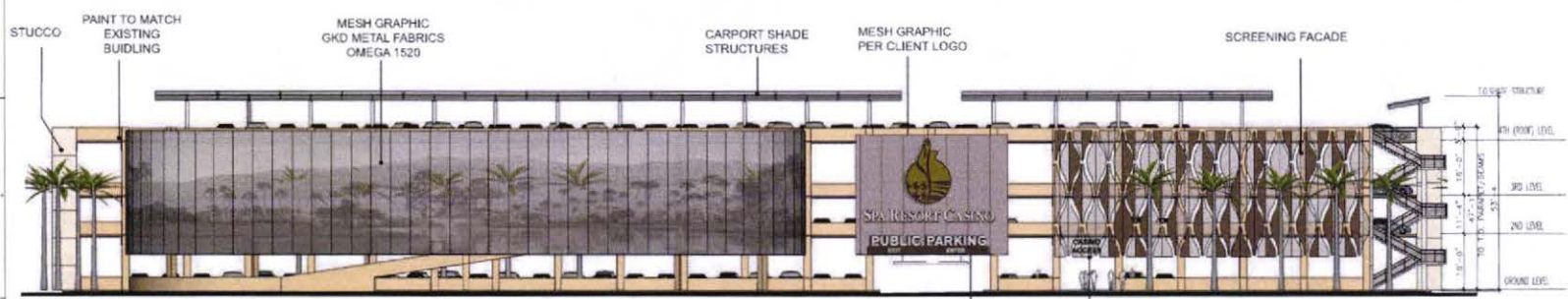


**Calle Encilia
Parking
Structure**

PALM SPRINGS, CA

**Parking
Design
Associates**
Architects & Planners

1800 S. CALLE ENCILIA, PALM SPRINGS, CA 92262
P: 760.325.8888 F: 760.325.8888



NORTH ELEVATION



EAST ELEVATION

EXTERIOR ELEVATIONS
EXHIBIT E.1



**Calle Encilia
Parking
Structure**

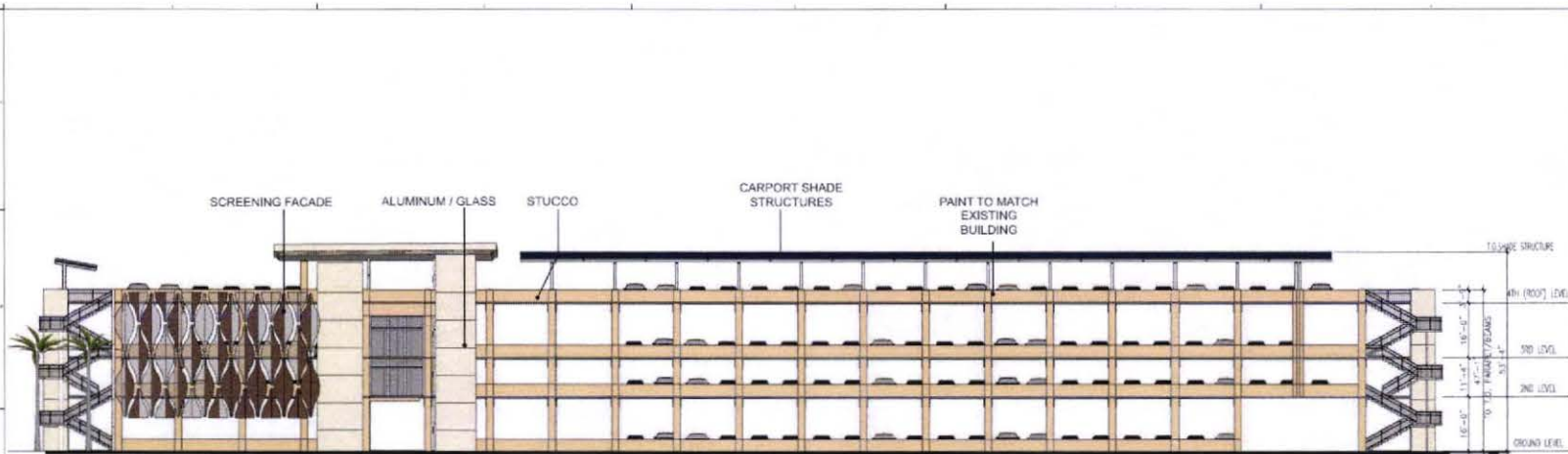
PALM SPRINGS, CA

**Parking
Design
Associates**
Architects & Planners

19000 Encinitas Blvd., Suite 1000, Encinitas, CA 92024
760.949.8888 Fax: 760.949.8888



EXTERIOR ELEVATIONS
EXHIBIT E.2



SOUTH ELEVATION



WEST ELEVATION



SOUTH EAST VIEW FROM INTERSECTION OF AMADO & CALLE ENCILIA



SOUTH WEST VIEW FROM INTERSECTION OF AMADO & CALLE EL SEGUNDO



**Calle Encilia
Parking
Structure**

PALM SPRINGS, CA

**Parking
Design
Associates**
Architects & Planners

1955 Woodlawn St., 1st Floor, Palm Springs, CA 92262
951.426.0884



EAST VIEW



NORTH VIEW

Renderings
EXHIBIT F

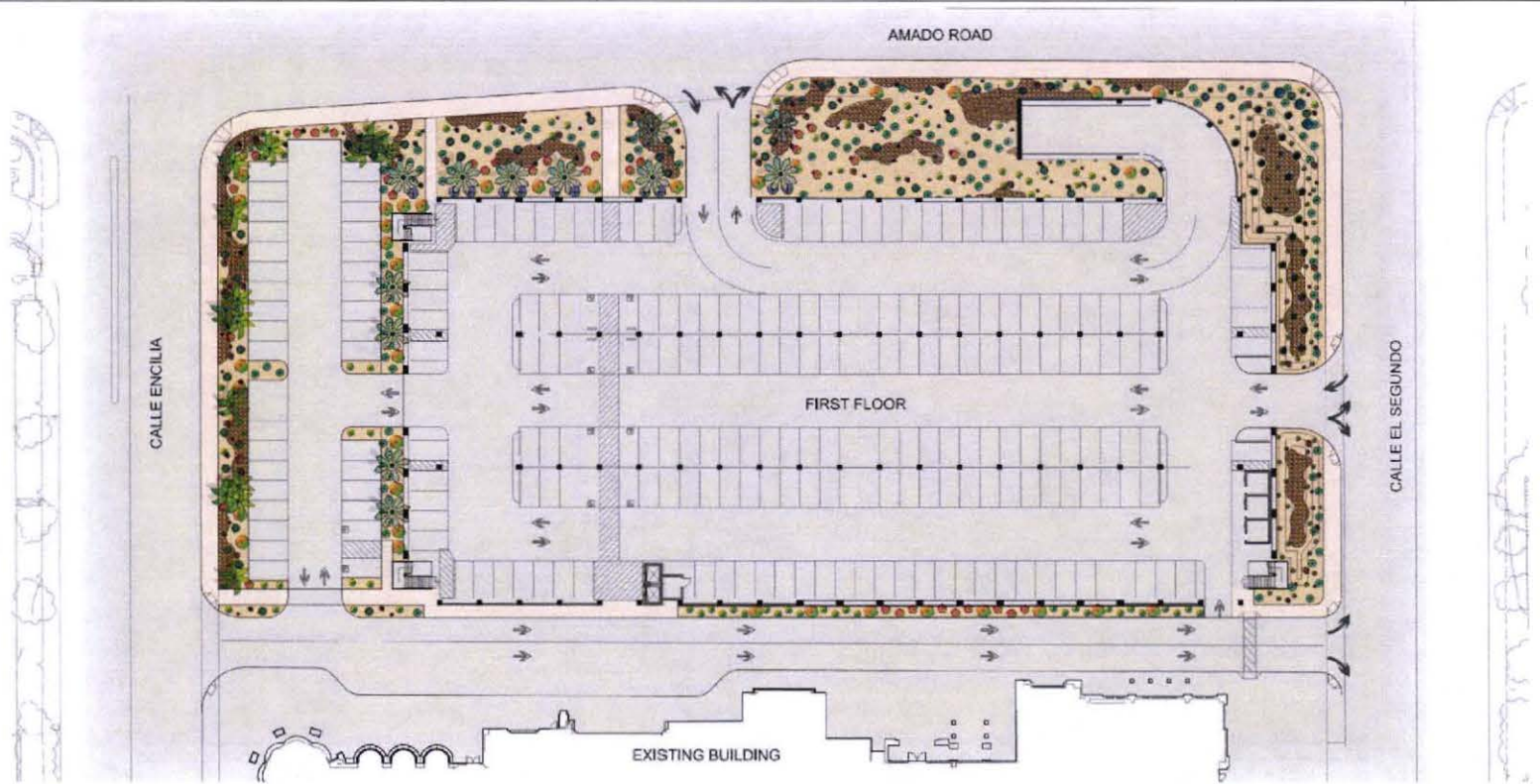


**Calle Encilla
Parking
Structure**

PALM SPRINGS, CA



1208 West Ave. Ste. 105 Palm Springs, CA 92261
951.429.4114 Fax: 951.429.4132



PLANT SCHEDULE



QTY	BOTANICAL NAME / COMMON NAME	CONT.
2	Brahea armata / Mexican Blue Palm	Existing
10	Phoenix gladyferus / Date Palm	Existing
14	Washingtonia filifera / California Fan Palm	Existing
QTY	BOTANICAL NAME / COMMON NAME	SIZE
1	Agave americana 'Variegata' / Variegated Century Plant	Existing
41	Bougainvillea x La Jolla / Bougainvillea	3 gal
24	Coleostema pulcherrum / Red Bird Of Paradise	3 gal
14	Dielsia cuneata Sierra Ball TM / Sierra Ball Stone	3 gal
42	Daylily 'Mistral' / Desert Sparrow	Existing
11	Lantana camara 'New Gold' / New Gold Lantana	3 gal
10	Lasiacisum Prostratum Compacta / Compact Texas Ranger	3 gal
22	Hemerocallis 'Majesty' / Majesty	3 gal
7	Hemerocallis 'Autumn Glow' / Autumn Glow	3 gal
SECTION	QTY	DESCRIPTION & COLOR
1	3' x 3' BOLLER	COLOR: HICKORY GREEN
2	7' x 7' BOLLER	COLOR: HICKORY GREEN
3	1' x 1' BOLLER	COLOR: HICKORY GREEN
4	4' x 4' COBBLE	COLOR: HICKORY GREEN
5	3' x 3' SAND DIRT	COLOR: PALM SPRING GOLD



PLANTING PLAN

SCALE: 1" = 20'



PRELIMINARY
LANDSCAPE PLAN

EXHIBIT G

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



March 23, 2016

HAND DELIVERED

*XC David
Doug
Hanus
Jay
Flinn*

Mayor Robert Moon and City Council
CITY OF PALM SPRINGS
3200 Tahquitz Canyon Way
Palm Springs, California 92262

RE: City Administrative Analysis of the Calle Encilia Parking Structure Located at the Southeast Corner of Calle Encilia and Amado Road (Case No. 5.1390)

Dear Mayor and City Council,

The Tribe has reviewed the City Council Staff Report dated March 16, 2016, on the City's Administrative Analysis of the Calle Encilia Parking Structure Project and has no comments to submit to the City Council at this time.

Please contact me should you have any questions at 760-699-6960.

Very truly yours,

Thomas J. Davis, AICP
Chief Planning & Development Officer
**AGUA CALIENTE BAND
OF CAHUILLA INDIANS**

TJD/dm

C: Tribal Council
Flinn Fagg, Director of Planning Services, City of Palm Springs