



## Planning Commission Staff Report

Date: January 14, 2009

Case No.: 5.1137 PD – 335; TTM 35230 and 3.3028 –MAJ.

Application Type: Planned Development District; Major Architectural Application, and Tentative Tract Map

Location: 300 South Palm Canyon Drive at the southeast corner of South Palm Canyon Drive and Baristo Road

Applicant: Wessman Holdings

Zone: CBD (Central Business District)

General Plan: CBD

APN: 513-204-005

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

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### PROJECT SUMMARY:

The project is comprised of:

1. A Planned Development District (PDD) Application to create a unique set of development standards for a proposed mixed use development at 300 South Palm Canyon Drive.
2. A Major Architectural Application for a mixed-use development at 300 South Palm Canyon Drive.
3. A Tentative Tract Map Application for condominium purposes.

### RECOMMENDATION:

That the Planning Commission:

1. Adopt the mitigated negative declaration and approve Case 5.1137, PDD 335 and 3.3028 MAJ subject to the attached conditions of approval.

2. Recommend that the City Council adopt the mitigated negative declaration and approve Case 5.1137; PDD 335 and TTM 35230 subject to the attached conditions of approval.

#### **PRIOR ACTIONS:**

- The Architectural Advisory Committee (AAC) reviewed the subject project on January 22, 2007, March 12, 2007, March 26, 2007, June 25, 2007, August 20, 2007, and June 8, 2008. A summary of the AAC's comments from each of these meetings are attached to this staff report. The following comments from the AAC were incorporated in the current project scheme:

- Elimination of the proposed dining terrace on the existing building.
- Revised the south and east-facing balconies relative to the property line.

Certain comments from the AAC that are not reflected in the current scheme include:

- Set the new building further back from Palm Canyon to preserve the view of the bank building.
  - Change the full depth balconies on the north façade of the new building to "Juliet balconies" to afford more space between the new building and the existing.
  - Provide more space between the new building and the existing building.
- On October 10, 2007, the Planning Commission held a public hearing to consider Case 5.1137PD-335, 3.3028MAJ, & TTM 35230 and voted 7-0-0 for the project to be continued and for the applicant to restudy the project. Specific comments included:
    - The dining terrace is a problem.
    - Clarify how the project addresses the parameters of the Downtown Urban Design Plan (DUDP).
    - Restudy the setbacks and space between the bank building and the proposed new building, seems "shoehorned" on the site.
    - Evaluate other uses for the bank building instead of a restaurant that would cause less of an impact to the exterior of that building.
    - Restudy providing more off-street parking.
    - Consider LEED certification.

In addition, the site and existing building has been subject to the following actions related to Municipal Code Section 8.05, the Historic Preservation ordinance:

- March 13, 2007, the Historic Site Preservation Board (HSPB) voted 6 – 0 to recommend to the City Council the designation of 300 South Palm Canyon Drive, formerly known as the Santa Fe Federal Savings Bank as a Class 1 historic site.
- On April 4, 2007, at a public hearing on the HSPB's recommendation to designate the Santa Fe Building a Class 1 historic site, the City Council voted 3-2-0

PLANNED DEVELOPMENT DISTRICT

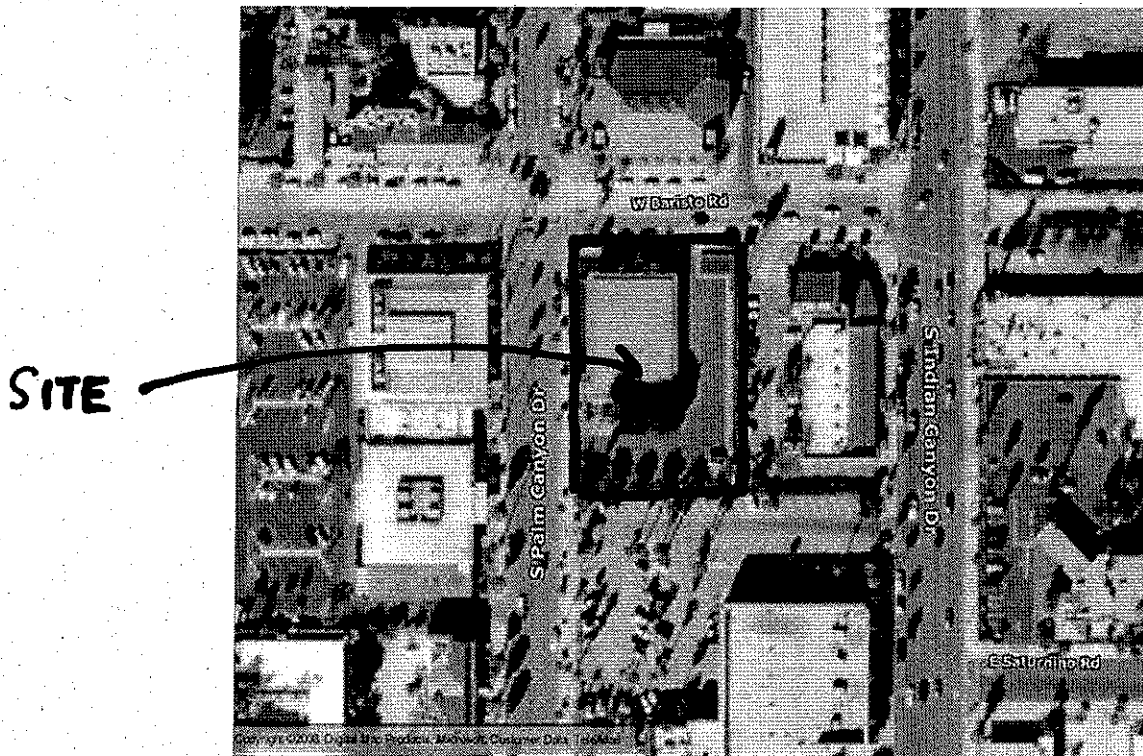
(Councilmember Foat and Mayor Pro Tem Pougnet opposing) to continue the public hearing on the Class 1 designation in order to consider the designation concurrent with this case (5.1137PDD-335, 3.3028MAJ, & TTM 35230).

**BACKGROUND AND SETTING:**

The proposed project site is a 0.676-acre (roughly 29,447 net square foot) parcel in the Central Business District at the southeast corner of South Palm Canyon Drive and Baristo Road at the southern end of downtown Palm Springs.

The site measures approximately 194 feet by 166 feet. It is currently developed with a building constructed in 1960, known as the Santa Fe Federal Saving Bank ("The Wessman Building"). The site is fully developed with vehicular entry and exit on both Baristo Road and South Palm Canyon Drive. The site slopes gently downward from south to north. The existing building is located roughly in the northwestern corner of the site with 17 foot wide landscape areas facing Baristo Road and South Palm Canyon Drive. On the east of the building is an existing parking lot and former drive-up teller window lane, and on the south is continuation of the parking lot and exit driveway connecting to Palm Canyon Drive.

The southern end of the downtown area has been home to many financial institutions since the 1950's and is still considered by many to be "the financial district" of Palm Springs. The aerial photo below shows the context of the site.

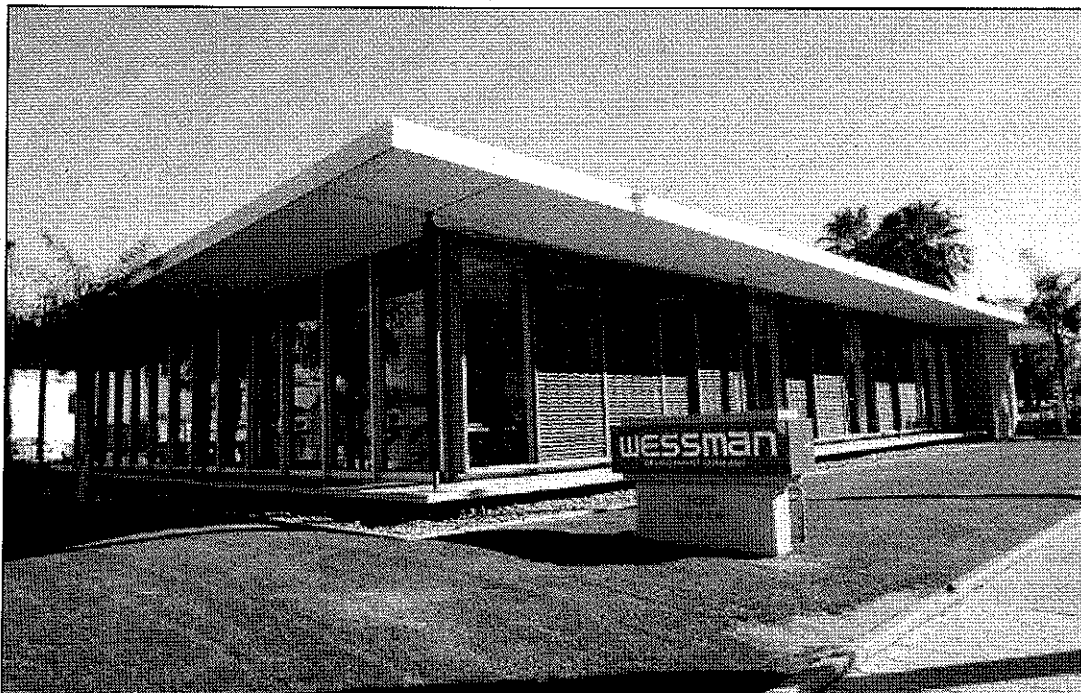


Aerial photo showing the 300 South Palm Canyon Building in the center

PLANNED DEVELOPMENT DISTRICT

*The Santa Fe Federal Savings Bank/Wessman Building:*

The existing building was designed by prominent local architect E. Stewart Williams as a branch office for the Santa Fe Federal Savings and Loan Corporation in 1957. Construction was completed in 1960. The building is a steel frame structure with extensive use of glass and distinctive aluminum sun screens. It has wide cantilevered roof overhangs that shield the large expanse of glass from the desert sun. The building rests on a raised concrete “base” with cantilevered edges that give it the appearance of floating above the adjacent landscape.<sup>1</sup> Additional description is included in the analysis that follows.



Contemporary Photo of the Santa Fe Federal Savings Bank (Wessman Building)

There are traditional pedestrian-oriented downtown commercial uses and structures to the north and big-box retail with large parking lots to the south, the existing development in the immediate vicinity of the project does not follow any particular style or pattern. The surrounding land uses, General Plan designations and Zoning are summarized in Table 1 as follows:

<sup>1</sup> In 2004, the building was recognized as a significant example of the International Modern Style of architecture in the Citywide Historic Resources Survey.

Based on its April 4, 2007 action, the City Council will take up consideration of the historic designation recommendation of the HSPB on the Santa Fe Building concurrent with its review of Baristo Lofts and consideration of the Planning Commissions recommendations on this project.

**Table 1: Surrounding land uses, General Plan, Zoning**

	Land Use	General Plan	Zoning
North	Commercial (two story vacant office building)	CBD (Central Business District)	CBD (Central Business District)
East	Commercial (single story multi-tenant retail strip)	CBD (Central Business District)	CBD (Central Business District)
South	Commercial (single story big box retail store and parking lot)	CBD (Central Business District)	CBD (Central Business District)
West	Commercial (two story retail/office building)	CBD (Central Business District)	CBD (Central Business District)

### PROJECT DESCRIPTION

The project is comprised of an adaptive reuse of an existing structure for restaurant/retail uses, a proposed new structure four stories in height with ground floor retail/commercial spaces and three floors of residential uses, structured off-street subterranean parking, and landscaping. The project includes a Planned Development District (PDD) application seeking approval for deviations from the underlying development standards of the CBD zone and application of high-rise ordinance. The application also includes a Major Architectural Application for the project's design elements. Lastly, there is an application for a Tentative Tract Map (TTM) for condominium purposes.

The existing structure was originally designed as a branch office for a bank and is currently used as an office for the applicant. It would be remodeled to accommodate restaurant/retail uses on the first floor. The exterior of the existing building would not be modified other than to provide the necessary mechanical and exhaust systems to support a proposed commercial kitchen. The basement level would be gutted to provide off-street parking and would be connected to the proposed new parking structure on the site.

The proposed new four-story structure is designed to contain a mix of retail/commercial uses on the first floor and residential uses on the upper three floors. Roughly half of the roof area would be developed with an outdoor rooftop terrace and optional swimming pool. The remaining roof area will be used for mounting multiple condensing units for the individual air conditioning systems in each unit.

Off-street parking would be provided on the site by means of new underground structured parking that would be connected to the basement of the existing building. Parking is also proposed at the first floor level, on the eastern half of the site. The parking includes standard, compact-size and tandem parking spaces. A pair of two-way vehicular ramps, accessed off Baristo Road, would provide access down to the

subterranean parking area, and up to the parking at the first floor level. The off-street parking configuration is further discussed in the zoning analysis below.

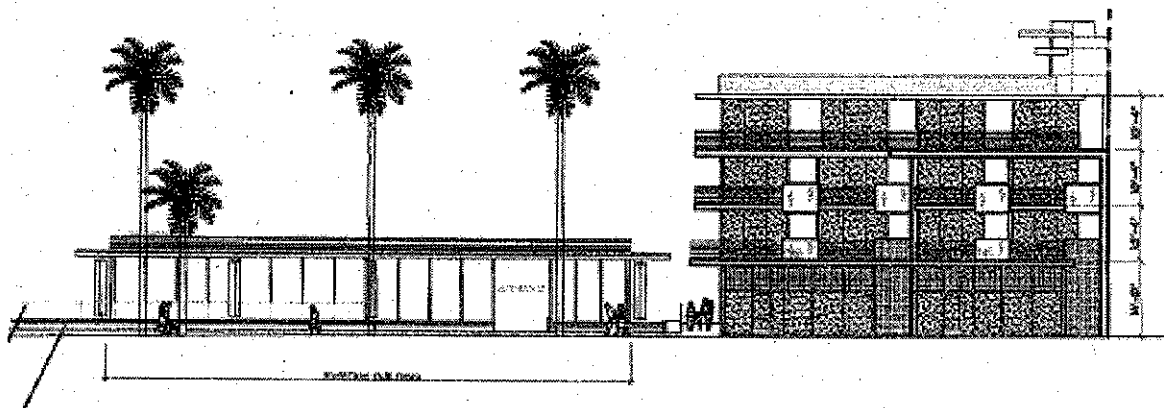
### Architecture

The architecture of the project consists of the existing single story building designed in the International Modern Style and a new four-story building designed in a contemporary architectural style.

The existing building is essentially a rectangular "glass and steel pavilion" with a wide cantilevered roof overhang supported by unusual tapered steel "star" columns set in front of the glass curtain wall at a regular structural module of 25 feet resting on a 'floating' concrete plinth or base. The building is considered a very good example of the International Modern Style.

The proposed new building is contemporary in its design with balconies and cantilevered shade canopies that create a strong horizontal layered effect on the exterior facades.

The eastern portion of the four story building is constructed over two levels of structured off-street parking. The west half of the first floor of the proposed new building is a 5,000 square foot retail space. The existing driveway onto South Palm Canyon would be eliminated. The building and parking essentially fill the site; however there are landscape planters, walkways, and other usable outdoor open spaces created at the ground or first floor level.



West Elevation showing proximity of the proposed new building to the existing

The proposed new high-rise building is oriented in an east-west manner, thereby preserving view-corridors along Baristo Road. The new building is approximately sixteen (16) feet from the south wall of the existing building and twelve (12) feet from the south edge of the roof of the existing building. Balconies proposed on the north side of the proposed new building would be approximately four feet from the leading edge of the roof of the existing building. (These balconies were recommended by the AAC to be removed to provide more space between the buildings but the applicant has elected not to do so).

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Each residential unit would have at least one balcony; two story units would have two. On the south side of the residential units, open-air corridors provide access to each unit from the elevator and stair towers. The proposed new building is located with zero setbacks on the interior rear and side lot lines and zero setbacks at a portion of the Palm Canyon Drive lot line. Paved walkways and planters are proposed between the two buildings at ground level. The first floor elevation of the new building would be approximately two feet lower than the first floor of the existing building. At the roof level of the new building, a terrace and optional pool are proposed. Air conditioning condensing units are also on the roof, and an area is shown for possible future solar panels.

In response to specific requests in the Planning Commission meeting of October 10, 2007, regarding parking, space between buildings, LEED certification, and how the building relates to the Downtown Urban Design Plan (DUDP), the following is noted.

- The applicant has increased the off-street parking from 56 spaces to 81 spaces.
- The proposed dining terrace and modifications to the glass curtain wall on the existing building were eliminated.
- Although the Planning Commission requested the space between the existing and new building to be increased, the space between the existing building and the proposed new building (not counting the balconies) has been slightly *decreased* from 13 feet to 12 feet from the cantilevered roof edge (from 17 feet to 16 feet to the wall face of the existing building) in order to reconfigure the floor plans on the upper levels.
- The proposed development will not be LEED certified (Leadership in Energy and Environmental Design).
- Staff's review of the project against the DUDP is included in the Analysis section below.

#### Site Design, Landscape and Open Space.

Because of the density of the proposed project, the primary focus of site design, landscape and open space is at the perimeter of the lot and in the many balconies serving the residential units. A variety of plant material, most of which is drought-tolerant and desert appropriate, is proposed for the project. Landscape planters are provided at the perimeter of the site, on both sides of the access ramps to the parking structure, along the street frontages, and between the two buildings. A variety of palm trees and ground covers as well as a "hedgerow" of bamboo along part of the south elevation soften and enhance the architecture of the site.

## ANALYSIS

### General Plan Consistency

The proposed project site has a General Plan designation of CBD (Central Business District). The General Plan explains the intended uses and desired development for the CBD as follows:

*(GP page 2-7) Central Business District (1.0 FAR, 21-30 dwelling units per acre). Bounded approximately by Ramon Road, Calle Encilia, Alejo Road and Belardo Road, the Central Business District designation allows for a mix of commercial, residential, and office uses at a higher concentration, density and intensity than in other areas of the City. The CBD serves as the main activity center and cultural core of the community and, as such, theaters, museums, retail and other entertainment venues are encouraged here.*

The commercial component of this project has an FAR (floor area ratio) of 0.39, which is within the FAR limit of 1.0 for the CBD. For the residential component, the project proposes 19 condominium units on 0.68 acres, or 28 dwelling units per acre; within the 21-30 dwelling units per acre limit in the CBD. Therefore Staff had concluded that the project conforms to the type of use and density defined in the General Plan for the CBD.

The CBD is broken down further into defined sub-areas with differing densities and desired development parameters. These sub-areas are described in the Downtown Urban Design Plan (DUDP) as noted below. The DUDP is part of the General Plan, and can be found in Appendix A of that document. The subject parcel is located in an area defined as a "transition zone".

*(DUDP Page 33) Transition zones should serve as less intense connector areas between the high intensity downtown core and north and south gateways to help create a varied downtown experience. These areas are ideal for theme based districts (areas with similar or complementary uses such as restaurants, art galleries, etc.) and should consist primarily of shorter, one to two story (max 30 ft) commercial/office mixed-use buildings. Slightly taller mixed-use buildings with ground floor retail/office and residential lofts above (max 45 ft) are permitted on the east side of Palm Canyon Drive.*

The proposed project is consistent with this statement because it is 45 feet tall. Elevator and stair towers are 58 feet tall, but such height overages are permitted in the Palm Springs Zoning Ordinance and such "architectural intrusion features" are recognized and identified as acceptable in the DUDP. Further regarding building height, the DUDP notes:

*(DUDP Page 37) Building massing should step back above the ground floor to maintain and protect public view corridors along streets.*



The General Plan does not provide a specific dimensional requirement for stepping back a building's upper floors to protect public view corridors. Along this section of Palm Canyon Drive, Mexican Fan Palms line both sides of the street and establish a visual 'vertical edge' to the north-south view corridor. These trees frame the southward view corridor to the mountains as shown from the street in Photo 1 below. Behind the palms, on the sidewalk side, the view of the mountains is obscured by palm tree skirts and other vegetation as shown in Photo 2. Although roughly half of the building's frontage is at the front property line, the building remains 'behind' the vertical edge of the view shed established by the palm trees and thus does not obscure or impact the public view corridor along Palm Canyon Drive, either from the street or the sidewalk.

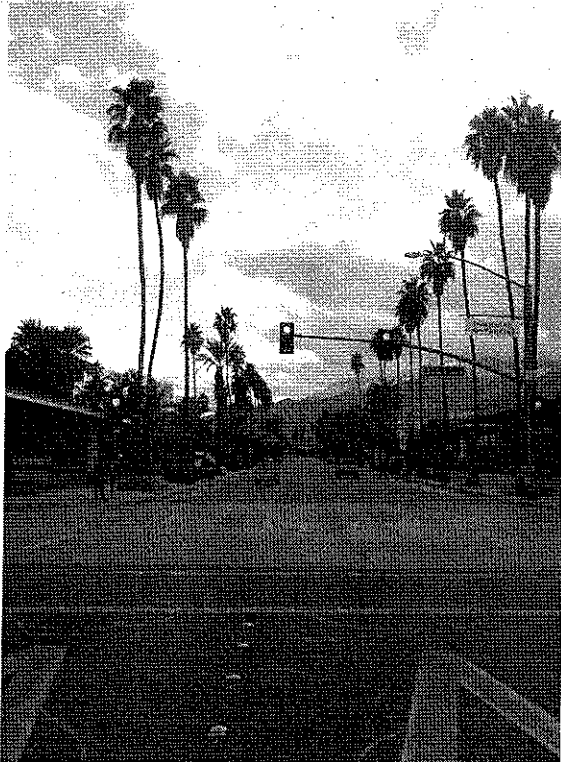


Photo 1: Looking south from street, view corridor to the mountains is framed by palms.

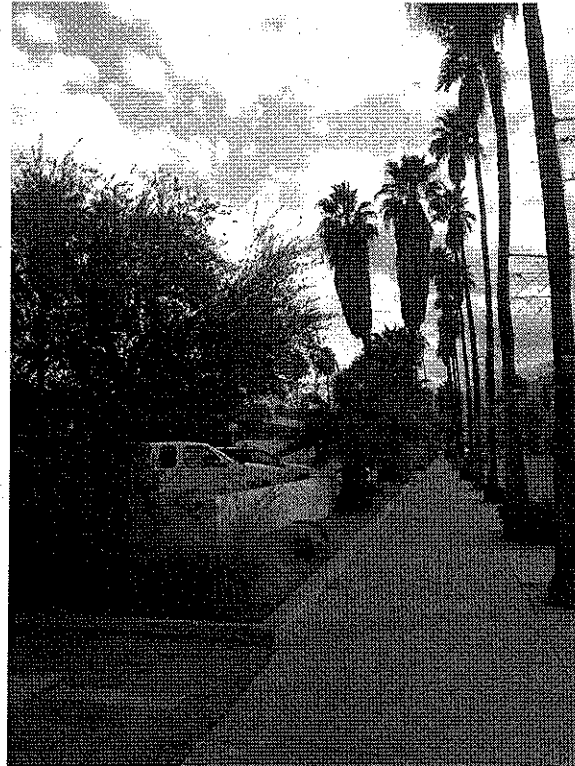
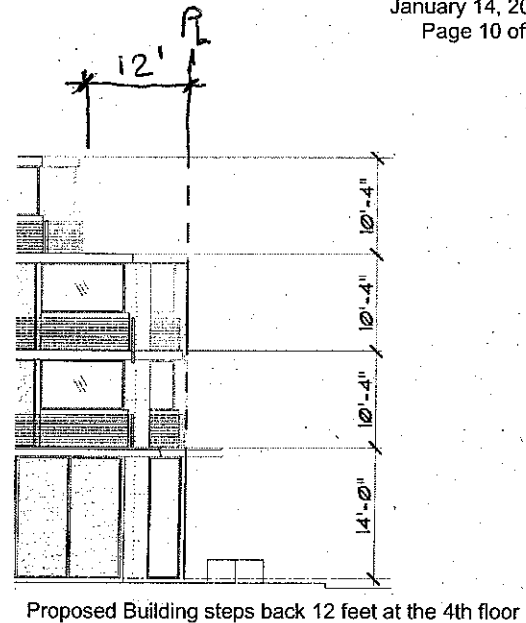
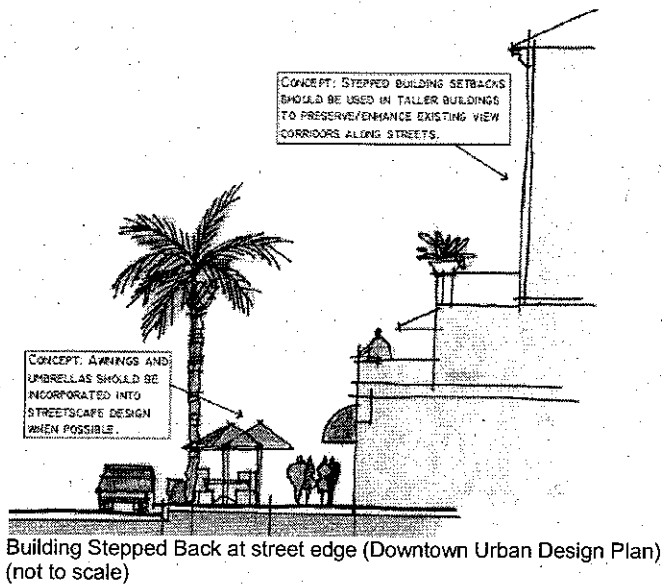


Photo 2: Looking south from the sidewalk in front of 300 South Palm Canyon, no view corridor exists because palm skirts and other vegetation obscure the view.

In addition to the placement of the building at the front property line, a horizontal shading device extends three feet into the public right of way roughly just above the first floor. The northern half of this façade is set back approximately six feet from the front property line. The proposed new building steps back roughly twelve feet at the fourth floor. This step back creates a balcony with usable outdoor space for the residential units along the street front. (See the diagrams below comparing the proposed new building to the concept sketch showing vertical setbacks in the DUDP).



The project is somewhat consistent with the step-back concept statement because the building massing steps back away from the street at the fourth floor. Staff believes however, that the issue of step backs to protect the view corridor is moot because the view corridor does not exist on the sidewalk side of the line of palm trees along Palm Canyon Drive. Views of the mountains from the sidewalk are effectively blocked by palm fronds and other vegetation. The actual view corridor, seen from the street, will not be impacted by the proposed new building. The proposed horizontal shading device will limit upward-oriented views from the sidewalk, but also will not impact public view corridors toward the mountains.

With regard to building orientation and massing, the DUDP notes:

*(DUDP Page 37) An east-west orientation of taller buildings will reduce the bulk facing the mountains which will help create/preserve view corridors in the downtown area.*

The proposed project is consistent with this statement because it sites the taller element of the project in an east-west orientation, thereby minimizing the impact on the east-west view corridors. View corridors are identified on most of the east-west streets in the downtown area (DUDP Page 17). Baristo Road is a noted view corridor.

*Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.*

The project is consistent with this General Plan policy because the CBD is a major activity center and the proposed development conforms to the adopted architectural and design guidelines therein. Based on the above, staff has concluded that the proposed project is consistent with the General Plan, including Appendix A, The Downtown Urban Design Plan.

Zoning Analysis:

The subject project is located in the Central Business District (CBD) zone. Section 92.09.00 of the PSZO regulates uses and development standards in the CBD zone. It describes the downtown as a pedestrian-oriented area with a wide range of uses. It encourages development in a compact manner that allows the downtown to develop as a vibrant, lively, intensively-used gathering and shopping area with open plazas, and outdoor seating and other pedestrian amenities.

Permitted Uses

A variety of retail and commercial uses are permitted in the CBD zone including restaurants and various retail spaces. The project proposes 6,647 square feet of commercial/restaurant uses in the existing building and 5,033 square feet of commercial/retail uses on the first floor of the proposed new building. PSZO Section 92.09.01(26) notes that residential uses, including condominiums are permitted in the CBD zone subject to the development standards of the R-4 zone (92.05.00). The project thus conforms to the permitted uses in the CBD zone.

Planned Development District:

A Planned Development District (PDD) is included in the application to establish unique development standards for the project and to seek relief from the following development standards:

- Building Height (application of the High-Rise Ordinance)
- Greater Density, and Smaller Setbacks
- Off-Street Parking; quantity and design standards, width of vehicular entrance driveway aisles, no off-street loading dock.

Property Development Standards – Central Business District (CBD)

General property development standards for the CBD are outlined in Table 2 on the following page which also provides a comparison with the deviations in the developments standards proposed by the PDD.

**Table 2:  
 Comparison of Development Standards by Zone, General Plan & Proposed PDD**

	CBD Zone	R-4 Zone	General Plan/Dntn. Urban Des. Plan	Proposed PD- 335
Lot Area	9,600	Minimum 2 acres	none	29,447 Conforms to CBD.
Density	FAR = 1	1,500 sf of net site area per dwelling unit	Commercial: FAR = 1; Residential: 21 – 30 du/ac	33,064 SF 11,680 SF Commercial (Conforms at 0.39 FAR combined at 1.12 <b>does not</b> ) Residential at 28 Du/ac, (Conforms)
Height	30 feet except high rise bldgs. Max. of 60 feet.	30 feet except high rise bldgs. Max. 60 feet.	35 feet with exceptions	45 feet to top of roof, and 58 feet to top of stair/elevator tower. Conforms to High-rise Code
Lot width	75 feet	130 feet	N/A	166 Feet - Conforms
Lot depth	128 feet	155 feet	N/A	194 Feet - Conforms
Front yard	10 ft. from Baristo Rd.	30 feet Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW	N/A	20. ft. from proposed R/W of Baristo Rd. – Hi-rise code: 3ft for ev. 1 ft of height from opposite side of street ROW – <b>Does not conform.</b>
Street Side yard	10 ft. from S. Palm Canyon	30 Ft. from S. Palm Canyon Dr. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW	N/A	20 ft. from S. Palm Canyon Dr. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW – <b>Does not conform.</b>
Int. side yard	0 ft..	20 ft.(CBD) Hi-rise code: 3ft for ev 1 ft of height	N/A	0 ft – Hi-rise code: 3ft for ev 1 ft of height – <b>Does not conform.</b>
Rear yard	0 foot	20 feet CBD; Hi-rise code: 3ft for ev 1 ft of height	N/A	0 ft – Hi-rise code: 3ft for ev 1 ft of height <b>Does not conform</b>
Open Space	Per P.C.	45%; Hi-rise code requires 60% open space	N/A	Approx. 63% including balconies - Conforms
Distance between bldgs.	N/A	15 feet	N/A	12 feet – <b>Does not conform with R-4 standards</b>
Parking required	"D" Combining Zone: 1space/375 gsf for mixed-use projects over 20,000 sf = 88 spaces	"D" Combining Zone: 1 space/375 gsf for mixed-use projects over 20,000 sf. 33,064sf = 88 spaces	NA	81 off-street spaces – <b>Does not conform.</b>

**PLANNED DEVELOPMENT DISTRICT**

*Building Height - High Rise Standards apply:*

Section 91.00.10 of the PSZO provides the definition and methodology for determining building height as follows:

*"Building height" means the vertical distance plus eighteen (18) inches measured from the average grade at the curb adjacent to the property.*

The maximum building height for the CBD zone is thirty (30) feet. Buildings in excess of thirty-five (35) feet are defined in the PSZO as high rise buildings. High-rise buildings are permitted in the CBD zone but must conform to the development standards of PSZO Section 93.04.00 "high-rise buildings". The project is evaluated against the standards of the high-rise code below because the height of the proposed new building is in excess of 35 feet.

Property Development Standards - High-rise Buildings:

The new building as measured from the adjacent grade is 45 feet tall to the roof level and approximately 58 feet to the top of the elevator/stair tower<sup>2</sup>. The maximum height for high-rise buildings is 60 feet. Thus the project is within the height limits of the high-rise ordinance. The project's conformity with other development standards of the high-rise ordinance is evaluated as follows:

*Open Space:*

Pursuant to 93.04.00(A) sixty percent (60%) of a site for a high-rise building shall be usable outdoor open space, landscape and recreation area. The project proposes 8,611 square feet of landscaped and paved usable open space at ground level. This is approximately 29% of the site area. The project provides an additional 10,373 square feet of livable open space on balconies, terraces, and the roof top deck. Combining this balcony area with the site area yields 63% open space<sup>3</sup>. The project thus conforms to this requirement.

*Setbacks:*

Setbacks for high-rises are regulated in PSZO Section 93.04.00(C) which states that there shall be three feet of horizontal setback from property lines for every one foot of vertical height of the building. When abutting a street, the 1 to 3 setback shall be measured from the right of way line on the *opposite side* of the street. The project proposes a building height of 45 feet, thus setbacks from interior rear and side property lines would need to be 135 feet. The proposed new building does not conform to this standard because it abuts the property line on the south and east lot lines with no setback. South Palm Canyon has an eighty foot right of way and approximately half of the length of the west façade of the building is also at the property line. As calculated for sides that abut a street, the building would need to be 144 feet from the ROW line on

<sup>2</sup> Projections up to 15 feet above the height limits for elevator housing and stair towers may be approved by the Planning Commission.

<sup>3</sup> Pursuant PSZO Section 91.00.10, Space that is open on one or more sides and is an extension of the exterior open space shall not constitute the building area. Staff therefore believes it is reasonable to include balconies in the calculation of open space.

the opposite side of Palm Canyon. It is only eighty feet and thus does not conform. Staff believes the project would seem less imposing in its height if it were at least pulled back from the Palm Canyon property line to align with the front edge of the existing Santa Fe Building on the site. This may require smaller units or loss of units on the residential floors. Given that the lot is only 194 feet by 166 feet, strict application of the high-rise setbacks would virtually prevent this type of development from occurring on smaller lots like this one in the CBD. Thus setbacks are one of the development standards for which the PDD is seeking relief.

The zero setbacks proposed on the interior lot lines pose other challenges; among them, the impact to this project if the adjacent property owners seek to develop their sites to a similar height and density. Adjacent property owners who might seek similar high-rise development with zero setbacks in the future, may render the open-air "decks" on this project as little more than narrow and dark 'light wells' adjacent to artificially lit "corridors". While this is not uncommon in urbanized areas of many cities, it is a development condition that is not common in Palm Springs. The Fashion Plaza mall and the Hyatt Hotel have zero setbacks on their common side property line, however neither building is designed with windows or other openings common to one another (except the passageway into the mall at the first floor).

Staff believes that consolidation of the small-sized lots in the downtown area to create larger development opportunities would alleviate some of the setback issues seen with this type of development proposal. Since a variety of constraints make such lot acquisition and consolidation unlikely, it may be necessary for the Planning Commission to realize significant deviations in setbacks as proposed in this PDD in order to promote high-rise, higher density redevelopment within the CBD. The City's General Plan includes a vision of loft-type development in this area. The physical consequences of attempting this vision on the small lots in the CBD creates a development condition quite different from what Palm Springs is accustomed to seeing. Staff recommends the zero setbacks, recognizing their necessity in order to achieve the type of development envisioned in the General Plan on the small lots in the CBD. We further note however, that a full understanding of the resultant development pattern caused by this kind of density must be carefully considered.

#### *Other Setback Requirements*

PSZO Section 92.09.03 states new buildings on Palm Canyon between Alejo and Ramon shall be set back at least 50 feet from the street's centerline. The project proposes a 40 foot setback from the centerline of Palm Canyon and thus does not conform.

#### *Density: Floor Area Ratio (FAR) and Dwelling Units per Acre (du/ac)*

Section 92.09.02(D)(1) of the Zoning Ordinance notes that density in the CBD is evaluated based on Floor Area Ratio (FAR) or Floor Coverage. The maximum floor area coverage (FAR) in the CBD is 1. Density for residential uses in the CBD is evaluated on the R-4 zone which allows 21 - 30 dwelling units per acre.

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Unlike the General Plan, the Zoning Code does not fully address a means of evaluating density for a mixed use project that has both commercial and residential uses. The net area of the site is approximately 29,447 square feet. The area of the commercial portions of the existing building is 11,680 square feet, and the total building floor area for the entire development is 33,064 square feet comprised as follows;

Density Analysis	Gross floor area (Sq Ft)	Open Space Balconies
First Floor (commercial)	5,033	
Second Floor (residential)	7,493	2,808
Third Floor (residential)	7,493	2,808
Fourth Floor (residential)	6,398	2,702
Roof Level	0	2,055
Existing Building	6,647	0
<b>TOTAL</b>	<b>21,384 + 11,680 = 33,064sf</b>	<b>10,373sf</b>

The Zoning Ordinance uses Floor Coverage (FAR) for all uses in the CBD to define the bulk of the building. It allows residential dwelling unit count at 1.500 square foot of site area per dwelling unit, but provides no guidance for separate density calculations when both commercial and residential uses are combined on the same site (i.e. "Mixed-use"). Thus the density of the project conforms with the General Plan with an FAR of 0.36 and 19 du/ac; but when calculated for the Zoning Ordinance, the FAR is 1.12 (gross building which includes both commercial and residential) at 19du/ac. It is staff's belief that the density proposed is consistent and within the limits imposed by the General Plan and thus the application of the PDD to reflect "mixed use" density limits imposed by the calculation method of the General Plan rather than the Zoning Ordinance is reasonable.

*Off-street Parking*

Off-street parking requirements in the CBD are regulated by PSZO Section 93.06.00 "Off-street Parking", 92.09.04 "Performance Requirements for the CBD Zone" and 92.26.00 "The Downtown Parking Combining Zone". The off-street parking requirements of Section 92.26.00 (Downtown Parking Combining Zone) are used here to analyze the off-street parking requirements for this project.

The "D" overlay is intended to provide relaxed requirements for off-street parking for parcels generally within the downtown area of the City. In applying the requirements of the "D" parking overlay, eighty-eight (88) total parking spaces would be required for the proposed development<sup>4</sup>. The project proposes eighty-one (81) off street parking spaces comprised of full size, compact, handicap accessible, and tandem parking spaces; seven spaces less than required by the ordinance.<sup>5</sup> The project is therefore roughly 10% short of the required number of off-street parking spaces. Typically, a reduction of 10% of the required off-street parking can be accommodated with an Administrative

<sup>4</sup> Off-street parking for Mixed-Use developments in the D overlay area requires 1 space for every 375 square feet of gross building area. The project's gross area is 33,064sf and thus 88 off-street parking spaces are required.

<sup>5</sup> The applicant has requested consideration of on-street curbside spaces be counted, which staff has not included because the applicant has not met the requirements for including this credit.

Minor Modification (AMM). Since this project is submitted as a PDD, it can be the mechanism by which the 10% reduction can be considered. Staff believes the proposed number of off-street parking spaces is reasonable given the project's proximity to the public parking structure immediately north of this project<sup>6</sup>.

Off-street parking spaces are provided as follows:

Standard spaces	52
Compact spaces	29
Handicap Accessible	4
Tandem Spaces	22

Pursuant to 93.06.00(C)(6) Tandem spaces 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. Staff believes if each pair of tandem-arranged spaces are dedicated to an individual residential unit, such that both vehicles are associated with the same residential unit, then these tandem spaces should be acceptable without valet services or other special arrangements. This would provide two spaces for eleven of the nineteen residential units and Staff would recommend this as a condition of approval for this project.

#### *Parking Design Standards*

Section 93.06.00(C)(2)(d) of the PSZO addresses design standards for off street parking such as curbs, wheel stops, dimensions, landscape buffers, end space requirements, added space depth for structured parking, aisle width, decorative paving, etc. At this preliminary design stage, not all of the parking design issues have been worked out. Staff believes however, that the applicant will be able to successfully integrate to these parking design requirements as part of the final PDD submission.

#### *Bicycle Parking*

Section 93.06.00(C)(5) of the PSZO states that bicycle racks or bicycle parking facilities may be required on projects submitted for architectural approval. No bicycle parking facilities are proposed for this project. Staff recommends bicycle parking facilities should be provided that would support the City's sustainability initiatives and goals.

#### *Off-Street Loading and Trash Enclosures*

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Every commercial building shall have and maintain loading spaces, but the PSZO also notes that parking areas and drive aisles may be used for the loading space for a project subject to approval of the Planning Commission. The subject project has no loading dock. Staff believes loading can be adequately accommodated by short term parking in the drive aisles or parking spaces within the parking structure on the site.

<sup>6</sup> The City's Economic Development Department reports this parking structure is seldom full and usually operates at approximately half full capacity.



The trash enclosure is located at the top of the ramp to the upper parking level, near the Baristo Road vehicular entry to the site. Staff recommends modifying this to provide an enclosed vertical trash chute to accommodate trash delivery to the garbage area from the upper residential floors. Sealed compacting dumpsters are also recommended to mitigate and control odors at the trash enclosure due to restaurant use waste. Pursuant to Section 93.07.02(D) a recycling enclosure capable of containing a 3 cubic yard container shall be incorporated in the vicinity of the trash enclosure. The project does not identify a recycling enclosure, but Staff believes creating one is possible and has included this as a condition of approval.

#### *Signage*

Section 93.20.09 of the PSZO regulates signs for buildings in the Downtown/Uptown area. Sign programs are required for buildings with two or more tenants. The recommendation will be conditioned to require a sign program which may be submitted under a separate application.

In conclusion, Staff believes the desirable result of granting the deviations requested in the PDD is that it achieves a high-density, multi-use development as envisioned in the General Plan. The requested departures from the development standards of the Zoning Ordinance however, are significant and will yield a development intensity that Palm Springs is not accustomed to seeing.

#### Tentative Tract map

The project includes an application for a Tentative Tract Map (TTM) to subdivide the existing parcel for condominium purposes. Under the provisions of Section 66426 of the Subdivision Map Act, a Tentative Tract Map is required for the creation of five or more condominiums. The findings for the Tentative Tract Map are noted below.

The project also includes a separate application through the Public Works Department for the City to vacate a portion of the street right-of-way dedication for Baristo Road totaling approximately 1,624 square feet (0.037 acre). The City's General Plan adopted in October 2007 down-graded Baristo Road from a secondary thoroughfare to a collector. In doing so, the required right of way width for this roadway was reduced from a range of 80-88 feet to 60-66 feet (or a half street ROW dimension of 30 to 33 feet). Recommended curb-to-curb dimension was reduced from 64 feet to 40 feet (equal to 20 feet centerline to face of curb). The existing curb-to-curb width of Baristo Road in this area is 44 feet (22 feet from centerline to face of south side curb). The pedestrian sidewalk is approximately ten feet wide on the south side of Baristo, (for a total of 32 feet from centerline to edge of back of sidewalk). Since the current half-street right of way easement is 44 feet, there is an excess of approximately 12 feet of dedicated roadway easement that the applicant has requested that the City vacate. The public hearing on the vacation was heard separately from today's public hearing and approved by City Council on October 15, 2008.

## REQUIRED FINDINGS

### ARCHITECTURAL

Although there are no required findings for applications for architectural approval which require environmental assessments, the Zoning Ordinance Section 94.04.00(D)(1-9) provides guidelines for the evaluation of projects.

Specific aspects of design shall be examined to determine whether the proposed development will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

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

The project proposes a high-density, mixed-use development proposal consistent with the type and character encouraged in the City's General Plan, however the project is significantly more "urban" in its design than Palm Springs is accustomed to seeing. To give more space between the existing and proposed building, the AAC recommended eliminating the north side balconies and placing a railing immediately in front of the sliding doors ("Juliet balconies"). The applicant has not elected to incorporate this recommendation. Staff however, would recommend these balconies be revised to "Juliet balconies" as a condition of approval. The east-west orientation of the proposed high-rise respects the view corridor along Baristo Road. It is also placed on the southern half of the site, thereby further preserving westward views toward the mountains. Staff has concluded that the proposed very dense project on this small site makes for a "close call" in determining if it is harmonious with this guideline.

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

The project is most similar to existing development to the north which represents typical pedestrian-focused downtown commercial uses and buildings. The project reflects the type of future development encouraged in the General Plan for the CBD Transition Zones. Staff therefore believes the project is harmonious within its neighborhood.

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 proposed development is consistent with building heights for the zone under the application of the high-rise building ordinance. There is concealment of mechanical

equipment and parking areas. With the approval of the PDD establishing unique development standards for the site, the project would be consistent with this finding.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures, which are visible simultaneously;*

The design of the proposed high-rise is complementary and sympathetic with the desert and surrounding buildings in the vicinity because there is harmony in materials, color, composition, and massing. The building offers variety in materials, texture, and successfully integrates horizontal and vertical shading devices that respond to the solar orientation of the project. East and west facing elevations will be subjected to direct sun exposure on the upper floors during morning and afternoon periods. This will require the incorporation of high-performance glass or other means to reduce the glare and solar heat gain on these parts of the building. Staff believes the project is sympathetic and harmonious to its surrounding.

5. *Consistency of composition and treatment;*

The proposed project provides consistent material and architectural treatment of all four facades of the new building. Therefore Staff believes it is consistent with this guideline.

6. *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 landscaping for the project is appropriate because it integrates plant materials conducive to the desert climate. Staff recommends the Mexican Fan Palms and Date Palm along the Palm Canyon frontage be replaced with California Fan Palms, consistent with the downtown landscape street plan as a condition of approval for the project.

#### FINDINGS FOR THE PLANNED DEVELOPMENT DISTRICT (PDD).

The provisions of Section 94.03.00(B) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development:

These findings and a discussion of the project as it relates to each of these findings are noted below.

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

PLANNED DEVELOPMENT DISTRICT

The uses proposed are ones that are authorized by the zoning code because commercial uses including restaurants and general retail, as well as residential uses are permitted in the CBD zone. The project conforms to this finding.

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

The proposed uses are identified in the General Plan as suitable and appropriate in the Downtown. The proposed uses and project density are harmonious with the stated objectives and development of this specific portion ("a transition area") of the Downtown. The uses are ones that are encouraged in order to create greater vitality and activity in the downtown area. Therefore staff has concluded that the uses are desirable and in harmony with the objectives of the General Plan.

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

The lot is conforming in size and dimension to the zone. The site is adequate for the proposed retail and multi-family uses, because the project meets the open space requirements for the zone and the land use designation. The proposed development conforms to the height limit of the high-rise ordinance. The project includes an existing one-story building that occupies approximately 25% of the site. Significant deviations in the setback requirements of the high-rise ordinance are necessary through the application of a PDD to accommodate both the existing and the proposed building. Staff believes the use of the PDD to encourage a high-density mixed-use type of project for the downtown is reasonable, however the zero setbacks proposed in this application would not be a development pattern that Staff would necessarily support for other parts of the City.

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

Elimination of the existing driveway curbcut onto Palm Canyon Drive is desirable because it redirects Palm Canyon-bound traffic from the site to the signalized intersection of Baristo and Palm Canyon. Vehicular access to this site is from Baristo Road, a collector street that can accommodate vehicular movement to and from the site without conflicts with through traffic on Palm Canyon or Indian Canyon Drive. Palm Canyon Drive is a major thoroughfare and confirmed in the General Plan Future Traffic Analysis to continue to function at acceptable levels of service (LOS) at buildout for this area of Downtown. Baristo Road has been downgraded to a collector in the new General Plan in this area and is also predicted to function at acceptable levels at

buildout. Staff has therefore concluded that the site relates to surrounding streets properly and those streets are adequate for the intended use.

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

A set of proposed Conditions of Approval accompany this staff report. Among other conditions set forth, the following conditions are recommended as noted:

- Incorporate bicycle parking on the site.
- Incorporate an enclosure for recycling waste including a trash enclosure chute from upper floors of the high-rise building.
- Revise the balconies on the north elevation of the proposed high-rise to be "Juliet balconies" to provide more space between the existing and proposed new building.
- Incorporate decorative paving on the driveways to the structured parking areas pursuant to Section 92.09.04(B)(2) of the Zoning Ordinance.
- Bring back the design of the proposed new building to the AAC for review of the specific architectural details of the proposed new structure.
- The commercial uses will be regulated through the business license process per the requirements of the zone.
- Hours of operation for the commercial businesses will be determined at the time any use application is submitted and according to the municipal code and zone requirements.
- CC&R's to reduce nuisances and assure compatibility among users and adjacent properties are required and will be reviewed for acceptability by the City Attorney.

**FINDINGS OF PUBLIC BENEFIT OF THE PLANNED DEVELOPMENT DISTRICT:**

The City Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD with regard to public benefit that would be derived from the granting of deviations from the development standards requested therein.

Two of the primary factors in the public benefits policy is "proportionality", and that it be above and beyond "required improvements". Proportionality is discussed as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

The concept of a public benefit being above and beyond "required improvements" is discussed as follows:

*A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a*

PLANNED DEVELOPMENT DISTRICT

*project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.*

The application requests three areas of deviation or flexibility from the Zoning Code as noted below. Staff has listed the deviations in order of what it believes are the greatest to the least in terms of magnitude of the deviation.

1. Reduced Setbacks,
2. Density (total project FAR (floor area ratio)),
3. Off-Street Parking Count,

In considering the proportionality of the requested deviations against the public benefit created by those deviations, staff believes that the requested deviations are "significant" in terms of the magnitude of the deviations from the underlying development standards. The Council may consider among the approved set of options: (see attached policy):

- The project as Public Benefit
  - bringing a mixed-use commercial/residential project to the CBD,
  - removal of a driveway curb cut from Palm Canyon Drive.
- Key features of the Project
  - preservation or possible historic designation of an existing architecturally significant building,
- Off-site Improvements
  - Any other public improvements off the project site. (examples: replace Mexican Fan Palms (*Washingtonia Robusta*) along both sides of Palm Canyon from Baristo to Ramon with California Fan Palms (*Washingtonia Filliferas*, install public toilets downtown, etc).

The applicant has identified the following as the proposed public benefits provided by this project in exchange for the requested deviations requested in the development standards via the PDD application:

- The project itself is a public benefit: Bringing a mixed use project to the downtown area with a residential component that will contribute to increased vitality in the CBD.
- The preservation of the existing building (The Santa Fe Federal Savings Bank). (The owner does not support the proposed Class 1 historic site designation, but is proposing no exterior changes to the building.)

Staff will incorporate the Commissions' recommendations to the City Council on Public Benefit into the proposed resolution of approval.

### TENTATIVE TRACT MAP FINDINGS

Findings for the proposed tract map are noted in Section 66474 of the State of California Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

*a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The proposed project site has a General Plan designation of CBD (Central Business District) and a Zone of CBD (Central Business District). The proposed land use of mixed use commercial/residential is consistent with the General Plan.

*b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed uses and most development standards conform to those of the underlying CBD zone and the high-rise ordinance. Certain development standards that deviate from the underlying standards will be incorporated with the acceptance of a Planned Development District. Staff therefore has concluded that with the approval of the PDD, the design and improvements will be consistent with the zone.

*c. The site is physically suited for this type of development.*

The site is essentially flat, with good vehicular access off Baristo Road that does not conflict with traffic flow on Palm Canyon. It is adjacent to the high pedestrian traffic area of the central downtown making it conducive for first floor commercial/retail uses. The site is large enough to allow the proposed high-rise building to be located at the southern half of the site, thereby preserving the east-west view corridor along Baristo Road. With the approval of the PDD application, a new set of development standards will be created suitable for this type of high-density development as envisioned in the City's General Plan for the CBD. Staff has therefore concluded that the site is suitable, but this represents a type of development that is new to Palm Springs and not necessarily a type that staff would recommend elsewhere in the City.

*d. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Mitigated Negative Declaration prepared for the proposal adequately addresses the general environmental setting of the project and finds that the project will have no adverse impacts on the environment. The applicant has worked with the City and its Architectural Advisory Committee and modified the design to respond to many of their concerns about the built environment and existing significant structures on the site.

*e. The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

There are no known aspects of the design that would cause serious public health problems. All physical improvements will require building permits and to conform to City, State, and National codes and regulations.

*f. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

The design of the development will not conflict with any easements or restrict necessary public access through the property.

### **CONCLUSION**

The PDD and Major Architectural Application are recommended for approval because the proposed development of the site is consistent with the General Plan, the findings for a PDD and the architectural guidelines of the Zoning Ordinance. Staff however believes this is a close call because the zero setbacks and dense urban form proposed in this project require significant deviations from the High-rise Ordinance and are uncommon development patterns for Palm Springs.

The Planning Commission may recommend and the City Council may identify those public benefits that are derived by the granting of the PDD and incorporate them in the Conditions of Approval.

The TTM is recommended for approval because it is consistent with the required TTM findings.

### **ENVIRONMENTAL ASSESSMENT**

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was sent to applicable agencies and published in the Desert Sun for a 20-day review period. The 20-day review period for the NOI was from October 17, 2008 through November 15, 2008.

The City received comment letters on the Notice of Intent. These comment letters and staff's responses are attached to this staff report as Exhibit 5.

In considering the public comments on the environmental analysis, Staff concluded that no new information has been provided that would necessitate recirculation of the Notice of Intent or the initiation of an Environmental Impact Report. Staff recommends the Planning Commission adopt the MND as an adequate environmental document for the project.

PLANNED DEVELOPMENT DISTRICT



## NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, the City has received correspondence regarding this project which is attached.

  
\_\_\_\_\_  
Ken Lyon  
Associate Planner

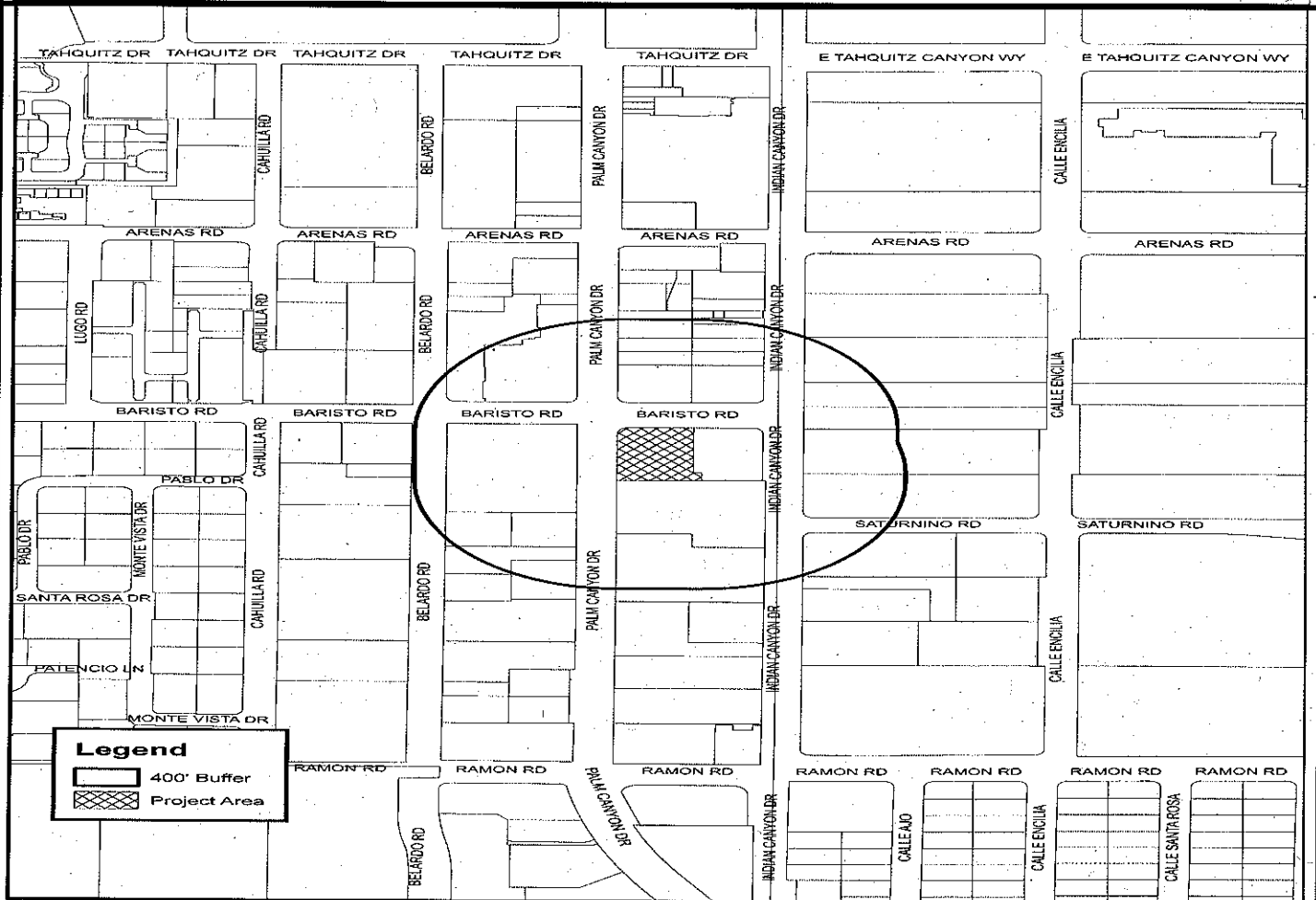
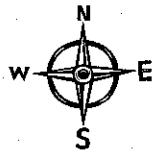
  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

### ATTACHMENTS:

1. Vicinity Map.
2. Draft Resolution / Conditions of Approval.
3. Initial Study / Mitigated Negative Declaration / Notice of intent to adopt a Mitigated Negative Declaration.
4. Site Plans & Elevations.
5. Letters of public comment on the project's environmental analysis and staff responses.
6. Excerpt from the Secretary of the Interior Standards for Rehabilitation of Historic Structures.
7. Excerpt from the National Register Bulletin "How to Apply the National Register Criteria for Evaluation",
8. Summary of comments from various Architectural Advisory Committee meetings.
9. Excerpt from minutes of the Planning Commission meeting of October 10, 2007.
10. Excerpts from the staff report to City Council dated April 4, 2007 on Class 1 designation recommendation of the Santa Fe Federal Savings Bank Building.
11. Excerpts from the minutes of HSPB meeting of March 13, 2007.
12. Copy of concept drawing dated March 22, 1969 titled "Scheme C Santa Fe Square"
13. Primary Record from 2004 Historic Resources Survey.
14. Policy on Granting Public Benefits through PDD's



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1137 PD-335,  
3.3028 MAJ  
TTM 35230

**APPLICANT:** Wessman Holdings, LLC

**DESCRIPTION:** To consider a request by Wessman Holdings, LLC for a Planned Development District (PDD) and a Major Architectural Application (MAJ) to construct a four-story mixed use development comprised of first-floor commercial/retail uses and 19 residential condominium units on the upper floors. Adaptive re-use of an existing building known as the Santa Fe Federal Savings Bank ("Wessman Office Building") for retail/restaurant uses is also proposed, as is a Tentative Tract Map (TTM 35230) for condominium purposes. Zone CBD. APN: 513-204-005.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1137, PLANNED DEVELOPMENT DISTRICT 335 AND CASE 3.3028 MAJOR ARCHITECTURAL APPLICATION AND RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE MITIGATED NEGATIVE DECLARATION, APPROVE CASE 5.1137, PLANNED DEVELOPMENT DISTRICT 335, AND TENTATIVE TRACT MAP 35230, A MAP FOR CONDOMINIUM PURPOSES FOR A FOUR-STORY MIXED USED DEVELOPMENT AND ADAPTIVE REUSE OF AN EXISTING BUILDING ON A 0.676 ACRE SITE AT 300 SOUTH PALM CANYON DRIVE.

WHEREAS, Wessman Holdings, LLC. (the "Applicant") has filed applications with the City pursuant to Government Code 65350 *et seq* (Case 5.1137), pursuant to Section 94.03.00 (Planned Development District) of the Palm Springs Zoning Code for the establishment and development of a Planned Development District (PD 335) under the provisions of 94.02.00 (Conditional Use Permit) of the Palm Springs Zoning Code, a Tentative Tract Map 35230 pursuant to Chapter 9.62 of the Palm Springs Municipal Code and Case 3.3028, a Major Architectural Application under Section 94.04.00 (Architectural Review) of the Palm Springs Zoning Code; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1137 PD 335, 3.3028 MAJ TTM 35230, was given in accordance with applicable law; and

WHEREAS, on October 10, 2007, a public hearing on the applications was scheduled with the Planning Commission, and

WHEREAS, at said hearing the Planning Commission reviewed all written and oral material presented on the case and voted 7-0-0 to direct the applicant to restudy the project and resubmit it with changes to the dining terrace, the compliance with the Downtown Urban Design Plan, setbacks and space between the buildings, general uses for the existing building, off-street parking, and possible LEED certification, and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1137 PD 335, 3.3028 MAJ TTM 35230, was given in accordance with applicable law; and

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

WHEREAS, on December 10, 2008, a public hearing on the applications was scheduled but said hearing was continued to a date certain of January 14, 2009, and

WHEREAS on January 14, 2009 a public hearing was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff reports, environmental documentation, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Environmental Analysis

A Mitigated Negative Declaration (MND) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission found that with the incorporation of proposed mitigation measures, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance. The Planning Commission independently reviewed and considered the information contained in the MND prior to its review of this Project and the MND reflects the Planning Commission's independent judgment and analysis.

Section 2: Planned Development District

The provisions of Section 94.03.00(B) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development:

These findings and an analysis of the project as it relates to each of these findings are noted below.

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

The uses proposed are ones that are authorized by the zoning code because commercial uses including restaurants and general retail, as well as residential uses are permitted in the CBD zone.

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

The proposed uses are identified in the General Plan as suitable and appropriate in for the Downtown. The proposed uses and project density are harmonious with the stated objectives and development of this specific portion ("a transition area") of the Downtown. The uses are ones that are encouraged in order to create greater vitality and activity in the downtown area. Therefore the Planning Commission has concluded that the uses are desirable and in harmony with the objectives of the General Plan.

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

Most lots and building sites in the downtown are inadequate in size and shape to accommodate the type of mixed-use use, vitality and density envisioned in the General Plan and the Downtown Urban Design Plan. In order to facilitate and encourage new development, the integration of new residential uses, and revitalization of the downtown described in the General Plan, adjustments in development standards using a Planned Development District application is necessary and appropriate. The Planning Commission believes the PDD has been used reasonably to encourage a high-density mixed-use type of project envisioned by the General Plan for the downtown. Although presently fully developed, future redevelopment on adjacent properties to the south or east may require setbacks of buildings along interior property lines adjacent to this parcel to assure adequate light and space to buildings on both parcels.

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

Elimination of the existing driveway curbcut onto Palm Canyon Drive is desirable because it reduces vehicular entry onto the street and enhances traffic flow on this segment of South Palm Canyon. Vehicular access to this site is from Baristo Road, a collector street that can accommodate vehicular movement to and from

the site without conflicts with through traffic on Palm Canyon or Indian Canyon Drive. Palm Canyon Drive is a major thoroughfare and confirmed in the General Plan Future Traffic Analysis to continue to function at acceptable levels of service (LOS) at buildout for this area of Downtown. Baristo Road has been downgraded to a collector in the new General Plan in this area and is also predicted to function at acceptable levels at buildout. The Planning Commission has therefore concluded that the site relates to surrounding streets properly and those streets are adequate for the intended use.

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

A set of proposed Conditions of Approval accompany this staff report. Among other conditions set forth, the following conditions are recommended as noted:

- Incorporate bicycle parking on the site.
- Incorporate an enclosure for recycling waste including a trash enclosure chute from upper floors of the high-rise building.
- Revise the balconies on the north elevation of the proposed high-rise to be "Juliet balconies" to provide more space between the existing and proposed new building.
- Prohibition of constructing a dining terrace on the existing building and no modifications to the exterior of the existing structure.
- Incorporate decorative paving on the driveways to the structured parking areas pursuant to Section 92.09.04(B)(2) of the Zoning Ordinance.
- Bring back the design of the proposed new building to the AAC for review of the specific architectural details of that structure.
- The commercial uses will be regulated through the business license process per the requirements of the zone.
- Hours of operation for the commercial businesses will be determined at the time any use application is submitted and according to the municipal code and zone requirements.

CC&R's to reduce nuisances and assure compatibility among users and adjacent properties are required and will be reviewed for acceptability by the City Attorney.

### Section 3: Architectural Review

Although there are no required findings for applications for architectural approval which require environmental assessments, the Zoning Ordinance Section 94.04.00(D)(1-9) provides guidelines for the evaluation of projects.

Specific aspects of design shall be examined to determine whether the proposed development will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

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

The project proposes a high-density, mixed-use development proposal consistent with the type and character encouraged in the City's General Plan. The Architectural Advisory Committee has recommended the balconies on the proposed new building overlooking the Santa Fe Building be pulled back and become "Juliet balconies". (Essentially eliminating the balconies and placing a railing immediately in front of the sliding doors to give the opportunity to open the doors, but not to step out.) With this adjustment, the AAC felt the existing building was given sufficient "breathing room" from the proposed new high-rise to recommend approval.

The east-west orientation of the proposed high-rise respects the view corridor along Baristo Road. It is also placed on the southern edge of the site, thereby further preserving views toward the mountains. The Palm Canyon façade steps back at upper floor levels, thereby also respecting the north-south view corridor down Palm Canyon Drive.

Zero side and rear interior lot line setbacks are necessary to create the high-density, urban quality described in the General Plan.

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;*

With traditional pedestrian-oriented downtown commercial uses and structures to the north and big-box retail with large parking lots to the south, the existing development in the immediate vicinity of the project does not follow any particular style or pattern. The project is most similar to existing development to the north which represents typical pedestrian-focused downtown commercial uses and buildings. The massing and height, while greater than adjoining developments, is configured to respect view corridors. The project reflects the type of future development encouraged in the General Plan for the CBD Transition Zones. Staff therefore believes the project is harmonious within its neighborhood.

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 proposed development is consistent with building heights for the zone under the application of the high-rise building ordinance. There is concealment of mechanical equipment and parking areas. With the approval of the PDD establishing unique development standards for the site, the project would be consistent with this finding.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures, which are visible simultaneously;*

The design of the proposed high-rise is complementary and sympathetic with the desert and surrounding buildings in the vicinity because there is harmony in materials, color, composition, and massing. The building offers variety in materials, texture, and successfully integrates horizontal and vertical shading devices that respond to the solar orientation of the project. East and west facing elevations which have substantial amounts of glazing will require the incorporation of high-performance glass to reduce the glare and solar heat gain on the upper floor of these elevations.

5. *Consistency of composition and treatment;*

The proposed project provides consistency in composition and treatment because it blends architectural elements from the existing building into the new building, and provides consistency in composition and treatment of all four facades of the new building.

6. *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 landscaping for the project is appropriate because it integrates plant materials conducive to the desert climate.

#### Section 4: Tentative Tract Map

Findings for the proposed tract map are noted in Section 66474 of the State of California Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:



- a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The proposed project site has a General Plan designation of CBD (Central Business District) and a Zone of CBD (Central Business District). The proposed land use of mixed use commercial/residential is consistent with the General Plan.

- b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed uses and most development standards conform to those of the underlying CBD zone and the high-rise ordinance. Certain development standards that deviate from the underlying standards will be incorporated with the acceptance of a Planned Development District in order to combine uses in a compatible relationship with one another that otherwise could not be achieved by applying the basic standards for the zone. The Planning Commission therefore has concluded that the design and improvements are consistent with the zone.

- c. The site is physically suited for this type of development.*

The site is essentially flat, with good vehicular access off Baristo Road that does not conflict with traffic flow on Palm Canyon. It is adjacent to the high pedestrian traffic area of the central downtown making it conducive for first floor commercial/retail uses. Although a PDD is required to allow deviations from the development standards of the zone, the site is large enough to allow the proposed high-rise building to be located at the southern half of the site, thereby preserving the east-west view corridor along Baristo Road. The developer has attempted to achieve a high density development while providing as much space and distance between the existing building and the new building as possible. Further reduction in number of units or size of the proposed new building would provide more open space and better setbacks, however the high density/high intensity development envisioned in the General Plan for this area would be reduced. It is located in an area of downtown where this type of development is encouraged through policies and design statements in the General Plan. The Planning Commission has therefore concluded that despite a somewhat tight fit, the site is physically suited for this type of development.

- d.. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Mitigated Negative Declaration prepared for the proposal adequately addresses the general environmental setting of the project and finds that the project will have no adverse impacts on the environment. The applicant has worked with the City and its Architectural Advisory Committee and modified the design to respond to concerns about the built environment and existing

significant structures on the site. The applicant has agreed to eliminate a proposed dining terrace and exterior modifications to the existing building to minimize the visual and physical impact of the proposed new building on the existing building.

*e. The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

There are no known aspects of the design that would cause serious public health problems. All physical improvements will require building permits and to conform to City, State, and National codes and regulations.

*f. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

The design of the development will not conflict with any easements or restrict necessary public access through the property.

#### Section 5: Findings of Public Benefit

The Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD with regard to public benefit that would be derived from the granting of deviations from the development standards requested therein.

One of the primary factors in the public benefits policy is "proportionality", which is stated in the policy, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

The project involves three areas of deviation from the Zoning Code as noted below. The Planning Commission has listed the deviations in order of what it believes are the greatest to the least in terms of magnitude of the deviation.

1. Setbacks and Open Space (including balconies),
2. Density,
3. Parking Design Standards and Off-Street Parking Count,

In considering the proportionality of the requested deviations against the public benefit created by those deviations, the Planning Commission believes that the requested deviations are "moderate to significant" in terms of the magnitude of

the deviations from the underlying development standards. The Council may consider among the approved set of options: (see attached policy):

- The project as Public Benefit
  - bringing a mixed-use commercial/residential project to the CBD,
  - removal of a driveway curb cut from Palm Canyon Drive.
- Key features of the Project
  - preservation or historic designation of an existing architecturally significant building,
- Off-site Improvements
  - Any other public improvements off the project site.

The Planning Commission recommends to the City Council that the following be recognized as the Public Benefit provided by the applicant in response to the granting of deviations from the development standards for the zone with the Planned Development District.

(Planning Commission Recommendations to be inserted here)

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission approves Case 5.1137 PDD 335 and Case 3.3032 MAJ a Major Architectural Application for a mixed-use development and recommends that the City Council adopts the Mitigated Negative Declaration and approve Case 5.1137. PD 335, and TTM 35230, to establish a Planned Development District, and Tentative Tract Map for condominium purposes for a mixed-use development. The development is comprised of the adaptive reuse of the existing Santa Fe Federal Savings Bank for restaurant/retail use, development of a new four-story mixed-use high-rise building with commercial/retail on the first floor and 19 residential condominium units on floors 2, 3 and 4. The project will include a rooftop terrace with optional swimming pool, on-site subterranean and structured parking for 81 vehicles, and landscaping on a 0.676 acre site, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this fourteenth day of January, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO. \_\_\_\_\_

EXHIBIT A

Case 5.1137 PD 335, 3.3028 MAJ, TTM 35230

Baristo Lofts  
300 South Palm Canyon Drive

January, 14, 2009

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM1 Project Description. This approval is for the project described per Case 5.1137 PD 335, 3.3028 MAJ and TTM 35230; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM2 The site shall be developed and maintained in accordance with the approved plans, date stamped December 10, 2008, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM3 The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code; and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM4 The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Tentative Map. This approval is for Tentative Tract Map 35230 located at 300 South Palm Canyon Drive, date stamped August 18, 2008. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm

Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

- ADM6 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1137 PD 335, 3.3028 MAJ, TTM 35230. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM7 Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM8 Time Limit on Approval. Approval of the Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM9 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM10 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide

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

ADM11 Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM12 Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

ADM13 Maintenance of Outdoor Seating/Dining. Daily cleaning and wash down of sidewalks for any outdoor seating areas or paseos will be required. Contact Parks & Recreation at 760 323 8281 for information regarding the proper method of cleaning of sidewalks and pavers within the public rights-of-way.

- ADM14 Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM15 Control of Noise. Live entertainment is permitted in the location shown on the approved floor plan only. If complaints are received, all exterior doors and windows shall be closed immediately upon request of the enforcement officer. A limited bar service window may remain open for the indoor/outdoor bar service.
- ADM 16. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
  - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
  - c. Provisions for joint access to the proposed parcels, and any open space restrictions.
  - d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.

CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV2 California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.
- ENV3 Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV4 Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV5 Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.
- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to



the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

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

## PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee: (to be determined by Planning Commission).

- PLN 5. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or the Tahquitz Canyon Way median. This will require removal of the existing Mexican Fan Palms and Date Palm that presently are planted along the frontage of this site.
- PLN 6. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 7. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 8. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 9. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 10. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 11. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 12. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 13. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 14. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

- PLN 15. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 16. The applicant shall be prohibited from constructing a dining terrace on the existing structure and shall make no modifications to the exterior of the existing structure.
- PLN 17. Off-street parking spaces that are configured as tandem spaces, (i.e. one space behind the other requiring the movement of one vehicle to get the second one out) shall only be assigned as a pair of parking spaces per residential unit.
- PLN 18. Enclosures for the containment of recycled materials shall be provided for the convenience of all residents and commercial tenants with sealed and rated trash chutes from the upper residential floors. Sealed garbage containers and/or compacting garbage collection systems to control odors and liquid seepage from garbage shall be required.
- PLN 19. Modify balconies on the north side of the proposed new building to "Juliet balconies" (i.e. railings at the building wall with no actual balcony area outside the face of the building) to provide more special relief between the existing building and the proposed new building.
- PLN 20. Provide decorative pavement at the driveway entrances pursuant to Section 92.09.04(B)(2) of the Zoning Ordinance as approved by the Director of Planning.
- PLN 21. The applicant is required to bring the project design back to the Architectural Advisory Committee for review of specific architectural details of the proposed new structure.

#### **ACCESSIBILITY CONDITIONS**

- ADA 1. Path of Travel. The "ADA" path of travel along Palm Canyon Drive provides a minimum 5 foot width measured from the building towards the street. It is important to ascertain that the cross slope within this pedestrian path of travel be no more than 2%. The plan indicates a 5% slope. Although it appears that this 5% cross slope measures from the ADA path of travel towards the street, we need to confirm that the ADA path of travel have a cross slope that does not exceed 2% so that it complies with CBC 1133B.7.1.3.
- ADA 2. Detectable Warnings. A 36 inch wide band of detectable warnings consisting of truncated domes shall be provided where the walk intersects with the "van accessible" access aisle serving the disabled parking spaces. This shall comply with CBC 1133B.8.5.

- ADA 3. Ramps and Handrails. The plan indicates an 8.33 % sloped ramp located between the existing building and the proposed new retail building which is compliant with CBC1133B.5.1 through CBC 1133B.5.4.2. However, to comply with CBC 1133B.5.5.1, handrails are required on both sides of the ramp and shall comply with all handrail technical requirements.
- ADA 4. ADA Signage. Provide a directional and informational sign indicating the accessible route of travel from the disabled parking area leading to the ADA path of travel between the existing building and the proposed new retail building so as to comply with CBC 1117B.5.1. 2 & .3.

### **BUILDING DEPARTMENT CONDITIONS**

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

### **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. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

### **S. PALM CANYON DRIVE**

- ENG 2. Construct new sidewalk within the area between the proposed dining deck and existing sidewalk at the southeast corner of Palm Canyon Drive and Baristo Road, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 3. An application for an Encroachment License shall be submitted to the Engineering Division to allow construction of the roof edge of the first floor retail building at the southwest corner of the site, within the public right-of-way of Palm Canyon Drive. The application for the Encroachment License shall be approved by City Council prior to issuance of a building permit.

- ENG 4. Existing palm trees along the Palm Canyon Drive frontage are maintained by the City and shall be protected in place until new trees required by this project are installed. Removal of any palm tree will require advance approval by the City Engineer and Director of Parks and Recreation, and require relocation and adjustment of existing irrigation and lighting system improvements.
- ENG 5. New or transplanted palm trees shall be guaranteed for a period of 90 days from the date of acceptance by the City Engineer. Any palm trees that fail during the 90-day landscape maintenance period shall be replaced with a new palm tree of similar trunk diameter and height to the satisfaction of the City Engineer, and shall be subject to a subsequent 90-day landscape maintenance period.
- ENG 6. The existing decorative lighting system along the Palm Canyon Drive frontage is maintained by the City and shall be protected in place. Any relocation of lighting improvements will require advance approval by the City Engineer.
- ENG 7. Remove the existing driveway approach adjacent to the southwest corner of the site and replace with new curb, gutter, and sidewalk to match existing street improvements, in accordance with applicable City Standards.
- ENG 8. All broken or off grade street improvements shall be repaired or replaced.

#### BARISTO ROAD

- ENG 9. Construct divided access driveways that are 22 feet wide (for ingress/egress for the underground parking garage) and 20 feet wide (for ingress/egress for the surface level parking area) in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be approximately 30 feet from the east property line. The east half of the driveway approach (into the underground parking garage) shall be for the use of residents only and shall include an 11 feet wide egress only lane (adjacent to the east property line) and an 11 feet wide ingress only lane for the underground parking garage ramp. The west half of the driveway approach (into the surface level parking area) shall be for the use of visitors and retail customers only and shall include a 10 feet wide ingress only lane (adjacent to the existing building) and a 10 feet wide egress only lane for the surface level parking area. The east and west halves of the 47 feet wide driveway approach shall be separated by a 5 feet wide on-site median.
- ENG 10. Remove the existing street improvements as necessary to construct a new driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 11. All broken or off grade street improvements shall be repaired or replaced.

## SANITARY SEWER

ENG 12. All sanitary facilities shall be connected to the public sewer system. The existing sewer service lateral to the property may be used for new sanitary facilities. New laterals shall not be connected at manholes.

## GRADING

- ENG 13. The proposed project involves the construction of a new building with subterranean garage, extending the entire boundaries of the subject parcel. A Grading Plan is not required for the proposed project; however, the applicant shall comply with applicable dust control regulations during any site disturbance, including excavations for the subterranean garage. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at [www.AQMD.gov](http://www.AQMD.gov). A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to issuance of a building permit.
- ENG 14. Prior to issuance of a building permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 15. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 16. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 17. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 18. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, the export of soil from this site will require 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 issuance of a building permit. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

## DRAINAGE

- ENG 19. This project will 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 stormwater runoff, will 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 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 20. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and surface areas on-site. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the structural building plans for this project.

#### GENERAL

- ENG 21. 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, 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 22. All proposed utility lines shall be installed underground.
- ENG 23. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 24. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 25. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved



- ENG 26. 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 27. 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.
- ENG 28. (not used).

#### MAP

- ENG 29. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
- ENG 30. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of a Final Map.
- ENG 31. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArclInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file) ), and PDF (Adobe Acrobat 6.0 or greater) formats.

Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

## TRAFFIC

- ENG 32. Provide signage for eastbound and westbound traffic on Baristo Road, indicating that the two-way eastern half of the driveway is for residential vehicles only, into the underground parking garage ramp adjacent to the northeast corner of the site, as required by the City Engineer. Install raised reflectorized pavement markers between the residential entry ramp and exit ramp lanes to discourage residential vehicles from crossing into oncoming traffic.
- ENG 33. Provide signage for eastbound and westbound traffic on Baristo Road, indicating that the two-way western half of the driveway is for visitor/retail vehicles only, into the ground level parking area, as required by the City Engineer. Install raised reflectorized pavement markers between the visitors/retail entry lane and exit lane to discourage visitor/retail vehicles from crossing into oncoming traffic.
- ENG 34. Install distinctive entry treatments (including signage, lighting, pavement markings, and/or other visual cues) at the residential only entry adjacent to the northeast corner of the site on Baristo Road, to decrease the potential for motorist confusion.
- ENG 35. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at both the residential exit and the visitors/retail exit on Baristo Road, in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
- ENG 36. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 37. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 38. Construction signing, lighting and barricading shall be provided for on all projects 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 State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996, or subsequent additions in force at the time of construction.

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

## **FIRE DEPARTMENT CONDITIONS**

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 3/15/2008. Additional requirements may be required at that time based on revisions to site plans.

Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

- FID 1. Public Safety CFD: The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 2. Radio Communications: Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications as stated in the Palm Springs Municipal Code Chapter 11.03.
- FID 3. Plot Plan: Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by

themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

- FID 4. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 5. Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.
- FID 6. Fire Department Access: Roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads.
- FID 7. Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities. This will include the visitor parking spaces above the subterranean parking structure. This access is required to meet the mid rise requirements for the lofts on the third and fourth level.
- FID 8. Aerial Fire Access Roads (CFC 503.2.8): 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.
- FID 9. Aerial Fire Access Road Width (CFC 503.2.8.1): Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 10. Aerial Access Proximity to Building (CFC 503.2.8.2): 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 11. Class 1 Standpipe: A Class 1 Standpipe system is required and shall be installed. Standpipes will be required at every level in the stairwells from the subterranean garage to the roof of the new mixed use building.
- FID 12. Stairways: Both stairways must go from the subterranean parking to every floor and including the roof of the new mixed use building.
- FID 13. Underground Parking: Automatic smoke removal system to be required for subterranean parking.
- FID 14. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 15. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.
- FID 16. Location of Knox boxes: Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 17. Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 18. Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 19. NFPA 13 Fire Sprinkler System is Required: An automatic fire sprinkler system is required for both the existing building and new building. The change in use

to Group A Occupancy of the existing building requires this building to now be protected with fire sprinklers. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using  $C_p$  of 0.74 and  $I_r$  Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)

- FID 20. Balconies and decks (903.3.1.2.1). Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.
- FID 21. Audible Water Flow Alarms (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 22. Valve and Water-Flow Monitoring (CFC 903.4): All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 23. Central Station Protective Signaling Service (CFC 903.4.1): A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 24. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 25. Portable Fire Extinguisher (CFC 906.1): Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.

- FID 26. Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3): Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal for residential units above businesses and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. Alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
- FID 27. Fire Department Connections (CFC 912.2.1 & 912.3): Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 28. Fire Hydrant & FDC Location (CFC 912.2): A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID 29. Elevator Recall Required (CFC 607.1): Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- FID 30. Elevator Stretcher Requirement (CBC 3002.4): Elevator shall be designed to accommodate medical emergency service in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position.
- FID 31. Proposed Restaurant: Fire department conditions for the proposed restaurant will be developed when detailed plans are submitted.

**END OF CONDITIONS**

**NOTICE OF INTENT  
TO ADOPT THE MITIGATED NEGATIVE DECLARATION FOR  
300 South Palm Canyon Drive  
October 27, 2008**

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

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

**PROJECT TITLE:** Baristo Lofts Case: 5.1137 Planned Development District 335,  
3.3029 Major Architectural Application, and  
Tentative Tract Map 35230

**PROJECT LOCATION:** 300 South Palm Canyon Drive at the southeast corner of  
South Palm Canyon Drive and Baristo Road

**PROJECT DESCRIPTION:** The project is comprised of a Planned Development District (PDD) application to establish a set of development standards that vary from those of the underlying Central Business District (CBD) zone and to apply the high-rise ordinance, a Major Architectural Application (MAJ) to construct a four-story mixed use development comprised of commercial/retail uses on the first floor, 19 residential condominium units on floors 2, 3, and 4, a roof deck with optional pool, and an adaptive re-use of an existing building known as the Santa Fe Federal Savings Bank ("Wessman Office Building") for retail/restaurant uses, and a Tentative Tract Map (TTM 35230) for condominium purposes. The project includes off-street parking and landscaping on a 0.676 acre (29,447 square foot) lot at the southeast corner of South Palm Canyon Drive and Baristo Road in the Central Business District (downtown) of Palm Springs.

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

**PUBLIC REVIEW PERIOD:** A 20-day public review period for the Draft Negative Declaration will commence at 8:00 am on October 27, 2008 and end on November 15, 2008 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Ken.Lyon@palmsprings-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:** This matter has been tentatively set for public hearing for the Planning Commission meeting on December 10, 2008 and for a future City Council meeting.



Environmental Initial Study  
for  
Case 5.1137 PD 335  
Baristo Lofts  
300 South Palm Canyon Drive



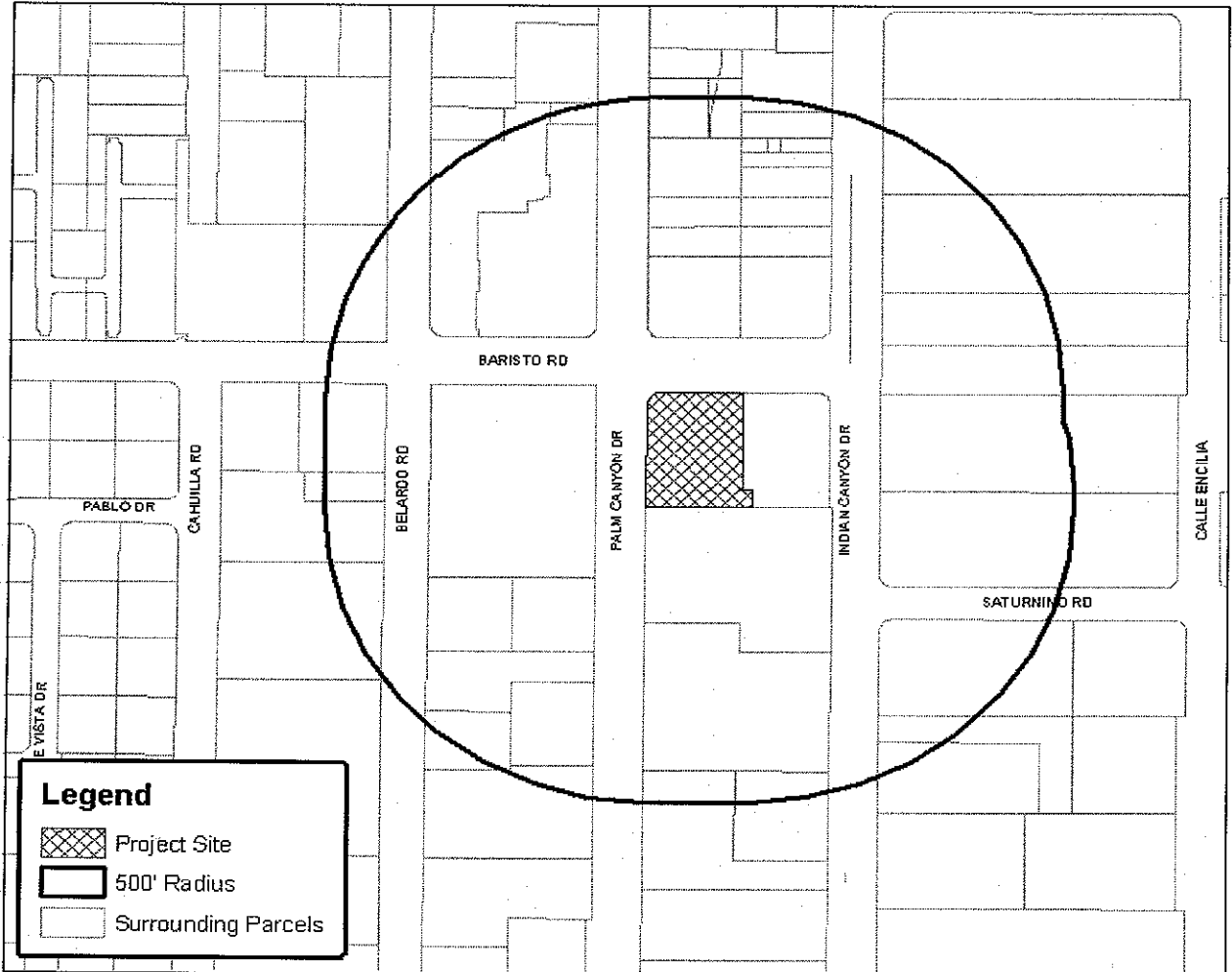
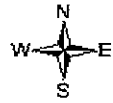
Prepared by:  
The City of Palm Springs, CA  
September, 2008



CITY CONTEXT:



# Department of Planning Services Vicinity Map



**ENVIRONMENTAL CHECKLIST FORM**

**1. Project title:**

Case 5.1137 PD 335; Baristo Lofts

**2. Lead agency name and address:**

City of Palm Springs  
Department of Planning Services  
3200 East Tahquitz Canyon Way,  
Palm Springs, CA 92263

**3. Contact person and phone number:**

Edward O. Robertson, Principal Planner 760 323 8245  
Ken Lyon, Associate Planner 760 323 8245

**4. Project location:**

300 South Palm Canyon Drive; Palm Springs, CA 92262

**5. Project sponsor's name and address:**

Wessman Holdings, LLC  
300 South Palm Canyon Drive  
Palm Springs, Ca. 92262

**6. General plan designation:**

Central Business District

**7. Zoning:**

Central Business District

**8. Description of project:**

The project is comprised of a Planned Development District to request deviations from the underlying development standards and application of the high-rise ordinance to construct a four-story mixed use development comprised of commercial/retail uses on the first floor, 19 residential condominium units on floors 2, 3, and 4, a roof deck with optional pool, and an adaptive re-use of an existing building known as the Santa Fe Federal Savings Bank ("Wessman Office Building") for retail/restaurant uses., a Major Architectural Application, and a Tentative Tract Map (TTM) for condominium purposes. The project includes off-street parking and landscaping on a 0.676 acre (29,447 square foot) lot at the southeast corner of South Palm Canyon Drive and Baristo Road in the Central Business District (downtown) of Palm Springs.



**9. Surrounding land uses and setting: Briefly describe the project's surroundings:**

The project is located on the south end of the downtown Palm Springs in a fully developed urbanized area. The south end of downtown has, since the 50's been the location of a concentration of financial institutions and offices. To the west of downtown is a residential neighborhood called the Tennis Club Neighborhood comprised of single family residences and small hotels. To the south is more commercial development along South Palm Canyon Drive, to the east are commercial uses along Indian Canyon Drive and other mixes of residential and retail, and to the north is the downtown commercial area of Palm Springs.

**North-** Existing commercial, CBD (Central Business District) Zone

**South-** Existing commercial, CBD (Central Business District) Zone

**East -** Existing commercial, CBD (Central Business District) Zone

**West -** Existing commercial, CBD (Central Business District) Zone

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** (none)

**11. Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics         | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input checked="" 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 |   |

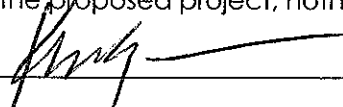
**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

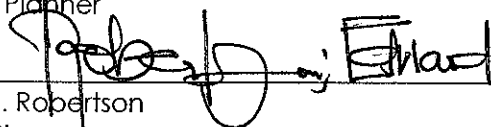
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions 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

10/15/08  
Date

  
\_\_\_\_\_  
Edward O. Robertson  
Principal Planner

10.15.08  
Date



**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 a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, 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 have 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 "Earlier Analyses," as described in (5) below, 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) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) 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 impact to less than significance



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. 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 that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) The subject development is consistent with the General Plan including Appendix A, The Downtown Urban Design Plan. The General Plan recognizes view corridors along most of the east-west streets in the downtown area, including Baristo Road, on which this project fronts. The project proposes a 4 story building, however its impact is less than significant on scenic vistas because it is set at the far south end of the site and is oriented in an east-west direction to minimize any impacts on view corridors and scenic vistas.

b) The subject parcel is not within or near a designated scenic highway. However the site is developed with the existing Santa Fe Federal Bank Building (Currently used for the applicant's office). The building is recognized as a historic resource pursuant to the CEQA definition of a historic resource because it is on a citywide historic resources survey that was accepted by the City Council in 2004. The proposed project includes the construction of a 4 story high-rise building immediately adjacent and to the south of the existing building. Although the proposed high-rise would partially block views of the existing building when looking north at the site, the proposed new building does not modify or attach to the existing building and therefore does not cause any substantial damage to the existing building. At the north and west sides of the existing building, a concrete terrace and railings are proposed to be attached to the existing building. The terrace will be used as an outdoor dining area. It impacts the visual appearance of the historic resource. Theoretically the proposed terrace could be removed and the original building's appearance would be intact, therefore the project is not found to substantially damage the historic building. The applicant may also consider eliminating the terrace addition and modifying the existing glass curtain wall to create open-air dining within the existing building that would not have an adverse impact on the visual appearance of the building.

c) The visual character of the site will be changed from that of an open, low scale, low density site to a high density site incorporating a new building and subterranean parking, ramps and terraces. The proposed higher density and intensity of use is encouraged in the policies of the General Plan and the Downtown Urban Design Plan which envisions high density, multi-floor, mixed use development in this area. The proposed building complements the character and architecture of the area and the existing building on the site. For these reasons, the project is determined to have less than significant impact on the existing visual character of the site and its surroundings.





d) As a high-rise building of four stories, the large expanses of glass at the upper residential levels may be a potential source of light from the interior of the residential units and glare if the sun strikes the glass at certain angles during certain parts of the day. However, the residential units will be provided with conventional interior window coverings and drapes and the balconies and overhangs will shield the glazing during most parts of the day. Furthermore, the City's outdoor lighting standards in Section 93.21.00 of the Palm Springs Zoning Code ensures there will not be substantial amounts of glare radiating from the subject property in terms of its outdoor lighting component. Therefore, the project will cause a less than significant impact in terms of light and glare.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
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"/>

- a) The proposed site is located in an urban area and is fully developed with a building, parking and landscaping. It does not contain prime, unique, or farmland of statewide importance. Therefore, no impact would occur
- b) Currently Williamson Act Contracts are not located on the parcel comprising the project site. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site (Williamson Acts Contracts) of the Palm Springs General Plan EIR (Palm Springs, 2007). The proposed project will not cause any impact with existing zoning for agricultural use or a Williamson Act Contract.
- c) There is no agricultural land on, near or in the vicinity of the proposed project, therefore, no impact on agricultural land would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a&b)** The project is highly unlikely to conflict with the local air quality plan or violate air quality standards or contribute substantially to existing or projected air quality problems within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD Governing Board adopted the 2003 Air Quality Management Plan (AQMP) on August 1, 2003. The 2003 AQMP updates the attainment demonstration for federal standards for ozone and PM10; replaces the 1997 attainment demonstration for the federal carbon monoxide (CO) standard and provides a basis for the maintenance plan for CO for the future; and updates the maintenance plan for the federal nitrogen dioxide (NO2) standard that the South Coast Air Basin has met since 1992. The revision of the AQMP points to the urgent need for additional emissions reductions (beyond those incorporated in the 1997/99 Plan) from all sources, specifically those under the jurisdiction of the California Air Resources Board and the US EPA which account for approximately 80 percent of the ozone precursor emissions in the Basin ([www.aqmd.gov/aqmp/](http://www.aqmd.gov/aqmp/)).

The project is not anticipated to conflict with or obstruct implementation of the 2003 AQMP. Therefore, there will be no impact.

The Federal and California State Ambient Air Quality Standards for important pollutants are summarized in Table 1 and described in detail below:



**Table 1**  
**Federal and State Ambient Air Quality Standards**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone (O <sub>3</sub> )	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	–
Carbon Monoxide (CO)	8-hour	9.0 ppm	9.0 ppm
	1-hour	35.0 ppm	20.0 ppm
Nitrogen Oxide (NO <sub>x</sub> )	Annual	0.05 ppm	–
	1-hour	–	0.25 ppm
Sulfur Dioxide (SO <sub>2</sub> )	Annual	0.03 ppm	–
	24-hour	0.14 ppm	0.05 ppm
	1-hour	–	0.5 ppm
PM <sub>10</sub>	Annual	50 $\mu\text{g}/\text{m}^3$	30 $\mu\text{g}/\text{m}^3$
	24-hour	150 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
PM <sub>2.5</sub>	Annual	15 $\mu\text{g}/\text{m}^3$	–
	24-hour	65 $\mu\text{g}/\text{m}^3$	–
Lead	30-day Avg.	–	1.5 $\mu\text{g}/\text{m}^3$
	Month Avg.	1.5 $\mu\text{g}/\text{m}^3$	–

Source: California Air Resources Board, "Ambient Air Quality Standards," January 25, 1999

ppm = parts per million

$\mu\text{g}/\text{m}^3$  = micrograms per cubic meter

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

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

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

**Sulfur Dioxide (SO<sub>2</sub>)** results from the combustion of high sulfur content fuels. Fuel combustion is a major source of SO<sub>2</sub>, while chemical plants, sulfur recover plants, and metal processing are minor contributors. Sulfates result from a relation of sulfur dioxide and oxygen in the presence of sunlight. SO<sub>2</sub> levels are generally higher in the winter than in the summer (when sunlight is plentiful and sulfate is more readily formed).

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

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



The SCAQMD has established significance thresholds for operational and construction-related emissions. Daily and quarterly thresholds are established. Since a project's quarterly emissions are determined by averaging over a 3-month period (including only actual working days), it is possible to not exceed the quarterly thresholds while exceeding the daily thresholds shown in **Table 2**.

**Table 2**  
**Emissions Significance Threshold Criteria (Pounds/Day)**

<b>Pollutant</b>	<b>CO</b>	<b>ROG</b>	<b>NOx</b>	<b>SO2</b>	<b>PM10</b>
Operational Emissions	<b>2.22</b>	<b>0.24</b>	<b>0.92</b>	<b>0.00</b>	<b>0.09</b>
Pounds/Day	550	55	100	150	150
Construction Emissions	<b>65.53</b>	<b>8.89</b>	<b>55.02</b>	<b>0.01</b>	<b>2.30</b>
Pounds/Day	550	75	100	150	150

c) The project site is also located within the Salton Sea Air Basin. This basin has been designated as a "severe-17" Ozone non-attainment area due to the violations of the federal ambient air quality standards for ozone primarily due to pollutant transport from the South Coast Air Basin. This designation indicates that the attainment date for Federal ozone standards is November 2007 (17 years after the enactment of the Federal Clean Air Act)

The project's proposed land use is consistent with the City's General Plan. When adopted in 2007, the City Council adopted a Statement of Overriding Consideration regarding air quality. This statement acknowledges that it is not feasible to reduce City-growth impacts to air quality to a level of significance at this time. The project will also be consistent with the South Coast Air Quality Management District CEQA Air Quality Handbook.

d) Construction of the proposed project will result in disturbance of the site that could generate dust. The project developer will be required to complete a Stormwater Pollution Prevention Plan SWPPP/PM10 Plan that must be prepared and implemented to the satisfaction of the City Building and Safety Department. The Plan must be consistent with the approved AQMD standards intended to minimize health hazards.

Sensitive Receptors are generally defined as people that are of the highest risk of respiratory problems from emissions. Sensitive receptors are often times associated with schools, hospitals, convalescent homes, etc. The site is located within the central business district of Palm Springs which is commercially developed and the nearest potential sensitive receptors would be the single-family residential dwellings to the west of the subject property. As discussed above, the proposed project is not anticipated to generate substantial pollutant concentrations and will not create objectionable odors beyond those associated with common construction activities and approved warehouse uses (diesel fumes, etc.)

e) The project proposes a restaurant as an adaptive reuse of the existing structure on the site. Associated with that restaurant will be a commercial kitchen which may generate odors from its exhaust fan systems, however typical kitchen exhaust systems will be used that incorporate filters and other air quality control mechanisms that will render these exhaust odors less than significant in terms of their impact to a significant number of people.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES. 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 U.S. 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 wetlands, 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"/>

- a) The project will not 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. The proposed project site is located in an urbanized area of the Central Business District of the City of Palm Springs and is currently developed with an office building and associated parking. Therefore, the project would not result in impacts to endangered, threatened, or rare species or their habitats.
- b) The subject site is developed with an existing building and associated parking and is not identified as having any natural community that could be affected by the project. Therefore, the project would not have an adverse effect on any riparian habitat or other sensitive natural community.
- c) Section 404 of the Clean Water Act regulates the dredge and/or fill of waters and wetlands in the United States, specifically relating to how these activities may cause an adverse effect to, or loss of, federal wetland/water resources. Regulatory responsibility falls under the jurisdictional authority of the U.S. Army Corps of Engineers (ACOE). Under Section 404, any development or activity which may result in temporary or permanent impacts to these federally-protected resources must prepare a



Pre-Construction Notification for review, and potential permitting, by the ACOE. The site does not contain any wetland areas or waters. Therefore, no impact to federally protected wetlands as defined by Section 404 would occur.

- d) The project site is located within an urbanized area with existing infrastructure. It is logical to assume that wildlife would use areas with less intense development and less existing infrastructure as corridors. No impact is anticipated.
- e) The project does not propose to remove or disturb any sensitive biological resources or landmark trees. Therefore, no conflicts with local policies or ordinances protecting biological resources would occur, causing no impact.
- f) The City of Palm Springs has adopted the Coachella Valley Multi-species Habitat Conservation Plan (CVMSHCP). The project is not located in or near a designated conservation area of the MSHCP and therefore, the project would have no significant impact on this plan.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES. 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to " 15064.5?"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological 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"/>

a) The site contains an existing building which has been identified as a historic resource by CEQA definition because it has been identified in a citywide historic resource survey that was accepted by the City Council in 2004. In 2007, the Palm Springs Historic Site Preservation Board (HSPB) recommended to the City Council that it designate the Santa Fe Federal Savings Bank a Class 1 Historic Site. The City Council held a public hearing on April 4, 2007 concerning the HSPB recommendation and elected to continue its hearing to combine it with the hearing of the project that is the subject of this initial study.

CEQA defines a "substantial adverse change in the significance of a historic resource" as "physical destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired." A historic resource is considered "materially impaired" when a project:

(A) demolishes or materially alters in an adverse manner those physical characteristics of a historic resource that convey its historical significance and justify its inclusion or eligibility for inclusion in the California Register of Historic Places,

(B) Demolishes or materially alters the characteristics that account for its inclusion in a local register of historic resources"

(C) Demolishes or materially alters in an adverse manner those characteristics of a historic resource that convey its historic significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

The proposed project would significantly alter the immediate surroundings of the site of the Santa Fe Federal Savings Bank by constructing a new 4 story building in close proximity to it. However, the proposed new building would not materially alter the historic character-defining architectural elements of the existing building, and thus is considered a less than significant impact. The addition of the proposed front concrete dining terrace and railings would materially alter the historic character-defining architectural feature of the linear, uninterrupted cantilevered concrete base and clean lines of the existing building. It may be possible to design and construct the terrace addition and railings such that they could be removed at a future date to return the building to its original condition. This impact could also be resolved by eliminating the proposed terrace addition and achieving open-air dining instead by modifying the curtain wall of the existing building to allow it to slide open to create the open-air dining experience.

b,c, & d) The General Plan for the City of Palm Springs indicates there should be no impact to prehistoric archeological resources as a result of this project because there are no known resources on the site.





The Agua Caliente Band of Cahuilla Indians utilized a vast territory beyond the bounds of the existing reservation. The possibility of finding human remains does exist in this area. In accordance with Public Resources Code 5.097.94, if human remains are found, the Riverside County Coroner must be notified within 24 hours of the discovery. If the coroner determines that the remains are not recent, the coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descendants for the area. The designated Native American representative then determines in consultation with the property owner the disposition of the human remains.

Due to the proximity of Tribal lands, there is the potential for previously undiscovered cultural resources to be discovered during the project construction and site grading activities. Tribal interests in such previously undiscovered resources prescribe the following Conditions of Approval:

1. An Archeologist qualified according to the Secretary of Interior's Guidelines shall perform a record search of the proposed project are, to be conducted prior to the initiation of construction
2. A Cultural Resource Monitor, designated by the Agua Caliente Cultural Resource Office, shall be present during all ground-disturbing activities. Should buried deposits be encountered, the Cultural Resources Monitor shall have the authority to halt construction and notify a Qualified Archeologist (Secretary of the Interior's Standards and Guidelines) to prepare a mitigation plan for submission to the City, State Historic Preservation Officer and the Agua Caliente Cultural Resource coordinator for approval and any repatriation of cultural materials to be done in cooperation with the Agua Caliente Band of Cahuilla Indians.

Adherence to the Conditions of Approval identified above will ensure potential impacts to cultural resources are not significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS. Would the project:</b>				
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 type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a) The majority of Riverside County lies within areas subject to seismic hazards. The subject site lies south of the Banning Fault Mission Creek Strand. The site is not located within the Alquist-Priolo earthquake hazard zone and there are no known faults crossing the project site. However, the project site, as with virtually all sites within the state, would be vulnerable to ground shaking in the event of an earthquake. The project site and surrounding vicinity are relatively flat, eliminating the potential for landslides. The City of Palm Springs requires that the project be designed and constructed in accordance with the requirements of the Uniform Building Code (UBC). Adherence to the provisions of the UBC would reduce the potential for structural damage in the event of an earthquake. Therefore, no impact would occur.

b. Existing codes regulate land grading and erosion control. Adherence to these regulations is required as part of the building permit process. Therefore, no impact would occur.

(c-d) See items a and b, above.

e) The proposed project will require a soils report to be submitted to the Departments of Building and Safety and Engineering to ensure the integrity of the project design. The project design will be



required to address and compensate for any soil inadequacies that may be discovered through the soils report; therefore, no impact would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 §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 area or, where such a plan has not been adopted, within two miles of a public airport or a 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"/>

- a-b) No hazardous material uses are proposed as part of the project. Therefore, there would be no significant impact.
- c-d) The project site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. No impact would occur. The commercial/office use will not emit hazardous emissions.
- e-f) The nearest airport is the Palm Springs International Airport which is more than two miles from the subject site. The project is therefore not within an airport land use plan.
- g) The City of Palm Springs Emergency Plan was established to address planned response to extraordinary emergency situations associated with natural disasters and technological accidents.



The Plan focuses on operational concepts relative to large-scale disasters, which can pose major threats to life and personal property requiring unusual emergency response. The proposed project will have no impact on the City's ability to implement the Plan.

- h) Based on the site's location, which is within an urbanized area of, commercial and residential development, it would not be subject to wild land fire. No impact would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a 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"/>

a,e) The project would be required to meet all applicable water quality standards or waste discharge requirements thereby avoiding violation of such standards or requirements. The project site is within a tract with approved storm-water run-off facilities. Therefore, no changes to approved drainage patterns are anticipated.

b) The proposed project does not require significant quantities of potable water. The landscape design must conform to the City's water-efficient landscape ordinance, requiring lower quantities of water than traditional landscape design schemes. A net deficit in aquifer volume or a lowering of the local groundwater table as a result of this project is not anticipated and therefore, no impact would occur.



- c-d) The project would not alter the course of any stream or river, as none are located on-site or in the immediate vicinity of the site. Therefore, no impact would occur.
- f) No additional impacts to water quality are anticipated.
- g-h) The Federal Emergency Management Agency (FEMA) indicates in the Flood Insurance Rate Map for the project site area, that the site is not within the 100-year floodplain, therefore there are no flooding impacts associated with the proposed project.
- i) The Palm Springs General Plan Environmental Impact Report does not identify flooding as a result of levee or dam failure as having a potential to expose people or structures to a significant risk of loss injury or death in the City of Palm Springs. Therefore, no impact would occur.
- j) The City of Palm Springs is not located in an area subject to seiche, tsunami, or mudflow. Therefore, no impact would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING. 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 type="checkbox"/>	<input checked="" 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"/>

- a) The proposed project is located on a site that is located in the urbanized Central Business District, therefore; there is no established community that will be divided.
- b) The proposed project would be consistent with the allowable uses within the General Plan designation of CBD (Central Business District), which allows for mixed use development of retail commercial and residential uses. The project application includes a Planned Development District which would establish a unique set of development standards for the site, which if approved, would enable the project to conform to applicable zoning codes. No other land use plans or regulations are applicable to the proposed project site. Therefore, no impact would occur.
- c) The project would not conflict with an applicable habitat conservation plan or natural community conservation plan. No impact would occur.





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

a-b) No significant mineral resources have been identified in the project area. The Palm Springs General Plan EIR has not identified any mineral resources in the vicinity of the project site. Therefore, no impact on mineral resources would occur.



	Potentially Significant Impact	Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 area or, where such a plan has not been adopted, within two miles of a public airport or a 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"/>

a,b,d) Construction and site grading activities associated with the proposed project will produce temporary increases in the ambient noise level in the immediate vicinity of the project site. Construction activities are regulated by City Ordinance 1581, which limits construction activities to 7 AM-7PM Monday through Friday, 8AM-5PM Saturdays, and prohibits construction activities on Sundays and major holidays. Adherence to this ordinance will ensure that less than significant impacts would occur.

c) No increase in noise over the approved limits of the Palm Springs Noise Ordinance is anticipated.

e-f) The proposed project is not within the airport noise overlay within the City of Palm Springs Zoning Map. Therefore, there is no impact.



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

a-c) No housing currently exists on the proposed project site. The proposed project would provide 19 new residential units. The City of Palm Springs General Plan Housing Element anticipates additional housing units will be created over time as the city is built out. The proposed project is consistent with the General Plan in that it contemplates mixed use projects in the downtown that include a residential component. Therefore, while the project proposes a small number of residential units, it will have a less than significant impact on regional population growth.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the project result in 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 following public services:				
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The Palm Springs Fire Department has established conditions of approval including a Community Facilities District that may be imposed on the subject project to address the long term cumulative impacts of development and growth in the CBD and to provide a funding mechanism to contribute to the cost of new fire fighting apparatus and to ensure that there is no significant impact on the Fire Departments ability to service the community to their standard level of service.
- b) The project site is located within the service area of the City of Palm Springs Police Department (PSPD). PSPD currently has adequate staff resources to provide police protection services as needed to the proposed project. Therefore, impacts to police protection would not be significant.
- c) The Palm Springs Unified School District has incorporated the projected future housing growth anticipated in the City's General Plan on its long term capital improvement and development program for new and expanded schools. Therefore, although the project proposes a small number of new residential units, there would be a less than significant impact on schools.
- d) he project includes a roof top pool and recreation area. This development of 19 residential units and retail commercial would not significantly increase the demand for parks and recreation services. Therefore, no impact would occur.
- e) The proposed project would not create any significant impact to the service levels of other public facilities. The property will be required to contribute to a Community Facility District if the area is designated as a district that requires additional public services, therefore a mitigation measure has been incorporated in the Conditions of Approval that would result in no impact on other public facilities.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a) Would the project 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"/>

a-b) The City's General Plan indicates an adequate number of total acreage per capita of open space and recreational facilities. The project proposal includes a roof top terrace and optional swimming pool but does not require construction of or expansion of recreational facilities that would have an adverse impact on the environment. Therefore, no impact would occur.



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

- a-b) Impacts to traffic resulting from the proposed project will be consistent with the levels of service anticipated for the proposed density of the site as allowed by the General Plan. The proposed project is consistent with the City of Palm Springs General Plan Circulation Element. There will be no impact on the levels of service (LOS) for the area.
- c) The proposed project does not include any components that could impact air traffic operations. The proposed project is located further than two miles from the Palm Springs International Airport and is not within the Airport Land Use Compatibility Plan.
- d-e) The proposed project will not substantially increase hazards due to a design feature. Emergency access to the project site will comply with the requirements identified by the City Fire Department. The proposed elimination of a driveway onto South Palm Canyon Drive will likely improve traffic safety by eliminating a mid-block source of traffic and a point of vehicular/pedestrian conflict at that drive.
- f-g) The project proposes a substantial number of off-street parking spaces as defined in the Planned Development District application. With approval of this PDD, the project's off-street parking will be consistent with the requirements within the Palm Springs Zoning Ordinance. Therefore, no significant impact will occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,c,e) The proposed project is consistent with development densities and uses proposed in the General Plan for the CBD (Central Business District) General Plan. The General Plan does not indicate that water wastewater treatment, storm or drainage facilities will be adversely impacted by this level of development, therefore the project has no impact.

d) The proposed project will not require expanded entitlements to ensure adequate water capacity. Therefore, the project will have no impact.

f-g) The City of Palm Springs contracts with Palm Springs Disposal Services (PSDS) for solid waste collection services. Solid waste generated in the area is collected at the Edom Hill landfill which is a transfer site for solid waste taken to other regional landfills. The General Plan identifies that these landfills are anticipated to have a remaining life of approximately 25 years. The City and Palm Springs Disposal Services has also entered into a new single-source recycling collection program which is anticipated to decrease the amount of waste per household going into the landfills and will increase the amount of waste that is diverted to be recycled. Therefore, no significant impact would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, 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) Does the project 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) The proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or eliminate important examples of major periods in California's history or prehistory because the project components do not include any construction or development on areas that are identified as sensitive, endangered, not within conservation areas.  
Prehistoric or historic cultural resources would not be adversely affected because no archeological resources are known to exist in the proposed project areas. The project's impact on historic resources on the site has been evaluated and determined to be less than significant or less than significant with mitigation measures enacted. Further, project implementation includes compliance with appropriate procedures for avoiding or preserving artifacts or human remains if they are discovered.
- b) All project impacts would be reduced by adhering to basic regulatory requirements and/or conditions of approval.
- c) The proposed project would not have any direct or indirect adverse impacts on humans.

**REFERENCES**

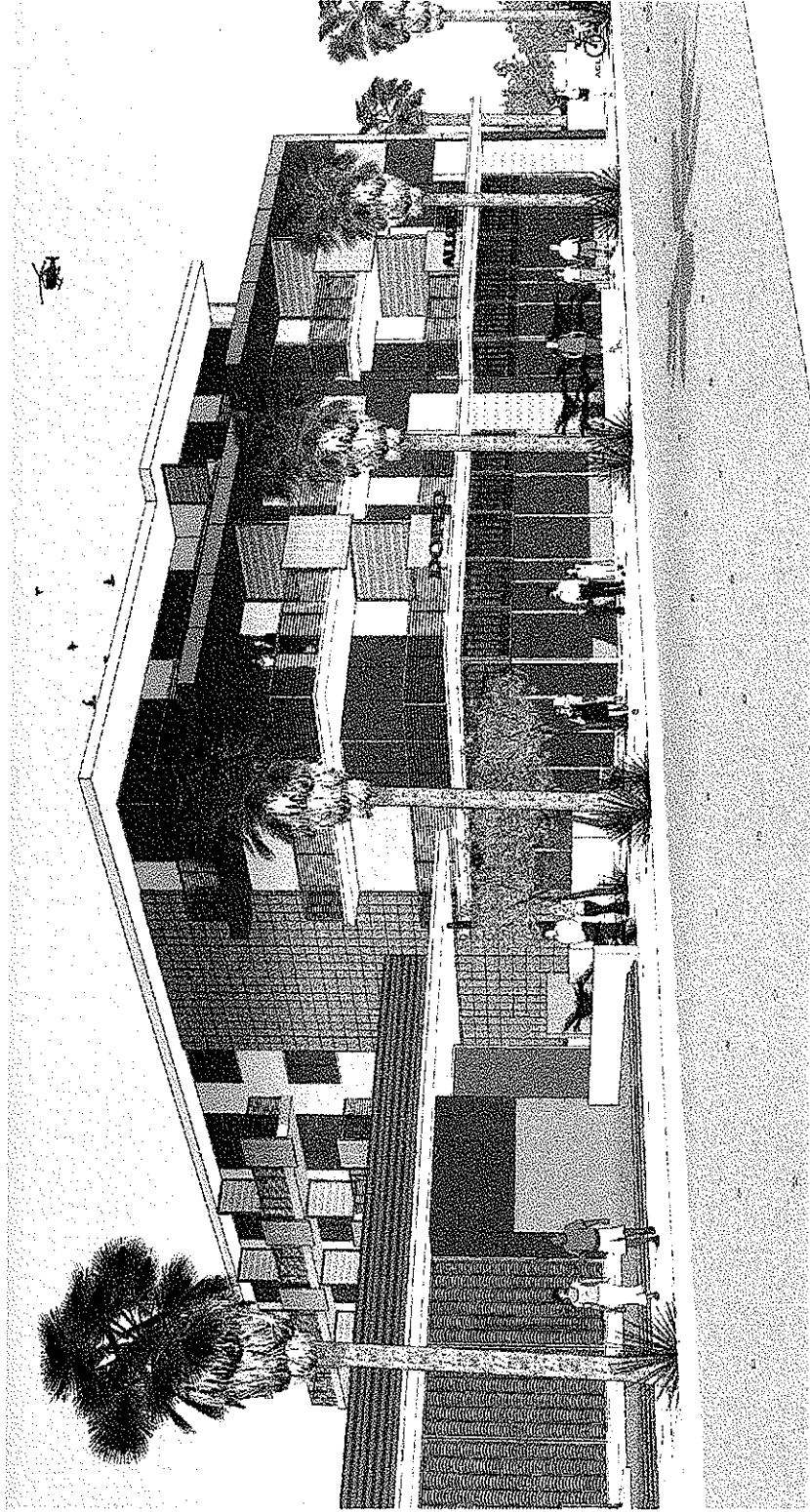
- 1) City of Palm Springs. City of Palm Springs Draft Environmental Impact Report, 2007.
- 2) City of Palm Springs. City of Palm Springs General Plan, 2007.
- 3) City of Palm Springs. City of Palm Springs Zoning Code, 2004 et seq.
- 4) South Coast Air Quality Management District. CEQA Air Quality Handbook, 1993.
- 5) U.S. Code of Federal Regulations, Title 23, Chapter 26, Subchapter IV. "Clean Water Act", 1994.
- 6) Government Code Section 65962.5(f). "Hazardous Waste and Substances Statement".





# **BARISTO LOFTS**

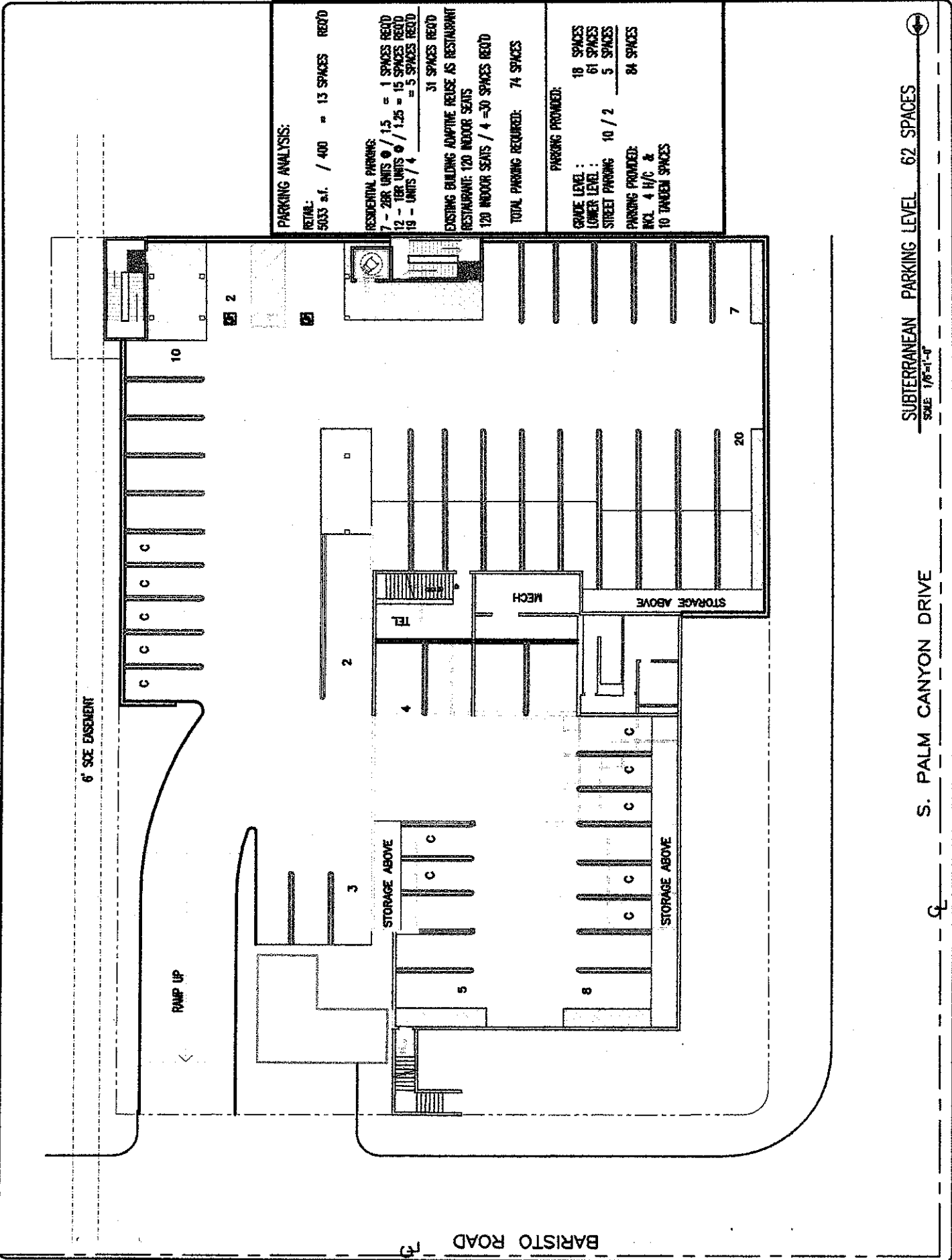
**300 S. PALM CANYON DR.  
PALM SPRINGS, CALIFORNIA**



**Cioffi**  
ARCHITECT



REVISION	
DATE	
BY	
PLAT DATE	
SCALE	1/8" = 1'-0"
PROJECT NO.	0003
FILE NO.	80-10
SHEET	A-0



**PARKING ANALYSIS:**  
 RETAIL: 5033 sq. ft. / 400 = 13 SPACES REQ'D  
 RESIDENTIAL PARKING:  
 7 - 2BR UNITS @ 1.5 = 1 SPACES REQ'D  
 12 - 1BR UNITS @ 1.25 = 15 SPACES REQ'D  
 19 - UNITS / 4 = 5 SPACES REQ'D  
 31 SPACES REQ'D  
 EXISTING BUILDING ADAPTING REUSE AS RESTAURANT  
 RESTAURANT: 120 INDOOR SEATS  
 120 INDOOR SEATS / 4 = 30 SPACES REQ'D  
 TOTAL PARKING REQUIRED: 74 SPACES

**PARKING PROVIDED:**  
 GRADE LEVEL: 18 SPACES  
 LOWER LEVEL: 61 SPACES  
 STREET PARKING: 10 / 2  
 5 SPACES  
 84 SPACES  
 PARKING PROVIDED:  
 INCL. 4 H/C &  
 10 TANDEM SPACES

SUBTERRANEAN PARKING LEVEL 62 SPACES  
 SCALE 1/8"=1'-0"

S. PALM CANYON DRIVE

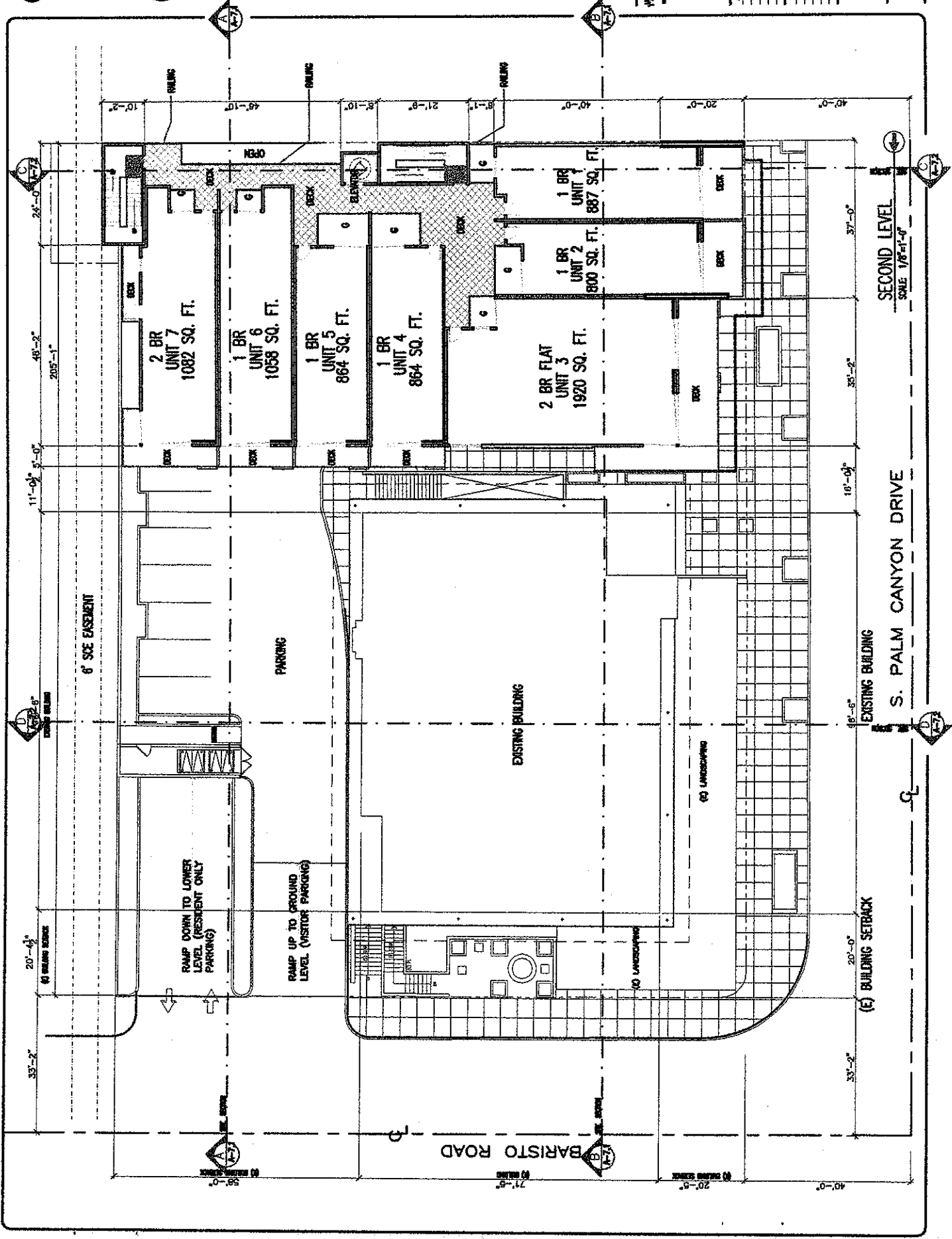
BARISTO ROAD



WATER CONTROL ARCHITECT  
1500 AVENUE 10  
PALM SPRINGS, CA 92262



DATE	REVISION
PROJECT NO. 0820	
FILE NO. 803-3	
SHEET	
<b>A-2</b>	



**SECOND LEVEL**  
SCALE 1/8"=1'-0"

**S. PALM CANYON DRIVE**

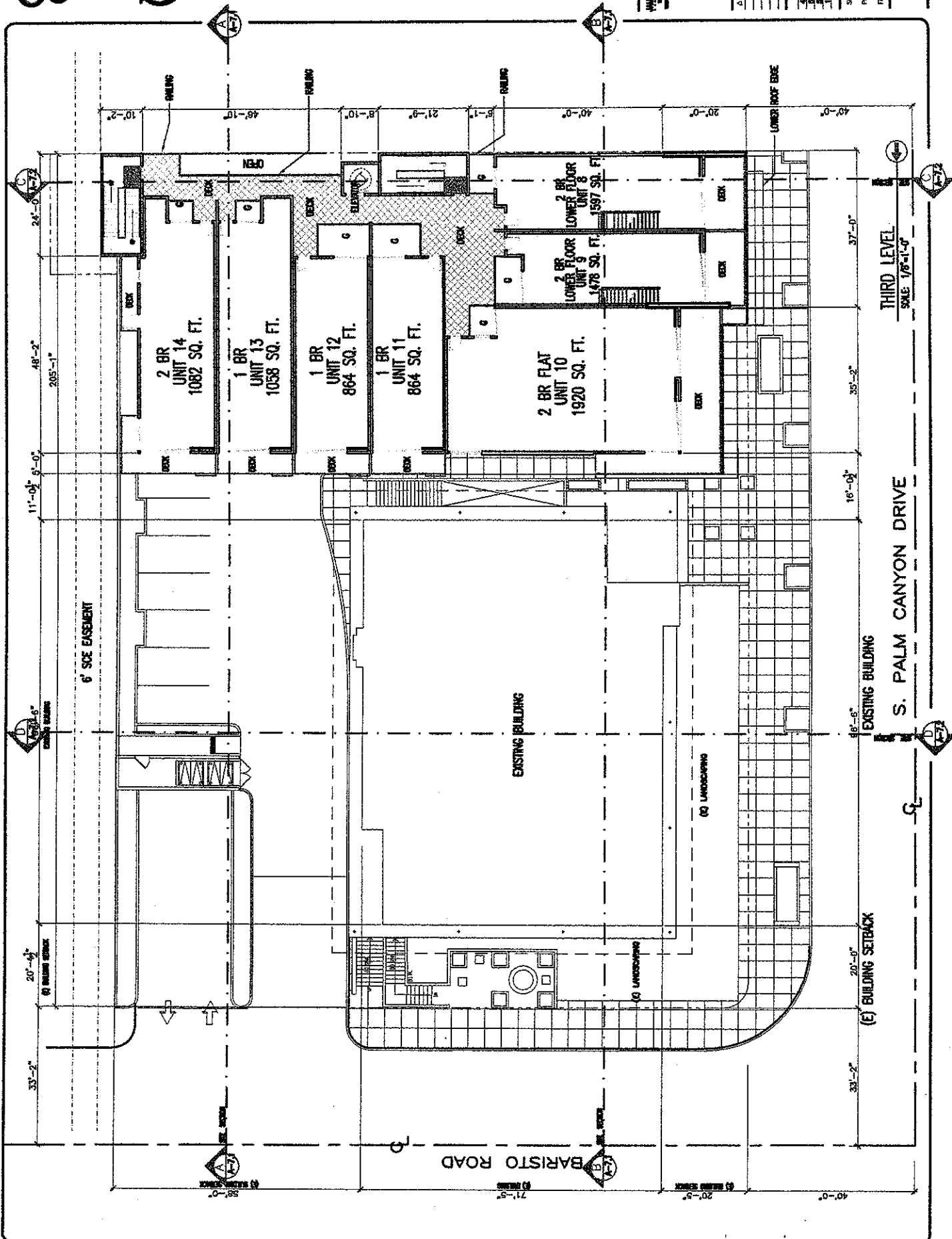
**BARISTO ROAD**

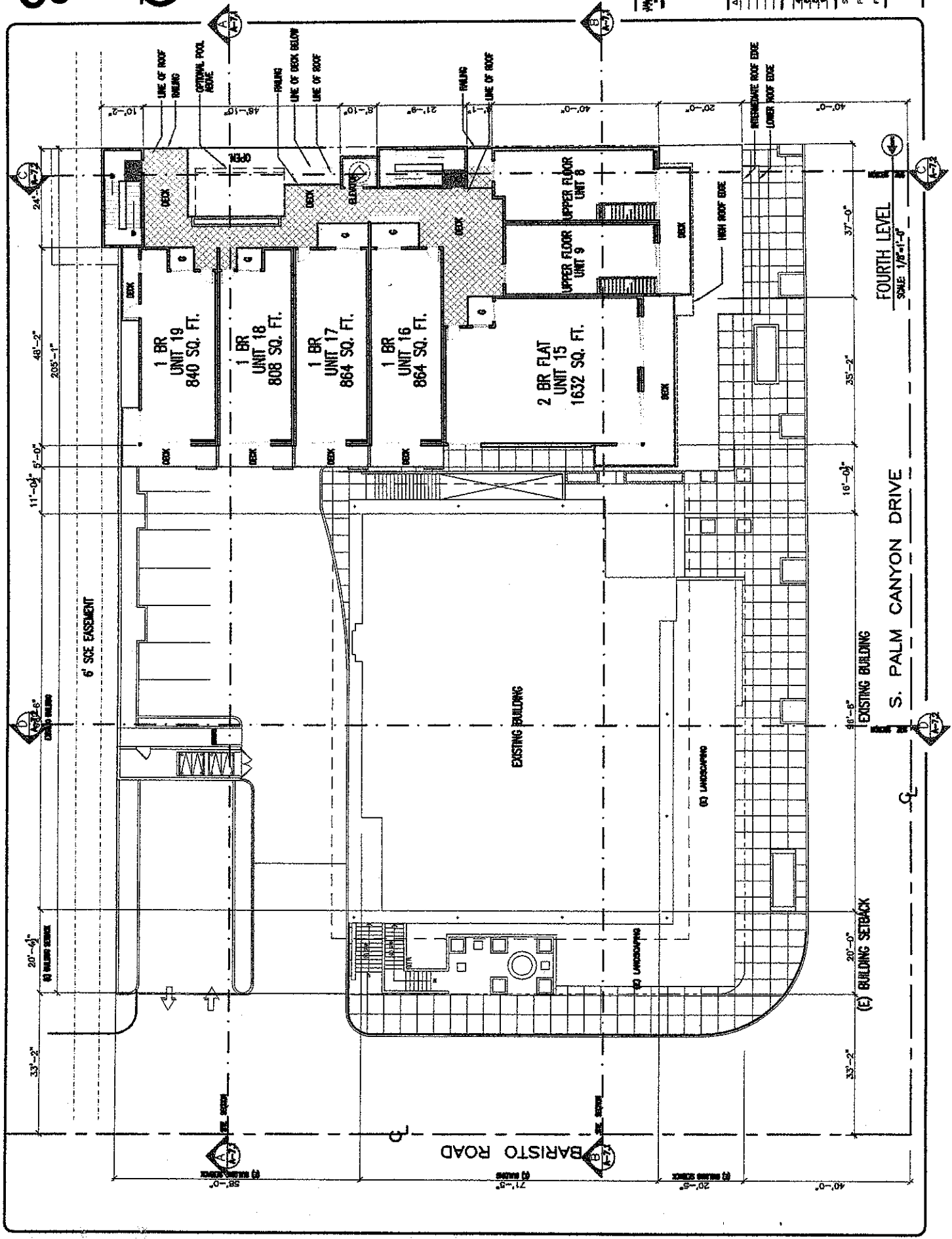
**(E) BUILDING SETBACK**

UNIVERSITY OF CALIFORNIA  
ARCHITECTURAL CENTER



PROJECT NO.	0603
DATE	1/18/11
SCALE	1/8" = 1'-0"
FILE NO.	0603-3
SHEET NO.	A-3





**FOURTH LEVEL**  
SCALE 1/8"=1'-0"

S. PALM CANYON DRIVE

BARISTO ROAD



DATE	DESCRIPTION
11-18-09	PLAT DATE
8-11-09	
5-18-08	
10-12-08	

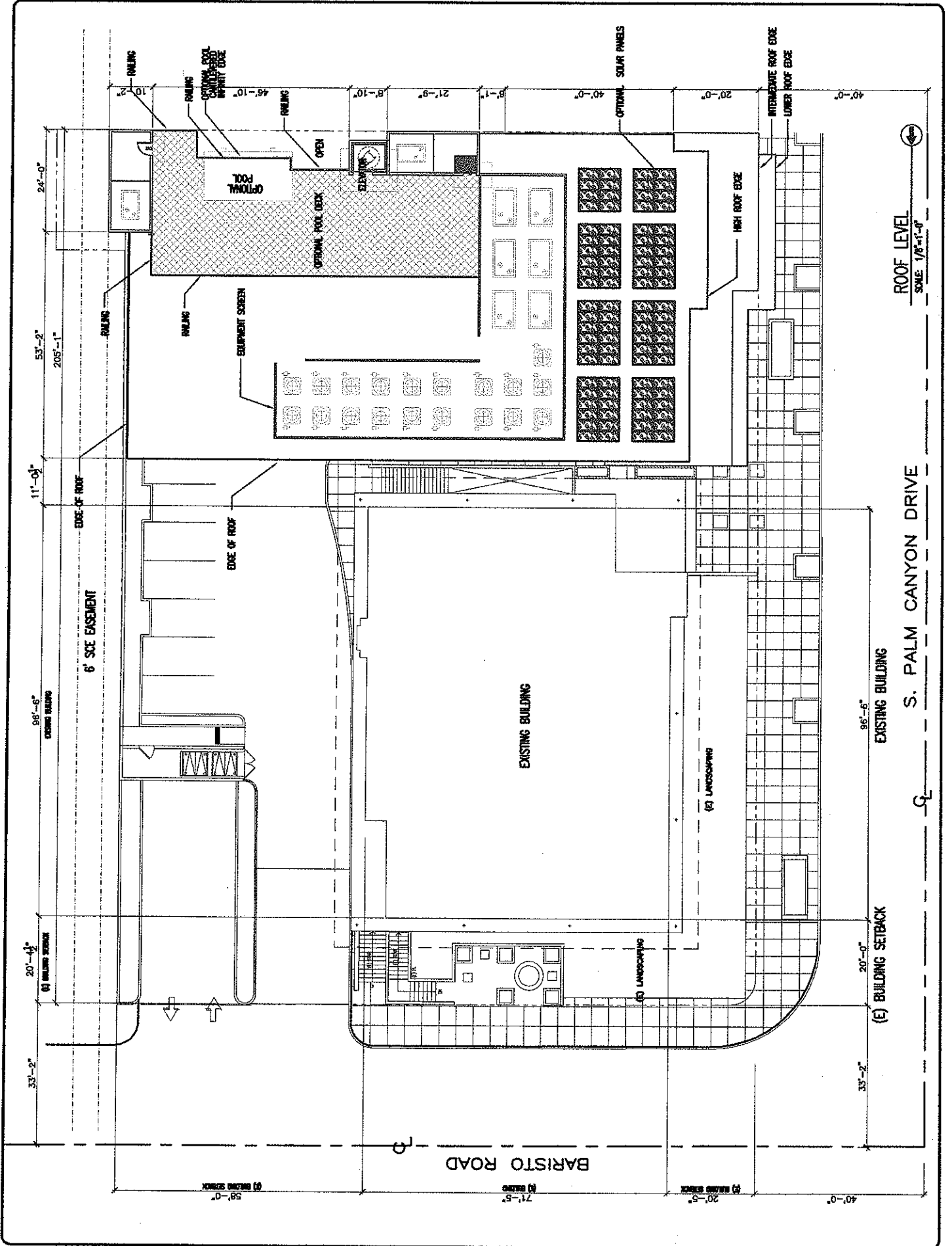
SCALE: 1/8" = 1'-0"

PROJECT NO: 0803

FILE: 003-B

SHEET

**A-5**



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

S. PALM CANYON DRIVE

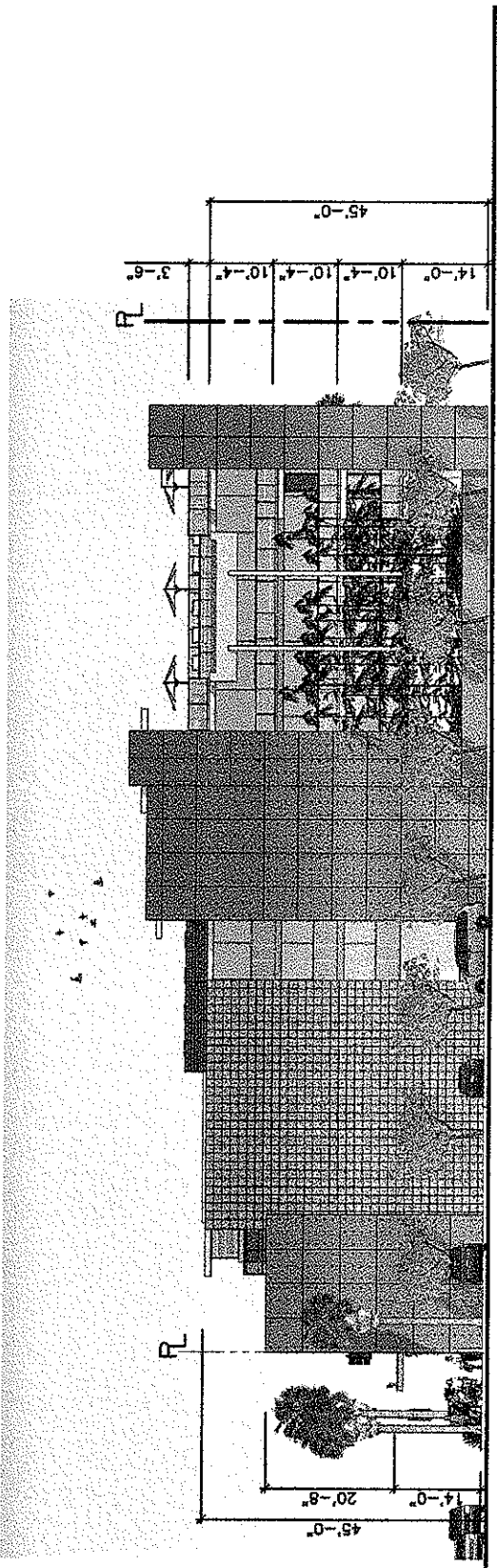
BARISTO ROAD



NO.	REVISION	DATE
1	ISSUE FOR PERMIT	10/15/08
2	REVISED PER COMMENTS	11/10/08
3	REVISED PER COMMENTS	12/15/08
4	REVISED PER COMMENTS	01/15/09
5	REVISED PER COMMENTS	02/15/09
6	REVISED PER COMMENTS	03/15/09
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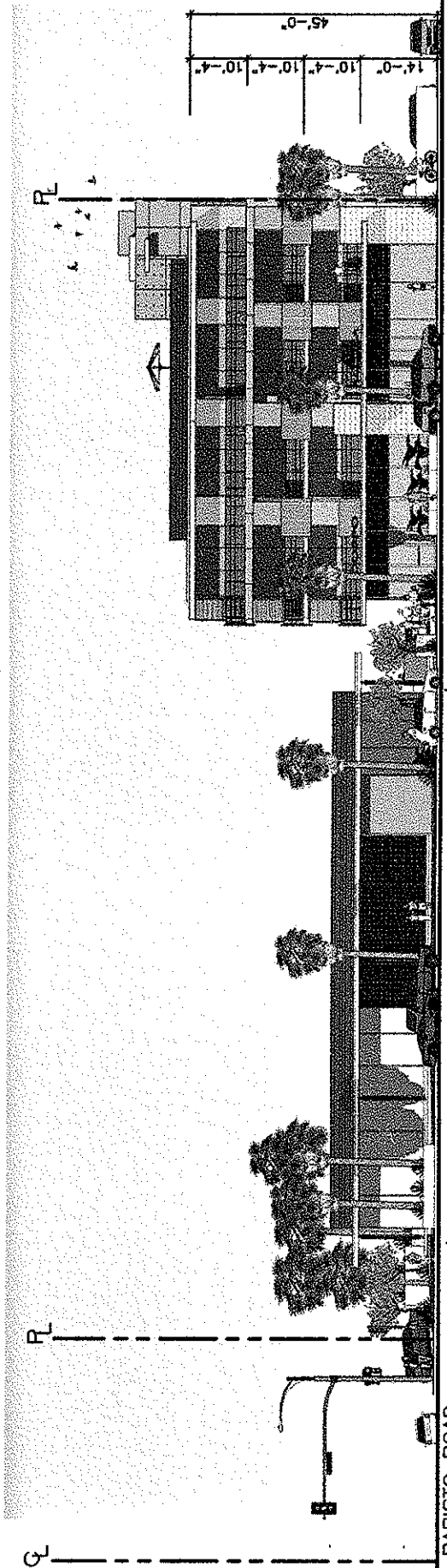
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**SOUTH ELEVATION**  
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S. PALM CANYON



**WEST ELEVATION**  
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BARISTO ROAD

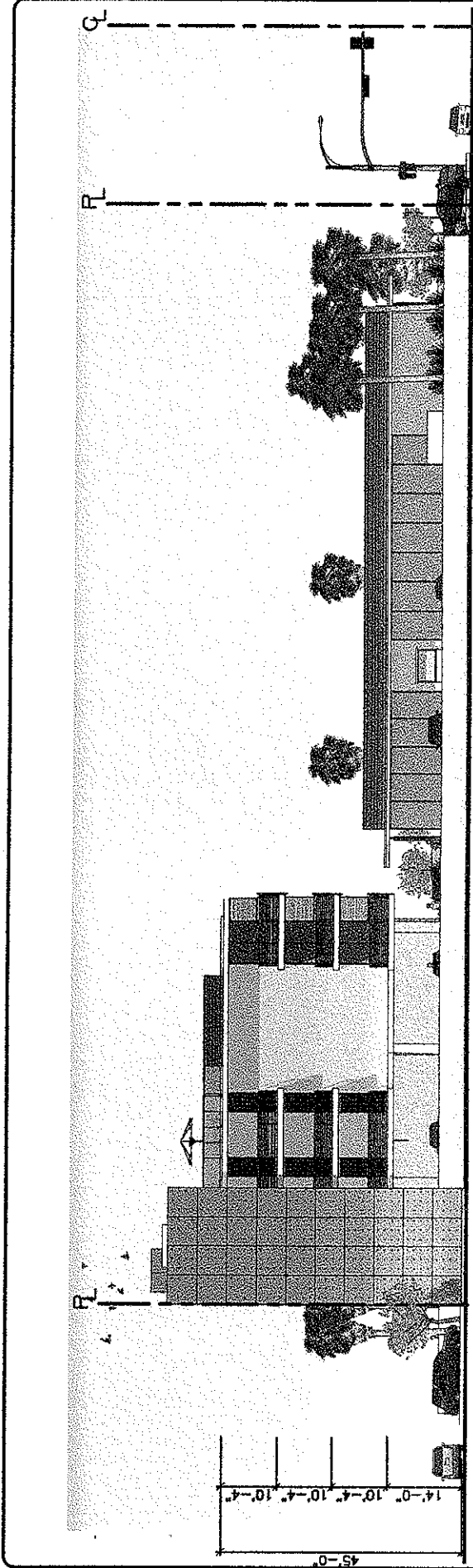
EXISTING BUILDING





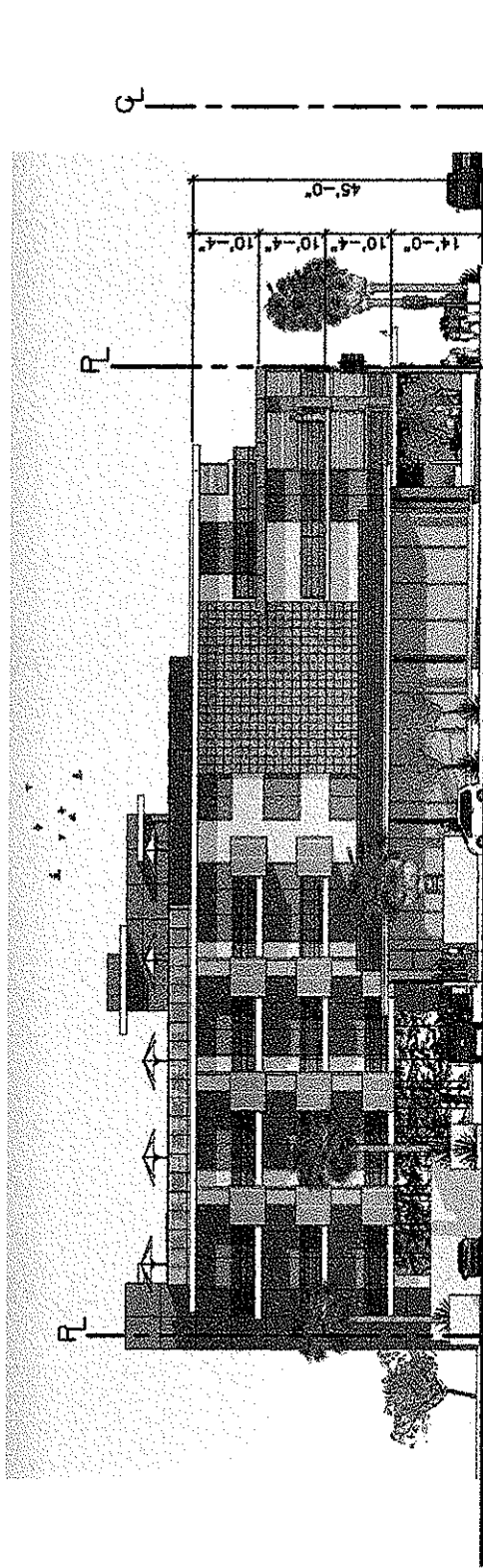
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**EAST ELEVATION**  
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BARISTO ROAD



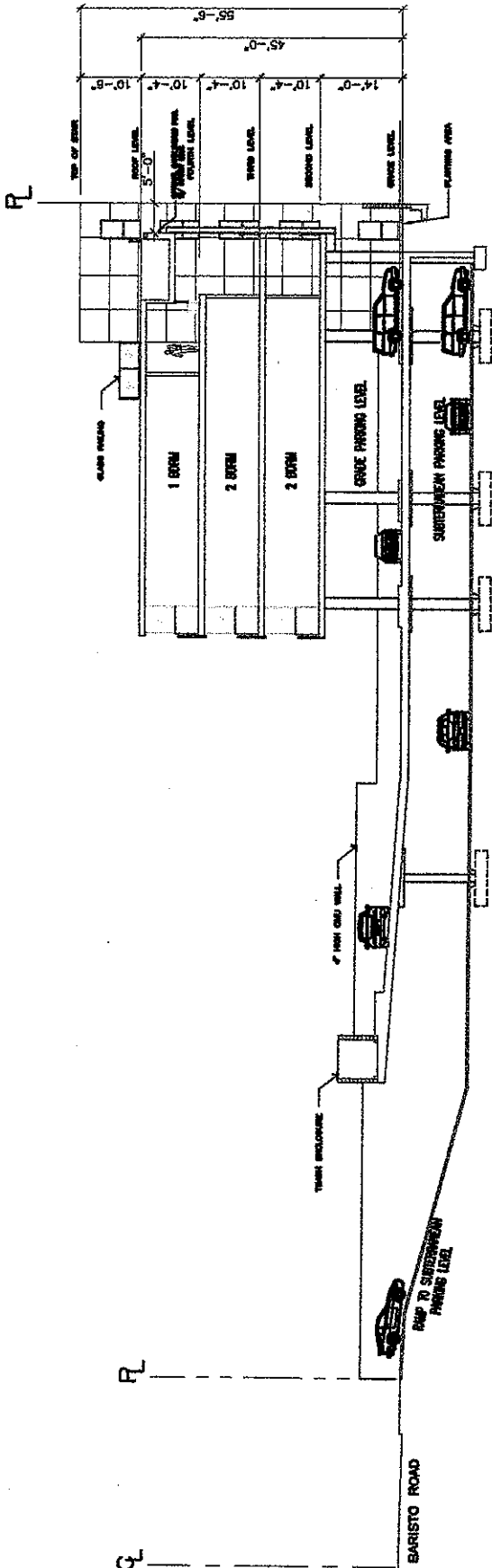
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S. PALM CANYON

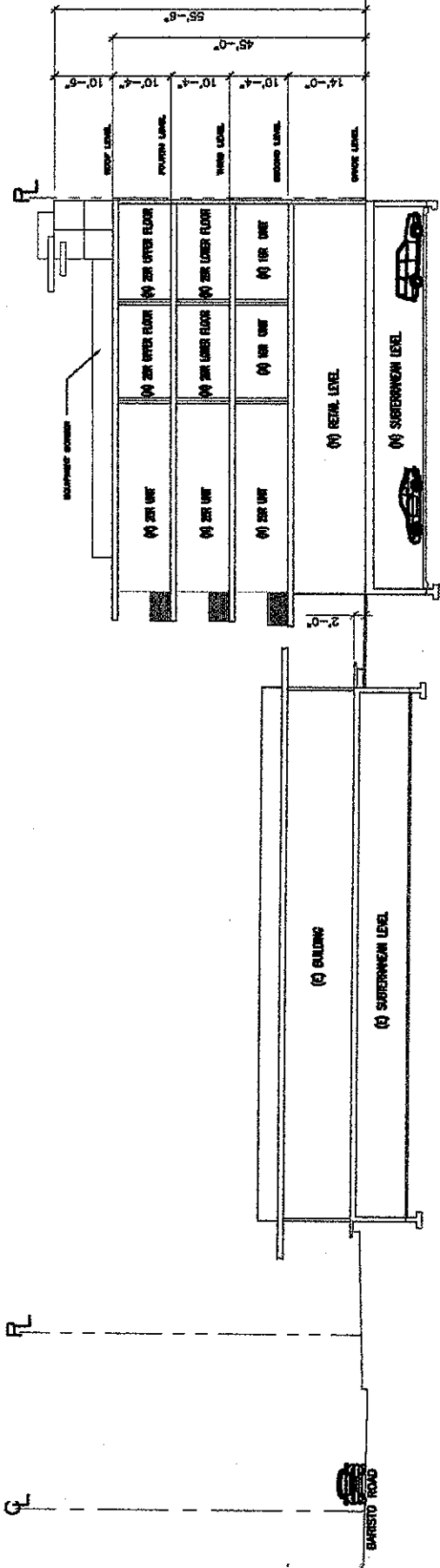


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2	ISSUE FOR CONSTRUCTION	08/15/08
3	ISSUE FOR OCCUPANCY	08/15/08
4	ISSUE FOR RECORDS	08/15/08

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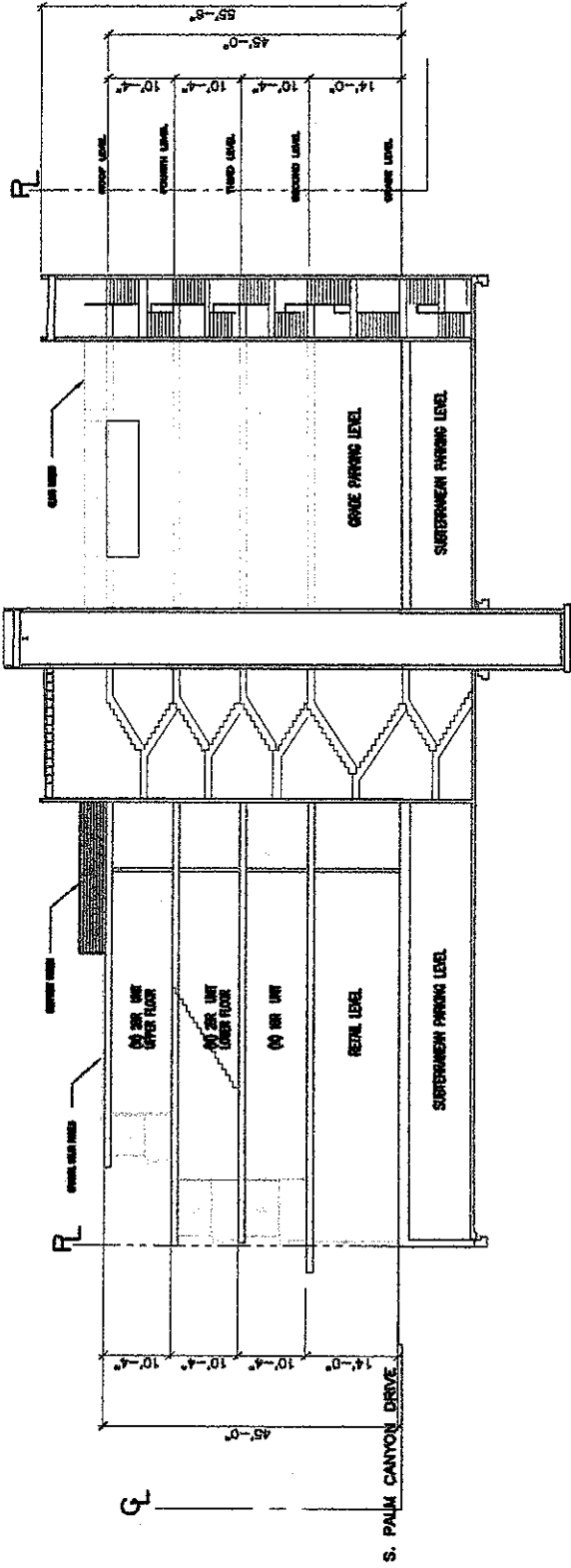
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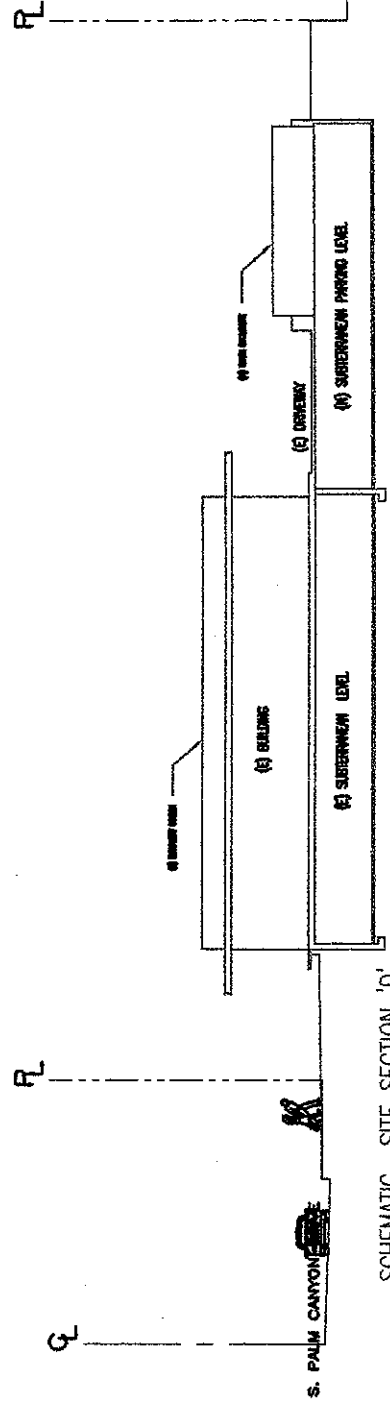


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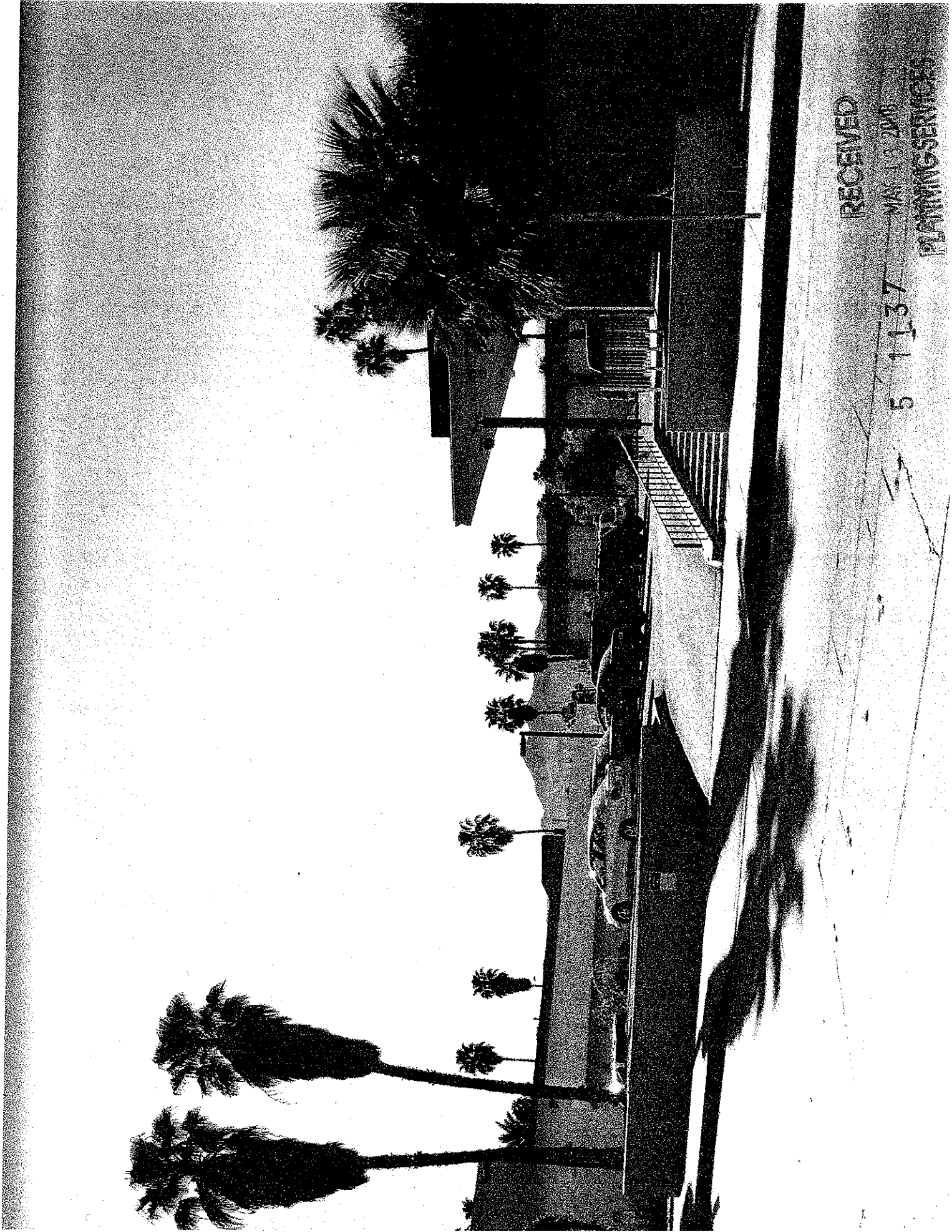
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PLANNING SERVICES

**CHATTEN-BROWN & CARSTENS**

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SANTA MONICA, CALIFORNIA 90405

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November 14, 2008

*Via Email*

*Original to follow*

Ken Lyon  
Associate Planner  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Baristo Lofts Mixed Use Commercial/Residential Project; Case No. 5.1137  
Planned Development District 335; Case No. 3.3029-Major Architectural  
Application; Tentative Tract Map 35230

Dear Mr. Lyon:

On behalf of the Palm Springs Modern Committee, we object to the use of a mitigated negative declaration ("MND") for the Wessman Holdings, LLC's proposed Baristo Lofts Mixed Use Commercial/Residential project, ("Baristo Lofts project" or the "Project") at 300 South Palm Canyon Drive. The proposed Project includes the construction of a four-story, mixed-use complex immediately next to the existing historically significant former Santa Fe Federal Savings and Loan Building ("Santa Fe Building"). The Santa Fe Building is a distinctive example of commercial mid-century Desert Modern architecture designed by prominent local architect E. Stewart Williams. The Project includes 5,033 square feet of new retail, 19 condominium units, and proposes to convert the 6,647 square foot Santa Fe Building into a restaurant. The Santa Fe Building is currently used as an office building.

An Environmental Impact Report ("EIR") must be prepared and certified, rather than the proposed MND. Of particular concern to the Palm Springs Modern Committee are the severe impacts this Project would have on the historically significant Santa Fe Building by physically altering the historic building and constructing a new building that overwhelms and encroaches upon it. There is substantial evidence to support a fair argument that there may be significant adverse impacts from this proposed Project in the areas of cultural resources, aesthetics, parking, noise, and land use. Further, the Project improperly defers mitigation of its many impacts.

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PLANNING SERVICES  
DEPARTMENT

## **I. Adoption of the MND and Approval of the Project as Proposed Would Violate CEQA**

### **A. This Project Does Not Meet the Legal Standards for a MND**

The California Environmental Quality Act ("CEQA") requires an EIR whenever a project may have a significant adverse impact on the environment. (Public Resources Code section 21151.) "If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have a significant impact." (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001.) Thus, a MND is appropriate only when, *before the CEQA review process begins*, there is not a fair argument that there may be adverse impacts.

According to Public Resources Code section 21064.5:

"Mitigated negative declaration" means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Because there is substantial evidence to support a fair argument that there may be significant adverse impacts, even after mitigation, an EIR must be prepared, circulated, and ultimately certified, that accurately describes the Project, assesses the Project's significant impacts, and identifies mitigation measures that can reduce those impacts, and describes and compares the environmental impacts of potentially feasible alternatives. Ultimately, the Project may not be approved if there are significant adverse impacts unless all feasible mitigation measures or alternatives have been adopted.

### **B. The Project May Have Significant Impacts**

An EIR must be prepared instead of a MND when there is substantial evidence to support a fair argument that the project may have significant adverse environmental impacts. "The fair argument standard is a "low threshold" test for requiring the preparation of an EIR." (*Pocket Protectors v. City Of Sacramento* (2004) 124

Cal.App.4th 903, 928.) A fair argument can be made that this Project may have significant cultural resources, aesthetic, parking, noise, and land use impacts.

### **1. The Historically Significant Santa Fe Federal Savings and Loan Building Will be Adversely Impacted by the Project**

CEQA section 21084.1 mandates that “[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” The MND acknowledges that the Santa Fe Building is a significant historic resource because the building has been identified in a citywide historic resource survey that was accepted by the City Council. (MND p. 16; see also CEQA Guidelines § 15064.5(a).) Additional evidence of the historic significance of the Santa Fe Building is contained in the expert reports of Peter Moruzzi and Patrick McGrew that are attached to this comment letter as well as the many letters submitted in support of listing the building as a Class 1 Historic Site, the Palm Springs Historic Site Preservation Board’s finding that the Santa Fe Building is eligible for listing as a Class 1 Historic Site, and the letters objecting to the Baristo Lofts project in 2007<sup>1</sup>.

A substantial adverse change in the significance of an historical resource means “physical demolition, destruction, relocation, or *alteration* of the resource *or its immediate surroundings* such that the significance of an historical resource would be materially impaired.” (CEQA Guidelines § 15064.5(b)(1), emphasis added.) Material impairment includes altering those physical characteristics of an historical resource that convey its historical significance. (CEQA Guidelines § 15064.5(b)(2).) The Baristo Lofts project would significantly adversely impact the historically significant Santa Fe Building by physically altering several character defining features of the historic building and by negatively altering the building’s setting.

The MND itself provides evidence of the Project’s significant historic resource impacts. It states that “[t]he addition of the proposed front concrete dining terrace and railings would materially alter the historic character-defining architectural feature of the linear, uninterrupted cantilevered concrete base and clean lines of the existing building.” This is a significant impact that must be studied and mitigated in a full EIR. (Attachment 1, Moruzzi Report.) The MND also proposes that instead of altering the Santa Fe Building by adding on a terrace, the project may modify the glass curtain wall of the existing building. This glass curtain wall is a key character-defining feature of the International Style and its alteration or removal would result in a significant adverse

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<sup>1</sup> Palm Springs Modern Committee requests that all comments submitted regarding the negative declaration for this project that was circulated for comment in 2007 and regarding the Class 1 designation of the Santa Fe Building be evaluated as part of the current environmental review and be include in the administrative record for this project.

impact to the Santa Fe Building. (*Ibid.*) The previous iteration of the Baristo Lofts project also proposed to remove the teller windows from the Santa Fe Building, but it is unclear whether the currently proposed project would do so. Removal of the teller windows would also result in a significant impact to the historic Santa Fe Building.

The Baristo Lofts project would cause an additional substantial adverse change in the historic significance of the Santa Fe Building by negatively altering the setting of this historic resource. “[A] key aspect of Williams’ design is its setting: the building sits as a freestanding pavilion surrounded by open space – analogous to a classical Greek temple (a common design theme in bank architecture) – which allows the structure to be viewed as a sculptural object in its dramatic corner location.” (Moruzzi Report.) The Project encroaches upon and proposes to dwarf this one story, freestanding historic building with a new four story building immediately to the south of the Santa Fe Building, significantly affecting the original setting of the building as intended by the architect. Although not disclosed in the MND, the building plans for the Project submitted by Cioffi Architect in May of 2008 show the decks from the proposed new four story building to be only approximately five feet from the character-defining overhanging eaves of the historic Santa Fe Building. Thus the Project would significantly impact the Santa Fe Building’s immediate surroundings.

The MND fails to include mitigation for the significant impacts the Project would have on the historic Santa Fe Building. The CEQA Guidelines state: “Generally, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant impact on the historical resource.” (CEQA Guidelines § 15064.5(3).) As detailed in the expert report of Patrick McGrew, the Project fails to follow many of the Secretary of Interior’s Standards. (Attachment 2, McGrew Report.) The Standards state that only minimal changes to defining characteristics of historic resources should be allowed, the removal of historic materials and spaces that characterize an historic site should be avoided, distinctive features should be preserved, and new additions should not destroy historic materials.

The Baristo Lofts project fails to comply with these Standards by physically altering the Santa Fe building and the historic spaces that characterize the building and its setting. (McGrew Report.)

## 2. Aesthetic Impacts

“[A]ny substantial, negative effect of a project on view and other features of beauty could constitute a “significant” environmental impact under CEQA.” (*Quail*



*Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4<sup>th</sup> 1597, 1604.) According to the California Court of Appeal, lay opinions that articulate the basis of the opinion can constitute substantial evidence of a negative aesthetic impact. (*Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District* (2004) 116 Cal.App.4<sup>th</sup> 396, 402.) Expert testimony on the matter is not required because the overall aesthetic impact of a project is a subjective matter for which personal observations are sufficient evidence of the impact. (*Id.*; *Oro Fine Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882.)

The MND finds that the aesthetic impacts of the Project will be less than significant because the height of the building is in keeping with the Guidelines of the Downtown Urban Design Plan. (MND p. 8.) First, this finding appears to be incorrect based on the latest site plans prepared for the Project. The Project site is located in a mixed use office residential transition zone. There is a 45 foot height limit in this zone according to the Downtown Urban Design Plan, but a height of 45 feet is only be allowed if a project has a height of 18 feet on the street front, then steps back to 45 feet to accommodate residential lofts. (Downtown Urban Design Plan p. 37.) The May 2008 Cioffi Architect plans for the Project show the proposed new four story building having a height above this limit, approximately 55 feet. This is in violation of the Downtown Urban Design Plan (which is a part of the City's General Plan) and would result in a significant impact. Additionally, the Project fails to comply with the Downtown Urban Design Plan's requirement to step back the height of the building away from the street front.

The Project would also have a significant aesthetic impact by substantially degrading the existing visual character and quality of the site. The Project proposes to build a four story structure immediately to the south of the historic Santa Fe Building. The new structure is not consistent with the character of this iconic, pavilion-like structure. The setting of the architectural masterpiece would be destroyed by the proposed Project, resulting in a significant aesthetic impact. Additionally, the Project proposes modifications to the appearance of this historic structure, adding a terrace on the north and west sides of the building. This is not consistent with the design of the building and will impact the aesthetic splendor of the building's design which currently makes the structure appear to float above the site. (See Attachment 3, discussion of Santa Fe Federal Savings and Loan in *Palm Springs Weekend*, p. 123, 125.)

### 3. The Project May Have Significant Parking Impacts

The MND claims that there will be no parking impact because the Project proposes a "substantial number" of off-street parking spaces and that with approval of the Planned Development District ("PDD") the amount of off-street parking would be consistent with

the Palm Springs Zoning Ordinance. (MND p. 30.) The Palm Springs Zoning Ordinance section 94.03.00(C)(2), which sets out regulations for PDDs, states that parking requirements for PDDs shall be subject to the requirements of section 93.06.00 and these requirements can only be modified upon the submittal of a specific parking plan. As there is no specific parking plan referenced in the MND and none was found elsewhere in the record for this Project pursuant to a Public Records Act request, Zoning Ordinance section 93.06.00 applies to the Baristo Lofts project. According to Zoning Ordinance section 93.06.00 requirements, the Project would be required to provide 1 space per 400 square feet of retail and commercial, including the new restaurant, if it will include "in-lieu" payments to partially satisfy parking requirements (if no payments are required, parking should be provided at a rate of 1 space per 300 square feet), and for the residential 1.25 spaces for one bedroom units and 1.5 for two bedrooms, with an additional one visitor's space for every four residential units.

According to the May 2008 Cioffi Architect plans, the Project would include 5,033 square feet of new retail and the new restaurant would be 6,647 square feet, for a total of 11,680 square feet of retail/commercial. The project would also include 7 two bedroom units and 12 one bedroom units. Thus the Project would be required to provide 29 parking spaces for retail/commercial (if an "in-lieu" payment is made, otherwise 39 parking spaces for retail uses would be required) and 31 residential parking spaces for a total of 60 parking spaces required pursuant to the Palm Springs Zoning Ordinance. The May 2008 Cioffi Architect plans show that the Project would violate this requirement by providing only 51 parking spaces off-site parking spaces. Thus, even if the Project includes an "in-lieu" payment to offset the cost of allowing a portion of the Project generated traffic to park in City owned parking lots, it is still significantly under-parked. This is a significant impact. Additionally, traffic expert Weston Pringle has found that the Project's lack of parking may lead to additional traffic congestion in the area, which could result in a significant impact. (Attachment 4, Pringle Report.)

#### **4. The Project Failed to Provide the Required Acoustical Report**

An acoustical report is required to be submitted with residential developments adjacent to certain high traffic streets in the City of Palm Springs. The City requires this report to be submitted with the application indicating the noise impact from traffic, as it affects the development, and mitigation measures to reduce the impact to an acceptable level. Palm Canyon Drive is included in the list of high traffic streets requiring an acoustical report by a registered professional acoustical consultant. However, despite the use of a Public Records Act request, no such report could be found by the Palm Springs Modern Committee in the City's file for this Project.

## 5. Land Use Impacts

The Palm Spring's General Plan requires the protection and preservation of historically and architecturally significant buildings and sites throughout the City of Palm Springs. (General Plan Policy RC10.1.) As discussed above, the proposed Project would adversely impact the historically significant Santa Fe Building by destroying this historic resources setting and materially altering its character-defining features. In doing so, the Project is inconsistent with Policy RC10.1 of the City's General Plan and that lack of consistency is a significant land use impact.

The Project may also exceed the allowable floor area ratio ("FAR") of 1 set forth in Palm Springs Zoning Ordinance section 92.09.03(D). An FAR of 1 means that the square footage of the Project cannot exceed the square footage of the lot the Project is located upon. The MND states that Project is located on a 29,447 square foot lot. As disclosed in an email from architect James Cioffi to the City's Planning Department, the Project will have a total floor area (including the Santa Fe Building, the new retail and new residential development) of 33,062 square feet. This results in a FAR of 1.12, in violation of Zoning Ordinance section 92.09.03(D) and significant land use impact.

### C. The Mitigation Measures Proposed as Part of the Project are Improperly Deferred and Unenforceable.

Mitigation measures must be "required in, or incorporated into" a project. (Pub. Resources Code § 21081 (a)(1); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4<sup>th</sup> 1252, 1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.) Additionally, CEQA's mandate requires a project to have effective, enforceable mitigation measures. Mitigation must be included as part of the project "before the proposed negative declaration and initial study are released for public review." (Public Resources Code section 21064.5, emphasis added.)

The MND declares that the Project would have no significant impact and therefore does not require mitigation (MND p. 5) and then paradoxically suggests that mitigation measures are for the Project. Many of the mitigation measures the MND states as being necessary are improperly deferred or unenforceable in violation of CEQA's requirements. The MND states that a storm water pollution prevention/PM-10 plan should be prepared to combat air quality impacts, but does not require the plan to be prepared until after Project approval. (MND p. 13.) The MND also finds that the restaurant proposed as part of the Project may result in offensive odors and that some type of kitchen exhaust system with filters incorporated would reduce this impact, but fails to require the inclusion of

Ken Lyon  
November 14, 2008  
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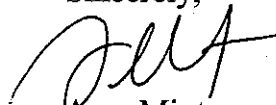
such a system as a mitigation measure for the project. The preparation of a soils report to assess the integrity of the project design is also an improperly deferred mitigation measure for potential geotechnical impacts.

## CONCLUSION

CEQA requires an EIR whenever a project *may* have a significant adverse impact on the environment. (Pub. Res. Code § 21151.) A MND is appropriate only when there is not a fair argument that there may be adverse impacts. Because the MND provides an inadequate analysis of impacts, and because of the substantial evidence to support a fair argument that many impacts *may* be significant, a full EIR must be prepared.

Thank you for your attention to this matter.

Sincerely,



Amy Minter  
Attorney at Law

### Attachments:

- (1) Expert analysis of historic resource impacts by Peter Moruzzi with resume attached;
- (2) Expert analysis of historic resource impacts by Patrick McGrew with resume attached;
- (3) Excerpt from *Palm Springs Weekend*;
- (4) Traffic impact assessment by Weston Pringle with qualifications attached.

cc: Palm Springs Planning Commission  
Palm Springs Modern Committee

# **ATTACHMENT 1**

November 7, 2008

City of Palm Springs  
Planning Commission  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92262

Subject: Impacts of Baristo Lofts project on the historic former Santa Fe Federal Savings Building by E. Stewart Williams

Honorable Commission Members:

You may be familiar with my role as Founding President of the Palm Springs Modern Committee (PS ModCom) established in 1999 to maintain the heritage of modern architecture and historic neighborhoods in Palm Springs. You might not have known that I am also a full-time Architectural Historian with over six years of experience with cultural resource issues who meets the Secretary of the Interior's professional qualification standards for Architectural History. My knowledge encompasses history, architectural history, and historic preservation. I have extensive experience in the preparation of historic resource assessment reports, CEQA-related and Section 106 documentation, historic resources surveys, landmark nominations, and Historic American Buildings Surveys (HABS). I am also a recognized expert in the history of twentieth century Modern architecture. My resume is attached.

The purpose of this letter is to underscore the negative impacts of the proposed Baristo Lofts project to the historic resource located at 300 South Palm Canyon Drive originally known as the Santa Fe Federal Savings Building (currently the offices of the Wessman Development Company).

The Santa Fe Federal Savings Building was designed in 1957 by local architect E. Stewart Williams on a prominent corner of the City's major thoroughfare, Palm Canyon Drive. E. Stewart Williams (1909-2005) has been widely recognized as one of the fathers of Desert Modern design whose work in Palm Springs from 1946 through 1996 includes several of the City's most recognizable landmarks, such as the Oasis Office Building, the Frank Sinatra Residence, and the Edris Residence (a designated Class One Historic Site). Indeed, Williams was the posthumous recipient of the Palm Springs Modern Committees' Lifetime Achievement Award in 2005 for his outstanding architectural achievements in the Coachella Valley.

The building is an excellent example of Williams' adaptation of the International Style of architecture for a desert climate in creating a new, hybrid form now known as Desert Modernism. Elements of the Desert Modern style exhibited in the building include its extensive use of glass (for views and an indoor/outdoor feel), deep overhanging eaves (for protection from the sun), and, in this case, sliding brise soleil screens (for additional

sun control). The bank's International Style elements include its broad horizontality, slender metal support posts, and the building's 'floating' quality attained by raising it above a bed of river rocks. Additionally, a key aspect of Williams' design is its setting: the building sits as a freestanding pavilion surrounded by open space – analogous to a classical Greek temple (a common design theme in bank architecture) – which allows the structure to be viewed as a sculptural object in its dramatic corner location.

As proposed, the multi-story Baristo Lofts project would significantly harm the design integrity and setting of the bank building as an iconic structure by encroaching and overwhelming it the south side, thereby destroying the building's presence as a freestanding pavilion. These significant adverse impacts have not been thoroughly examined by the City in the current approval process and no viable alternatives to the project that would potentially lessen or mitigate these harmful impacts have been adequately investigated.

The Baristo Lofts project would also cause a substantial adverse change in the significance of the historic Santa Fe Federal Savings Building by materially altering the building. As acknowledged by the MND, "[t]he addition of the proposed front concrete dining terrace and railings would materially alter the historic character-defining architectural feature of the linear, uninterrupted cantilevered concrete base and clean lines of the existing building." The MND also proposes that instead of altering the Santa Fe Federal Savings Building by adding on a terrace, the project may modify the curtain wall of the existing building. This glass curtain wall is a key character-defining feature of the International Style and should not be altered or removed from the Santa Fe Federal Savings Building. Physically altering this historic building is a significant adverse impact that should not be allowed. Additionally, the proposed alteration would further impact the setting of the Santa Fe Federal Savings Building by taking away from the "floating" quality of the building.

In summary, the significant adverse aesthetic and cultural resource impacts of the Baristo Lofts project on the Santa Fe Federal Savings Building caused by physically altering the building and affecting the architect's original design as a freestanding, floating pavilion have not been properly assessed. Therefore, a full environmental impact report addressing these key issues must be required.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Moruzzi", written over a vertical line.

Peter Moruzzi  
Architectural Historian

# Peter Moruzzi, ARCHITECTURAL HISTORIAN

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2935 Angus Street, Los Angeles, CA 90039  
0151 pmoruzzi@earthlink.net

213-706-

## Professional History

- B.A., Economics, History sub-specialty, University of California, Berkeley, Berkeley, California, 1983
- Historic Resources Consultant, Moruzzi Historic Resources Consulting, Los Angeles, California, 2005 - Present
- Cultural Resources Specialist, PCR Services Corporation, Santa Monica, California, 2003- 2005
- Historic Resources Specialist, Science Applications International Corporation (SAIC), Pasadena, California, 2001 - 2002
- Architectural Historian, Leslie Heumann & Associates, Los Angeles, California, 2002
- Historic Resources Consultant, Los Angeles, California, 2001 - 2003
- Sales Representative, SoftwareWow.com, Los Angeles, California, 2000 - 2001
- Sales Representative, Digi International, Los Angeles, California, 1994 - 2000

## Expertise

Peter Moruzzi, an Architectural Historian with over six years of experience with cultural resource issues, meets the Secretary of the Interior's professional qualification standards for Architectural History. Mr. Moruzzi has significant experience in the preparation of historic resource assessment reports, CEQA-related and Section 106 documentation, historic resources surveys, and landmark nominations. He is also an expert in

the history of twentieth century Modern architecture.

## Experience

As an Architectural Historian, Mr. Moruzzi has completed numerous historic resources surveys for individual properties and historic districts in the California cities of Los Angeles, Beverly Hills, Rancho Mirage, Pasadena, Santa Monica, South Pasadena, Riverside, and Santa Ana. Tasks included fieldwork, research, documentation, evaluation, and public presentation of findings. He has written historic resources assessments and technical reports for a variety of property types throughout Southern California. For the Cities of Santa Monica and Long Beach, Mr. Moruzzi provides on-call historic resources services including landmark assessments and HABS-related documentation. Additionally, he has authored several National Register and California Register nominations. Mr. Moruzzi has experience in the application of the Secretary of the Interior's Standards for the Treatment of Historic Properties and its applicable Guidelines.

## Environmental Compliance:

Mr. Moruzzi has been a contributor and preparer of documents for Environmental Impact Reports and Statements specific to cultural resources under California Environmental Quality Act and Section 106 guidelines. These tasks include defining the areas of potential effect (APE); identifying, researching, and evaluating cultural resources; and analyzing potential impacts/effects of proposed projects including the recommendation of mitigation

measures for project implementation. Project locations include Pasadena, Santa Monica, Monrovia, Lennox, Westchester, and Boyle Heights.

## Modern Architecture Expertise:

Mr. Moruzzi is an acknowledged expert in 20<sup>th</sup> Century Modern design. He has authored several booklets on the subject and has spoken on issues relating to the preservation of modern architecture at numerous conferences and events.

*Volunteer Activities:* Mr. Moruzzi is the Founding President of the Palm Springs Modern Committee. For six years he served on the board of directors of the Los Angeles Conservancy, and was also the longtime Chair of the Conservancy's Modern Committee.

## Awards and Professional

*Memberships:* In 2002, Mr. Moruzzi received the Presidential Public Service Citation from the AIA California Council for work in the preservation of Modernist architecture in Southern California. He is a member of the National Trust for Historic Preservation, the California Preservation Foundation, and the Society of Architectural Historians, Southern California Chapter.



## **ATTACHMENT 2**

# McGREW / ARCHITECTURE

November 12, 2008

Ms. Amy Minter, Attorney at Law  
Chatten-Brown & Carstens  
3250 Ocean Boulevard, Suite 300  
Santa Monica, California 90405

Re: Initial Study: 300 South Palm Canyon Drive  
Palm Springs, California

Dear Ms. Minter,

I have reviewed the above referenced document which makes a finding that the proposed project has a "Less Than Significant Impact" on Cultural Resources. In order to make this finding, the proposed project must be found to comply with the applicable Secretary's Standards. In the analysis that follows, only five of the ten Secretary's Standards are applicable to the proposed project. Of those five, the proposed project does not comply with four of the Standards and offers only partial compliance with the fifth. Based upon this analysis, it would seem that, contrary to the Initial Study, the proposed project will have a potentially significant negative impact on the environment, the consequences of which should be studied in a full Environmental Impact report.

Should you have any questions, please don't hesitate to give me call.

Sincerely,

*Patrick McGrew*

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ARCHITECTURE + PRESERVATION

674 SOUTH GRENFALL ROAD • PALM SPRINGS, CALIFORNIA 92264 • (760) 416-7819

Project Description: "The proposed project includes the construction of a 4 story high-rise building immediately adjacent and to the south of the existing building. Although the proposed high-rise would partially block views of the existing building when looking north at the site, the proposed new building does not modify or attach to the existing building and therefore does not cause any substantial damage to the existing building. At the north and west sides of the existing building, a concrete terrace and railings are proposed to be attached to the existing building. The terrace will be used as an outdoor dining area. It impacts the visual appearance of the historic resource. Theoretically the proposed terrace could be removed and the original building's appearance would be intact, therefore the project is not found to substantially damage the historic building. The applicant may also consider eliminating the terrace addition and modifying the existing glass curtain wall to create open-air dining within the existing building that would not have an adverse impact on the visual appearance of the building."<sup>1</sup>

"CEQA defines a 'substantial adverse change in the significance of a historic resource' as 'physical destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired.' A historic resource is considered "materially impaired" when a project:

- (A) *demolishes or materially alters in an adverse manner those physical characteristics of a historic resource that convey its historical significance and justify its inclusion or eligibility for inclusion in the California Register of Historic Places,*
- (B) *Demolishes or materially alters the characteristics that account for its inclusion in a local register of historic resources,"*
- (C) *Demolishes or materially alters in an adverse manner those characteristics of a historic resource that convey its historic significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.*

The rationale for the finding of "No Significant Impact" is as follows: "The proposed project would significantly alter the immediate surroundings of the site of the Santa Fe Federal Savings Bank by constructing a new 4 story building in close proximity to it. However, the proposed new building would not materially alter the historic character-defining architectural elements of the existing building, and thus is considered a less than significant impact. The addition of the proposed front concrete dining terrace and railings would materially alter the historic character-defining architectural feature of the linear, uninterrupted cantilevered concrete base and clean lines of the existing building. It may be possible to design and construct the terrace addition and railings such that they could be removed at a future date to return the building to its original condition. This impact could also be resolved by eliminating the proposed terrace addition and achieving open-air dining instead by modifying the curtain wall of the existing building to allow it to slide open to create the open-

<sup>1</sup>

Case 5.1137 Baristo Lofts, Initial Study, Page 8/32

air dining experience." An analysis of the proposed project's compliance with the Secretary's Standards is as follows:

**Compliance of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures to the Proposed Project** (*The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.*)

(1) *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its environment,*

**Compliance Statement:** The new use with its additional four story building and its terrace additions to the existing building must be considered substantial changes to both the setting and the architectural character of the existing historic resource, and therefore are not in compliance with this standard.

(2) *The historic character of a property shall be retained and preserved. The removal of historic materials and spaces that characterize a property shall be avoided.*

**Compliance Statement:** The new use with its additional four story building and its terrace additions to the existing building constitutes the removal of historic spaces that characterize both the building and its setting, and therefore are not in compliance with this standard.

(3) *Each property shall be recognized as a physical record of its time, place, and use. Changes made to create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

**Compliance Statement:** Not applicable.

(4) *Most properties change over time; those changes that have acquired historical significance in their own right shall be preserved.*

**Compliance Statement:** Not applicable.

(5) *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*

**Compliance Statement:** The building's fundamental characteristic is that of a free-standing pavilion surrounded by open space. It is one of the most distinctive examples of this prototypical form in Palm Springs. The proposed addition of the front and side concrete dining terrace and railings would materially alter the historic character-defining architectural feature of the linear, uninterrupted cantilevered concrete base and clean lines of the existing building. Thus, the proposed project is not in compliance with this standard.

*(6) Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

**Compliance Statement:** Not applicable.

*(7) Chemical or physical treatments such as sandblasting, that cause physical damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken by the gentlest means possible.*

**Compliance Statement:** Not Applicable.

*(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken,*

**Compliance Statement:** Not applicable.

*(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

**Compliance Statement:** The proposed new terrace is incompatible with the massing and architectural features of the existing resources and fails to protect the historic integrity of the property and its environment. Thus, the proposed project is not in compliance with this standard.

*(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

**Compliance Statement:** Review of the details regarding how the proposed Terrace addition will be constructed would be required to make a determination regarding the proposed project's compliance with this standard. However, the likelihood of the future removal of either the proposed terrace addition or the proposed four-story high-rise adjacent to the historic resource is questionable. At best, the project offers a partial compliance with this standard.

## Historic Consultant Qualifications

Professional Qualifications Standards: The Code of Federal Regulations, 36 CFR Part 61 defines the minimum education and experience required to perform historic preservation identification, evaluation, registration, and treatment activities. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years full-time experience in architecture; or a State license to practice architecture.

Patrick McGrew received his Bachelor of Architecture from the University of Oklahoma in 1965. He has been actively engaged in the architectural profession, specializing in historic preservation, since then. McGrew has been a licensed architect in the State of California since 1970, as well as a holder of the NCARB (national licensing) certificate. He possesses an in-depth knowledge of all procedures and standards utilized in the identification, evaluation, registration, and treatment of historic properties as evidenced by his lengthy career known for the depth and breadth of accumulated architectural / historical knowledge. He places a high value on the objectivity and completeness of his written works. He has several years experience in research, writing, practicing and teaching architecture with academic and historical agencies and institutions. He has made a substantial contribution through research and publication of a body of scholarly knowledge in the field of California architectural history. His experience has included the preparation of numerous historic research reports, National Register nominations, and San Francisco Landmark nominations, as well as the preparation of plans and specifications for architectural preservation projects. He regulates his firm through the use of Ethics Standards developed by the Society of Architectural Historians.

Patrick McGrew's knowledge and reputation in the field of historic preservation provided the basis his public service as the long-time President of San Francisco's Landmarks Preservation Advisory Board, which extended over an eighteen year span beginning in 1978 when he was first appointed by then-Mayor George Moscone; he served the next ten years under Mayor Dianne Feinstein. Although he served less than a year under Mayor Art Agnos, it was Agnos who declared November 17, 1991 "Landmarks of San Francisco Day" to honor the publication of McGrew's first book, *Landmarks of San Francisco* (Harry Abrams, New York, 1991.) Reappointed in 1992 by Mayor Frank Jordan, McGrew served four more years. This acknowledgment by government and/or regulatory agencies, combined with Mr. McGrew's impressive list of publications on California's historic architecture, is a testament to his proficiency as a leading expert in California architectural history. He is a member of the Society of Architectural Historians, and has received many awards for his work during a distinguished career. In 1995, his book *The Historic Houses of Presidio Terrace*, received an award of honor from the California Heritage Council.

Upon the occasion of Mr. McGrew's induction into the City Club of San Francisco's Wall of Honor, Mayor Willie Brown declared November 30, 2003 as 'Patrick McGrew Day' in San Francisco, and a Commendation from the United States Senate was presented in recognition of McGrew's 'distinguished career and outstanding contributions to the City of San Francisco.'

# **ATTACHMENT 3**

structure on the Palm Canyon side, another superb example of Late Moderne by Paul Williams and Jones. The bank's tall fins along the sidewalk, interspersed with glass and angled to the north, created a vivid and rich Modern form anchored by a tall angled block. With Ballock's a block south, it further underscored the village's aggressively Modern character living side by side with the older Spanish shops.

#### BANKS

In the 1950s, an era before ATMs and intense security, bank buildings still played a role in a community as a major monument, radiating solidity, confidence and prosperity. Before World War II, they would often have been in Roman or Greek style. After the war, commercial America embraced Modernism and architects used bank design to promote the primacy and legitimacy of Modern architecture.

Stewart Williams' three bank buildings in Palm Springs show a refreshing variety, each well handled and distinctively Modern. Williams' headquarters for the 1956 Coachella Valley Bank on Palm Canyon Drive solved the problem of parking and sun by putting most of the parking under the building and lifting the two-story banking floor to the second level. A ground-floor glass lobby off the parking lot displays the bank's vault as a decorative and functional item.

The Coachella Valley Bank's success allowed it to build a second headquarters in 1960, which Williams also designed as an even more imposing civic monument reflecting the growing prosperity of the city. A tall porch with upward-tapering columns faces the street; the entire building seems to float on a long row of impressively bubbling fountains.

The building echoes the monumentality of Oscar Niemeyer's Supreme Court and Alvarado Palace buildings in Brasilia, designed between 1956 and 1960. Both use colon-

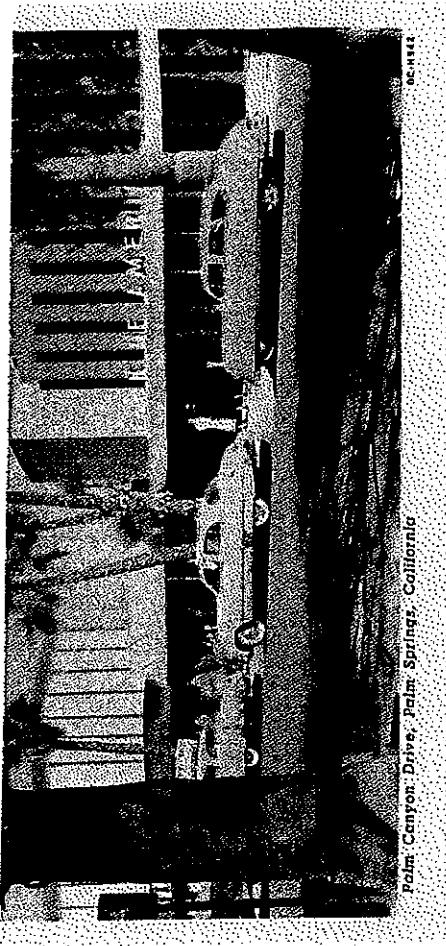
nades of tall, tapering columns modernizing those of classical temples. Williams' are precast T-beams cantilevered up from the suspended concrete floor slab. They also extend down into the foundation. To strengthen the columns' link to the slab, curved fillers are added, enhancing the similarity to Niemeyer's. While Niemeyer's columns are tapered and sculpted like sinews, giving them an apparent elasticity, Williams' are flatter; the curved section is a functional brace between columns for seismic stability.

Paired with Victor Gruen's Rouchamp-inspired City National Bank nearby, the power and might of Modernism seen through the lens of California commercial culture was strongly felt in the desert. Though the size and elaborateness of these banks is due to Palm Springs' prosperity, the use of Modernism is a reflection of the times. These are not merely imitations of Modern monuments. They are adapted to the desert, and they participate in the culture of Modernism in which Palm Springs played an ongoing role.

Williams' 1960 Sama Fe Savings and Loan is a flat-roofed, steel frame building adapted to the desert site. It is a

**Palm Springs' Old West contrasts with the sleek facade of the Bank of America building on Palm Canyon and Tacheva by A. Quincy Jones and Paul Williams. The Hollywood crowd helped lure tourists to the desert in the fifties.**

**Note the building's serrated two-story fins, a hallmark of Late Moderne design. The original building has been altered.**



Palm Canyon Drive, Palm Springs, California

DE WELZ



# Now in Palm Springs...

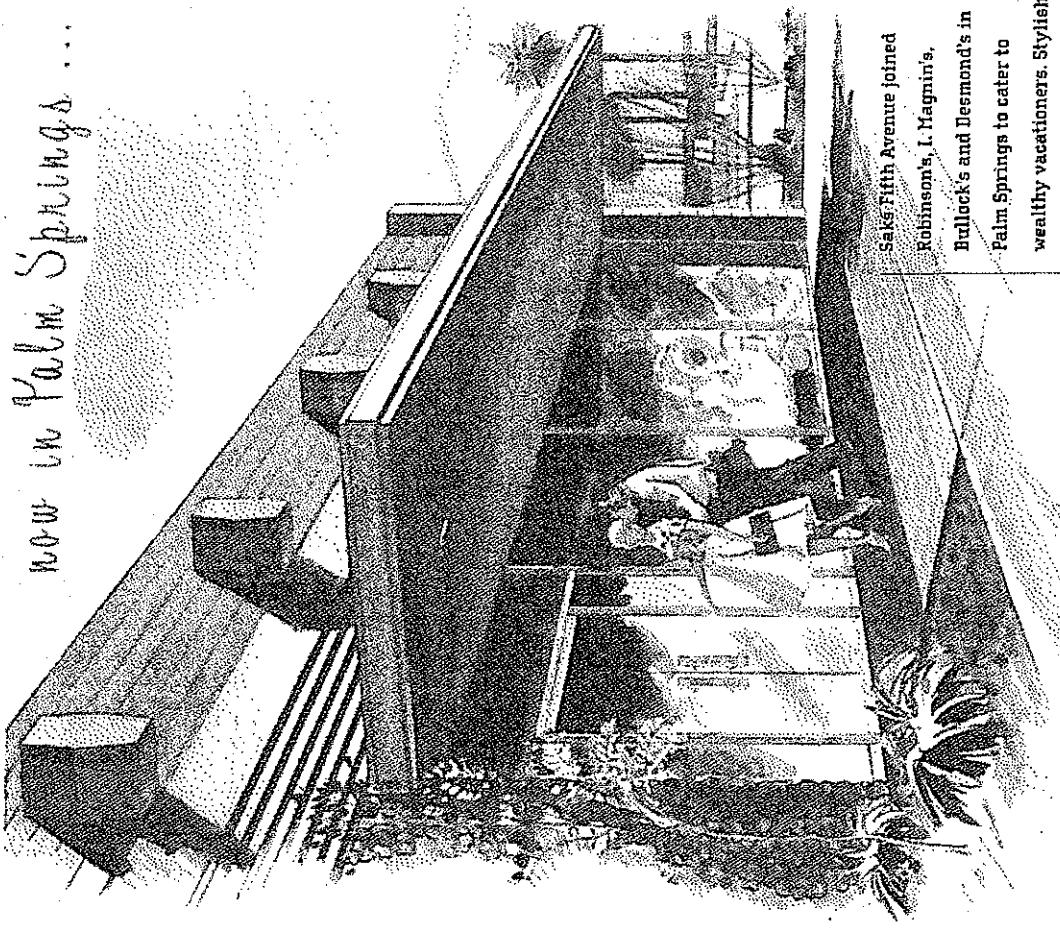
simple, square, glass pavilion with wide eaves acting as sun-shades. The glass walls are set deeply within the building's volume, allowing visibility from the street desired by commercial clients, and the sun protection the desert requires. At a major corner of Palm Canyon, the glass opens up the interior of the building as part of the public space. A system of sliding metal (figure screen panels acts as further shade in the early and late daytime, and as a decorative element. Cutting out the strong sun, it allows a balanced reflective light. The protruding floor slab, matching the roof slab, makes the one-story structure appear to float above its site. Paired with William Pereira and Charles Luckman's contemporary Robinson's department store to its west, the two buildings form a strong Modern commercial corner. Both have wrap-around glass walls: both express a simple steel structure, both have wide eaves.

Though the bank's programmatic style was limited in its number of entries, the department store, with a wide bank of doors, is situated on a stepped plinth. The wide shaded eaves are ringed by a fascia of tapered cantilevers. The roof is supported on a series of steel tube columns, strengthened by webs that taper from thin to wide to thin, widest at the middle where they are most needed to strengthen the thin column. The columns are pulled out from the glass wall. The building compares favorably with the excellent 1950 Robinson's in Pasadena, also by Pereira and Luckman.

## City National Bank

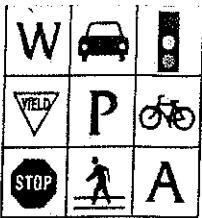
The desert landscape's abstractions support a variety of Modern architectures. If the flat horizon and big cloudless sky suggest minimalism, the weird shapes and rounded forms seen in the great boulders of Joshua Tree National Monument, in the high desert an hour from Palm Springs, suggest the expressionism reflected in the rounded forms of Victor Gruen Associates' City National Bank, opened in August 1959.

At a time when the Alhambra (later Home Savings)



Saks Fifth Avenue joined Robinson's, I. Magnin's, Bullock's and Desmond's in Palm Springs to cater to wealthy vacationers. Stylishly modern with its broad horizontal canopy and glass-front wall, its modernized vigas—the ends of roof beams jutting out of the wall in traditional Southwest architecture—linked the shop to the historical desert.

**ATTACHMENT 4**



# Weston Pringle

TRAFFIC & TRANSPORTATION ENGINEERING

June 19, 2007

Ms Amy Minter  
Chatten-Brown & Carstens  
3250 Ocean Park Blvd., Suite 300  
Santa Monica, CA 90405

**SUBJECT: BARISTO LOFTS PROJECT, PALM SPRINGS**

Dear Ms Minter:

This letter report summarizes my review of the proposed Negative Declaration for the subject project. The review focused upon traffic considerations.

**PROJECT DESCRIPTION**

The project is located on the southeast corner of Palm Canyon Drive and Baristo Road and consists of the conversion of an existing 6,600 square foot (SF) office use to a restaurant with the addition of 25 residential condominiums and 4,440 SF of retail use. Both surface and subterranean parking are proposed. All vehicular access is on Baristo Road.

**DISCUSSION**

The City documents indicate that a traffic study is required for projects that would generate 500 or more daily trip ends. A trip generation estimate was submitted that indicated the daily trip ends for the residential and retail uses. No estimate was provided for the conversion of the office use to restaurant use. Based upon factors from the Institute of Transportation Engineers publication, "Trip Generation", the restaurant use would generate 594 daily trip ends. The current office use generates an estimated 75 daily trip ends resulting in an increase of 519 daily trip ends. A total of 865 new daily trip ends can be anticipated which would require a traffic study in conformance with City guidelines.

There would also be a significant increase in PM peak hour trip generation which could result in traffic impacts.

Parking provisions are not clearly defined. While the City's evaluation indicates that Code Requirements are satisfied, it is not clear from the information provided. The operation of parking is a potential concern. Surface parking for 17 vehicles is indicated and would not be adequate for a 6,600 SF restaurant. This could result in congestion and queues at the driveway that would impact traffic operations and safety on the adjacent streets.

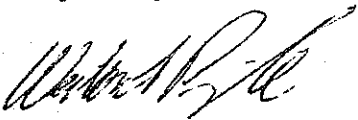
## **SUMMARY**

The review of the proposed Negative Declaration for the planned Baristo Lofts project has identified some traffic related concerns. An underestimate of the trip generation for the project was found. No consideration was given to the increased trip generation due to the conversion of office use to restaurant use. With this consideration, the estimated daily trip generation exceeds the 500 level and a traffic study would be required under City Policy.

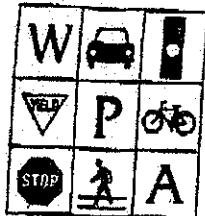
An additional concern was the parking provisions and operation, There is a potential for traffic impacts upon the adjacent street system due to restaurant parking demands.

I trust that this review will be of assistance to you. If you have any questions or require additional information, please contact me.

Respectfully submitted



Weston S. Pringle, P.E., PTOE  
Registered Professional Engineer  
State of California numbers C16828 & TR565



# Weston Pringle & Associates

TRAFFIC & TRANSPORTATION ENGINEERING

## WESTON STEWART PRINGLE Firm Principal

- Registered Professional Engineer, State of California, Civil and Traffic Engineering.
- Professional Traffic Operations Engineer
- Fellow, Institute of Transportation Engineers and Life Member, American Society of Civil Engineers.

**Institute of Transportation Engineers Activities:** International Director; President, District 6; President, Southern California Section; Delegate, Program Development Conference; Member, Special Publications Committee; Member, International Admissions and Transfers Committee; Senior Editor, "Technical Notes"; Member, Parking Facilities for Industrial Plants Committee; Member, Traffic Improvement Data Collection Guidelines Committee; Member, Traffic Characteristics and Considerations for Tomorrow's Airports Committee; Member, Impact Analysis of Proposed New Development Committee; Member, Employment Center Parking Facilities Committee; Member, Guidelines for Transportation Impact Assessment of Proposed New Development Committee and Chairperson, implementing Road Safety Audits in the United States Committee.

Mr. Pringle received the Burton W. Marsh Award for Distinguished Service from the Institute of Transportation Engineers in 2000. This award was in recognition of long-term and continuing outstanding contributions. In 2004, he received the Lifetime Achievement Award from District 6 of the Institute of Transportation Engineers.

Mr. Pringle has had a varied experience in both the planning and operational fields of traffic engineering. Some of the projects with which he has been involved include:

**TRANSPORTATION PLANNING** - Circulation and Transportation Elements of General Plans for cities; freeway location & impact studies; access, circulation, and parking systems for industrial plants, airports, central business districts, colleges, shopping centers, and other developments; traffic impact analyses for Environmental Impact Reports.

**TRAFFIC OPERATIONS** - TOPICS areawide plan studies for eleven cities; traffic signal and traffic signal system designs; parking studies; street and parking lot lighting designs; school safety programs; access, circulation, and parking studies for commercial, residential, and public developments.

Mr. Pringle has also provided traffic engineering services related to litigation for both plaintiff and defense in approximately 2000 cases. This involvement has included both deposition and court testimony.

Mr. Pringle has served as a Subject Matter Expert for the California Board of Registration for Professional Engineers & Land Surveyors in the field of traffic engineering. This has included the preparation and review of test questions and the evaluation of test materials.

**EDUCATIONAL QUALIFICATIONS:** California State University - Fresno, Bachelor of Science in Civil Engineering, 1960; Certificate, Municipal Public Works Administration; Guest Lecturer in Transportation and Traffic Engineering, California State Polytechnic University, Pomona.; Instructor, Fundamentals of Traffic Engineering, University of California, Institute of Transportation Studies.

From 1960, Mr. Pringle has been Civil Engineering Assistant, City of West Covina; Assistant Traffic Engineer, Traffic Engineer, and Associate Civil Engineer, City of Downey; Principal Engineer, Wilbur Smith and Associates, Consulting Engineers, Los Angeles; Vice President, Lampman and Associates, Inc., Consulting Engineers, Pomona; Vice President, Crommelin-Pringle and Associates, Inc., Placentia; and owner of Weston Pringle & Associates since 1976.



# City of Palm Springs

Department of Planning Services  
3200 East Tahquitz Canyon Way • Palm Springs, CA 92262  
Tel: 760-323-8245 • Fax: 760-322-8360

## **Case 5.1137 PDD 335 TTM 35230 – Baristo Lofts** **Exhibit 5 - Response to Comments on the Environmental Analysis.**

The most extensive comments were from Chatten-Brown & Carstens (CBC) on behalf of the Palm Springs Modern Committee. CBC challenged several aspects of the City's conclusions on the environmental analysis. Staff has evaluated the comments and provided responses below:

1. Adoption of the MND and approval of the project as proposed would violate CEQA.
  - A. This project does not meet the legal standards for an MND.

The commenter asserts that the California Environmental Quality Act ("CEQA") requires the City to prepare an Environmental Impact Report ("EIR") as opposed to a Mitigated Negative Declaration. CBC argues that there is a "fair argument" that the project would have potentially significant environmental impacts. However, City staff has evaluated the information that CBC has submitted to support their allegations and concludes that either (1) the project has been subsequently modified to avoid any potentially significant environmental impact that would otherwise trigger an EIR, or (2) the evidence presented does not amount to "substantial evidence" supporting a "fair argument" of a significant environmental impact to require an EIR. City staff's responses to CBC's specific allegations are set forth in more detail below.

1. The Santa Fe Federal Savings & Loan will be adversely impacted by the project.

The initial study identifies the construction of the proposed dining terrace as an element that would materially alter the historic resource of the Santa Fe Building. The City identified elimination of the dining terrace as a mitigation measure that would reduce the impacts to the existing building to "less than significant". The applicant has subsequently agreed to not only eliminate the proposed dining terrace, but to also eliminate any modifications to the exterior of the existing structure. Staff has added a proposed condition of approval prohibiting construction of a dining terrace and any modification to the exterior of the existing structure. Therefore, the City asserts no significant adverse impacts will occur to the existing historic resource on the site as a result of the proposed project.

The CBC letter further claims, based on reports submitted by its retained consultants, that the project would cause a substantial adverse change in the historical significance of the Santa Fe Building by negatively altering the setting of this historic structure. CBC quotes a line from one of expert reports that "[A] key aspect of the Williams design is its setting: the building sits as a freestanding pavilion surrounded by open space –analogous to a classical Greek temple (a common design theme in bank architecture) – which allows the structure to be viewed as a sculptural object in its dramatic corner location." However, it is important to note that this statement does not accurately reflect the true environmental setting, including the area

immediately surrounding the bank building. In fact, the only two sides of the building that include any "open space" areas are the sides that face South Palm Canyon Dr. and Baristo Road. Moreover, only a small portion of "open space" area exists along Baristo Road. The remaining area along Baristo Road includes some concrete fixtures and planters. The other two sides of the building include a wrap around parking lot that is "at grade" with the bank building. Accordingly, the expert opinions that purport to demonstrate the project's potentially impact on historical resources are based on erroneous facts about the existing physical conditions on the site. In addition, to the extent that the "open space" areas along Palm Canyon Dr. and Baristo Road do contribute to the historical significance of this bank building, these areas will be not be altered by this project and will be preserved.

In addition, the City addressed the condition of "setting" and "open space" in the City Council Staff Report dated April 4, 2007 (exerpts attached). In that report it was noted that the original architect of the Santa Fe Building (E. Stewart Williams) developed a proposal dated March 22, 1969, for a four story building in roughly the same location as the currently proposed new building (copy attached). The CBC letter asserts the new proposed building to the south of the existing building "*would significantly affect the original setting of the building intended by the architect*". However the basis for this assertion of the "architects' intent" was not provided. Staff reviewed various materials to determine the source of this assertion.

In 2004, the 300 South Palm Canyon Drive site was included in a citywide survey of potentially significant historic structures conducted by expert architectural historians, The Architectural Resources Group (ARG). The DPR Primary Record form completed in that survey for this property (attached) states, "*The building was designed for the convenience of customers arriving by automobile; consequently, the south and east elevations face parking lots.*" It does not identify these areas as contributing to the historic significance of the site.

Furthermore, the 1969 concept sketches suggest that the architect had considered an infill scheme with a four-story building in the open space along the south side of the site in close proximity to the existing building. The infill scheme from 1969 is similar to the current project. The City therefore concluded that this particular open space was not a defining historic characteristic of the site. Other than providing parking for cars on the site, evidence was not found that would substantiate that the open space is a critically important component to the architect in the design of the original building nor in the defining characteristics of the historic resource on the site. Staff therefore continues to believe that no adverse impacts on a historic resource could be possible as a result of the project as it relates to the open space behind the building.

## 2. *The project would have significant adverse impacts on Aesthetics*

The proposed new building has been set back from the east-west view/scenic corridor of Baristo Road and steps back at the upper level along the frontage of Palm Canyon. The proposed new building does not modify or attach to the existing building in any way except at the basement level for the creation of off-street parking. Visual and physical access to all four sides of the existing building remains. The City therefore continues to believe that no significant impact to aesthetics on or about the site would occur as a result of the proposed project.

As noted above, the City evaluated the quality of "setting" relative to views and the aesthetic of the historic resource in the staff report dated April 4, 2007, (excerpts attached). As noted on page 4 of the CBC letter, the most prominent or dramatic views of the Santa Fe Building are from the corner of Palm Canyon and Baristo Road. These views, as well as the ability to view and experience the existing building on all four sides remain unaffected with the proposed project. The City therefore asserts no adverse aesthetic impact is imposed by the project.

The Chatten-Brown Carstens letter further asserts the Downtown Urban Design Plan (DUDP) states the 45 foot height "is only allowed if a project has a height of 18 feet on the street front...". On page 37, the DUDP states "*On the east side of Palm Canyon Drive, mixed-use buildings with residential lofts are excepted from the 30 foot restriction. They should be a maximum of 45 feet (18 feet on street front stepping back to 45 feet on the second floor) to accommodate the residential lofts.*" It also states, "*Building massing should step back above the ground floor to maintain and protect public view corridors along streets.*" In this case, the building does step back from the street-front at the fourth floor. As noted in the General Plan analysis of this staff report, the north-south view corridors cannot be impacted by the building because the existing Palm trees already frame and define the view corridor. The front of the building is well behind the vertical edge of the view corridor defined by the palm trees. In this case, the issue of vertical setbacks in the façade of the building to preserve view corridors is not relevant because the view corridor exists on the "street-side" of the palm trees, not along the front property line or building edge. Staff therefore continues to believe that the proposed building does not cause significant adverse impacts on aesthetics, view corridors, or land use policies of the City.

Regarding the height of the stair and elevator towers; Section 93.04.00(B)(1) of the PSZO states: "*An additional fifteen (15) feet maximum may be allowed for stairways, elevators and mechanical equipment on the roof; provided, the bulk of the building does not appear to be over sixty (60) feet*". The Downtown Urban Design Plan also excludes "architectural intrusion features"; i.e. minor architectural elements of the building's design from the height recommendations. The City therefore concluded that project conforms to the requirement of the General Plan, the Downtown Urban Design Plan and the Zoning Ordinance. Therefore this is not a significant adverse impact on aesthetics that would require further analysis or an EIR.

The CBC letter states that the proposed new structure is "*not consistent with the character of this iconic, pavilion-like structure.*" The proposed building is contemporary in its architectural styling; similar and complementary to the modern style of the historic resource on the site. The Secretary of the Interior Standards for Rehabilitation of Historic Structures states in item 9 of its 10-point standards (attached): "*The new work shall be differentiated from the old...*" In this case, the City believes that this concept has been achieved and thus no significant adverse impact on aesthetics would occur as a result of the different architectural style of the proposed project.

The National Register Bulletin "How to Apply the National Register Criteria for Evaluation", Chapter VIII "How to evaluate the integrity of a property" states under "*Defining the essential physical features*" on page 46 (attached): "*All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, its essential physical features that enable it to convey its historic identity.*" In this case, the City believes the essential physical characteristics of the historic resource are the building itself and the open space on the north and west sides of the existing building. These



characteristics remain unaltered with the proposed project. Therefore no significant adverse impacts are caused to the aesthetics of the historic resource by the proposed project.

3. *The project will cause adverse parking Impacts.*

The project proposes 81 off-street parking spaces; seven less (or 8%) than required by the Zoning Ordinance. Up to 10% relief from the required parking standards can be granted by the Planning Director or Planning Commission. Also, the project is directly across the street from the municipal parking structure to the north which contains over three hundred spaces. The City's Economic Development Department estimates that this garage is typically only half full on any given day. The City asserts that the project is adequately parked and there is no significant adverse impact to parking created by the proposed project.

4. *The Environmental Analysis is flawed because of the City's failure to require an acoustical report.*

The City did not require an acoustic study for the project even though it is located on a major thoroughfare. This segment of Palm Canyon Drive has a posted speed limit of twenty-five miles per hour and is not a designated truck route. Vehicles traveling at this speed typically produce minimal noise as compared to vehicles traveling at higher speeds. Because of its posted speed, this segment of major thoroughfare is significantly quieter than other major thoroughfare. Furthermore since Palm Canyon Drive through the entire downtown is not a designated truck route, there is no potential for noise impacts due to regular traffic from commercial trucks, semi-tractor trailers and other larger vehicles that would typically operate on a truck route. The potential for adverse impacts to occupants of the project from road noise therefore was determined to be less than significant and did not warrant an acoustical study. Furthermore, residential projects in and around the downtown are routinely conditioned in their Conditions of Approval and CC&R's notifying owners and occupants of periodic noise from special events (parades, street fairs, etc) that may occur in the vicinity. This project is so conditioned. There are no known noise sources in the vicinity of the project therefore that would adversely impact the project. As far as occupants of the building generating nuisance noise, enforcement of the City's Noise Ordinance renders such nuisance noise as having no significant adverse impact. Therefore the City concluded that no noise study was required and noise issues related to the proposed project were less than significant. The project did not warrant further study or an EIR.

5. *The project will cause adverse Land Use impacts*

CBC asserts "the project is inconsistent with General Plan Policy RC 10.1." This policy states, "Support the preservation and protection of historically, architecturally, or archaeologically significant sites, places, districts, structures, landforms, objects, native burial sites and other features." As discussed above, the City has concluded that the project is not inconsistent with this or other land use policies because the historic resource on the site remains unaffected by the proposed project. As part of its public hearing on this project the City Council will consider the City's Historic Site Preservation Board's recommendation that the Santa Fe Federal Savings Bank Building be designated a Class 1 historic site. Staff believes the project is consistent with the referenced General Plan policy and no significant impact on land use would occur as a result of the project.

*The project proposes site coverage and density in excess of the City's codes and ordinances.*

The allowable site coverage is addressed in the Planned Development District application as a development standard for which the application seeks relief. The City has evaluated the request and determined the proposed site coverage or FAR is within that which is allowable by the City's General Plan. Thus Staff has concluded that no significant adverse impact is possible regarding land use and site coverage.

*B. Mitigation measures are improperly deferred and unenforceable.*

The initial study did not identify any specific mitigation measures to address specific construction impacts. Instead, the initial study identifies existing regulatory requirements that are designed to reduce temporary construction impacts. For example, the City requires all new development to submit a stormwater pollution prevention program; a PM-10 plan that is designed to mitigate water quality impacts from stormwater runoff and control dust during construction. The City also requires all new restaurants to provide odor filtration on any exhaust fans. At this point, it would be impractical to identify any specific odor filtration plan and exhaust system requirements without knowing the specific details about the particular restaurant use or the proposed tenant improvements. To address potential geology and soils impacts, the initial study relies on the City's extensive code requirements to ensure that these impacts would be less than significant.

After the preparation of the MND, the applicant agreed to delete the dining terrace and all exterior modifications to the existing building and Staff has included a Condition of Approval prohibiting the construction of a dining terrace and exterior modification to the existing structure; therefore no mitigation measures are necessary for these items.

(end of comments and responses)

November 7, 2008

**Cioffi**  
ARCHITECT

Mr. Ken Lyon  
Associate Planner  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, Ca 92262

Re Case # 5.1137 PD 335 Baristo Lofts

Dear Ken,

This letter is in response to your initial study dated September 2008 and we would request that it be made part of the record.

On page 8, item B, there is a discussion of the proposed terrace that would be attached to the existing building, impacting the visual appearance of the historic resource. There has also been much discussion that such a terrace would negatively affect the "floating pavilion" character of the building. We do not agree with that argument. The proposed terrace will only add to the "floating" character of the building in its current state.

It is important to note that the building, as originally designed, did not "float" as it was surrounded on the west and north sides by a retaining wall and juniper shrubs that effectively masked the podium of the building. A correct historical response would be to replace the wall and planter, which may eliminate the need for the glass railing on the new terrace.

I have enclosed a photo of the building in it's original as built condition which makes this point very clear.

Thank you for your thorough and accurate report. We look forward to our hearing in December.

  
James Cioffi

Project Architect

Cc Mr. John Wessman  
Cc Ms. Emily Hemphill

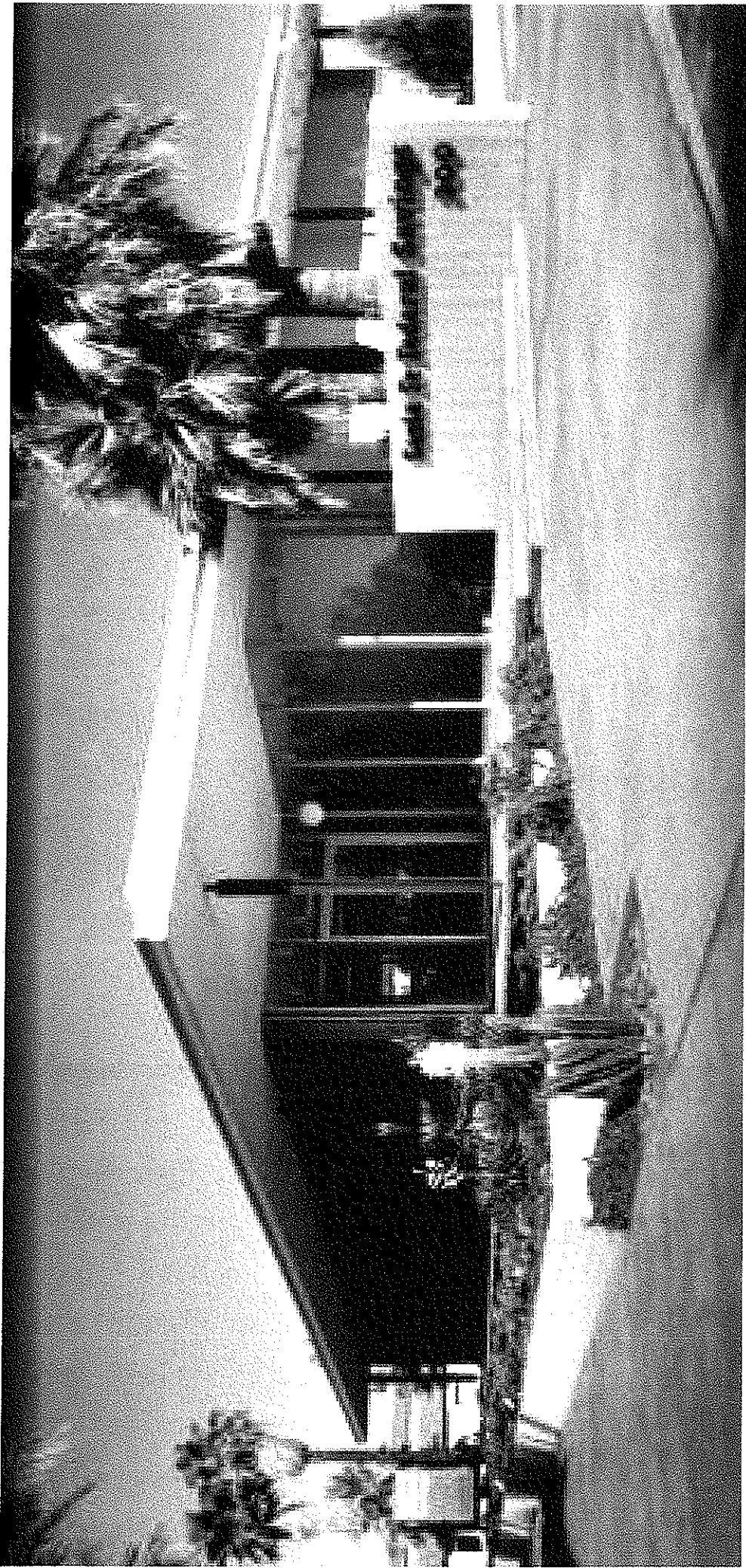
Enclosed: Black and White photo of building.

**RECEIVED**

NOV 13 2008

PLANNING SERVICES  
DEPARTMENT

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





# City of Palm Springs

Department of Planning Services

3200 East Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: 760-323-8245 • Fax: 760-322-8360

November 13, 2008

Mr. Jim Cioffi  
2121 E Tahquitz Canyon Way Suite 3  
Palm Springs, CA 92262

Re: Case 5.1137 PD 335 Baristo Lofts 300 South Palm Canyon Drive, Palm Springs, CA  
Response to comment letter dated November 7, 2008 on Environmental Analysis

Thank you for your comment letter on the environmental evaluation of the proposed project. You wrote concerning the discussion in the initial study on the impact of the proposed dining terrace appendage to the existing structure at 300 South Palm Canyon Drive (referred to as the Santa Fe Federal Savings Bank or "Wessman Building").

The design of the existing building includes a concrete base "podium" or "plinth" with a thin, cantilevered edge that is visible from Baristo Road and Palm Canyon Road. The initial study identifies that the design of this plinth element is a defining characteristic and that it contributes to the historic significance of the existing building as a cultural resource. This was concluded because the long, uninterrupted cantilevered edge gives the building the appearance of "floating" above the adjacent landscape, a characteristic often associated with buildings of the International Modern Period.

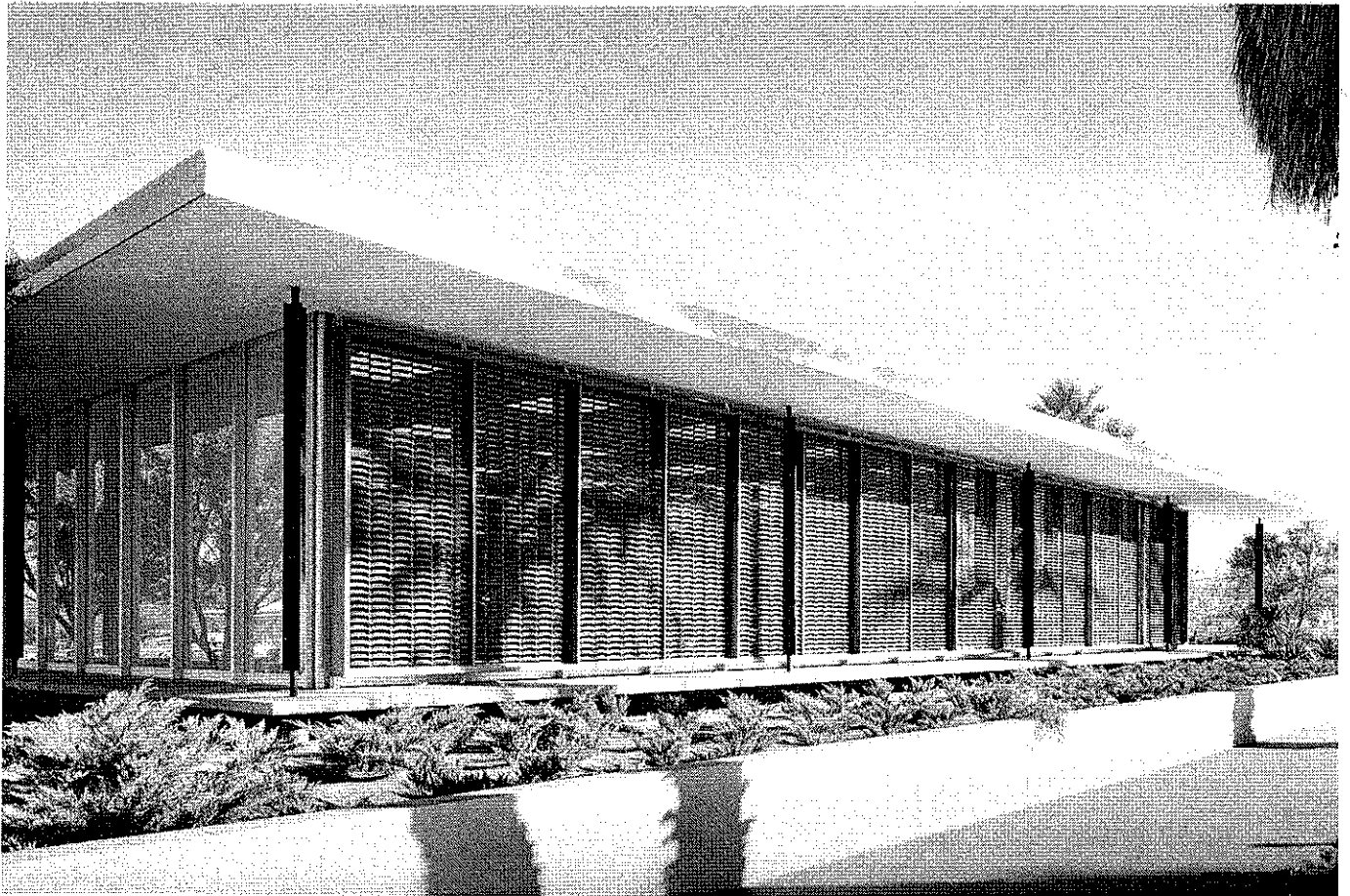
The Julius Shulman photo you provided with your letter is taken at the southwest corner of the site. From this vantage point, the adjacent drive aisle rises in elevation to just below the top of the plinth or podium and ties in with a wide entry stair that terminates the cantilevered edge detail of the podium on the south elevation. However additional Shulman photos (included herein) taken from the northwest show the cantilevered edge clearly visible above the landscape and the (now removed) retaining wall at the perimeter of the site. It is at this northwest corner - where the cantilever and floating appearance is most visible - that the proposed dining terrace is proposed. The original slump stone retaining wall could indeed be replicated, but it is not considered a defining historic characteristic. It also does not appear that doing so would ameliorate the need for railings on the proposed dining terrace as suggested in your letter.

From the evidence in these photos and other materials, the City has concluded that the proposed dining terrace would materially alter the characteristics of a historic resource at this site.

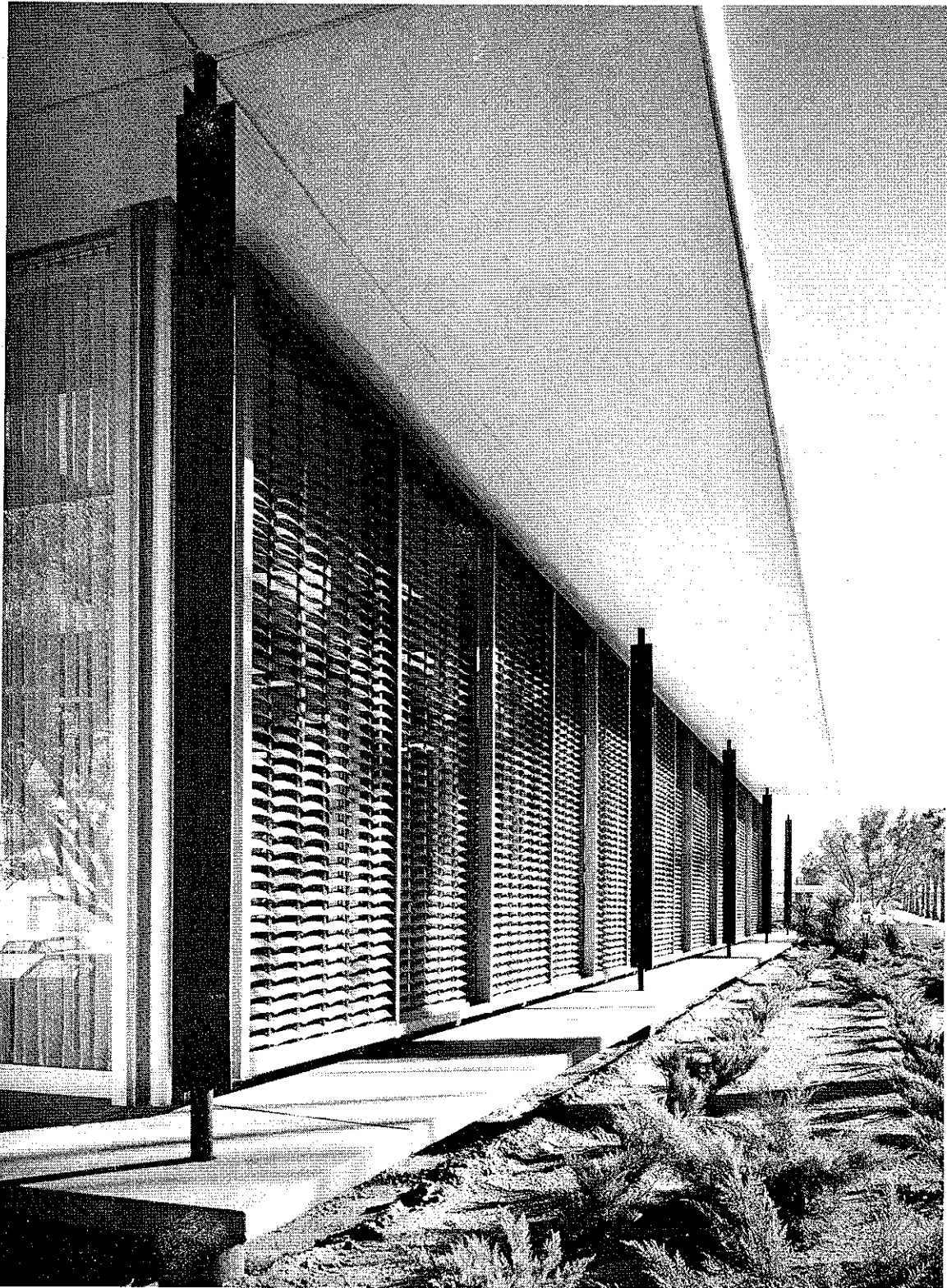
Sincerely,

Ken Lyon, Associate Planner

Attachment: Photos (2) c. 1960's, of Santa Fe Federal Savings Bank (credit: Julius Shulman)



300 S. Palm Canyon Drive – Santa Fe Federal – West Elevation



300 South Palm Canyon Drive – Santa Fe Federal - West façade, aluminum sunscreens



MEMBERS: Desert Hot Springs Palm Springs Cathedral City Rancho Mirage  
Palm Desert Indian Wells La Quinta Indio Coachella Riverside County

A Public Agency

November 13, 2008

Mr. Ken Lyon, Associate Planner  
Department of Planning Services  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: Baristo Lofts Case 5.1137 Major Architectural

Dear Mr. Lyon:

This letter responds to your request for comments regarding the proposed project located on 300 South Palm Canyon Drive at the southeast corner of South Palm Canyon Drive and Baristo Road. SunLine Transit Agency (SunLine) staff has reviewed the project and offers the following comments.

SunLine currently provides bus service to the proposed project site along South Palm Canyon Drive. Based on our review of existing transit amenities in the vicinity, SunLine has an existing bus stop in close proximity to the proposed development. Bus stop #128 is directly west of the proposed development and is served by Lines 14, 30 and 111.

Given this, the developer should not be required to construct additional amenities, including bus turnout and bus shelter. In addition, should the proposed development impact the bus stop and/or service provided by SunLine, the developer is required to contact SunLine 15 days prior to beginning of construction. This will give SunLine sufficient time to schedule removal of any bus stops, as well as inform passengers of any changes in service.

Should you have questions or concerns regarding this letter, please contact me at 760-343-3456, ext. 162.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Hernandez", is written over a horizontal line.

Alfonso Hernandez  
Assistant Planner

cc: C. Mikel Oglesby, General Manager  
Eunice Lovi, Director of Planning  
Marcus Fuller, P.E., P.L.S. Assistant Director of Public Works/  
Assistant City Engineer  
City of Palm Springs  
David Barakin, Director of Public Works/ City Engineer  
City of Palm Springs





PALM SPRINGS  
PRESERVATION FOUNDATION

January 9, 2007

Palm Springs Historic Site Preservation Board  
City Hall  
Palm Springs, CA 92262

Dear Chairman,

Please be advised that the Palm Springs Preservation Foundation does not support the proposed project by Wessman and Associates around the E. Stewart Williams building at 300 South Palm Canyon, formerly the Santa Fe Savings.

The proposed project is inappropriate in concept, density, and building mass to the existing building.

It is for these reasons that the Preservation Foundation would hope that this project is denied by HSPB.

Thank you.

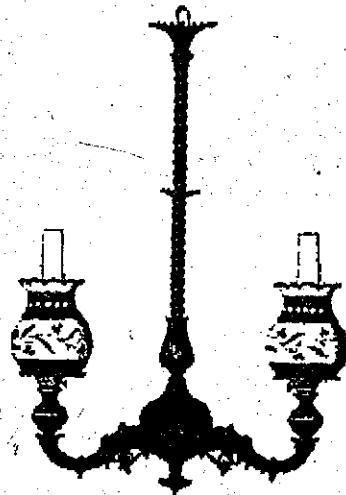
Regards,



William Kopelk, president

**cultural values."**

provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments—if improperly applied—may cause or accelerate physical deterioration of the historic building. This can include using improper repointing or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the Standards. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will fail to meet the Standards.



## **The Secretary of the Interior's Standards for Rehabilitation**

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.**
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.**
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means**

**The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical**

feasibility.

possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



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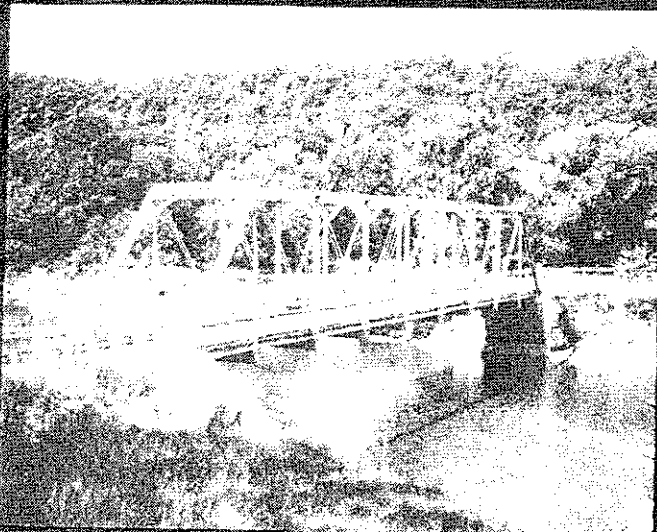
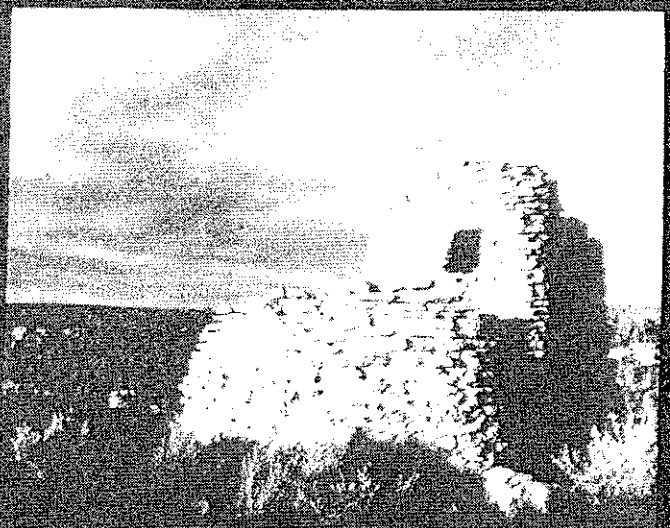
# NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places:  
survey, evaluation, registration, and preservation of cultural resources



U.S. Department of the Interior  
National Park Service  
Cultural Resources  
National Register, History and Education

## How to Apply the National Register Criteria for Evaluation



## DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

## CRITERIA A AND B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to convey important associations with events or persons.

## CRITERION C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation

of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

## CRITERION D

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than if they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation*.

## INTERIORS

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing

in the National Register—a historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

## HISTORIC DISTRICTS

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance *or*
- it does not share the historic associations of the district.

## VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.



# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** January 14, 2009

**Subject:** Comments from Architectural Advisory Meetings on Baristo Lofts 5.1137

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- On January 22, 2007 the Architectural Advisory Committee (AAC) reviewed the project and voted 3-2-1 to restudy. Comments included:
  - Give more view of the existing Stu Williams bank building; too crowded.
  - Preserve the two street frontage elevations and green space on the existing bank building.
  - Set the new building back more from Palm Canyon for preserving view of bank building.
- On March 12, 2007 the AAC reviewed the project and voted 6-1-0 to restudy the project again. Comments included:
  - Dining terrace on the existing building is a problem. Place it at grade instead of attached to the podium of the existing bank building, move the outdoor dining to the space between the existing and new building where it is better protected from the sun, replace the existing glass wall with sliding glass for open air dining, or eliminate it.
  - Still seems too tight against the original building.
  - Need major separation between new and existing building.
  - Dining terrace destroys the lightness of the existing building, restudy.
  - Consider transfer of density to another site, this is too much for this site.
  - Don't change the look of the existing building.
  - Railing on dining terrace detracts from historic bank building.
  - Open space around the bank building is vital.
- On March 26, 2007, the Architectural Advisory Committee (AAC) reviewed the project and a motion to recommend that the Planning Commission approve the project resulted in a 3 to 3 tie vote, therefore, there was no recommendation made to the Planning Commission. Comments from the meeting included
  - Integrity of the historic bank building should be better maintained.
  - If the bank was used for something other than a restaurant, it would be better.
  - Project is too big for the site.
- On June 25, 2007, the Architectural Advisory Committee (AAC) reviewed the project again, and voted 6-0-0 to re-study the project. Comments included:
  - Stairs on back lot line is problematic.
  - Scheme is not appropriate for this site.
  - New building too close to existing.

- Balconies too close to property line.
  - Very crowded site.
  - Safety codes not being followed.
  - Restudy south and east property line issues.
- On August 20, 2007, the Architectural Advisory Committee (AAC) reviewed the revised project and voted 4-2-0 (Cioffi & King opposing) to recommend that the Planning Commission deny the project. Comments included:
    - Landscape is confusing.
    - Dining terrace is not going to work.
    - This development would be better somewhere else.
    - New building is too close to the existing.
    - Problems with railing around the historic building.
  - On June 9, 2008 the AAC reviewed a resubmitted design for the subject project and voted 4-1-1 (Ortega opposed, Cioffi abstained) to recommend that the Planning Commission approve the project with the following recommendations:
    - Pull back the balconies at the north side of the proposed new building to give more space between the cantilevered roof edge of the existing building and the new (modify these to "Juliet, or French" balconies, where the railing of the balcony is immediately in front of the sliding doors).
    - Study and provide more articulation (in general) in the architectural detailing of the proposed project. (A general comment was offered that the architecture overall is good, but the detailing needs to be brought back for further study and AAC review).
    - The dining terrace is still a problem. The possibility of table umbrellas or retractable awnings, misters, or winter time portable heaters that would further detract from the aesthetic of the existing building was considered problematic. Re-evaluate the proposed dining terrace as follows;
      - Consider an alternative to pull it back to the window wall and create "open dining" by sliding window walls along the existing building window line in lieu of the extension and addition to the plinth;
      - Create an alternative with a lowered terrace, preserving the existing plinth edge/line with steps/ramps to connect it to the main building level.
      - Consider an alternative to the glass railing/barrier such as low planters to provide a safety barrier that is less noticeable or obtrusive on the aesthetic of the original building.
      - Carefully re-assess the usability of this west-facing terrace in terms of sun intensity and address whether (or how) will it truly be habitable for lunch and afternoon/early dining without umbrellas, canopies, misters, heaters, and other visually intrusive components that would clutter up the aesthetics of the Stu Williams building).

- \*Awnings shall be cleaned and maintained on a regular basis.
- \*Allowance of a two (2) square feet "Open Sunday" sign.
- \*The neon accessory sign shall be reduced to six (6) square feet.
- \*Existing barber pole to remain.

Mr. Ewing reported that the Planning Commission decision may be appealed to the City Council within 10 days of written notice.

#### **PUBLIC HEARINGS:**

4. **Case 5.1137 GPA PD 335 / 3.3028 MAJ / TTM 35230 (Baristo Lofts) - An application by Wessman Holdings, LLC., to construct a four-story, mixed-use project consisting of 4,725 square feet of new retail commercial, 4,300 square feet of office space on the second floor and 15 condominium units with a roof top pool, underground parking, a General Plan Amendment to reclassify Baristo Road from a Secondary Thoroughfare to a Collector Road and a Tentative Tract Map located at 300 South Palm Canyon Drive, Zone CBD, Section 15, APN: 513-204-005. (Project Planner: Fred Lowndes, Associate Planner)**

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated October 10, 2007. Mr. Lowndes reported on April 4, 2007, the City Council voted to continue the public hearing for the Historic Site Preservation Board's request to designate the site as a Class 1 Historic Site until such time as the application for the Planned Development District is bought before them. Mr. Lowndes stated that the issue of the Class I site is not before the Planning Commission and not a part of this proceeding. Mr. Lowndes noted an error in the surrounding street names and zoning, on page 4 of the Negative Declaration, and will be changed to reflect the correct information.

Chair Marantz noted a concern with flooding on Baristo Road and the request to reclassify it as a narrow street. Mr. Fuller responded that there will be no physical change to the streets and the curbs will remain the same.

Commissioner Hutcheson noted the Downtown Urban Design Guidelines states an 18 feet building height along Palm Canyon and felt there is insufficient open space and parking spaces.

Commissioner Cohen requested staff address the east side setbacks. Staff responded that the east setbacks are 13 feet and noted there is a large overhang on the roof towards the rear of the building.



Chair Marantz opened the Public Hearing:

- John Wessman, applicant, provided further details on the revisions made to the project, and encouraged the adaptive re-use of historic buildings.
- Sidney Williams, chair of the Historic Site Preservation Board, spoke of the growth in the city and the importance of preserving the historical heritage.
- Gary Johns, Palm Springs, stated the Architectural Advisory Committee recommended denial of the project primarily due to the aesthetics.
- Peter Moruzzi, president of Palm Springs Modern Committee, stated the committee urged denial of the project and voiced concern with the density and parking.
- John Wessman, responded to testimony, stated many approved developments have not moved forward and reiterated the importance of adaptive re-use of historic buildings for the current times.

There being no further appearances, the Public Hearing was closed.

Commissioner Hutcheson stated he is not in favor of the project because of the importance of historic buildings in the city, inadequate parking space, insufficient open space and building height relating to the Downtown Guidelines.

Chair Marantz expressed concern over the unavailability of comments from the Architectural Advisory Committee and noted her concern with the density of this site.

Commissioner Ringlein noted a correction of page 3 and 4, conditions #10 - #14 are duplicated in conditions #15 - #19; and suggested addressing commercial trash collection and deliveries in the downtown area. Ms. Ringlein stated that she is not overly concerned with the parking because of the parking structure directly across the street and public parking behind the Vineyard. Ms. Ringlein noted that the building would be ideal for a restaurant and outdoor patio with no alterations to the building.

Commissioner Hutcheson noted that the concept of adaptive re-use for a restaurant would be spectacular with a plaza instead of the abutting lofts with no alterations to the building.

Commissioner Scott stated as an architect, he feels the adaptive re-use of historic buildings are very important, spoke in favor of a restaurant and suggested relocating the dining plaza to the south where the retail building is proposed.

Commissioner Caffery stated he feels the architecture compliments the original structure and noted a concern with the deck because it deters from the floating feature of the building.

Commissioner Cohen stated he attended the Architectural Advisory Committee meetings and said that they are very complimentary of what the applicant is doing with the building and explained the variation in the voting due to absences and abstentions. Mr. Cohen suggested protecting the beauty of the existing building and requested further review of the project.

M/S/C (Vice Chair Hochanadel/Scott, 7-0) To continue to an indefinite date and refer the project back to the Architectural Advisory Committee to address:

- A. The relationship to the Interim Design Guidelines.
- B. The terrace on the existing building.
- C. The setbacks in relationship to the existing building from the new building.
- D. Additional discussion on the adaptive reuse of the building and options for the restaurant.

**5. COMMISSION WORK PROGRAM: \***  
**\*Work Program Priorities and Subcommittee Assignments**

Craig A. Ewing stated that there will be no City Council Study Session tonight and provided an update on upcoming projects.

**6. COMMISSION STAFF REPORTS AND REQUESTS:**

Vice Chair Hochanadel noted that he spoke with many people who attended the past weekend event called "American Heat" and the feedback was that they will go to another city if this event isn't allowed back on the main street. Mr. Hochanadel stated that a huge portion of the event is so that people can leisurely walk through the stores and look at the bikes creating more of a downtown experience. Mr. Hochanadel said the police enforcement during this weekend event was too aggressive and uncalled for and would like to see the same enforceability when other events come into town such as the white party or the pride parade.

Mr. Cohen said that he noticed business was not very good for this weekend event because it was too far away from the storefronts and restaurants. Mr. Cohen noted the importance of larger projects needing more time for review. Staff responded early public hearings, with no detailed staff reports, will be held for larger projects.

The Commission discussed the Architectural Advisory Committee's procedure of meetings.



## CITY COUNCIL STAFF REPORT

DATE: APRIL 4, 2007

PUBLIC HEARING

SUBJECT: CASE HSPB #54: APPLICATION FOR DESIGNATION OF THE PROPERTY AT 300 SOUTH PALM CANYON DRIVE (FORMER SANTA FE FEDERAL SAVINGS AND LOAN) AS A CLASS 1 HISTORIC SITE

FROM: David H. Ready, City Manager

BY: The Planning Department

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### SUMMARY

Under Section 8.05 of the Palm Springs Municipal Code (Historic Resources), the City Council may designate properties as "Class 1" historic sites. The City's Historic Site Preservation Board (HSPB) has recommended such a designation for the property at 300 South Palm Canyon Drive. The Council will conduct a public hearing and determine if the site and building should be designated. Class 1 designation would require that any future changes to the building or site be reviewed by the HSPB for the effect such changes may have on the historic character and value of the site.

### HSPB RECOMMENDATION

Adopt Resolution No. \_\_\_\_: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DESIGNATING THE BUILDING AND ALL OPEN SPACE SURROUNDING IT ON THE SITE AT 300 SOUTH PALM CANYON DRIVE, "THE SANTA FE FEDERAL SAVINGS AND LOAN BUILDING" A CLASS ONE HISTORIC SITE".

### STAFF RECOMMENDATION

Adopt Resolution No. \_\_\_\_: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DESIGNATING THE BUILDING AND THE OPEN SPACE ON THE BARISTO ROAD AND THE SOUTH PALM CANYON DRIVE SIDE OF THE BUILDING AT 300 SOUTH PALM CANYON DRIVE, "THE SANTA FE FEDERAL SAVINGS AND LOAN BUILDING" A CLASS ONE HISTORIC SITE."

## PROJECT DESCRIPTION

The City of Palm Springs, via the Historic Site Preservation Board has filed an application requesting the structures and surrounding open space at the subject property be designated a Class I historic site. Such designation would:

1. Place the subject property under the guidance of Municipal Code Section 8.05
2. Require present and subsequent owners to maintain the site consistent with that ordinance,
3. Grant possible property tax reduction opportunities to the owner under the State of California Mills Act.

A full project description, historic assessment report and Staff's findings and recommendations can be found in the attached staff report to the Historic Site Preservation Board dated March 13, 2007.

## RECENT PRIOR ACTIONS

On Tuesday, March 13, 2007, The Historic Site Preservation Board voted 6-0-0 to recommend that City Council designate the Santa Fe Federal Savings Bank / Wessman Building at 300 South Palm Canyon Drive a Class I Historic Site in accordance with Municipal Code Section 8.05. HSPB Resolution #54 is attached.

## ANALYSIS

The staff report to the HSPB with analysis and findings are attached. During its deliberations, the Board discussed the findings and recommendations of the staff report and determined that in addition to the defining characteristics of the structure, there are additional characteristics contributing to the historic values of the property: Setting and open space. The Board believes the historic significance of the Santa Fe Federal / Wessman Building includes the open space around it, and thus this open space should be preserved. Consequently, the Board directed Staff to include open space in the defining characteristics of the site, and determined that not just the building, but the entire site should be included in the Class 1 designation.

Staff analyzed the issue of setting and open space as a potential defining historic characteristic of this site in three ways:

1. To seek a definition of open space and setting relative to historic preservation,
2. To determine the 'value' or importance of the open space surrounding the Santa Fe Federal / Wessman Building on the overall design and aesthetic impact of the building, and
3. Whether it can be determined if open space was a conscious consideration made on the part of E. Stewart Williams in the design and placement of the structure on the site at 300 South Palm Canyon Drive.

## 1. Definition of open space and setting.

The definition of a historic site in the Municipal Code Section 8.05.020 states,

*An historic site is any real property such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archaeological excavation or object that is unique or significant because of its location, design, **setting**, materials, workmanship or aesthetic effect.*

The Municipal Code does not provide a definition for "setting". However, the United States Department of the Interior provides a definition of 'setting' and 'location' in, "How to Apply National Register Criteria in Evaluating Historic Sites".<sup>1</sup> The following excerpt provides an example of the definition of setting within the context of historic preservation that may be considered in evaluating the Boards' request to include this quality in the defining characteristics of this site.

***Setting is the physical environment of a historic property.*** Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.

*Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.*

*The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:*

- *Topographic features (a gorge or the crest of a hill);*
  - *Vegetation;*
  - *Simple manmade features (paths or fences); and*
  - *Relationships between buildings and other features or open space.*
- These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts.*

Staff also took into consideration the National Trust's approach to the issue of "location" in attempting to clarify the condition of 'setting' and open space in this particular case:

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<sup>1</sup>The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources.

**Location is the place where the historic property was constructed or the place where the historic event occurred.** The relationship between the property and its location is often important to understanding why the property was created or why something happened. *The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.*

Because these definitions are generally accepted at the national level for evaluating historic sites, staff applied these definitions to its review of the issue of open space question at 300 South Palm Canyon.

2. Analysis of relative value and importance of the open spaces on this site.

*Building Placement and Orientation:*

The setting and the location of the Santa Fe Federal Savings Bank is on a prominent corner on the City's 'main street', South Palm Canyon Drive and Baristo Road. The building is pulled forward on the site close to the two streets in order to provide maximum open space on the south and east for parking, the drive-up teller window and a service drive.

The building's floor plane is several feet above the adjacent sidewalk and streets, giving it a visual sense of being 'floating' above the level of the adjacent streets and sidewalks. From Baristo Road, one must ascend ten steps to get to the building entrance. Palm Canyon Drive rises in grade from north to south, thus from Palm Canyon at the southwest corner of the building, the building is reached by ascending 4 steps. The buildings' two primary entrances are at opposite corners (northeast and southwest) and suggest that there is no defined sense of 'front' and 'back' of the building.

*Architectural Relationship to Setting:*

The defining exterior characteristics of the building are all found on the north and west sides of the building.<sup>2</sup> The cantilevered concrete base is absent on the east and south sides because the elevation of the asphalt of the parking lot and service drive is at the same elevation as the floor of the building. The south elevation possesses the defining long roof overhang, the slender steel columns, but instead of continuation of the glass curtain-wall, there is a solid stacked bond masonry wall along that elevation.

Staff believes the siting of the building was created to provide a prominent aesthetic presence on the street sides, while the sides facing the parking lot are more functional, if still attractive. The street side elevations are clearly the strongest in terms of purity of form and composition of the building; the open space there seems to be created to present the 'best view' of the building. These areas would thus appear to be of highest importance. The south and east elevations, while well detailed, are secondary

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<sup>2</sup> As discussed in the HSPB staff report, these defining characteristics are the long uninterrupted expanses of glass curtain-wall, long horizontal lines of the buildings' roof overhang, slender steel columns disengaged from the exterior wall, and a cantilevered concrete base.

elevations and the purpose of the open space there is to accommodate the parking lot, drive-through, and service and utility needs of the structure.

*Vehicular Circulation and Setting:*

Given the importance of the automobile in post World War II America, the design requirements for this branch bank clearly had to accommodate vehicular circulation. The open space on the buildings south and east side maximize parking and vehicular queuing on a relatively small downtown site. Staff concludes that the open space on the east side of the building is relevant but less important than the open space on the street fronts. The open space on the south side is of least importance with the exception of the southwest corner near Palm Canyon Drive which is critical to the visual and pedestrian access to the building.

3. Interpreting intent of the architect to integrate open space in the design

Staff is not aware of any statement of design intent created by the architect E. Stewart Williams that would reveal the relative importance he placed on the open space at this site. However, a conceptual sketch by Williams dated March 22, 1969, titled "Scheme 'C', Santa Fe Square", shows a four story office building and large open plaza added to the Santa Fe Federal Savings & Loan site (see attachment).

The proposed office tower, a long rectangular building in plan, is not connected to the existing building, but rather is located roughly fifteen feet south of the existing Santa Fe Federal Savings / Wessman Building. While the purpose of this sketch is not known and cannot be used to validate the historic value of the open space on this site, it offers one particular idea by the building's architect about adapting or modifying the space around the present building.

Staff concludes that the open spaces specifically at the front of the building along Baristo Road and Palm Canyon Drive are the two most important areas of open space on the site. The open space to the east and to the southwest of the existing building, are of secondary importance, because:

1. They accommodate the drive aisle for the original bank teller drive-up window – a more functional use, than aesthetic;
2. They face the 'back sides' of the building, based on the lower level of defining architectural elements on the east and south building elevations, and
3. They were considered by the architect as potential future building area in the 1969 concept sketch.

In considering the designation recommendation for this site and the issue of designating and preserving open space on the site as historic, the City Council may choose to;

1. Designate the building without including any open space in the defining historic characteristics,
2. Designate the building and only the open space along the two street frontages as part of the defining historic characteristics,

3. Designate the building and entire site, as recommended by the HSPB.
4. Reject any designation of the site.

Based on the aforementioned analysis Staff recommends option 2.

### NOTIFICATION

Pursuant to section 8.05.140 of the Municipal Code of Palm Springs, All property owners within three hundred (300) feet of the subject property have been notified and notice was made in a newspaper of general circulation. As of the writing of this report, staff as not received any inquiries on this matter.

### FISCAL IMPACT:

Finance Director Review:

No fiscal impact.

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Craig A. Ewing, AICP  
Director of Planning Services

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Thomas J. Wilson  
Assistant City Manager, Dev't Svcs

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David H. Ready  
City Manager

### ATTACHMENTS

1. Exhibit of Scheme "C" Santa Fe Square (E. Stewart Williams, 1969)
2. Vicinity Map
3. Draft City Council Resolution HSPB Recommendation
4. Draft City Council Resolution Staff Recommendation
5. Resolution #54 of the HSPB
6. Minutes of the March 13, 2007 HSPB meeting
7. Staff Report to the Historic Site Preservation Board dated March 13, 2007
8. Historic Resources Analysis Report with attachments
9. Application for Class One Historic Site Designation



CITY OF PALM SPRINGS  
 HISTORIC SITE PRESERVATION BOARD MEETING  
 Minutes of Meeting -Tuesday, March 13, 2007  
 Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way  
 Palm Springs, California 92262

BOARD MEMBERS	Present	Present	FY 2006-2007
	This Meeting	Year-to-Date	Excused Absences To-Date
Sidney Williams, Chairperson	X	10	0
Jade Nelson, Vice Chair	X	8	2
James Hayton	X	9	1
John Williams	X	9	1
Harold "Bud" Riley	X	10	0
Brian Strahl	X	8	0

**STAFF PRESENT:**

Craig Ewing, Director of Planning  
 Ken Lyon, Associate Planner

Loretta Moffett, Administrative Assistant

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1. The HSPB regularly scheduled meeting was called to order at 8:175 a.m. on March 13, 2007 by Chair Sidney Williams.
2. ROLL CALL: Present: S. Williams, J. Nelson, B. Riley, B. Strahl, J. Hayton, J. Williams
3. REPORT OF POSTING OF AGENDA: This Agenda was available and posted in accordance with state and local procedures for public access at the City Hall exterior bulletin board and the Department of Planning Services counter by 4:00 p.m. Thursday, March 8, 2007.

NOTE: Audio Cassettes and DVDs of HSPB Meetings are available for review. Cassettes will be kept for six months only. DVDs of the meetings will be kept indefinitely. Minutes format is more action related than verbatim except where special interest or special meetings are involved.

4. APPROVAL OF MINUTES: February 13, 2007 Vice Chair Nelson asked for correction of page 3 of 3 under Section 12 – Board Member Comments – first sentence is not complete and has two different ideas in one sentence. Needs clarification.

**M/S/C (Hayton/Riley) moved that the February 13, 2007 Minutes be approved as corrected. (6 Yes, 0 No, 0 Absent)**

5. PUBLIC COMMENTS: (3 minutes).

[ William Kopelk, President of P.S. Preservation Foundation, spoke in behalf of the Foundation and support of HSPB voting in favor of the Class 1 Historic designation of the Santa Fe Federal Bank Building at 300 South Palm Canyon Drive.

Robert Firth, real estate broker representing the owner of the property at 1000 North Palm Canyon Drive, the former Potter Clinic, explained that the owner is neither in favor of or against this property being designated as a Historic Site.

[ Roxanne Ploss, spoke in support of preserving the property at 300 South Palm Canyon Drive.

6. REPORT FROM THE CHAIR: Chair S. Williams stated she feels that it's important the Board move forward with the discussion of the Santa Fe Federal Bank Building and the Potter Clinic and that the Board is moving forward with additional properties for potential Historic Site Class 1 designations.
7. PUBLIC HEARINGS:
  - A. Santa Fe Federal Bank Building, 300 South Palm Canyon Drive  
Application for Designation to Class 1 Historic Site #54

Staff member Lyon reported that the Staff Report has been revised since being mailed out in Board packets and the revised report handed out today is the correct report to refer to during this discussion.

Board member Strahl asked for clarification as to what can be declared historic -- the existing building vs. the new project now being proposed.

Staff member Lyon reported that the owner has filed a development application with the City and if this designation and recommendation to Council goes forward and Council approves the historic recommendation prior to when the development application comes before Council. That development application would then be subject to governance of Section 8.05, the Historic Site Preservation Ordinance and would then come before HSPB for approval of the building permit. It is the "site" that will come under this Section 8.05 -- designations are related to an APN number and the site of the property.

Planning Director Ewing directed HSPB to the "Findings" in the staff report. The Ordinance does identify historic resources as "sites"; however, in the past Council has adopted a more narrow protection on various sites where only certain buildings or certain portions of buildings have been granted protection. There is a basis for the Board to protect less than a site if that is the Board's direction to Council.

Staff gave the Oasis Hotel as an example...the Tower is the designated site within this property.

Board member Hayton spoke in favor of saving the area around the existing building to maintain view corridors and spirit of the original development. The buildings now being considered by HSPB were developed with the entire site area in mind, not just the structure.

Board member J. Williams read from the report that ..."In 1969 the Inland California Chapter of the American Institute of Architecture awarded a special citation to the firm Williams and Williams for the design"...and asked if a copy of this citation is available? (It is not) Nine years after the building was completed, it was already recognized as significant building -- it is important to have a copy of that in the file.

Board member J. Williams read from Section 4, Item #3 that states..."No permit for the alteration of the exterior, including any and all of the defining elements and characteristics shall be issued." and asked if that should not further state..."shall be issued without Historic Site Preservation Board approval?" He asked that this be added.

Vice Chair Nelson asked if the Staff Report could be to protect the entire site -- not just the structure.

Director Ewing stated it is important that the Board identify what the Board concludes are the historic characteristics to be identified and preserved. If the Staff Report has not identified them

as the Board believes, then they should be put in the Findings and the Conditions of Approval as the Board requests. The Board needs to focus on what facts are believed to be relevant, this is not a growth control ordinance, it is a Historic Preservation Ordinance. He referred to and read Section 4, Item #2 in the Staff Report relative to "exterior modifications."

Staff member Lyon referred to page 2 of the revised Staff Report regarding "setting." It is within the Board's authority to make an argument about what is the key characteristic of "setting" in this case.

#### PUBLIC COMMENTS:

Nicki McLaughlin, Vice President of the P.S. Modern Committee, spoke in behalf of the entire membership of Mod Com (400+) to encourage the Board to vote 300 South Palm Canyon Drive as a Class 1 Historic Site.

Michael Braun, representative of Wessman Holdings, the owner of the Santa Fe Federal Building at 300 South Palm Canyon Drive, stated that they object and oppose the listing of this building as a Class 1 Historic Site for several reasons ... (read from a statement --attached for reference)

William Butler spoke in favor of the nomination including the entire site.

#### PUBLIC COMMENTS CLOSED

Staff member Lyon noted that the Baristo Lofts project was reviewed by the Architectural Advisory Committee and sent back for a second restudy after this Staff Report was written.

Board member Nelson advised that prior to this building being there, it was the site of the Hotel Del Tahquitz -- one of the first hotels in Palm Springs, which makes the site even more historically significant, richer, and more valuable.

Board member Hayton encouraged everyone to support for this historical designation.

Chair S. Williams referred to the article written in The Public Record when Mr. Williams received his FAIA award... it indicates that this was one of his favorite buildings. An earlier speaker commented there were other buildings more significant.

Board member Strahl agreed that this building is unique and it being shy of the 50 year standard is not relevant. The Santa Fe Federal Bank building is unique in its own characteristics and it should be preserved.

Board member Nelson feels that because of this building's uniqueness it is probably the single most important commercial building in the valley.

Board member J. Williams agreed -- it is one of the most significant buildings in Palm Springs.

Board member Strahl stated that he is very pleased to see members of the public coming out to support this building.

Staff member Lyon asked the Board to clarify the issues on the "setting" when making a motion related to this project.

Vice Chair Nelson moved to recommend to the City Council the designation of 300 South Palm Canyon Drive, formerly known as Santa Fe Federal as a Class 1 historic site with the stipulation that the entire setting aka "site" be designated a Class 1 Historic Site without any future alterations, modifications, or development to the APN in its entirety. Seconded by Board member James Hayton

Board member J. Williams recommended adding..."without Historic Site Preservation Board's approval."

The motion was amended to read: **Vice Chair Nelson moved to recommend to the City Council the designation of 300 South Palm Canyon Drive, formerly known as Santa Fe Federal as a Class 1 historic site with the stipulation that the entire setting aka "site" be designated a Class 1 Historic Site without any future alterations, modifications, or development to the APN in its entirety without the Historic Site Preservation Board's approval.**

Staff member Lyon stated that this is also amending Item #3 of the Draft Resolutions.

Planning Director Ewing stated there needs to be more discussion on the Findings in this Resolution to provide guidance for the reasons the Board wants to capture the entire site. Before voting on the motion, Board needs to clarify the key issues of the "setting".

Board member Strahl suggested this be done in the Staff Report to Council – page 7 by adding 4. "g." One of the things that makes this building important to HSPB is it's partial floating pavilion style on its open setting with nothing crowding around it. Change the Staff Report to add the additional Finding "g." that HSPB feels it's important the building remain in its "open setting" on all four sides including the parking lot. Wants to call out the "openness on all four sides" – this is important.

Planning Director Ewing read from his notes.... "partial pavilion style on open setting with nothing crowding around it on all four sides, including the parking lot on the open side of the building. The idea is there is open space on all four sides of the building, including those sides facing the parking lot."

**VOTE: M/S/C (Nelson/Hayton – 6 yes, 0 No, 0 Absent, 0 Abstention) to nominate designation of 300 South Palm Canyon Drive (Santa Fe Federal Bank Building) passed unanimously. Motion stated above.**

8. CERTIFICATE OF APPROVAL REQUESTS: N O N E

9. OTHER BUSINESS:

A. The Potter Clinic at 1000 North Palm Canyon drive

ACTION: Initiate process to recommend designation as a Class 1 Historic Site

Board member J. Williams asked about the historic building evaluation's "Conclusions and Recommendations" (page 12) and asked if this is a typical conclusion for a building that only qualified for local designation? One of those options was comprehensive documentation if demolition was being considered.

Staff responded that similar recommendations are coming through on some of the other buildings, particularly around the Monte Vista Hotel, Orchid Tree, and the Racquet Club reports. It is a language consistent with buildings that don't have a high level of defined significance.



WEST ELEVATION  
SANTA FE SQUARE



EAST ELEVATION  
SANTA FE SQUARE

ARCHITECT  
STEWART WILLIAMS  
1111 BROADWAY  
NEW YORK 10004

ELEVATIONS  
SANTA FE SQUARE  
BY STEWART WILLIAMS

MARCH 22 1969 SANTA FE SQUARE SCHEME C BY E. STEWART WILLIAMS

**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code 7R

Other Listings  
Review Code                      Reviewer                      Date

Page 1 of 1                      Resource Name or #: (Assigned by recorder) Wessman Development Company Building

P1. Other Identifier: formerly Sante Fe Federal Savings Building/American Savings Building

P2. Location:  Not for Publication  Unrestricted                      a. County Riverside

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad Palm Springs                      Date 1996                      T                      ; R                      ;                      1/4 of                      1/4 of Sec                      ;                      B.M.

c. Address 300 South Palm Canyon Drive                      City Palm Springs                      Zip 92262

d. UTM: (Give more than one for large and/or linear resources)                      Zone 11                      ;                      mE/                      mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

City of Palm Springs Section 15

Parcel No. 513 204 005

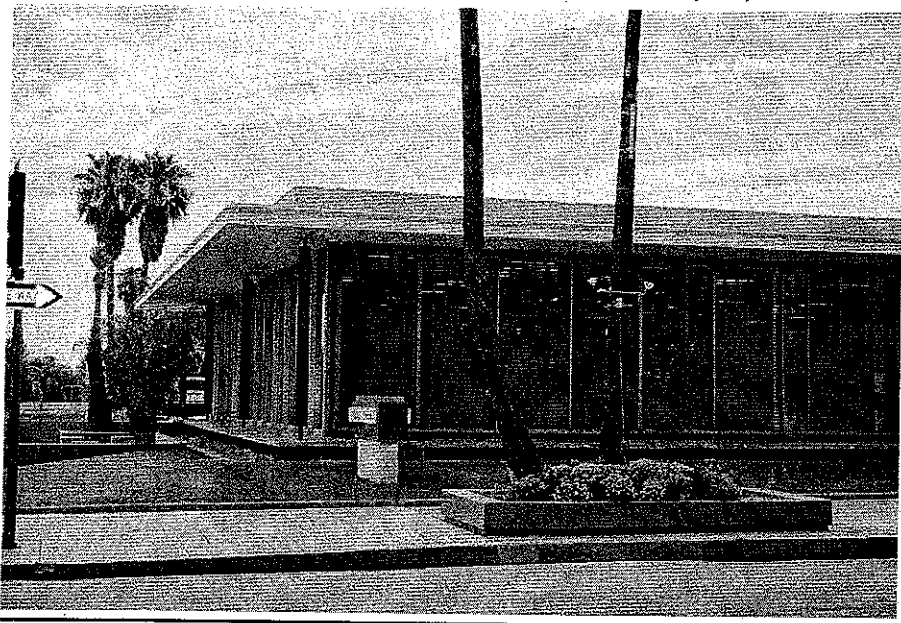
P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This single-story office building was originally constructed for use as a bank in a Modern architectural style. The building has a general square-shaped plan with a flat roof and wide eaves around the perimeter. Full-height, metal-framed window walls comprise the building elevations and a distinctive exterior metal sunscreen is present on the west elevation. The building incorporates a raised concrete podium approximately one-foot off of the ground with cantilevered concrete walk surrounding the street-facing elevations to achieve the sense that the building is floating above the ground. The building was designed for the convenience of customers arriving by automobile; consequently, the south and east elevations face parking lots. The original bank drive-through window is located on the east elevation. The north and west elevation are fronted by rectangular swaths of green lawn contained in low concrete curbing. Overall, the buildings exterior appears to be in good condition.

P3b. Resource Attributes: HP6 - 1-3 Story Commercial Building

P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo:

(View, date, accession #)

View south  
August 2003

P6. Date Constructed/Age and Sources:

Historic  Prehistoric  Both  
c. 1960  
Visual Inspection

P7. Owner and Address:

Wessman Holdings, LLC  
1555 S Palm Canyon Dr #G-10  
Palm Springs CA 92264

P8. Recorded by:

Maley/Petrin/Tinsley/Watson  
**Architectural Resources Group**  
**Pier 9, The Embarcadero**  
**San Francisco, CA 94111**

P9. Date Recorded: August 2003

P10. Survey Type (Describe)

Reconnaissance Survey

P11. Report Citation: (Cite survey report and other sources, or enter "none.")

Architectural Resources Group, City of Palm Springs Historic Resources Survey Summary Report, 2004.

Attachments:

- None                       Continuation Sheet                       District Record                       Rock Art Record                       Other (List)  
 Location Map                       Building, Structure, and Object Record                       Linear Feature Record                       Artifact Record  
 Sketch Map                       Archaeological Record                       Milling Station Record                       Photograph Record



**City Council Policy Statement  
Adopted September 17, 2008**

**PLANNED DEVELOPMENTS AND THE REQUIREMENT FOR PUBLIC BENEFITS**

In order to provide for the long-term improvement of the community, every application for a Planned Development District (PDD) and every amendment thereto – including all those enacted in lieu of a change of zone – shall include a public benefit in accordance with the provisions listed below.

1. The concept of a "public benefit" shall be a condition of granting zoning flexibility via approval of a Planned Development District, and is consistent with the goals, policies and objectives of the Palm Springs General Plan.
2. The public benefit of an approved PDD shall be specifically identified by the Planning Commission and City Council within the record of approval (resolution or ordinance, as applicable).
3. The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.
4. A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.
5. An approved public benefit shall be one of the following types:
  - a. The project as Public Benefit – The project fulfills key General Plan objectives for land use (such as "mixed-use"), economic development, community beautification, additional parking, improved circulation, blight removal or the like.
  - b. Key Features of the Project – The project includes features such as through-streets not indicated on the General Plan, interior parks, community open space, community meeting rooms, entry features, preservation of important buildings, preservation of natural features, daycare facility or other similar amenities.
  - c. Sustainable Features – The project includes features which measurably aid achievement of the City's sustainability goals, including water conservation, energy conservation (e.g., LEED certified), active and passive solar features, California Green Building techniques, and other sustainable features.
  - d. Off-site Improvements – The project includes off-site dedications and / or improvements, such as widened thoroughfares with meandering bikeways, public park lands, hiking trails, recreation facilities, construction of decorative medians, or other public improvements located off the project site.