



## City Council Staff Report

DATE: May 4, 2016

PUBLIC HEARING

SUBJECT: CONSIDERATION OF THE VACATION OF PORTIONS OF CALLE ENCILIA RIGHT-OF-WAY BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND A PORTION OF ANDREAS ROAD RIGHT-OF-WAY BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 15-12

FROM: David H. Ready, City Manager

BY: Public Works and Engineering Department

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### SUMMARY

The Streets & Highways Code of the State of California requires that the City hold a Public Hearing to discuss and review the vacation and abandonment of developed and actively used public rights-of-way or public service easements. After consideration of testimony received at the Public Hearing, the City Council can consider approval of the requested right-of-way vacation and abandonment of portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo.

### RECOMMENDATION:

- 1) Open the public hearing and receive public testimony.
- 2) Close the public hearing, and adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CALLE ENCILIA BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR ANDREAS ROAD BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R15-12, AND APPROVING A DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY APPROVED AND CERTIFIED BY RESOLUTION NO. 18461

ITEM NO. 1.B.

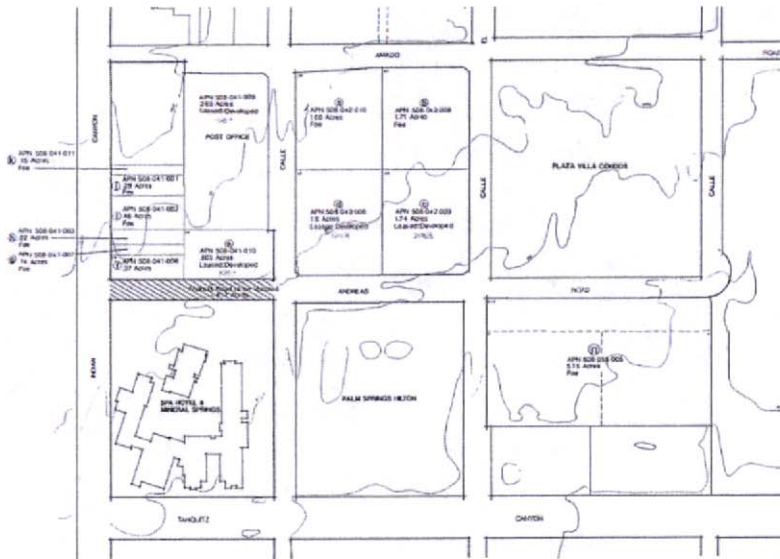


The Tribe requests that the City vacate the full width of Calle Encilia from Amado Road to Andreas Road, the west half of Calle Encilia from Andreas Road to Tahquitz Canyon Way, and the north half of Andreas Road from Calle Encilia to Calle El Segundo. The full width of Andreas Road from Indian Canyon Drive to Calle Encilia was previously vacated by the City to the Tribe in December 1996. The purpose for the right-of-way vacation of these streets is to allow consolidation of the Tribe's properties for future development by the Tribe of a new retail/entertainment/hotel project in and around the former Spa Hotel site and Spa Casino. Although specific development plans for redevelopment of the Spa Hotel site have not yet been identified by the Tribe, the Tribe is requesting that the City Council consider and approve the requested right-of-way vacation such that the Tribe can appropriately identify its project area inclusive of, or excluding, the street rights-of-way.

Vacation of Andreas Road and Calle Encilia have been anticipated for over 20 years as part of the Tribe's development of its properties in Section 14, and were identified as part of the overall scope of the "Agua Caliente Indian Gaming Facility," Planned Development District No. 232 ("PDD 232"), approved by the City Council on September 7, 1994, by adoption of Resolution No. 18463. At that time, the Planning Commission recommended and the City Council approved various actions, including a General Plan Amendment to revise the classifications for Andreas Road and Calle Encilia from Secondary Thoroughfare and Collector roadways to facilitate approval of PDD 232, and allowing for the future vacation of Calle Encilia and Andreas Road. In accordance with the City Council's approval of PDD 232, Calle Encilia and Andreas Road were anticipated to be vacated to accommodate development of the Gaming Facility; a copy of Resolution No. 18463 approving PDD 232 is included as **Attachment 1**.

At that same time, the former Community Redevelopment Agency for the City of Palm Springs ("RDA") and the Tribe entered into a Disposition and Development Agreement ("DDA") that also identified vacation of these two City streets. Section 9.6 "Vacation of Streets" of the original DDA stated: *The City agrees to initiate proceedings to vacate the City's interest in those portions of Calle Encilia and Andreas Road, more particularly described in the Scope of Development.* Attachment No. 3 "Scope of Development" of the original DDA identified Section VI "Vacation of Public Streets", and stated: *Development of the Project will require the vacation of Andreas Road between Indian Canyon Drive and Calle El Segundo, and the vacation of Calle Encilia between Tahquitz Canyon Way and Amado Road, and was identified on Exhibit 7 of the original DDA shown here as Figure 2.*





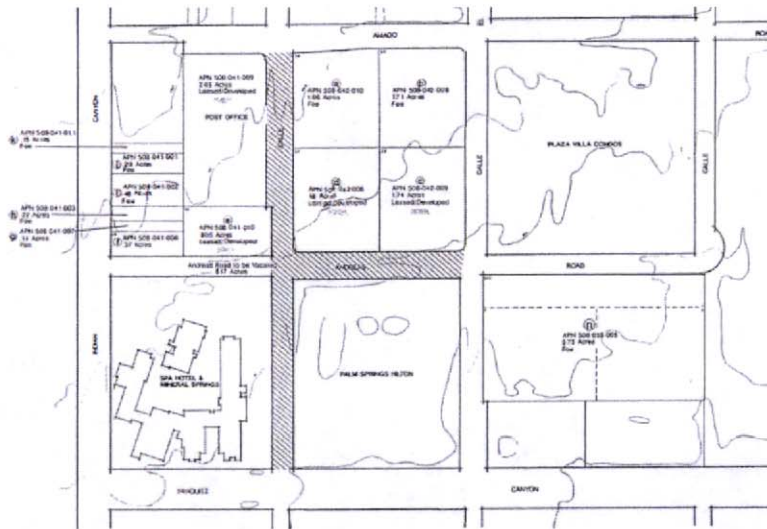
**PHASE I STREET VACATION**

PALM SPRINGS, CALIFORNIA

**GAMING DISTRICT**

AGUA CALIENTE BAND OF CAHULLA INDIANS

Figure 3



**PHASE II STREET VACATION**

PALM SPRINGS, CALIFORNIA

**GAMING DISTRICT**

AGUA CALIENTE BAND OF CAHULLA INDIANS

Figure 4

In accordance with Amendment No. 1 to the DDA, the Phase I right-of-way vacation of Andreas Road between Indian Canyon Drive and Calle Encilia was officially vacated by the City Council on December 18, 1996. Although this segment of Andreas Road exists and has remained open to public use, control of this street was transferred to the Tribe to facilitate the development of the Gaming Facility envisioned by PD 232.

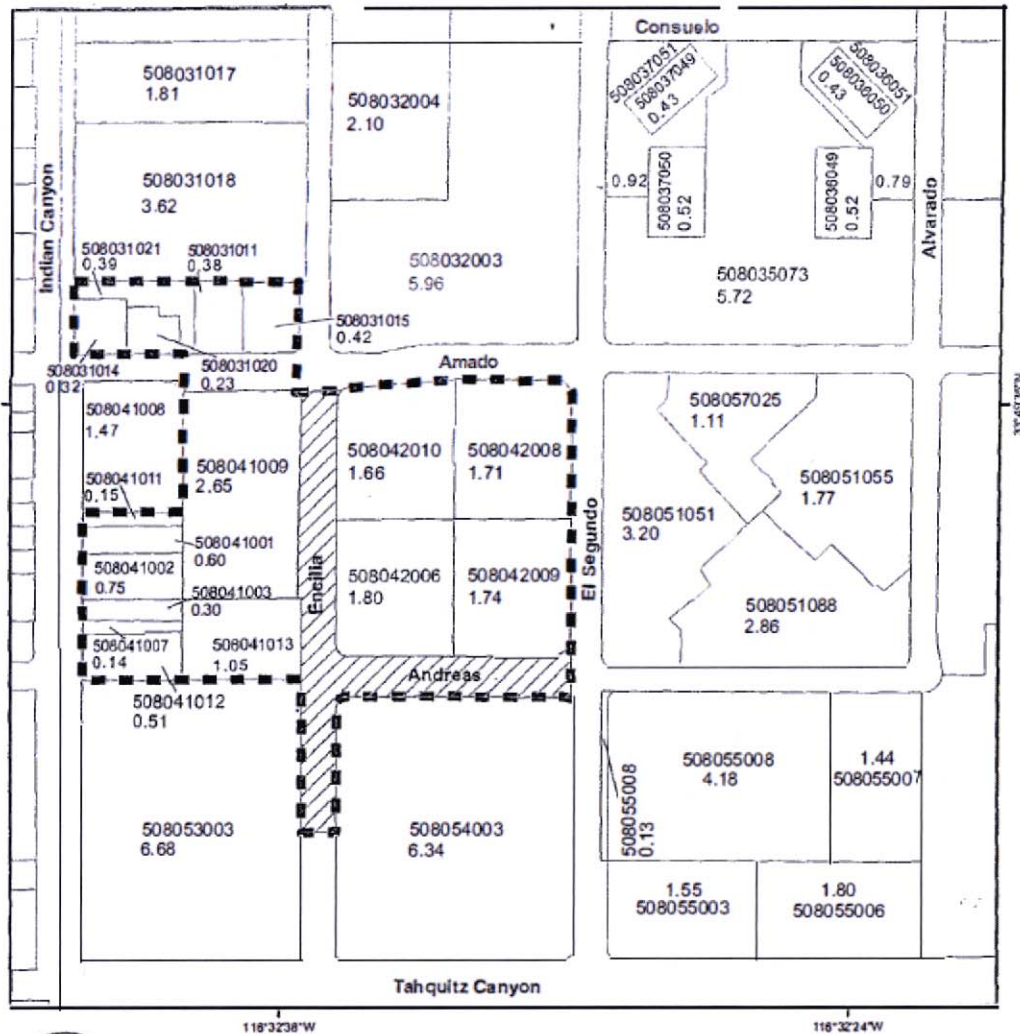
Subsequently, the CRA and Tribe approved Amendment No. 3 to the DDA, which among other things revised Section 9.6 of the DDA (once previously amended by Amendment No. 1 to the DDA) to state:

*Agency shall formally request the City to initiate proceedings to vacate the Vacated Streets within the time specified in the Schedule of Performance. Developer acknowledges that vacation of public streets by the City is a discretionary legislative function subject to adherence to legally mandated procedures including public hearings, and thus any election to actually vacate the Vacated Streets II by the City shall be in City's sole and absolute discretion. Nothing in this Section shall be deemed to constitute commitment by Agency or City to actually vacate the Vacated Streets.*



Exhibit A of Amendment No. 3 to the DDA identified the proposed Vacated Streets (Phase II) identified as Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia between Amado Road and north of Tahquitz Canyon Way, shown on the next page as Figure 5. Attachment No. 2 "Scope of Development" of Amendment No. 3 to the DDA identified Section III "Vacation of Public Streets", and stated: *The Development contemplates that the City will approve the vacation of Vacated Streets. If approved by the City, vacation of these streets will be subject to reservation of public utility easements for all easement facilities currently located beneath the streets.*

Amendment No. 3 to the DDA facilitated the Tribe's development of the existing Spa Casino site.

Although dissolution of the CRA by the state effectively terminated the DDA, the historical reference and background to the DDA as amended is provided in this staff report to demonstrate that the City has previously considered and conceptually approved vacating these streets in order to facilitate the Tribe's anticipated master planned development of their properties in Section 14.



**AGUA CALIENTE INDIAN RESERVATION  
 SPA RESORT CASINO MASTER PLAN  
 EXHIBIT A**

-  Project Area Boundary
-  Vacated Streets
- 000000000 APN
- 0.00 Acreage



Agua Caliente Band of Cahuilla Indians  
 Planning & Development Department  
 777 E. Avenida Caliente, Palm Springs, CA 92262  
 Geospatial Information Services  
 (951) 353-1311 ext. (R/S) 332-1937

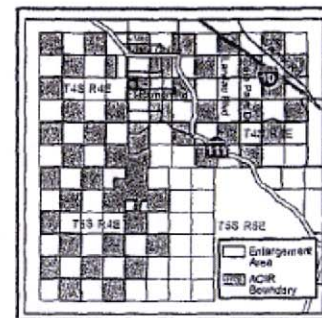


Figure 5

### ***General Plan / Section 14 Specific Plan Consistency***

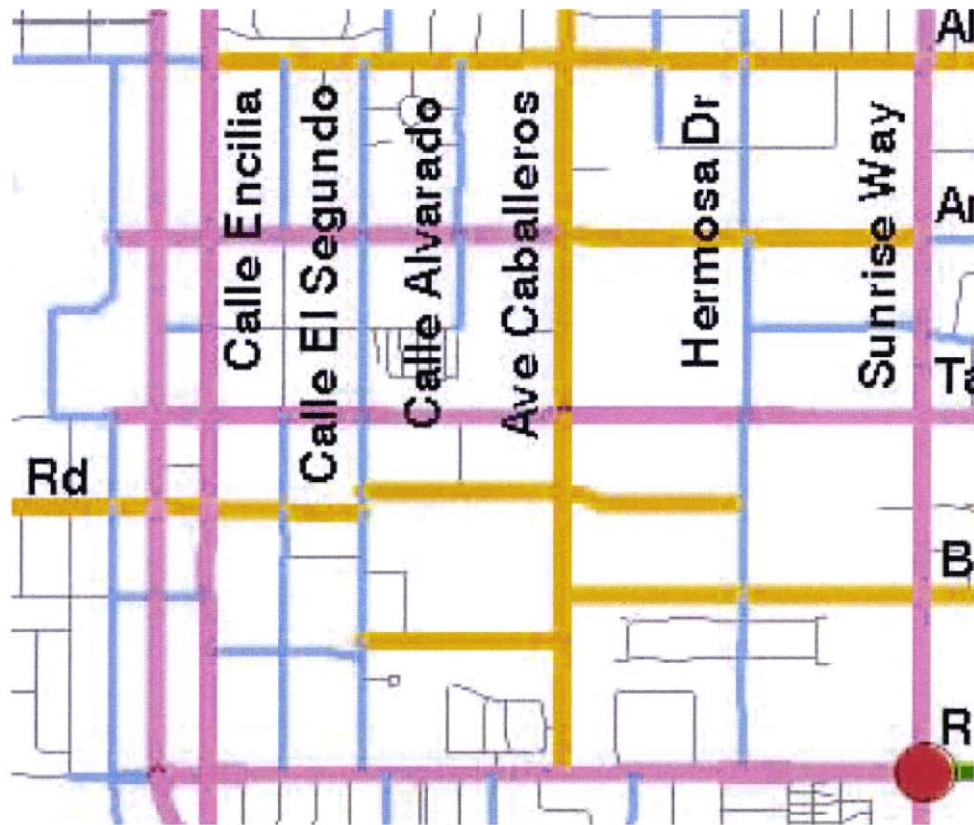
Vacation of these streets in Section 14 is consistent with the 2007 City of Palm Springs General Plan action items and goals for the reduction of vehicular traffic; an increase in shuttle services between activity centers, and the expansion of pedestrian routes from the Downtown area to hotels and resort amenities.

The Land Use Element section of the General Plan designates Residential High Density Land use within Section 14 and allows 43 hotel rooms per acre. A portion of 126 Acres of Mixed Use Central Business District falls within Section 14. Land Use Action Item 7.1 (Pg. 2-29) reads, in part, *"...to ensure that new development in Section 14 contributes to and enhances the City's goal of a destination resort."*

The Circulation Element of the General Plan (Pg. 4-34) identifies a goal to encourage pedestrian facilities to *"...create a critical lifeline between the retail shops Downtown and the City's resort amenities such as the Convention Center, casino, and hotels."* Circulation Element Action Goal CR3.1 reads, *"Develop a transit route (bus, jeep, jitney, shuttle) to circulate people between...hotels...key activity centers...and Downtown-oriented residential areas to reduce traffic and parking congestion in the Downtown."* Most of the policy goals and action items to the Air Quality Element section of the General Plan (Pgs. 7-13 & 7-14) are associated with reduction of vehicular traffic and encouragement of pedestrian-friendly sidewalks and bikeways.

The currently adopted Circulation Element of the General Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in the Circulation Element Map included on the following page as Figure 6.



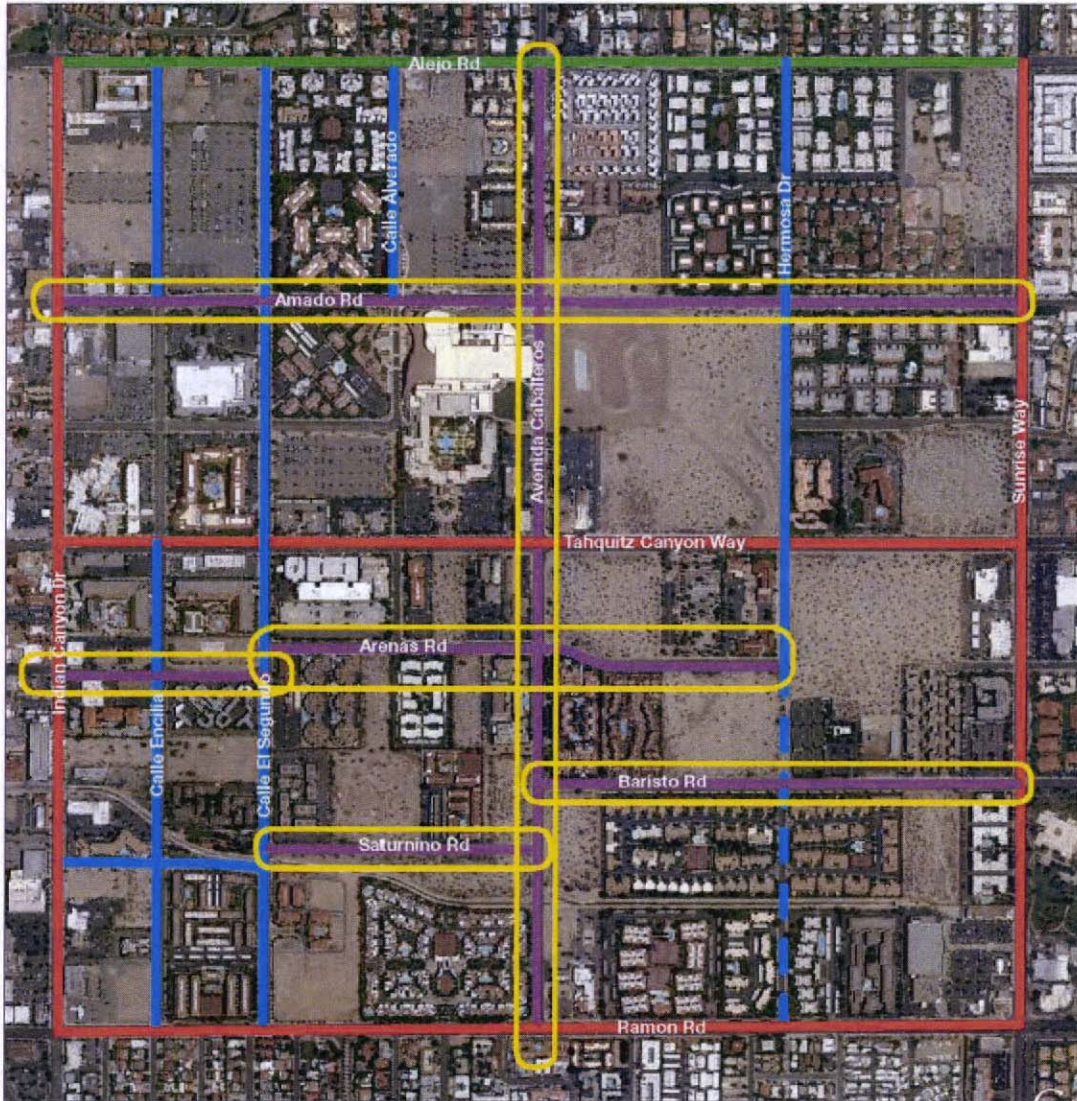


**Figure 6**

(Note, local streets are shown as non-colored [gray] lines).

In July 2014 the City Council approved the update to the Section 14 Specific Plan, and Figure 5-7 of the Specific Plan identifies the roadway classifications of streets within Section 14, included on the following page as Figure 7.

Figure 5-7 Proposed Section 14 Roadway Classifications



Source: City of Palm Springs



Figure 7

The portions of Calle Encilia and Andreas Road that the Tribe has requested the City consider for vacation and abandonment are identified as local streets on the City's General Plan and the Section 14 Specific Plan; vacating these streets is consistent with, and would not violate the Goals and Policies of these Plans.

California Government Code Section 65402 requires that “...no street shall be vacated or abandoned...until the location, purpose and extent of such...street vacation or abandonment...have been submitted to and reported upon by the planning agency as to conformity with (the) adopted general plan or part thereof.” Further, the California Streets and Highways Code Section 8313(a) requires that “If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement.” Accordingly, on March 9, 2016, the City’s Planning Commission reviewed and recommended approval of the proposed right-of-way vacation, finding that the streets are identified as local streets on the City’s 2007 General Plan and Section 14 Specific Plan, and that their vacation and abandonment would not conflict with these Plans. A copy of Planning Commission Resolution No. 6560 is included as **Attachment 2**.

### ***Future Development Plan for the Vacated Streets***

Although the Tribe has not released its conceptual plans for redevelopment of the area, the Tribe has provided a letter to the City, dated January 19, 2016, that upon vacating these streets the Tribe commits to maintaining these streets open for vehicular traffic to maintain access to those properties that require them, (namely the US Post Office and the Hilton Hotel). A copy of the Tribe’s letter is included as **Attachment 3**. Also, as there are multiple public utilities extending throughout Calle Encilia and Andreas Road, including domestic water lines owned by Desert Water Agency and sanitary sewer lines owned by the City, physical access over these streets must be maintained such that operation and maintenance of these utilities can continue. Thus, although the City Council may consider and approve of the abandonment and vacation of the public rights-of-way, reverting control of these public streets to the Tribe, the City Council’s action reserves an easement for public utilities which reserves rights for the City and other utility owners to continue accessing these public streets for continued operation and maintenance of these utilities.

The Tribe has provided a conceptual plan showing how reconstruction of Andreas Road and Calle Encilia is envisioned to provide continued two-way access on Calle Encilia from Tahquitz Canyon Way to the main entrance of the Hilton Hotel, with one-way northbound access maintained up to Andreas Road, and one-way eastbound access maintained from Calle Encilia to Calle El Segundo around the Hilton Hotel as shown in **Attachment 4**. The physical closure and reconstruction of these streets is not proposed at this time; the City Council is not approving the conversion of these streets, which will be subject to future review and approval by the City at the time the Tribe submits development plans for its properties.

PUBLIC NOTICING:

Section 8320 of the California Streets and Highways Code, (the "Code"), allowed the City Clerk to administratively schedule a public hearing for the City Council's consideration of the requested right-of-way vacation. Section 8322 of the Code requires that notice of the public hearing be published for at least two successive weeks prior to the public hearing; public notice was published accordingly in the *Desert Sun*. Further, Section 8323 of the Code requires that at least two weeks prior to the public hearing, notices of the requested right-of-way vacation be posted conspicuously along the line of the street proposed to be vacated (at least 3 notices, not more than 300 feet apart); the notices were posted along Calle Encilia and Andreas Road in accordance with the law.

ENVIRONMENTAL IMPACT:

In August 1994, pursuant to the California Environmental Quality Act, ("CEQA"), the City Council completed an environmental assessment of the potential environmental impacts resulting from approval for the Agua Caliente Indian Gaming Facility, identified as Case 5.0667 GPA/ZTA/PD-232, which included discussion and analysis of the future vacation of streets adjacent to the gaming facility (Calle Encilia from Amado Road to Tahquitz Canyon Way and Andreas Road from Indian Canyon Drive to Calle El Segundo); a public review period of the environmental assessment was held from August 1 to August 30, 1994. On September 7, 1994, the City Council adopted Resolution No. 18461, certifying the Mitigated Negative Declaration for the Agua Caliente Indian Gaming Facility, (the "MND"), which considered and included mitigation of potential environmental impacts associated with the future right-of-way vacation of Calle Encilia and Andreas Road. A copy of Resolution No. 18461 is included as **Attachment 5**.

The preparation of further environment documentation is not necessary because none of the circumstances triggering further environmental review have occurred since the adoption of the MND: (i) there are no substantial changes in the project requiring major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously-identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted showing that: (a) the project will have one or more significant effects not discussed in the MND; (b) significant effects previously examined will be substantially more severe than shown in the MND; (c) mitigation measures previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the mitigation measures have not been adopted; or (d) mitigation measures considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the mitigation measures have not

been adopted. Accordingly, no further environmental review is required. (Public Resources Code § 21166; Cal. Code Regulations, Title 14, § 15162.)

FISCAL IMPACT:

At the time the subject portions of Calle Encilia and Andreas Road are closed to public access, all costs associated with removal and reconstruction of existing utilities and street improvements will be the responsibility of the Tribe. Upon approval of the right-of-way vacation, control of the public streets will transfer to the Tribe, including obligation for their continued operation and maintenance. All costs associated with maintaining these public streets will transfer to the Tribe.

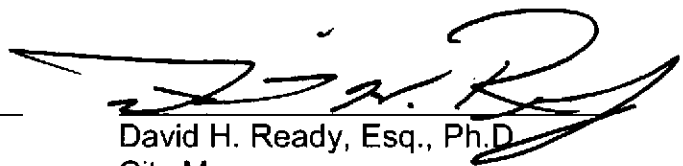
RECOMMENDATION:

Staff recommends that, after considering public testimony given at the public hearing, that the City Council consider and adopt a Resolution vacating and abandoning the full width of Calle Encilia from Amado Road to Andreas Road, the west half of Calle Encilia from Andreas Road to Tahquitz Canyon Way, and the north half of Andreas Road from Calle Encilia to Calle El Segundo. A Resolution has been included as **Attachment 6**, which will reserve an easement for public utility purposes over the vacated streets, reserving access to the City and other utility owners for continued operation and maintenance of their utilities located within the vacated streets.

SUBMITTED:



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



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

Attachments:

1. City Council Resolution No. 18463
2. Planning Commission Resolution No. 6560
3. ACBCI Letter dated January 19, 2016
4. Calle Encilia / Andreas Road Conceptual Traffic Circulation Plan for Hilton Hotel
5. City Council Resolution No. 18461
6. Resolution

# **ATTACHMENT 1**

RESOLUTION NO. 18463

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 232 (CASE 5.0667 PD-232) FOR THE AGUA CALIENTE INDIAN GAMING FACILITY LOCATED ON A SITE OF APPROXIMATELY 10.3 ACRES GENERALLY BOUND BY AMADO ROAD, CALLE EL SEGUNDO, ANDREAS ROAD AND CALLE ENCILIA, R-4-VP AND RESORT OVERLAY ZONES, SECTION 14.

WHEREAS, the Agua Caliente Band of Cahuilla Indians (Tribe), in association with Caesars Palm Springs Management Company, Inc. (Caesars), have submitted an application for a Planned Development District (PD) for an Indian Gaming Facility (gaming facility); and

WHEREAS, the gaming facility is proposed to be built in two phases and will entail approximately 75,000 square feet in Phase I and up to 119,000 square feet in Phase II; and

WHEREAS, the proposed gaming facility will operate 24-hours per day and will include gaming, restaurant and entertainment uses; and

WHEREAS, the gaming facility is required to provide at least 625 parking spaces in phase I and will accommodate this requirement with surface parking on-site and on adjacent parcels, if such land is acquired by the Tribe and Caesars, or an on-site one-deck parking facility will be provided; and

WHEREAS, the gaming facility is required to provide at least 1094 parking spaces, which number will be further refined prior to the construction of Phase II, and such required parking will be accommodated by an up to four story parking structure; and

WHEREAS, the number of parking spaces displaced on the Post Office property will be required to be relocated in proximity to the Post Office property; and

WHEREAS, the PD application requests flexibility with regard to the development standards set forth in the City of Palm Springs Zoning Ordinance;

WHEREAS, the setback is reduced along Amado Road with the proposed parking facility; and

WHEREAS, a portion of the proposed gaming facility and parking structure, as well as the porte cochere, landscape planters, light fixtures, entry archways and surface parking spaces encroach into the public rights-of-way until such time the rights-of-way are vacated; and

WHEREAS, that which is listed above which encroaches into the right-of-way will require the approval of an encroachment license until such time the subject streets are vacated; and

WHEREAS, the PD proposal will result in the demolition of the Spa Hotel and Hilton Hotel tennis courts and related parking and the relocation of the Hilton Hotel tennis courts and related parking;

WHEREAS, the Tribe has also requested approval of a General Plan Amendment and Zoning Text Amendment as related to the gaming facility; and

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WHEREAS, the City Council adopted Resolution No. \_\_\_\_\_ for the Mitigated Negative Declaration; and

WHEREAS, notice of public hearings of the Planning Commission and the City Council to consider and approve, respectively, the subject applications and the Mitigated Negative Declaration, and notice of the CEQA public review period for the Environmental Assessment was published in the Desert Sun on August 1, 1994, and mailed out to property owners within 400 feet of the project boundary and other interested parties; and

WHEREAS, the proposed General Plan Amendment, Zoning Text Amendment, PD, DDA, Option Agreement and other related actions discussed in the Environmental Assessment are considered "projects" pursuant to the terms of CEQA and a Mitigated Negative Declaration has been prepared for the project and has been distributed for public review and comment in accordance with CEQA as discussed above; and

WHEREAS, the Mitigated Negative Declaration prepared for the project finds that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, the Planning Commission at a public hearing held on August 24, 1994, carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report and the environmental data including but not limited to the Environmental Assessment and related comments and voted in favor (4-0; 2 absent) of the project; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report and the environmental data including but not limited to the Environmental Assessment and related comments.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to CEQA, the City Council finds as follows:

a. The final Mitigated Negative Declaration has been completed in compliance with CEQA, the State CEQA Guidelines and the City's CEQA procedures. The City Council has independently reviewed and considered the information contained in the Environmental Assessment/Mitigated Negative Declaration and finds that it adequately discusses the potential significant environmental effects of the proposed project (land use, traffic/circulation, parking, air quality, noise, aesthetics, geology/soils, water quality, drainage, public utilities, socioeconomic, public safety, archaeological/historic resources and light and glare), and that on the basis of the Environmental Assessment and comments received during the public review process, there will be no adverse environmental effects as a result of the approval of the project because mitigation measures identified in the Environmental Assessment/Mitigated Negative Declaration have been incorporated into the project which mitigate any potential significant environmental effects to point acceptable within the community. The mitigation measures are adopted in the Conditions of Approval of this project as outlined in Exhibit A (as on file in the Office of the City Clerk) of this Resolution. The City Council further finds that the Environmental Assessment/Mitigated Negative Declaration reflects its independent judgement.

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b. The Mitigation Monitoring Program is in compliance with Public Resources Code Section 21081.6 and is required in order to assure compliance with the above referenced mitigation measures during project implementation. These mitigation measures are referenced in the Conditions of Approval of this project as outlined in Exhibit A (as on file in the Office of the City Clerk) of this Resolution.

c. Pursuant to Fish and Game Code Section 711.4, this project has a de minimis impact on fish and wildlife.

Section 2: Pursuant to Section 9403.00 of the Zoning Ordinance, the City Council finds that:

a. The use applied for at the location set forth in the application are properly ones for which a Planned Development is authorized by the City's Zoning Ordinance.

The Zoning Ordinance, with the approval of a Planned Development District, allows for an Indian gaming facility on trust lands of the Agua Caliente Indian Reservation - Tribal lands only. The proposed gaming facility will be appropriately located such that it will complement the surrounding hotels, convention center and commercial element of the downtown area. The proposed gaming facility will be located in proximity to two high-density condominium complexes; required conditions and mitigation measures regarding landscaping, grading and building design, will ensure that any visual impact is minimized, such that the location is appropriate for the development of the Indian gaming facility.

b. The proposed gaming facility 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 gaming facility is to be located.

The proposed gaming facility is in harmony with the goals and objectives of the General Plan such that it will be located in an area designated Resort Commercial. The gaming facility will promote Resort Commercial objectives and policies by providing entertainment for this resort oriented area in which the gaming facility will be located; additionally, the gaming facility is to be located in proximity to the convention center, resort hotels and commercial uses, adding to the General Plan Objective 3.23 regarding the "establishment of a unique district which capitalizes on the presence of the Palm Springs Convention Center..." The gaming facility will also further General Plan objectives by strengthening the pedestrian linkage to the downtown area by use of such elements as creative landscaping, decorative paving and street lighting and by creating tourism enhancing development. With the proposed mitigation measures the use will not be detrimental to existing uses as stated in these findings, and will enhance surrounding property and promote the development of resort uses within the zone, consistent with the goals of the General Plan.

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

The site is an appropriate one for the proposed use, however, flexibility with regard to certain development standards is being requested. The gaming facility proposal includes encroachment into required setbacks, the reduction of the required landscape percentage and light standards measuring higher than the maximum

height set forth in the Zoning Ordinance. Calle Encilia and Andreas Road adjacent to the gaming facility are proposed to be vacated; when this occurs, the gaming facility will not encroach into required setbacks nor rights-of-way. However, until such time, encroachment permits will be issued to permit the facility, including portions of the building, the parking structure, landscape planters, light fixtures, parking spaces and the porte cochere to encroach into the rights-of-way.

The gaming facility building and parking structure will be conditioned to maintain a 1:1 setback along Calle El Segundo. Setbacks along Amado will be reduced to a minimum of 20 feet along a portion of Amado; however, this elevation is not directly adjacent to or across the street from any existing residential development and will entail appropriate landscaping to create a buffer for this reduced setback.

The light fixtures will be required to be no greater than 18 feet high as per a mitigation measure within the Environmental Assessment along Calle El Segundo since condominiums are located across the street along Calle El Segundo. The light fixtures have been proposed at a maximum height of 30 feet in other areas not fronting along Calle El Segundo such that they will not negatively impact sensitive land uses; a mitigation measure is also included which requires a lighting plan for the purpose of additional analysis and possibly additional requirements regarding light spillage toward the condominiums and the Hilton Hotel. Additionally, a condition will require all light fixtures to be no higher than 18 feet, with the possibility to increase the height from 22 to 24 feet upon the review of a detailed lighting plan. If developed with these restrictions, the use of the site as a gaming facility will be appropriately adjusted so that impacts on existing and future uses of surrounding property will be minimized and not adverse.

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

A traffic study was prepared for this project which indicates the circulation system is currently designed so that the proposed project can be accommodated. The gaming facility will operate 24 hours per day and will create traffic patterns which differ from the normal commuter hours; traffic will be spread out throughout the day and evening. A mitigation measure will require the potential contribution for the future improvement of Alejo Road. The Environmental Assessment concludes that no intersections will be degraded below level of service B by the project.

e. That the conditions to be imposed as contained in Exhibit A and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare including any minor modifications to the zone's property development standards.

Required conditions and mitigation measures of the Environmental Assessment will ensure that the modifications to the development standards as discussed above will ensure the public health, safety and general welfare. Specifically, the project will be required to comply with conditions and mitigation measures regarding but not limited to, noise, light, construction practices, drainage, site design, landscaping, parking and security. These conditions will ensure that the gaming facility will be designed such that it is appropriately located and will not negatively impact the public health, safety and general welfare.

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f. The proposed change of zone from R-4-VP to PD-232 is in conformity with the General Plan such that this PD will allow for the Indian Gaming Facility which will contribute to the furthering of the General Plan goals and policies. Goals which will be furthered by this change of zone include enhancing the resort commercial areas, providing a pedestrian connection to the downtown, increasing the potential for tourism, contributing to the "establishment of a unique district which capitalizes on the presence of the Palm Springs Convention Center..." and by providing and encouraging resort and entertainment uses in this location adjacent to the downtown and the Convention Center district.

g. The proposed change of zone from R-4-VP to Planned Development District 232 is necessary and proper at this time and is not likely to be detrimental to the adjacent properties as set forth in the Environmental Assessment/Mitigated Negative Declaration. The conditions as well as the mitigation measures will ensure that the proposed PD, in lieu of a zone change, will not negatively impact the adjacent properties; special focus is placed on the properties to the east containing high density residential uses. Conditions will ensure the adequate use of landscaping and design methods for softening and/or buffering of elevations across the street from the condominiums, ensure that security measures are utilized such as the use of video surveillance, ensure the restriction of hours of deliveries and will require a study focussing on eliminating any potential for light spillage toward the condominiums.


NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council approves the Planned Development District 5.0667 PD-232, subject to those conditions set forth in the attached Exhibit A (as on file in the Office of the City Clerk), which are to be satisfied prior to the issuance of certificates of occupancy unless otherwise specified, and hereby certifies the Negative Declaration (Exhibit A of the CEQA Resolution) and the Mitigation Monitoring Program, as set forth in the attached Exhibit A (as on File in the Office of the City Clerk).

ADOPTED this 7th day of September, 1994.

AYES: Members Hodges, Lyons, Kleindienst, Reller-Spurgin and Mayor Maryanov  
NOES: None  
ABSENT: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Manager

REVIEWED AND APPROVED  \_\_\_\_\_

RESOLUTION NO. 18463

EXHIBIT A

PLANNED DEVELOPMENT DISTRICT 5.0667-PD-232

SEPTEMBER 7, 1994

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, 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.

ENGINEERING:

CIRCULATION STUDY

1. The developer shall prepare a circulation and access study focused on the Post Office. The study will identify any improvements necessary to ensure acceptable access to the Post Office for patrons. The study will be reviewed and approved by the City and the Postal Service. Any improvements shall be the responsibility of the project proponents and shall be carried out during Phase I construction.

PHASE I

TRAFFIC SIGNALS

2. The developer shall provide for the future installation of traffic signals, associated loop detectors and equipment when traffic warrants are met by (a) providing an easement for installation and maintenance of said loops, (b) not vacating that portion of the street where loop detectors will be installed, or (c) other mitigation measure acceptable to the City Engineer at the following intersections:

Indian Canyon Drive North @ Andreas Road  
Amado Road @ Calle Encilia  
Amado Road @ Calle El Segundo  
Calle El Segundo @ Andreas Road

- 2a. The developer shall relocate appurtenant structures, as required by the City Engineer, relating to and including the pedestrian signal at the intersection of Indian Canyon Drive North and Andreas Road.

AMADO ROAD

3. Any improvements within the street right-of-way require a City of Palm Springs Encroachment Permit. Work shall be allowed according to Resolution 17950 - Restricting Street Work on Major and Secondary Thoroughfares.
4. All broken or off grade CURB, GUTTER, AC PAVEMENT, AND SIDEWALK shall be repaired or replaced.

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ANDREAS ROAD

5. The developer shall process the vacation of ANDREAS ROAD as determined from Item # 1 above from INDIAN CANYON DRIVE NORTH to CALLE EL SEGUNDO. Developer shall be responsible for final resolution of all utilities, demolition of all existing improvements, reconstruction of affected intersecting streets and coordination of improvements with adjacent property owners, if applicable, for the street vacation. All agreements and improvement plans relative to the above mentioned items shall be approved by the City Engineer prior to the submittal of the street improvement plans.
6. Dedicate an easement for all existing and proposed sewer and public utility purposes with right of ingress and egress over the vacated area of the private streets.
7. All broken or off grade CURB, GUTTER, AC PAVEMENT, AND SIDEWALK shall be repaired or replaced.
8. Any improvements within the street right-of-way require a City of Palm Springs Encroachment Permit. Work shall be allowed according to Resolution 17950 - Restricting Street Work on Major and Secondary Thoroughfares.

CALLE ENCILIA

9. The developer shall process the vacation of CALLE ENCILIA as determined from Item # 1 above from TAHQUITZ CANYON WAY EAST to AMADO ROAD. Developer shall be responsible for final resolution of all utilities, demolition of all existing improvements, reconstruction of affected intersecting streets and coordination of improvements with adjacent property owners, if applicable, for the street vacation. All agreements and improvement plans relative to the above mentioned items shall be approved by the City Engineer prior to the submittal of the street improvement plans.
10. All broken or off grade CURB, GUTTER, AC PAVEMENT, AND SIDEWALK shall be repaired or replaced.
11. Dedicate an easement for sewer and public utility purposes with right of ingress and egress over the entire vacated area of the private streets.
12. Any improvements within the street right-of-way require a City of Palm Springs Encroachment Permit. Work shall be allowed according to Resolution 17950 - Restricting Street Work on Major and Secondary Thoroughfares.

CALLE EL SEGUNDO

13. Any improvements within the street right-of-way require a City of Palm Springs Encroachment Permit. Work shall be allowed according to Resolution 17950 - Restricting Street Work on Major and Secondary Thoroughfares.
14. The existing curb and gutter shall remain in place except for curb cuts necessary for driveway approaches.
15. All driveway approaches shall be constructed in accordance with City of Palm Springs Standard Drawing No. 205 (minimum radius = 15 feet) and have minimum widths of 32 feet.

16. All broken or off grade CURB, GUTTER, AC PAVEMENT AND SIDEWALK shall be repaired or replaced.

ON-SITE

17. The minimum pavement section for all on-site streets/parking areas shall be a minimum of 2 1/2 inch asphalt concrete pavement over 4 inch Class II aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, OR equal. The pavement section shall be designed, using "R" values, determined by a licensed Soils Engineer and submitted with the Fine Grading Plan to the City Engineer for approval.
18. The on-site parking lot shall be constructed in accordance with City of Palm Springs Zoning Ordinance, Section 9306.00.
19. Connect all sanitary facilities to the City sewer system.

GENERAL

20. If existing lots or parcels are to be combined for the gaming facility site area, the developer shall submit a Lot Line Adjustment prepared by either a Registered Civil Engineer or a Licensed Land Surveyor to the Engineering Division. This condition shall be complied with before any grading or building permits will be issued.

If existing parcels are to be divided or combined, including the Prairie Schooner site, the procedure shall be in compliance with the State of California Subdivision map Act, Section 66400 et. seq.

21. The Title Report prepared for subdivision guarantee for the subject property and the traverse closures for the existing parcel and all lots created therefrom shall be submitted to the Engineering Division.
22. Submit a Fine Grading Plan prepared by a Registered Civil Engineer to the Engineering Division for plan check. The Fine Grading Plan shall be approved by the City Engineer prior to issuance of any grading or building permits.
23. Developer shall obtain a General Construction Activity Storm Water Permit from the State Water Resources Control Board (Phone No. (916)-657-0687) and provide a copy of same, when executed, to the City Engineer prior to issuance of the grading permit.
24. Any utility cuts in the existing pavement made by this development shall receive trench replacement pavement to match existing pavement plus 1 additional inch. Pavement shall be restored to a smooth rideable surface.
25. All existing and proposed utility lines on/or adjacent to this project shall be undergrounded. The location and size of the existing overhead facilities shall be provided to the Engineering Division along with written confirmation from the involved utility company(s) that the required deposit to underground the facility(s) has been paid, prior to issuance of a grading permit.

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All undergrounding of utilities shall be completed prior to issuance of a Certificate of Occupancy.

26. All existing utilities shall be shown on the grading plans. The existing and proposed service laterals shall be shown from the main line to the property line. The approved original grading plans shall be as-built and returned to the City of Palm Springs Engineering Division prior to issuance of the Certificate of Occupancy.
27. The developer is advised to contact all utility purveyors for detailed requirements for this project at the earliest possible date.
28. The developer shall accept all flows impinging upon his land and conduct these flows to an approved drainage structure.
29. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$ 9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
30. In accordance with City of Palm Springs Municipal Code, Section 8.50.00, the developer shall post with the City a cash bond of two thousand dollars (\$2,000.00) per acre for mitigation measures of erosion/blowsand relating to his property and development. The total cash bond for this development is \$5,000.00.
31. Nothing shall be constructed or planted in the corner cut-off area of street intersection or driveway which does or will exceed three (3) feet in height in order to maintain an appropriate sight distance.
32. A soils report prepared by a licensed Soils Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed site. A copy of the soils report shall be submitted to the Building Department and to the Engineering Division along with plans, calculations and other information subject to approval by the City Engineer prior to the issuance of the grading permit.
33. All tree wells 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 per City of Palm Springs Engineering specifications.

#### TRAFFIC

34. The developer shall provide a minimum of 48 inches of sidewalk clearance around one side of all street furniture for handicap accessibility. The developer shall provide same through dedication of additional right-of-way and widening of the sidewalk or shall be responsible for the relocation of all existing traffic signal/safety light poles, conduit, pull boxes and all appurtenances located on the AMADO ROAD, CALLE ENCILIA, ANDREAS ROAD, and CALLE EL SEGUNDO frontages of the subject property.
35. The developer shall replace all damaged or destroyed pavement legends and striping and provide any new striping that is required by the City Engineer on the AMADO ROAD, ANDREAS ROAD, CALLE ENCILIA AND CALLE EL

SEGUNDO frontages prior to issuance of a Certificate of Occupancy.

36. A 30 inch "STOP" sign and standard "STOP BAR" and "STOP LEGEND" shall be installed per City of Palm Springs Standard Drawing Nos. 620-626 at the following locations:

All parking lot egresses to public streets and interior travel ways

Amado Road and Calle Encilia  
Amado Road and Calle El Segundo

37. 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 1991, or subsequent additions in force at the time of construction.
38. This property is subject to the Transportation Uniform Mitigation Fee based on the INDOOR RECREATIONAL FACILITY ITE Code A land use or an equivalent fee pursuant to an agreement negotiated with the Coachella Valley Association of Governments (CVAG) and the Tribal Council.
39. The developer shall coordinate the Grand Opening and all other special events with the Palm Springs Special Events Committee and the Palm Springs Police Department.

## PHASE 2

### GENERAL

40. The developer shall construct drainage facilities (Lateral 15A) according to the approved Master Plan of Flood Control and Drainage. Validated costs incurred by the developer for design and construction of storm and/or drainage improvements adjacent to such development as shown in said Master Plan shall be credited toward the drainage fee previously paid in Phase I or otherwise due or in the event such cost exceeds the fee, the City will enter into a reimbursement agreement with the developer to reimburse him for such excess costs from drainage fees collected from other development. The acreage drainage fee at the present time is \$ 9,212.00 per acre per Resolution No. 15189. This condition shall be complied with, to the satisfaction of the City Engineer, prior to filing any final map or issuance of the building permit.

### PLANNING:

41. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations except as modified herein.
42. The final development plans shall be submitted in accordance with Section 9403.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans (landscape plans shall be approved by the Riverside County Agricultural Commissioner's

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- Office prior to submittal), irrigation plans, exterior lighting plans, parking management program, a detailed sign program (to be approved by the Planning Commission), mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the City Council approval of the preliminary planned development district.
43. The final development plans shall include design details of the pedestrian link along Andreas Road to extend from Indian Canyon Drive to Calle El Segundo. Such plans shall indicate the use of decorative paving, lighting and landscaping and shall be coordinated with the Downtown Design Guidelines. Additionally, decorative paving, landscaping and light fixtures shall be extended on Calle Encilia from Andreas Road to Tahquitz Canyon Way. The City Council encourages the applicant to extend decorative paving to the west side of Indian Canyon Drive to complete the pedestrian connection to downtown.
  44. The final development plans shall include design details showing the usage of decorative paving and crosswalks within the Andreas Road/Calle Encilia intersection.
  45. The final development plans shall include a redesign of the loading and maneuvering area, by utilizing a portion of the Parking Lot B area for additional access. A five foot wide landscape planter should be included along the loading area screening wall.
  46. The final development plans shall include a redesign of Parking Lot B, such that the parking spaces are pulled further away from the gaming facility building and additional landscape is added.
  47. The final development plans shall include a redesign of Parking Lot F, such that the drive aisle is reduced to 26 feet and the westerly driveway is designated for exit only.
  48. The final development plans shall include a redesign of the pedestrian access from Parking Lot A to the gaming facility entries, including an increase in the width of the landscape planter along the south side of Parking Lot A to include a pedestrian walkway.
  49. The City Council encourages the applicant to re-evaluate the building details to bring the building back to a pedestrian scale, especially the portions of the building with domes. (This is an advisory recommendation and is not a condition of approval).
  50. All parking lot and security light fixtures shall be limited to a maximum height of 18 feet; however, upon review of a detailed lighting plan which includes a photometric diagram the City may allow an increase in light fixture height (22 to 24 feet).
  51. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Building for review and approval prior to the issuance of a building

permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

52. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$50.00 is required. This project has a de minimis impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
53. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
54. All roof mounted mechanical equipment and duct work shall be screened such that it cannot be seen at ground level at a distance of 1325 feet from the building upon which the mechanical equipment or duct work is located. The screening shall be considered as an element of the overall design and should blend with the architectural design of the building.
55. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
56. All materials on the flat portions of the roof shall be earth tone in color.
57. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
58. The street address numbering/lettering shall not exceed eight inches in height.
59. The mitigation measures of the environmental assessment shall be adopted as conditions of approval. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration will be included in the plans prior to Planning Commission and City Council consideration of the environmental assessment.
60. Manufacturer's cut sheets of all exterior lighting on the building, in the landscaping, and in the parking lot shall be submitted for approval prior to issuance of a building permit.
61. Submit plans for approval for proposed trash and recyclable materials enclosures which comply with City standards prior to issuance building permits.
62. 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 a fee. The value of the art provided or the fee paid shall be equal to 1/2% (for commercial projects) or 1/4% (for residential projects) of the total building permit valuation. The City Council shall review and consider the proposed fountains as contributions toward the public art requirement during the review of the final PD plans.

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63. Drainage swales shall be provided adjacent to all curbs and sidewalks - 3' wide and 6" deep. The irrigation system shall be field tested prior to final approval of the project. Section 14.24.020 of the Municipal Code prohibits nuisance water from entering the public streets, roadways or gutters.
64. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
65. One in every eight (8) handicapped parking spaces, but not less than one (1), shall be served by an eight (8) foot walkway on the right side and shall be designated as "van accessible."
66. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
67. No outside storage of any kind shall be permitted except as per the approved plan.
68. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
69. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
70. Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.
71. The project plans shall comply with Section 9306.00 of the Zoning Ordinance regarding parking standards. Special attention shall be focussed on compliance with the following parking requirements: landscape islands; and tree wells; shading percentage; parking lot lighting levels; location of light fixtures; parking stall measurements and striping; designation of compact and handicapped parking spaces, and; curb and pedestrian walkway locations and dimensions.
72. Prior to the issuance of the certificate of occupancy a minimum of 625 parking spaces (or 1 space per 120 gross square feet of building area) in Phase I shall be provided within 300 feet of the property lines of the gaming facility site. Parking may be provided by acquisition of additional properties or construction of a parking structure on the subject property. "Acquisition of additional properties" means either fee title or covenant or lease (leases shall be in a form approved by the Bureau of Indian Affairs). All parking facilities shall be fully improved pursuant to Section

9306.00 C.2 of the Zoning Ordinance. Parking facilities located off-site shall either be added to this Planned Development District by amendment or other appropriate permits shall be granted and shall be maintained in a legally enforceable manner for the life of the project or replaced with on-site parking or other additional properties.

73. A detailed parking management program shall be submitted and approved as part of the final PD prior to the issuance of the certificate of occupancy. The parking management program shall include provisions to provide a minimum of 625 parking spaces (or 1 space per 120 gross square feet of building area) for Phase I and a minimum of 1,094 parking spaces (or 1 space per 110 gross square feet of building area) for Phase II, on or off-site and shall assure adequate parking at all times, even while parking is dislocated during construction of facilities. Additionally the parking management program shall provide replacement Post Office parking in the amount of 103 spaces (or actual number of Post Office parking spaces displaced), shall designate all employee and company vehicle parking areas, shall designate off-site bus parking areas, shall describe on-site bus loading procedures and shall describe the parking study which shall be performed prior to submittal of the final Planned Development District plan approval for Phase II (see mitigation measures #3 and #4 of the Parking section per the attached Mitigation Monitoring Program).
74. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. A TDM plan shall be submitted and approved prior to the issuance of certificates of occupancy. Refer to Chapter 8.4 of the Palm Springs Municipal Code.
75. All gaming facility structures along Calle El Segundo shall maintain a minimum horizontal setback no less than the measurement of the vertical height of the structures (not including height of architectural features).

POLICE DEPARTMENT:

76. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

FIRE DEPARTMENT:

77. The project entry arches shall provide a minimum clearance of 13' 6" for emergency fire apparatus.
78. The project shall provide a minimum 20 foot clear width for emergency vehicles.
79. The project shall include areas with red curbs and shall be posted "No Parking." Exact areas to be determined at a later date. Vehicle access gates and locked exterior doors may require Knox access.
80. A master site plan (8.5" x 11") shall be submitted, after final configuration of parking, vehicular access, etc. is determined, for location of fire hydrants. Note: existing fire hydrants may be required to be upgraded.

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81. The gaming facility site shall be fenced prior to construction and provided with on site garden hoses for construction fire protection. construction security guards will be required during Phase II construction.
82. The project shall comply with applicable local, state and national fire codes.
83. The fountain features, etc. shall not reduce the turning radius for emergency fire apparatus below the minimum Fire Department turning radius of 43 feet.
84. The project fire flow requirements shall be established by the Fire Department based on the final square footage and type of construction.
85. Additional Fire Department items may be required as conditions warrant.

WASTE DISPOSAL SERVICES:

86. The location of the trash enclosure is acceptable subject to approved construction details approved by the Building Official consistent with approved City details.

BUILDING REQUIREMENTS:

87. Prior to any construction on-site, all appropriate permits must be secured.

## MITIGATION MONITORING PROGRAM

CASE 5.0667 GPA/ZTA/PD-232

SEPTEMBER 7, 1994

California statutory legislation (Public Resources Code, Section 21081.6) requires responsible agencies to adopt monitoring programs to ensure that implementation of mitigation measures contained in Environmental Impact Reports and Environmental Assessments is effectively monitored. This document is designed to ensure that mitigation measures contained in the Environmental Assessment for the Indian gaming facility are properly monitored.

### Land Use

#### Mitigation Measures:

1. A General Plan Amendment is required to designate the entire project area as Resort Commercial from its current mix of High Density Residential, Resort Commercial, and Central Business District designations. Also, the allowable uses within the Resort Commercial designation must include references to Indian gaming facilities and associated uses.
2. The project proponents shall submit a PDD application covering the 10.3-acre site to be developed as a gaming facility. The application requires the submittal of Preliminary and Final Development Plans and their review by the Planning Commission and City Council. Public hearings and findings in accordance with Zoning Ordinance procedures for a PDD will assure that issues associated with land use compatibility and community design will be addressed in detail. This review shall include an evaluation of building heights, setbacks, proportions or massing, architectural style and details, and landscape architecture treatment (including hardscapes). The review shall also focus on uses, improvements, and circulation of pedestrians along Andreas Road between the Convention Center and downtown.

Responsible for Monitoring: The City of Palm Springs.

Timing: Currently being carried out with the Planning Commission public hearing held on August 24, 1994, and the City Council public hearing of September 7, 1994.

Date Completed:

#### Mitigation Measure:

3. A Conditional Use Permit shall be required for the relocation of tennis courts to the Prairie Schooner site. The permit shall specify hours of operation from sunrise to 10 p.m.

Responsible for Monitoring: The project applicants and the City of Palm Springs.

Timing: Prior to submittal for grading permits or other necessary permits for the location of tennis courts on the Prairie Schooner site.

Date Completed:

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## Traffic/Circulation

### Mitigation Measure:

1. The project applicant shall contribute, on a fair share basis, to improvement of Alejo Road to four lanes between Palm Canyon Drive and Via Miraleste, if the City implements a funding mechanism addressing these improvements within five years of the issuance of an occupancy permit for the second phase of the gaming facility.

Responsible for Monitoring: The Tribal Council and the Department of Planning and Building.

Timing: Within five years of the issuance of Certificates of Occupancy for Phase II of the project. The Tribal Council shall consider this as part of the upcoming Section 14 Master Plan.

Date Completed:

### Mitigation Measure:

2. The contractor shall ensure that flagmen are used to assist trucks merging into traffic, and that truck trips are limited during the peak commute hours.

Responsible for Monitoring: The project's construction manager and the Department of Public Works.

Timing: This shall occur for the duration of the project demolition, grading and construction phases.

Date Completed:

### Mitigation Measures:

3. The gaming facility operator shall establish a local shuttle service to and from area hotels, resorts, and other pick-up points.
4. The gaming facility operator shall establish an employee rideshare program.
5. The gaming facility operator shall coordinate with Sun Line Transit Agency to facilitate the use of public transit, and shall consider promotional incentives for such usage.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: These mitigation measures shall be incorporated within the required Transportation Demand Management (TDM) Plan which shall be submitted and approved prior to issuance of Certificates of Occupancy.

Date Completed:

Mitigation Measure:

6. ~~The Agua Caliente Band~~ **The Department of Planning and Building** shall evaluate the operation of Andreas Road between Palm Canyon Drive and Indian Canyon Drive once the gaming facility is open and shall make adjustments if necessary.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: During the life of the project and as part of the Section 14 Master Plan.

Date Completed:

Mitigation Measure:

7. The Agua Caliente Band shall pay for the placement of stop signs at the intersection of Amado Road with Calle Encilia and Calle El Segundo.

Responsible for Monitoring: The project applicants and the Department of Public Works.

Timing: Prior to the issuance of Certificates of Occupancy.

Date Completed:

Mitigation Measure:

8. Prior to initiation of Phase I construction, the project proponent shall prepare a circulation and access study focused on the Post Office. The purpose of this study will be to identify any improvements necessary to ensure acceptable access to the Post Office for patrons. The study shall be reviewed and approved by the City and the Postal Service. Any needed improvements shall be the responsibility of the project proponents and shall be carried out during Phase I construction.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: As part of the Post Office land acquisition process.

Date Completed:

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**Air Quality**

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Mitigation Measures:

**Short-term (Construction) Emissions**

1. The contractor shall ensure that trucks used for hauling excess materials are covered so as to minimize loss of materials, that flagmen are used to assist trucks merging into traffic, and that truck trips are limited during the peak commute hours.
2. A Fugitive Dust (PM<sub>10</sub>) Mitigation Plan shall be prepared in compliance with Ordinance 1439 of the Municipal Code and shall be included as part of the construction contract specifications prior to the issuance of a grading permit. The Fugitive Dust Mitigation Plan shall specify steps that will be taken to comply with the City's Fugitive Dust and Erosion Control Ordinance, which restricts fugitive dust emissions. Measures outlined in the plan shall include, but not be limited to: daily watering of graded areas, washing of equipment tires before leaving the construction site, and use of SCAQMD approved chemical stabilizers or soil binders.
3. Grading shall occur within the framework of approved development plans and shall be concurrent with full-scale site development (i.e., the project site shall not remain in a graded, but unimproved, state for an extended period).
4. Construction roads shall be paved as soon as they are created. Paving shall extend from the paved roadway onto the construction area and shall be cleaned at the end of each work day.
5. The contractor shall discontinue construction activities during the first and second stage smog alerts, or when wind gusts exceed or are forecast to exceed 30 miles per hour at the project site.
6. Vegetative ground cover shall be planted as soon as possible on construction sites. Temporary vegetation shall be placed in areas that are to remain bare for an extended period of time. Chemical soil stabilizers may be used on an annual basis in place of the vegetative ground cover.
7. All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained.
8. The contractor shall provide evidence that low emission mobile construction equipment will be used for the project or shall provide evidence that their use was investigated and found to be infeasible for the project.
9. The contractor shall employ construction activity management techniques, such as extending the construction period; reducing the number of pieces of equipment used simultaneously; increasing the distance between the emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.
10. The contractor shall utilize existing power sources (i.e., temporary power poles) so as to avoid the use of diesel generators.

Responsible for Monitoring: The project applicants, the project construction manager and the Department of Planning and Building.

Timing: Prior to the submittal for grading permits and for the duration of the demolition, grading and construction phases of the project.

Date Completed:

#### **Long-term (Operational) Emissions**

11. The gaming facility operator shall submit a plan that demonstrates conformance with the City's Transportation Demand Management Ordinance. Subsequent to review and approval by City staff, all measures included in the plan shall be implemented as part of gaming facility operation.
12. The gaming facility operator shall establish a local shuttle service to and from area hotels, resorts, and other pick-up points. Use of zero emissions or clean burning shuttle vehicles shall be investigated.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: To be approved prior to the issuance of Certificates of Occupancy.

Date Completed:

#### **Noise**

##### Mitigation Measures:

1. Noise generating construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., seven days a week. Any extension of construction hours requires that a permit be issued by the City of Palm Springs (City of Palm Springs Noise Ordinance § 11.74.041).
2. All construction vehicles and equipment shall be equipped with properly functioning and maintained muffler systems.
3. All noisy operations such as stockpiling and/or vehicle staging shall be performed as far as reasonably practicable from noise sensitive receptors (e.g., the existing hotels and condominiums).
4. Prior to the issuance of any demolition, grading or building permit, the project proponent shall submit a construction traffic route plan to the City Engineer for approval. The Plan shall demonstrate avoidance of congested roadways, avoidance of sensitive receptors, and minimization of trips and trip length to the extent feasible.

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Responsible for Monitoring: The project applicants, the project construction manager, the Department of Public Works and the Department of Planning and Building.

Timing: Prior to the submittal of the first permit, during the demolition, grading and construction phases of the project and for the life of the project.

Date Completed:

Mitigation Measure:

5. Deliveries shall be prohibited between the hours of 8 p.m. and 7 a.m.

Responsible for Monitoring: Department of Planning and Building and the operator.

Timing: For the life of the project.

Date Completed:

Mitigation Measure:

6. All traffic sign boards shall be solar powered.

Responsible for Monitoring: The project applicant and the Department of Public Works.

Timing: For the duration of the use of traffic sign boards.

Date Completed:

### **Parking**

Mitigation Measures:

1. The City will process an Administrative Minor Modification (AMM) to reduce the Hilton Hotel's overall requirement to 221 spaces.
2. The City will process an AMM to reduce the Spa Hotel's parking requirement to 225 spaces.

Responsible for Monitoring: The Department of Planning and Building.

Timing: Prior to demolition and/or closure of existing parking facilities.

Date Completed:

Mitigation Measure:

3. The 103 Post Office parking spaces to be displaced by the project will be replaced prior to their elimination. This replacement will occur in the immediate vicinity of the Post

Office. Current efforts to secure this parking are focusing on the vacant lots north of Amado Road between Calle Encilia and Calle El Segundo. The City will provide environmental and planning review of development of this or any other off-site parking lot.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: Prior to the dislocation of any Post Office parking.

Date Completed:

Mitigation Measure:

4. An analysis of Phase I patronage shall be performed by the gaming operator prior to the initiation of construction plans for Phase II to determine the actual patronage per square foot and patron entrance/exit patterns as well as arrival patterns (type of transportation used). The resulting information shall be utilized to refine Phase II parking space requirements. Should an existing or projected shortfall in Phase II parking be identified, Phase II plans will be revised to supply the identified additional amount.

Responsible for Monitoring: The project applicant and the Department of Planning and Building.

Timing: Prior to the submittal for Final Planned Development District plans for Phase II construction of the project.

Date Completed:

#### **Visual Aesthetics and Community Design**

Mitigation Measures:

1. Prior to final "as-built" approval of grading, the a Registered Landscape Architect shall inspect landscape installation for conformance to the requirements of this document and the grading permit; a Registered Landscape Architect shall certify by letter to the City of Palm Springs that landscape installation conforms to these requirements.
2. Landscaping within the parking areas shall be installed as part of Phase I and shall conform to the landscaping requirements of the Zoning Ordinance.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing:

Date Completed:

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Mitigation Measure:

3. The PDD application, which will cover the entire square block encompassing the gaming facility and the parking structure, requires the submittal of Preliminary and Final Development Plans and their review by the Planning Commission and City Council. Public hearings and findings will assure that issues associated with community design will be addressed in detail. This review shall include an evaluation of building heights, setbacks, proportions or massing, architectural style and details, and landscape architecture treatment (including hardscapes) as they relate, in particular, to the residential condominiums adjacent to the east and northeast. The review shall also focus on uses, improvements, and circulation of pedestrians along Andreas Road between the Convention Center and downtown in an effort to create an enhanced pedestrian environment.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: The Planned Development District application is currently being processed by the Department of Planning and Building. The preliminary PD application was recommended for approval to the City Council on August 24, 1994, and the City Council will hold a public hearing on this project on September 7, 1994. Final development plans shall be submitted and approved prior to the issuance of building permits.

Date Completed:

**Geology/Soils**

Mitigation Measures:

1. Structures shall be designed according to current structural standards for seismically active areas. While the Tribe is not required to do so, the project shall comply with all applicable requirements of the Uniform Building Code.
2. Permanent structures to be constructed on the proposed site shall be designed by a qualified professional who is aware of the project's seismic setting. A geotechnical engineer shall be retained to provide input for foundation design.
3. Recompacted soil mats shall be constructed beneath all foundations and slabs-on-grade to decrease the potential for consolidation and to provide a more uniform and firm bearing support for the proposed structures.

Responsible for Monitoring: The project applicants, the Department of Public Works and the Department of Planning and Zoning.

Timing: In conjunction with the submittal for building permits.

Date Completed:

### Water Quality

#### Mitigation Measure:

1. The Agua Caliente Band will submit a Notice of Intent for Construction Activities to the U.S. Environmental Protection Agency at least two days prior to the commencement of construction (as described above in 4.7.1). The Notice of Intent will include a Pollution Prevention Control Plan.

Responsible for Monitoring: The project applicants, the U.S. E.P.A. and the Department of Public Works.

Timing: Prior to the commencement of project construction.

Date Completed:

### Drainage

#### Mitigation Measure:

1. Phase I development shall be subject to flood control and drainage implementation fees.

Responsible for Monitoring: The project applicant, the Department of Public Works and the Department of Planning and Building.

Timing: Prior to the issuance of building permits.

Date Completed:

#### Mitigation Measure:

2. Drainage facilities specified for the immediate project vicinity in the approved Master Drainage Plan and designated as Lateral 15A shall be constructed in Phase II. Validated costs incurred by the developer for design and construction of storm and/or drainage improvements adjacent to such development as shown in said Master Drainage Plan shall be credited toward the drainage fee previously paid in Phase I otherwise due or in the event such cost exceeds the fee previously paid otherwise due, the City will enter into a reimbursement agreement with developer to reimburse him for such excess costs from drainage fees collected from other development. This condition shall be compiled with, to the satisfaction of the City Engineer, prior to filing any final map or issuance of the building permit.

Responsible for Monitoring: The project applicant, the Riverside County Flood Control and Water Conservation District and the Department of Public Works.

Timing: Prior to the issuance of Certificates of Occupancy for Phase II of the project.

Date Completed:

1A57

1A52

Mitigation Measure:

3. ~~The Tribe shall maintain a right-of-way of Line 15 within Andreas Road and Calle Encilia. This will allow construction of Line 15 as part of the phased implementation of the Master Drainage Plan.~~

The developer shall enter into an agreement with the Riverside County Flood Control and Water Conservation District to establish the terms and conditions covering plan checking, inspection and acceptance of the facilities, Lateral 15A, for operation and maintenance.

Responsible for Monitoring: The project applicants, the Riverside County Flood Control and Water Conservation District and the Department of Public Works.

Timing: Prior to the issuance of Building Permits for Phase II.

Date Completed:

**Public Utilities/Services**

Mitigation Measures:

**Water**

1. All on-and off-site water facilities required to serve the proposed project shall be constructed and/or funded by the project applicant(s). The project applicant(s) shall prepare water facility plans for review and approval by the City of Palm Springs and the DWA prior to the approval of building permits ~~Tentative Map approval~~. All applicable federal, state and local regulations and operating procedures shall be followed in the design, construction and operation of water facilities for the project.

Responsible for Monitoring: The project applicants, the DWA and the Department of Public Works.

Timing: Prior to the approval of the Lot Line Adjustment.

Date Completed:

**Sewer**

2. The project proponent(s) shall submit to the City of Palm Springs for review and approval detailed sewer facility plans prior to approval of building permits ~~final tentative map approvals~~. The plans shall identify required on-and off-site improvement types, location, sizing, phasing and explanations as to how the proposed improvements comply with City requirements.
3. The project proponent(s) shall also be required to fund all on and off-site improvements

required by the project and maintain all on-site facilities.

4. The project proponent(s) shall pay sewer connection fees required to provide sewage collection and disposal to the project site. Sewer fees shall be paid prior to issuance of Permit to Connect.

Responsible for Monitoring: The project applicants, the Department of Public Works and the Department of Planning and Building.

Timing: Prior to the issuance of Building Permits.

Date Completed:

#### **Solid Waste**

Mitigation Measures:

5. The Tribe and the operator of the proposed facilities shall comply with the Solid Waste Management Act of 1989 and the Coachella Valley Associated Governments Integrated Waste Management Plan.
6. The project proponent(s) shall incorporate collection/storage facilities for recyclables for all non-residential development pursuant to the Zoning Ordinance.
7. The Tribe shall seek proposals for the use of recycled products in the construction of all uses on-site.
8. The project proponent(s) and operators of the proposed facilities shall contract Waste Disposal Services, Inc. or some other waste disposal hauler, to remove green waste from the site upon availability of adequate service to dispose of such waste in other than a municipal landfill. This would help the City comply with the Solid Waste Management Act.

Responsible for Monitoring: The project applicants, Palm Springs Disposal Services and the Department of Planning and Building.

Timing: In conjunction with final PD development plans and for the life of the project.

Date Completed:

Mitigation Measure:

#### **Schools**

9. The City of Palm Springs School District charges a one time school impact fee of \$0.27/square foot for commercial facilities. The proposed project site includes 150,000 square feet of commercial area. Utilizing the above methodology to calculate fees the

1A53



1A54 12

proposed development would be required to pay an impact fee of \$40,500.00. The Tribal Council of the Agua Caliente Band may, by separate agreement with the Palm Springs Unified School District, provide equipment and/or facilities to support education, continuing education and/or job training in-lieu of payment of impact fees. Prior to issuance of building permit an agreement between the Palm Springs School District and the Agua Caliente Band shall be provided to the City.

**Responsible for Monitoring:** The applicants, the Palm Springs Unified School District and the Department of Planning and Building.

**Timing:** Prior to the issuance of Building Permits.

**Date Completed:**

**Mitigation Measure:**

**Library**

10. Funds derived by the City from Casino revenues shall be used to offset increased demands upon library services.

**Responsible for Monitoring:** The City of Palm Springs.

**Timing:** For the life of the project.

**Date Completed:**

**Mitigation Measure:**

**Socioeconomics**

**Mitigation Measure:**

1. The potential increase in demand for low-income housing will be mitigated through the use of City proceeds generated by the gaming facility and aligned activities, as well as existing housing funds.

**Responsible for Monitoring:** The Department of Economic Development.

**Timing:** For the life of the project.

**Date Completed:**

**Mitigation Measures:**

2. Caesars, in association with the Agua Caliente Band Tribal Council, shall extend its existing support of non-profit programs dealing with compulsive behaviors and substance abuse to the City of Palm Springs.

3. Caesars will conduct a study of the impact on social programs within the Palm Springs area within a twelve months of the opening of the gaming facility. The review should consider any damage to the aesthetics of the surrounding area, family disruption caused by gaming losses, and dysfunctional family association as a result of gaming. The study will be submitted to the Agua Caliente Band of Caluilla Indians Tribal Council and the Palm Springs City Council for review, consideration, and possible action. Problems identified through this study will be addressed through Caesars' existing methods of supporting the above-mentioned non-profit programs.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: Within one year of the opening of the project and for the life of the project.

Date Completed:

#### **Public Safety**

##### **Police**

##### Mitigation Measures:

1. Prior to the issuance of building permits, an agreement between the City and Caesars specifying that Caesars will handle most minor calls in-house will be finalized;
2. The Palm Springs Police Department will train Caesars security personnel in report writing and citizen arrest techniques. Training will be provided on a pay-for-service basis;
3. Caesars will provide complete facility video surveillance including parking lots.

Responsible for Monitoring: The project applicants and the City of Palm Springs Police Department.

Timing: Prior to the issuance of Building Permits and for the life of the project.

Date Completed:

##### Mitigation Measure:

4. Adequate street lighting shall be provided along all street frontages and on Amado Road, between Calle Encilia and Indian Canyon.

Responsible for Monitoring: The project applicants, the Police Department and the Department of Planning and Building.

Timing: Prior to the issuance of Certificates of Occupancy and for the life of the project.

Date Completed:

1/15/55

**Fire**

1A56

Mitigation Measure:

1. Entry arches shall provide a minimum clearance 13'6" for emergency fire apparatus.
2. Minimum clear width for emergency vehicles to be 20'.
3. Numerous areas to be "red curbed" and posted "No Parking." Exact areas to be determined at a later date.
4. Submit 8½" x 11" master site plan when final configuration of parking, vehicular access, and other hardscape is determined for location of fire hydrants. Existing fire hydrants may require upgrading.
5. Fire flows for structures shall be provided in accordance with respective construction types.
6. The gaming facility site shall be fenced prior to construction and provided with on site garden hoses for construction fire protection. Depending on construction type, security guards may be required.
7. The gaming facility shall comply with applicable state, local and national fire codes.
8. Additional fire protection requirements will be determined during review of final plans and construction documents.

Responsible for Monitoring: The project applicant and the City of Palm Springs Fire Department.

Timing: In conjunction with submittal for Building Permits.

Date Completed:

**Cultural Resources**

Mitigation Measure:

1. Archaeological monitors, under the direction of a Society of Professional Archaeologists-certified supervisor, shall be present during initial construction stages of ground disturbance. An agreement between the Tribe, Caesars, and the City shall be in place to guide the evaluation and, if necessary, the data recovery of any significant cultural resources that may be uncovered.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: Prior to the issuance of a grading permit and during the initial stages of the site grading and demolition.

Date Completed:

**Light and Glare**

Mitigation Measures:

1. A lighting plan shall be included as part of the PDD application and shall comply with lighting regulations of the Zoning Ordinance as well as with the standards set forth in County Ordinance No. 655. The lighting design shall include an additional analysis of potential light spillage to residential condominiums to the east and northeast, and to the Hilton Hotel to the south. The lighting plan shall reduce light and glare to these areas by shielding of the light source, use of vegetation, and placement and height of light standards. The design of proposed buildings should also limit windows and other openings along the east side of the facility or incorporate other measures to limit light spillage from interior use areas where activities will be conducted 24 hours a day. (See conditions of approval)
2. Light fixtures for exterior use areas bordering Calle El Segundo shall be limited to 18 feet in height pursuant to the Zoning Ordinance. (See conditions of approval)

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: In conjunction with submittal of final PD development plans.

Date Completed:

Mitigation Measure:

3. Tennis court lighting shall be prohibited between the hours of 10:00 pm and sunrise.

Responsible for Monitoring: The Department of Planning and Building.

Timing: For the duration of the tennis courts operation.

Date Completed:

Mitigation Measure:

4. Use of reflective glass on exterior surfaces of the gaming facility should be minimized.

Responsible for Monitoring: The project applicants and the Department of Planning and Building.

Timing: In conjunction with submittal of final development plans for the PD.

Date Completed:

1A57

# **ATTACHMENT 2**

RESOLUTION NO. 6560

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING A REQUEST TO VACATION AND ABANDON A PORTION OF PUBLIC RIGHT-OF-WAY WITHIN CALLE ENCILIA AND ANDREAS ROADS SHOWN ON THE AGUA CALIENTE RESERVATION MAP, NOVEMBER 1948, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST; (ENGINEERING FILE R 15-12).

WHEREAS, the Agua Caliente Band of Cahuilla Indians, (the "Tribe"), has filed an application requesting that the City consider vacating and abandoning portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Andreas Road between Amado Road and Tahquitz Canyon Way, as described in Exhibit "A" and shown on Exhibit "B"; and

WHEREAS, vacation of Andreas Road and Calle Encilia have been anticipated as part of the Tribe's development of its properties in Section 14, and were identified as part of the overall scope of the "Agua Caliente Indian Gaming Facility," Planned Development District No. 232 ("PDD 232"), previously reviewed and recommended for approval by the Planning Commission, and approved by the City Council on September 7, 1994; and

WHEREAS, the former Community Redevelopment Agency for the City of Palm Springs ("RDA") and the Tribe entered into a Disposition and Development Agreement ("DDA") that also identified vacation of portions of Andreas Road and Calle Encilia in two phases, with Phase I identified as that part of Andreas Road between Indian Canyon Drive and Calle Encilia, and with Phase II identified as Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia between Amado Road and Tahquitz Canyon Way; and

WHEREAS, the Phase I right-of-way vacation of Andreas Road between Indian Canyon Drive and Calle Encilia was officially vacated by the City Council on December 18, 1996; and

WHEREAS, the currently adopted Circulation Element of the General Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in the Circulation Element Map; and

WHEREAS, the currently adopted July 2014 Section 14 Specific Plan identifies Andreas Road between Indian Canyon Drive and Calle Alvarado, and Calle Encilia between Amado Road and Tahquitz Canyon Way, as local streets, as shown in Figure 5-7 thereof; and

WHEREAS, Section 65402(a) of the California Government Code requires that no public street or public easement shall be vacated or abandoned if the adopted general plan applies thereto until the location, purpose and extent of such easement vacation or abandonment have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof; and

March 9, 2016

WHEREAS, Section 8313(a) of the California Streets and Highways Code requires that, if the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement; and

WHEREAS, Section 607 of Article VI of the Charter of the City of Palm Springs established the Planning Commission, and assigned it all duties set out in the California Planning and Zoning Law for a planning agency.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that the vacation and abandonment of portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Andreas Road between Amado Road and Tahquitz Canyon Way, as described in Exhibit "A" and shown on Exhibit "B", is consistent with the 2007 Palm Springs General Plan and the July 2014 Section 14 Specific Plan.

ADOPTED this 6th day of March, 2016.

AYES: 6, Donenfeld, Lowe, Middleton, Weremiuk, Vice-Chair Calderine and Chair Klatchko  
NOES: None  
ABSENT: 1, Hirschbein  
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

  
Flinn L. Fagg, AICP  
Director of Planning Services

EXHIBIT "A"

VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA IN BETWEEN TAHQUITZ CANYON WAY AND AMADO ROAD AND ANDREAS ROAD IN BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, ALL BEING A PORTION OF THE NORTHWEST ONE QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, COUNTY OF RIVERSIDE, LOCATED IN THE CITY OF PALM SPRINGS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF ANDREAS ROAD AND CALLE ENCILIA OF PARCEL MAP NO. 15314, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 86, PAGE 100 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE, SOUTH  $00^{\circ}04'01''$  EAST, ALONG THE CENTERLINE OF CALLE ENCILIA OF SAID PARCEL MAP A DISTANCE OF 597.70 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 60.00 FEET NORTH OF THE CENTERLINE OF TAHQUITZ CANYON WAY OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID TAHQUITZ CANYON WAY;

THENCE, SOUTH  $89^{\circ}58'59''$  WEST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 60.02 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS NORTH  $00^{\circ}01'01''$  WEST;

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $90^{\circ}03'00''$ , A DISTANCE OF 31.43 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE ENCILLIA;

THENCE, NORTH  $00^{\circ}04'01''$  WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 577.87 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE CENTERLINE OF ANDREAS ROAD OF SAID PARCEL MAP;

THENCE, NORTH  $00^{\circ}04'25''$  WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 40.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY SAID ANDREAS ROAD;

THENCE, SOUTH  $89^{\circ}44'57''$  EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 25.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;



THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 133.59 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 89°44'57" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 436.36 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'39", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 55.00 FEET SOUTH OF THE CENTERLINE OF AMADO ROAD OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF AMADO ROAD;

THENCE, SOUTH 89°45'04" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 118.70 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS SOUTH 03°28'37" EAST;

THENCE, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°35'48", A DISTANCE OF 30.22 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET EAST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY SAID CALLE ENCILLIA;

THENCE, SOUTH 00°04'25" EAST, ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 549.88 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'32", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY SAID ANDREAS ROAD;

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 458.30 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°19'38", A DISTANCE OF 31.53 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF CALLE EL SEGUNDO OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE EL SEGUNDO;

THENCE, SOUTH 00°04'35" EAST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 60.12 FEET TO A POINT ON THE CENTERLINE OF SAID ANDREAS ROAD;

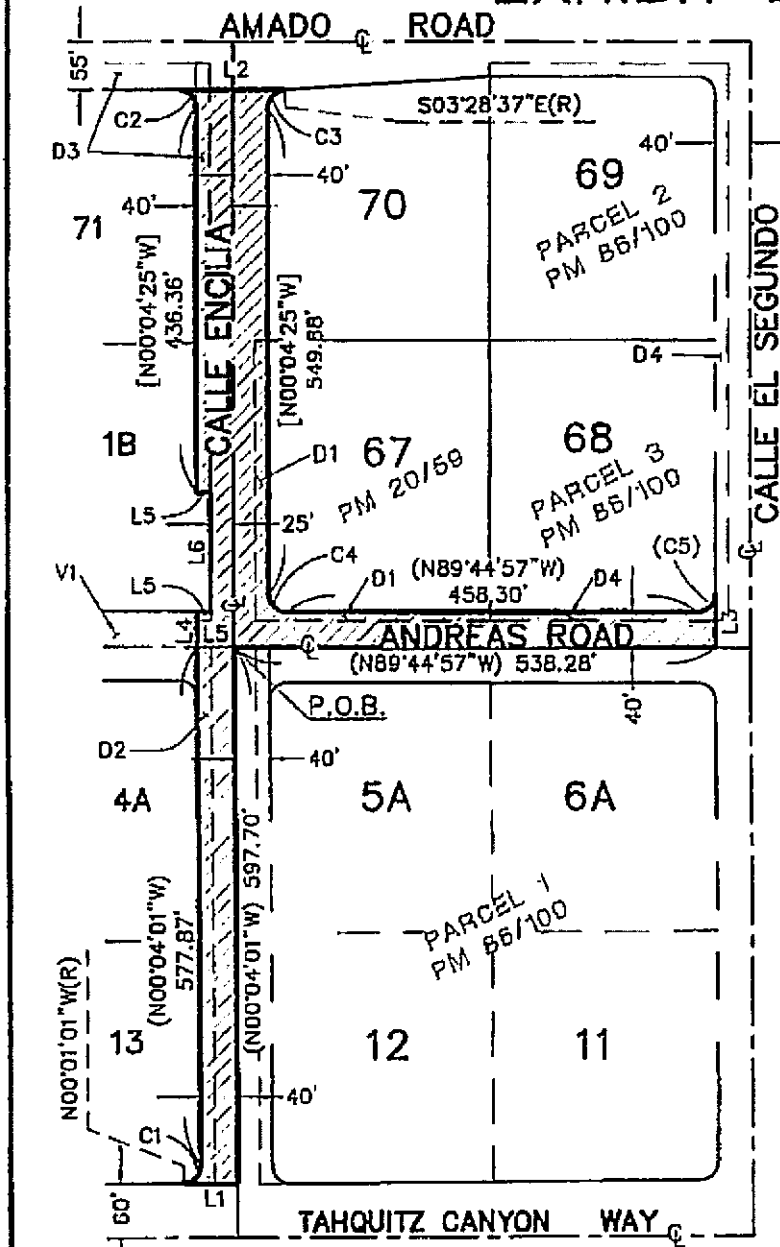
THENCE, NORTH 89°44'57" WEST, ALONG SAID CENTERLINE A DISTANCE OF 538.28 FEET TO THE POINT OF BEGINNING;

SAID AREA CONTAINS 92,355 SQUARE FEET OR 2.12 ACRES, MORE OR LESS.



*Armando Magana*

# EXHIBIT "B1"



LINE TABLE		
LINE	BEARING	LENGTH
L1	(N89°58'59"E)	60.02'
L2	(N89°45'04"W)	118.70'
L3	(N00°04'35"W)	60.12'
L4	[N00°04'25"W]	40.00'
L5	(N89°44'57"W)	15.00'
L6	[N00°04'25"W]	133.59'

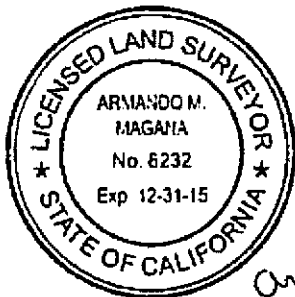
CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	90°03'00"	31.43'
C2	20.00'	89°40'39"	31.30'
C3	20.00'	86°35'48"	30.23'
C4	20.00'	89°40'32"	31.30'
(C5)	20.00'	90°19'38"	31.53'

## SURVEYOR NOTES:

- ( ) INDICATES RECORD DATA PER PM 86/100
- [ ] INDICATES RECORD DATA PER PM 20/59
- D1 INDICATES RIGHT OF WAY DEDICATION. RECORDED 11/3/75 AS INS. NO. 136182 TO THE CITY OF PALM SPRINGS.
- D2 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO. 222 REC'D 9/20/62.
- D3 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO 438 REC'D 1/25/70.
- D4 INDICATES RIGHT OF WAY DEDICATION. RECORDED 10/31/78 AS INS. NO. 229764 TO THE CITY OF PALM SPRINGS.
- V1 INDICATES RIGHT OF WAY VACATION ON ANDREAS ROAD BETWEEN INDIAN CANYON DRIVE AND CALLE ENCILIA PER INS. NO. 485832 REC'D 12/27/96



AREA TO BE VACATED



*Armando Magana*

1" = 200'

# DUDEK

Engineering, Planning,  
Environmental Sciences and  
Management Services

47004 Cook St. Suite A Palm Desert, CA 92211 Tel: (760) 341-6500 Fax: (760) 345-6118

In The City Of Palm Springs, CA

**VACATION OF RIGHT OF WAY  
OVER PORTIONS OF  
CALLE ENCILIA AND ANDREAS ROAD**

# **ATTACHMENT 3**

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



January 19, 2016

Marcus Fuller, MPA, PE, PLS  
Assistant City Manager/City Engineer  
CITY OF PALM SPRINGS  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92262

**RE: Calle Encilia and Andreas Road Right-of-Way Easement Vacations**

Dear Mr. Fuller:

Thank you for meeting with Tribal Staff on November 30, 2015, to discuss the Right-of-Way/Easement Vacation Application submitted by the Tribe on November 5, 2015. As we discussed during the meeting, there are no plans to immediately close Calle Encilia and Andreas Road, and these streets will continue to remain open to the public until no longer needed. As a result, public access to the Post Office and the Hilton Hotel will be maintained at all times.

Please let me know if you have any questions.

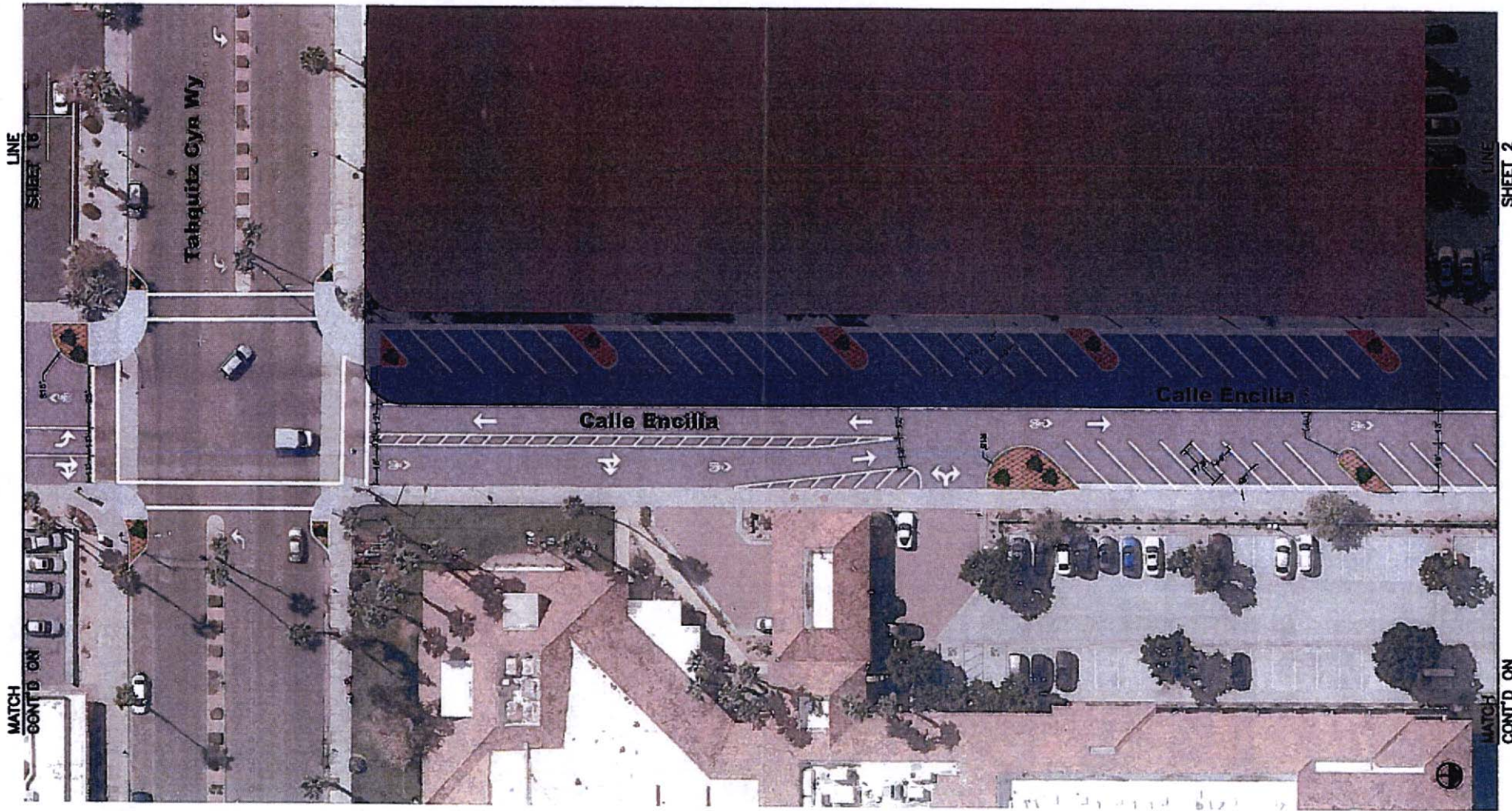
Sincerely,

Margaret E. Park, AICP  
Director of Planning & Natural Resources  
**AGUA CALIENTE BAND  
OF CAHUILLA INDIANS**

MEP/dm

C: Tribal Council  
Tom Davis, Chief Planning & Development Officer  
Flinn Fagg, Director of Planning Services, City of Palm Springs

# **ATTACHMENT 4**



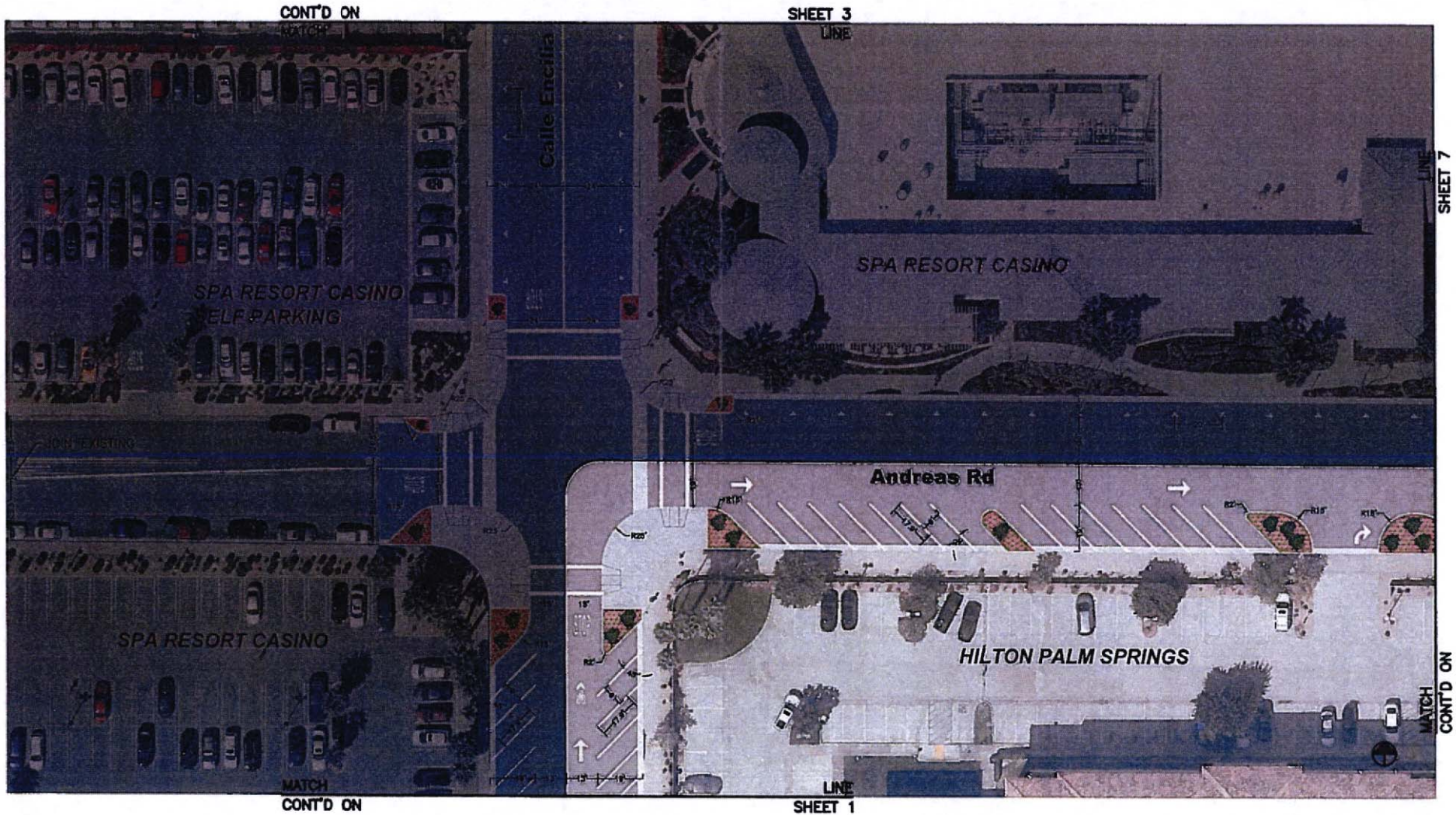
[B]

Section 14 On-Street Angled Parking Conceptual Design

Calle Encilia at Tahquitz Canyon Way

SCALE: 1" = 40'

SHEET 1 of 26



Section 14 On-Street Angled Parking Conceptual Design

Calle Encilia at Andreas Road

SCALE: 1" = 40'

SHEET 2 of 26





Section 14 On-Street Angled Parking Conceptual Design  
 Calle El Segundo at Andreas Road

SCALE: 1" = 40'

SHEET 7 of 26

# **ATTACHMENT 5**

RESOLUTION NO. 18461

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT, THE ZONING TEXT AMENDMENT AND THE PLANNED DEVELOPMENT DISTRICT (CASE 5.0667 GPA/ZTA/PD-232) FOR THE AGUA CALIENTE INDIAN GAMING FACILITY AND RELATED ACTIONS SUCH AS THE DISPOSITION AND DEVELOPMENT AGREEMENT AND AN OPTION AGREEMENT, WITHIN A TOTAL PROJECT SITE OF APPROXIMATELY 17.25 ACRES, GENERALLY BOUND BY AMADO ROAD, CALLE ALVARADO, ANDREAS ROAD AND INDIAN CANYON DRIVE, R-4-VP, C-2, C-1AA AND RESORT OVERLAY ZONES, SECTION 14.

WHEREAS, the Agua Caliente Band of Cahuilla Indians (Tribe), in association with Caesars Palm Springs Management Company, Inc., have submitted an application for and/or requested a General Plan Amendment, a Zoning Text Amendment and a Planned Development District (PD) for an Indian Gaming Facility (gaming facility) for a total square footage of approximately 119,000 square feet to be built in two phases (phase I would entail up to 75,000 square feet); and

WHEREAS, an Environmental Assessment was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) by the co-lead agencies of the City of Palm Springs and the National Indian Gaming Commission and with the assistance of cooperating agencies - the Tribe and the Bureau of Indian Affairs; and

WHEREAS, the total project area entails a total acreage of approximately 17.25 acres and the Indian Gaming Facility itself will be located on a 10.3 acre site within the total project boundary, generally bound by Amado Road, Calle El Segundo, Andreas Road and Calle Encilia; and

WHEREAS, the General Plan Amendment consists of revisions to the Land Use Element and the General Plan Land Use and Circulation Map, including the following: land use designation changes from High Density Residential (H43/30) and CBD to Resort Commercial (RC); relocation of the fire station symbol; textual revisions/clarification to include Indian development standards (as previously approved), gaming facilities on trust lands of the Agua Caliente Indian Reservation - Tribal lands only, the encouragement of resort hotels and entertainment; the removal of a portion of the secondary thoroughfare, Calle Encilia from Amado Road to Tahquitz Canyon Way from the Land Use and Circulation Map; the removal of the collector street, Andreas Road from Indian Canyon Way to Calle Alvarado from the land use and circulation map; and, minor revisions to various charts; and

WHEREAS, the Zoning Text Amendment consists of adding text to allow Indian gaming facilities on trust lands of the Agua Caliente Indian Reservation - Tribal lands only - pursuant to the approval of a PD, to permit parking lots in the C-1AA Zone not in conjunction with a permitted use by right of zone and to permit parking lots and parking structures pursuant to a Conditional Use Permit in the R-4 Zone; and

WHEREAS, the Community Redevelopment Agency of the City of Palm Springs (Agency) shall consider a Disposition and Development

1A14

WHEREAS, an Option Agreement shall be considered by the Agency between the Agency and the Walter Family Trust for project related land transactions; and

WHEREAS, the PD entails a gaming facility proposal which will operate 24-hours per day and will include gaming, restaurant and entertainment uses; and

WHEREAS, the gaming facility will provide for adequate parking in Phase I and will complete an analysis to further refine the parking required for Phase II; and

WHEREAS, the proposed General Plan Amendment, Zoning Text Amendment, PD and other related actions discussed in the Environmental Assessment are considered "projects" pursuant to the terms of CEQA and a Mitigated Negative Declaration has been prepared for the project and has been distributed for public review and comment in accordance with CEQA as discussed above; and

WHEREAS, the Mitigated Negative Declaration prepared for the project finds that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, the Environmental Assessment/ Mitigated Negative Declaration also discusses and analyzes the future vacation of streets adjacent to the gaming facility (Calle Encilia from Amado Road toward Tahquitz Canyon Way and Andreas Road from Indian Canyon Drive to Calle El Segundo), the relocation of Hilton Hotel tennis courts and parking (currently located within the PD project site) to a portion of a 5.7 acre site located within the total project boundary (the Prairie Schooner site) and, analyzes the demolition of ancillary parking for the Spa and Hilton Hotels and deems the reduction insignificant pursuant to the approval of an Administrative Minor Modification; and

WHEREAS, a notice of public hearings of the Planning Commission and the City Council to consider and approve, respectively, the subject applications and the Mitigated Negative Declaration and notice of the CEQA and NEPA public review period for the Environmental Assessment (from August 1, 1994 through August 30, 1994) was mailed out to property owners within 400 feet of the project boundary and other interested parties and was published in the Desert Sun; and

WHEREAS, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report and the environmental data including but not limited to the Environmental Assessment and related comments received as of the date of the public hearing held on August 24, 1994, and voted in favor (4-0; 2 absent) of the project; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report and the environmental data including but not limited to the Environmental Assessment and related comments.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to CEQA, the City Council finds as follows:

- a. The Mitigated Negative Declaration has been completed in compliance with CEQA, the State CEQA Guidelines and the City's CEQA procedures. The City Council has independently reviewed and considered the information contained in the Environmental Assessment/Mitigated Negative Declaration and finds that it

adequately discusses the potential significant environmental effects of the proposed project (land use, traffic/circulation, parking, air quality, noise, aesthetics, geology/soils, water quality, drainage, public utilities, socioeconomic, public safety, archaeological/historic resources and light and glare), and that on the basis of the Environmental Assessment and comments received during the public review process as of this date, and in light of the whole record there will be no adverse environmental effects as a result of the approval of the project because mitigation measures identified in the Environmental Assessment/Mitigated Negative Declaration have been incorporated into the project which mitigate any potential significant environmental effects to point acceptable within the community. The mitigation measures are adopted in the Conditions of Approval of this project as outlined in Exhibit A (as on file in the Office of the City Clerk) of the PD Resolution. The City Council further finds that the Environmental Assessment/ Mitigated Negative Declaration reflects its independent judgement.

b. The Mitigation Monitoring Program is in compliance with Public Resources Code Section 21081.6 and is required in order to assure compliance with the above referenced mitigation measures during project implementation. These mitigation measures are referenced in the Conditions of Approval of this project as outlined in Exhibit A of the Planned Development District resolution (as on file in the Office of the City Clerk).

c. Pursuant to Fish and Game Code Section 711.4, this project has a de minimis impact on fish and wildlife.

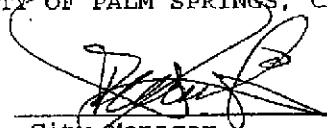
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby certifies the Mitigated Negative Declaration (Exhibit A of this Resolution) as in compliance with CEQA for the General Plan Amendment, Zoning Text Amendment (Case 5.0667 GPA/ZTA/PD-232 and other related as referenced above.

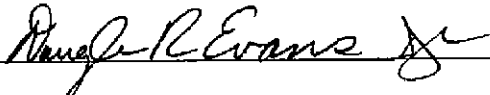
ADOPTED this 7th day of September, 1994.

AYES: Members Hodges, Kleindienst, Lyons, Reller-Spurgin & Mayor Maryanov  
NOES: None  
ABSENT: None

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Manager

REVIEWED AND APPROVED   
\_\_\_\_\_

1A15

1A16

EXHIBIT A

CITY OF PALM SPRINGS  
CALIFORNIA

PO Box 2743, Palm Springs, CA 92263-2743  
Negative Declaration  
(Cal. Admin. Code Sec. 15083)

Case No.: 5.0667-GPA/ZTA/PD-232

Applicant: Agua Caliente Band of Cahuilla Indians/Caesars Palm Springs  
Management Co.

Address: 110 N. Indian Canyon Dr., Palm Springs, CA 92262

PROJECT DESCRIPTION General Plan Amendment/Zoning Text Amendment/Planned  
Development District/Disposition & Development Agreement between the  
Redevelopment Agency & the Tribe, Option Agreement between the Agency & the  
Walter Family Trust for an Indian Gaming Facility including land transactions,  
relocation of Hilton Hotel tennis courts & future street vacations generally  
bounded by Amado Road/Calle Alvarado/Andreas Road/Indian Canyon Drive.

FINDING

It is found by the Palm Springs City Council that the above described project  
will not have a significant adverse effect on the environment.

REASONING IN SUPPORT OF FINDING

There is no evidence before the City that the proposed amendment will have any  
potential, significant adverse effect on the environment as shown by the  
Environmental Assessment for the project & the record of the hearing on the  
project.

MITIGATION MEASURES

Refer to the Environmental Assessment for mitigation measures and comments (on  
file in the Department of Planning & Zoning, City Hall, Palm Springs).

DATE: September 7, 1994

\_\_\_\_\_  
DOUGLAS R. EVANS, Secretary  
Planning Commission

# **ATTACHMENT 6**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CALLE ENCILIA BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR ANDREAS ROAD BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R15-12, AND APPROVING A DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY APPROVED AND CERTIFIED BY RESOLUTION NO. 18461 REMAINS VALID AND THAT NO FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIROMENTAL QUALITY ACT (CEQA) IS REQUIRED.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS AND DETERMINES:**

- A. The City Council of the City of Palm Springs, California, is authorized by Chapter 3, Part 3, Division 9 of the Streets and Highways Code of the State of California (the "statute"), to vacate and close to public use right-of-way dedicated for public streets, or parts thereof, within the limits of the City.
- B. Pursuant to Section 8320 of the statute, the City Clerk administratively set a public hearing for May 4, 2016, for City Council consideration of vacating and closing to public use portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo.
- C. The City Clerk did cause to be published a notice of the public hearing, and did cause to be posted notices of vacation along the line of the subject public rights-of-way, as required by the statute.
- D. In accordance with Section 8313 of the statute, and California Government Code Section 65402, the proposed vacation and abandonment of portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo.
- E. On March 9, 2016, the Planning Commission of the City of Palm Springs adopted Resolution No. 6560 determining that the proposed vacation and abandonment of portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, was in conformance with the Palm Springs General Plan.



F. The City Council did hold a public hearing as required by the statute, and has considered all evidence submitted concerning the portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and the portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, being the vacated areas described on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof, and the need therefore for present and prospective public use.

G. In August 1994, pursuant to the California Environmental Quality Act, ("CEQA"), the City Council completed an environmental assessment of the potential environmental impacts resulting from approval for the Agua Caliente Indian Gaming Facility, identified as Case 5.0667 GPA/ZTA/PD-232, which included discussion and analysis of the future vacation of streets adjacent to the gaming facility (Calle Encilia from Amado Road to Tahquitz Canyon Way and Andreas Road from Indian Canyon Drive to Calle El Segundo); a public review period of the environmental assessment was held from August 1 to August 30, 1994. On September 7, 1994, the City Council adopted Resolution No. 18461, certifying the Mitigated Negative Declaration for the Agua Caliente Indian Gaming Facility, (the "MND"), which considered and included mitigation of potential environmental impacts associated with the future right-of-way vacation of Calle Encilia and Andreas Road.

H. The preparation of further environment documentation is not necessary because none of the circumstances triggering further environmental review have occurred since the adoption of the MND: (i) there are no substantial changes in the project requiring major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously-identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the MND was adopted showing that: (a) the project will have one or more significant effects not discussed in the MND; (b) significant effects previously examined will be substantially more severe than shown in the MND; (c) mitigation measures previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the mitigation measures have not been adopted; or (d) mitigation measures considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the mitigation measures have not been adopted. Accordingly, no further environmental review is required. (Public Resources Code § 21166; Cal. Code Regulations, Title 14, § 15162.)

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

Section 1. The above findings are all true and correct.

Section 2. The City Council does hereby find that the portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, are unnecessary for present or prospective public use.

Section 3. Subject to Section 4, the City Council does hereby vacate and abandon all the City's right, title and interest in the portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, as described and shown on Exhibits "A" and "B", attached hereto and made a part hereof.

Section 4. The City of Palm Springs reserves and excepts from the foregoing vacation a public utility easement to operate and maintain sanitary sewer lines, domestic water lines, natural gas pipelines, communication cables, underground electrical conduits and facilities, and any other facility of any governmental agency or utility corporation existing in, under, or over the vacated area, unless quitclaimed or released by the owner thereof. Access over the vacated area shall be provided to the City and other utility owners as necessary for continued operation and maintenance of existing utilities, until such time as those utilities are removed or relocated as may be approved by the utility owner thereof.

Section 5. The City Clerk is hereby directed to cause a certified copy of this Resolution, attested by him under the seal of the City, to be recorded in the Office of the County Recorder of Riverside County. Upon recordation of this Resolution, the portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, as described and shown on Exhibits "A" and "B", shall be deemed vacated and closed to future public use.

Section 6. The City Council hereby determines that the action undertaken by this Resolution vacating and abandoning all of the City's right, title and interest in the portions of the public right-of-way dedicated for Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of the public right-of-way dedicated for Andreas Road between Calle Encilia and Calle El Segundo, as described and shown on Exhibits "A" and "B", was previously evaluated by the City Council pursuant to the CEQA Guidelines by an environmental assessment and Mitigated Negative Declaration approved and certified by Resolution No. 18461 adopted on September 7, 1994, and that no further environmental review is required in accordance with Public Resources Code § 21166; Cal. Code Regulations, Title 14, § 15162.

Section 7. The City Council hereby approves this action pursuant to the commitment made by the Agua Caliente Band of Cahuilla Indians, as the underlying land owner benefitting from the abandonment of the public rights-of-way for portions of Calle Encilia and Andreas Road, whereby these streets will continue to remain open to the public until no longer needed, with public access to the Post Office and the Hilton Hotel maintained at all times, as evidenced by letter dated January 19, 2016, included as

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

Page 4

Exhibit "C", attached hereto and made a part hereof.

ADOPTED this 4th day of May, 2016.

\_\_\_\_\_  
DAVID H. READY, CITY MANAGER

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on May 4, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

# **EXHIBIT “A”**

EXHIBIT "A"

R15-12

VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA IN BETWEEN TAHQUITZ CANYON WAY AND AMADO ROAD AND ANDREAS ROAD IN BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, ALL BEING A PORTION OF THE NORTHWEST ONE QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERDIAN, COUNTY OF RIVERSIDE, LOCATED IN THE CITY OF PALM SPRINGS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF ANDREAS ROAD AND CALLE ENCILIA OF PARCEL MAP NO. 15314, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 86, PAGE 100 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE, SOUTH 00°04'01" EAST, ALONG THE CENTERLINE OF CALLE ENCILIA OF SAID PARCEL MAP A DISTANCE OF 597.70 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 60.00 FEET NORTH OF THE CENTERLINE OF TAHQUITZ CANYON WAY OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID TAHQUITZ CANYON WAY;

THENCE, SOUTH 89°58'59" WEST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 60.02 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS NORTH 00°01'01" WEST;

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°03'00", A DISTANCE OF 31.43 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'01" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 577.87 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE CENTERLINE OF ANDREAS ROAD OF SAID PARCEL MAP;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 40.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID ANDREAS ROAD;

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 25.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

EXHIBIT "A"

R15-12

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 133.59 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 89°44'57" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 436.36 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'39", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 55.00 FEET SOUTH OF THE CENTERLINE OF AMADO ROAD OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF AMADO ROAD;

THENCE, SOUTH 89°45'04" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 118.70 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS SOUTH 03°28'37" EAST;

THENCE, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°35'48", A DISTANCE OF 30.23 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET EAST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, SOUTH 00°04'25" EAST, ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 549.88 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'32", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID ANDREAS ROAD;

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 458.30 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET;

EXHIBIT "A"

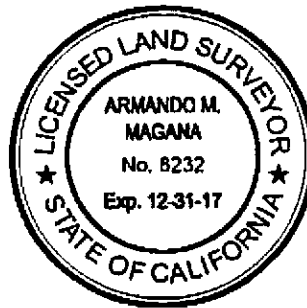
R15-12

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°19'38", A DISTANCE OF 31.53 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF CALLE EL SEGUNDO OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE EL SEGUNDO;

THENCE, SOUTH 00°04'35" EAST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 60.12 FEET TO A POINT ON THE CENTERLINE OF SAID ANDREAS ROAD;

THENCE, NORTH 89°44'57" WEST, ALONG SAID CENTERLINE A DISTANCE OF 538.28 FEET TO THE POINT OF BEGINNING;

SAID AREA CONTAINS 92,655 SQUARE FEET OR 2.12 ACRES, MORE OR LESS.



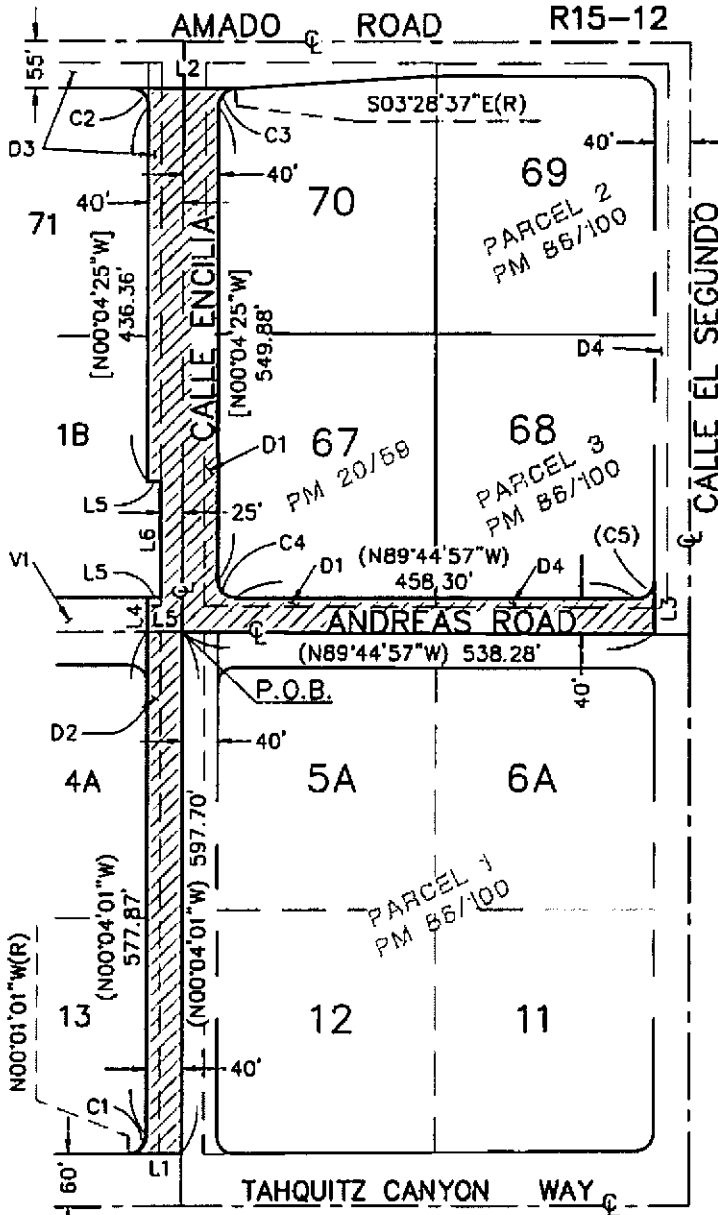
4/6/16

Armando Magaña

# **EXHIBIT “B”**



# EXHIBIT "B1"



LINE TABLE		
LINE	BEARING	LENGTH
L1	(N89°58'59"E)	60.02'
L2	(N89°45'04"W)	118.70'
L3	(N00°04'35"W)	60.12'
L4	[N00°04'25"W]	40.00'
L5	(N89°44'57"W)	15.00'
L6	[N00°04'25"W]	133.59'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	90°03'00"	31.43'
C2	20.00'	89°40'39"	31.30'
C3	20.00'	86°35'48"	30.23'
C4	20.00'	89°40'32"	31.30'
(C5)	20.00'	90°19'38"	31.53'

## SURVEYOR NOTES:

- ( ) INDICATES RECORD DATA PER PM 86/100
- [ ] INDICATES RECORD DATA PER PM 20/59
- D1 INDICATES RIGHT OF WAY DEDICATION. RECORDED 11/3/75 AS INS. NO. 136182 TO THE CITY OF PALM SPRINGS.
- D2 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO. 222 REC'D 9/20/62.
- D3 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO 438 REC'D 1/26/70.
- D4 INDICATES RIGHT OF WAY DEDICATION. RECORDED 10/31/78 AS INS. NO. 229764 TO THE CITY OF PALM SPRINGS.
- V1 INDICATES RIGHT OF WAY VACATION ON ANDREAS ROAD BETWEEN INDIAN CANYON DRIVE AND CALLE ENCILIA PER INS. NO. 485832 REC'D 12/27/96



*Armando Magana*  
4/6/16



AREA TO BE VACATED. RESERVING AND EXCEPTING A WATER UTILITY EASEMENT TO OPERATE AND MAINTAIN WATER MAINS.



\* INDICATES RESERVATION OF SEWER UTILITY EASEMENT 10 FOOT IN WIDTH CENTERED ON SEWER LINE (SEE EXHIBITS B2 AND B3) WITHIN 24 HOURS DRIVABLE ACCESS OVER THE SEWER LINE

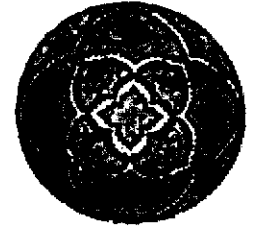
**DUDEK** Engineering, Planning, Environmental Sciences and Management Services  
40004 Cook St. Suite. 4 Palm Desert, CA. 92211 Tel. (760) 341-6660 Fax (760) 346-6118

In The City Of Palm Springs, CA  
**VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA AND ANDREAS ROAD**

# **EXHIBIT “C”**

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL PLANNING & DEVELOPMENT



January 19, 2016

Marcus Fuller, MPA, PE, PLS  
Assistant City Manager/City Engineer  
CITY OF PALM SPRINGS  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92262

**RE: Calle Encilia and Andreas Road Right-of-Way Easement Vacations**

Dear Mr. Fuller:

Thank you for meeting with Tribal Staff on November 30, 2015, to discuss the Right-of-Way/Easement Vacation Application submitted by the Tribe on November 5, 2015. As we discussed during the meeting, there are no plans to immediately close Calle Encilia and Andreas Road, and these streets will continue to remain open to the public until no longer needed. As a result, public access to the Post Office and the Hilton Hotel will be maintained at all times.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Margaret Park". The signature is fluid and cursive, with a long horizontal stroke at the end.

Margaret E. Park, AICP  
Director of Planning & Natural Resources  
**AGUA CALIENTE BAND  
OF CAHUILLA INDIANS**

MEP/dm

C: Tribal Council  
Tom Davis, Chief Planning & Development Officer  
Flinn Fagg, Director of Planning Services, City of Palm Springs

**CITY OF PALM SPRINGS  
PUBLIC NOTIFICATION**



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Date: May 4, 2016  
Subject: R 15--12

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 27 and May 4, 2016.

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



---

Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on April 19, 2016.

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



---

Kathie Hart, MMC  
Chief Deputy City Clerk

## **AFFIDAVIT OF POSTING NOTICES**

I, the undersigned, the Senior Engineering Assistant for the Public Works & Engineering Department for the City of Palm Springs, California, do hereby certify that a copy of the Notice of Public Hearing (**File No. R 15-12**), for the vacation of portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia between Amado Road and Tahquitz Canyon Way, located within the southwest one-quarter, of the northwest one-quarter of Section 14, Township 4 South, Range 4 East, more particularly described and shown in Exhibit "A" and shown in Exhibit "B" (attached), was posted in eight (**8**) locations (as indicated on Exhibit "B"), on **April 19, 2016**. A copy of said notice is attached hereto.



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Felipe Primera  
Senior Engineering Assistant  
Department of Public Works & Engineering  
City of Palm Springs, California



**NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS  
City File R 15-12**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a Public Hearing at its meeting on May 4, 2016. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider vacating portions of the public right-of-way for Andreas Road between Calle Encilia and Calle El Segundo, and Calle Encilia between Amado Road and Tahquitz Canyon Way, in accordance with Division 9, Part 3, Chapter 3, Section 8320, of the California Streets and Highways Code, more particularly described and shown on Exhibits "A" and "B", attached hereto and made a part hereof, all in Section 14, Township 4 South, Range 4 East; City File R 15-12; an application made through the City of Palm Springs.

**COMMENTS:** At the hearing, any person may present oral or written testimony. The City Council will consider all objections or protests, if any, to the applications. Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

City of Palm Springs  
James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
P.O. Box 2743  
Palm Springs, CA 92263

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

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Felipe Primera, Senior Engineering Assistant, Department of Public Works and Engineering, (760) 323-8253, ext. 8742.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera. Telefono: (760) 323-8253, ext. 8742.

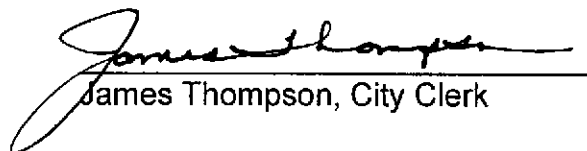
  
James Thompson, City Clerk

EXHIBIT "A"

R15-12

VACATION OF RIGHT OF WAY OVER PORTIONS OF CALLE ENCILIA IN BETWEEN TAHQUITZ CANYON WAY AND AMADO ROAD AND ANDREAS ROAD IN BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, ALL BEING A PORTION OF THE NORTHWEST ONE QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERDIAN, COUNTY OF RIVERSIDE, LOCATED IN THE CITY OF PALM SPRINGS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF ANDREAS ROAD AND CALLE ENCILIA OF PARCEL MAP NO. 15314, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 86, PAGE 100 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE, SOUTH 00°04'01" EAST, ALONG THE CENTERLINE OF CALLE ENCILIA OF SAID PARCEL MAP A DISTANCE OF 597.70 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 60.00 FEET NORTH OF THE CENTERLINE OF TAHQUITZ CANYON WAY OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID TAHQUITZ CANYON WAY;

THENCE, SOUTH 89°58'59" WEST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 60.02 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS NORTH 00°01'01" WEST;

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°03'00", A DISTANCE OF 31.43 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'01" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 577.87 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE CENTERLINE OF ANDREAS ROAD OF SAID PARCEL MAP;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 40.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID ANDREAS ROAD;

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 25.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;



EXHIBIT "A"

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THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 133.59 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 89°44'57" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 15.00 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, NORTH 00°04'25" WEST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 436.36 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'39", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 55.00 FEET SOUTH OF THE CENTERLINE OF AMADO ROAD OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF AMADO ROAD;

THENCE, SOUTH 89°45'04" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 118.70 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20 FEET TO WHICH A RADIAL BEARS SOUTH 03°28'37" EAST;

THENCE, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°35'48", A DISTANCE OF 30.23 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET EAST OF THE CENTERLINE OF SAID CALLE ENCILLIA, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY OF SAID CALLE ENCILLIA;

THENCE, SOUTH 00°04'25" EAST, ALONG SAID EASTERLY RIGHT OF WAY A DISTANCE OF 549.88 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20 FEET;

THENCE, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°40'32", A DISTANCE OF 31.30 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET NORTH OF THE CENTERLINE OF SAID ANDREAS ROAD, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF SAID ANDREAS ROAD;

THENCE, SOUTH 89°44'57" EAST, ALONG SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 458.30 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20 FEET;

SHEET 2 OF 3

EXHIBIT "A"

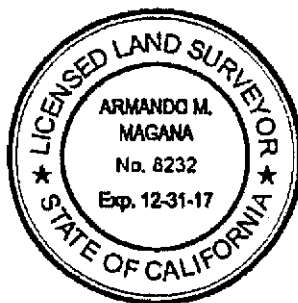
R15-12

THENCE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°19'38", A DISTANCE OF 31.53 FEET TO A POINT THAT IS PARALLEL WITH AND OFFSET 40.00 FEET WEST OF THE CENTERLINE OF CALLE EL SEGUNDO OF SAID PARCEL MAP, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY SAID CALLE EL SEGUNDO;

THENCE, SOUTH 00°04'35" EAST, ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 60.12 FEET TO A POINT ON THE CENTERLINE OF SAID ANDREAS ROAD;

THENCE, NORTH 89°44'57" WEST, ALONG SAID CENTERLINE A DISTANCE OF 538.28 FEET TO THE POINT OF BEGINNING;

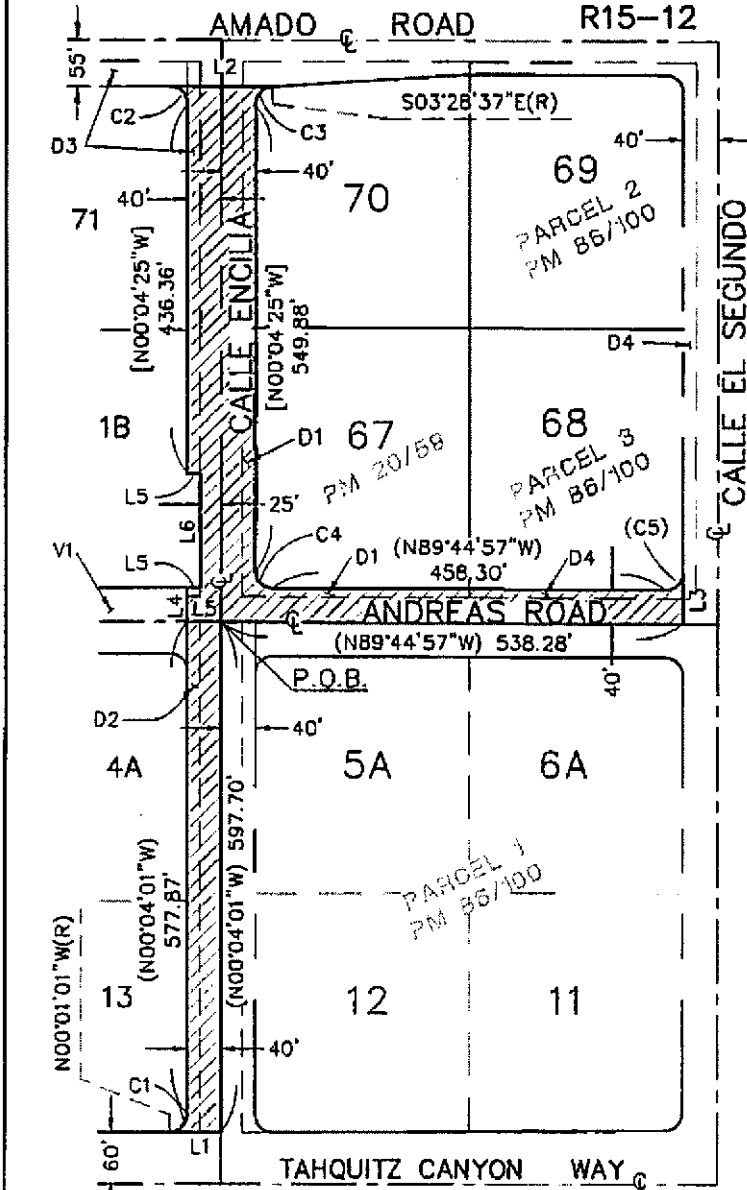
SAID AREA CONTAINS 92,655 SQUARE FEET OR 2.12 ACRES, MORE OR LESS.



4/6/16

*Armando Magaña*

# EXHIBIT "B1"

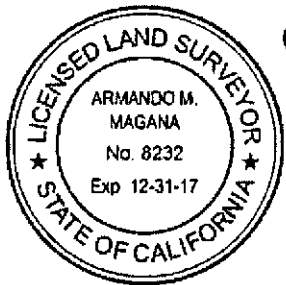


LINE TABLE		
LINE	BEARING	LENGTH
L1	(N89°58'59"E)	60.02'
L2	(N89°45'04"W)	118.70'
L3	(N00°04'35"W)	60.12'
L4	[N00°04'25"W]	40.00'
L5	(N89°44'57"W)	15.00'
L6	[N00°04'25"W]	133.59'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	90°03'00"	31.43'
C2	20.00'	89°40'39"	31.30'
C3	20.00'	86°35'48"	30.23'
C4	20.00'	89°40'32"	31.30'
(C5)	20.00'	90°19'38"	31.53'

## SURVEYOR NOTES:

- ( ) INDICATES RECORD DATA PER PM 86/100
- [ ] INDICATES RECORD DATA PER PM 20/59
- D1 INDICATES RIGHT OF WAY DEDICATION, RECORDED 11/3/75 AS INS. NO. 136182 TO THE CITY OF PALM SPRINGS.
- D2 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO. 222 REC'D 9/20/62.
- D3 INDICATES RIGHT OF WAY DEDICATION PER R/W INDEX NO 375 FILE NO 438 REC'D 1/26/70.
- D4 INDICATES RIGHT OF WAY DEDICATION, RECORDED 10/31/78 AS INS. NO. 229764 TO THE CITY OF PALM SPRINGS.
- V1 INDICATES RIGHT OF WAY VACATION ON ANDREAS ROAD BETWEEN INDIAN CANYON DRIVE AND CALLE ENCILIA PER INS. NO. 485832 REC'D 12/27/96



*Armando Magana*  
4/6/16



AREA TO BE VACATED. RESERVING AND EXCEPTING A WATER UTILITY EASEMENT TO OPERATE AND MAINTAIN WATER MAINS.



INDICATES RESERVATION OF SEWER UTILITY EASEMENT 10 FOOT IN WIDTH CENTERED ON SEWER LINE (SEE EXHIBITS B2 AND B3) WITHIN 24 HOURS DRIVABLE ACCESS OVER THE SEWER LINE

1" = 200'

# DUDEK

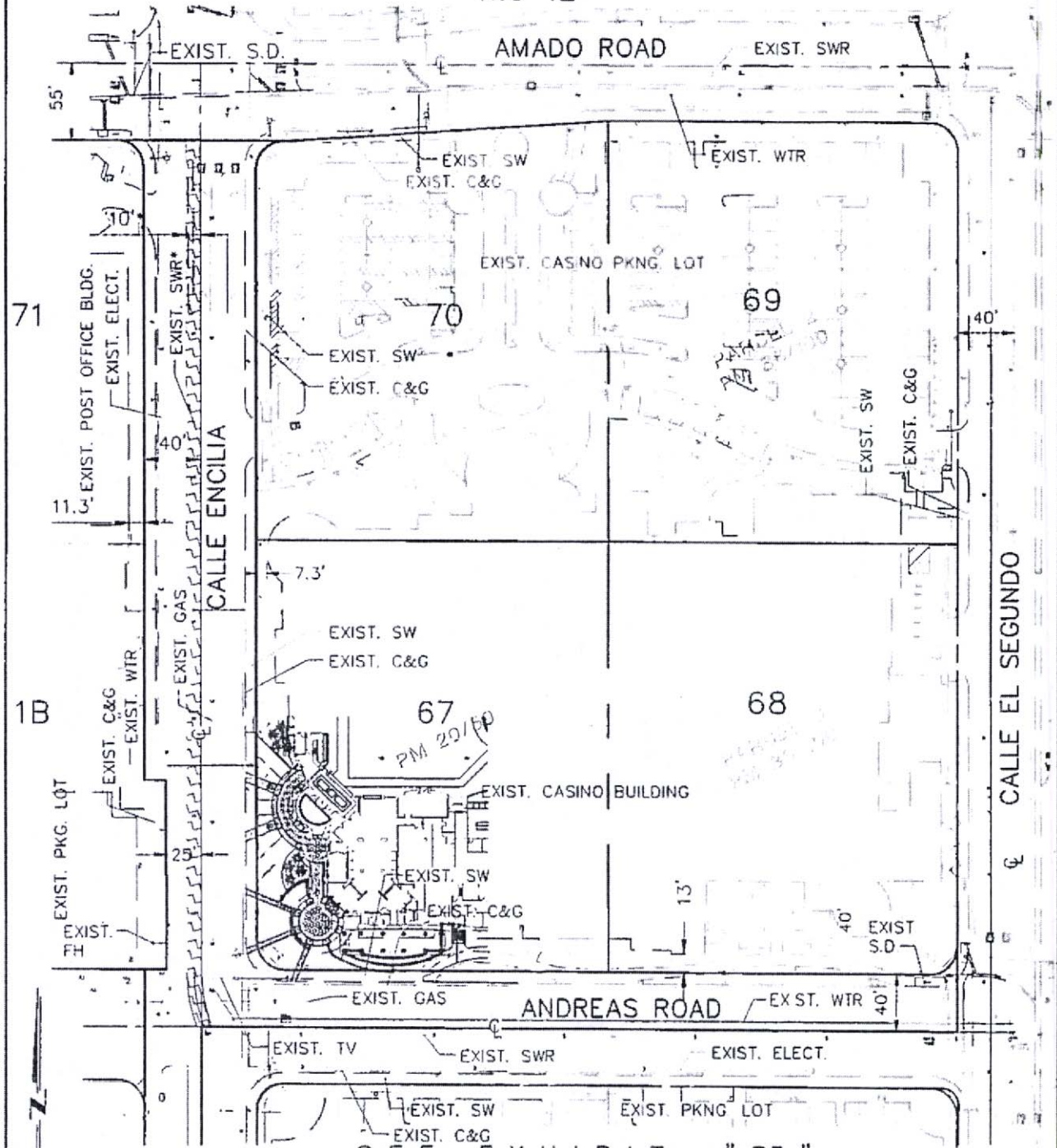
Engineering, Planning,  
Environmental Sciences and  
Management Services

40004 Cook St. Suite. 4 Palm Desert, CA. 92211 Tel. (760) 341-6560 Fax (760) 346-6118

In The City Of Palm Springs, CA  
**VACATION OF RIGHT OF WAY  
OVER PORTIONS OF  
CALLE ENCILIA AND ANDREAS ROAD**

# EXHIBIT "B2"

R15-12



SEE EXHIBIT "B3"

1" = 100' \* INDICATES RESERVATION OF SEWER UTILITY EASMENT 10 FOOT N WIDTH CENTERED ON SEWER LINE WITHIN 24 HOURS DRIVABLE ACCESS OVER THE SEWER LINE

**DUDEK**

Engineering, Planning,  
Environmental Sciences and  
Management Services

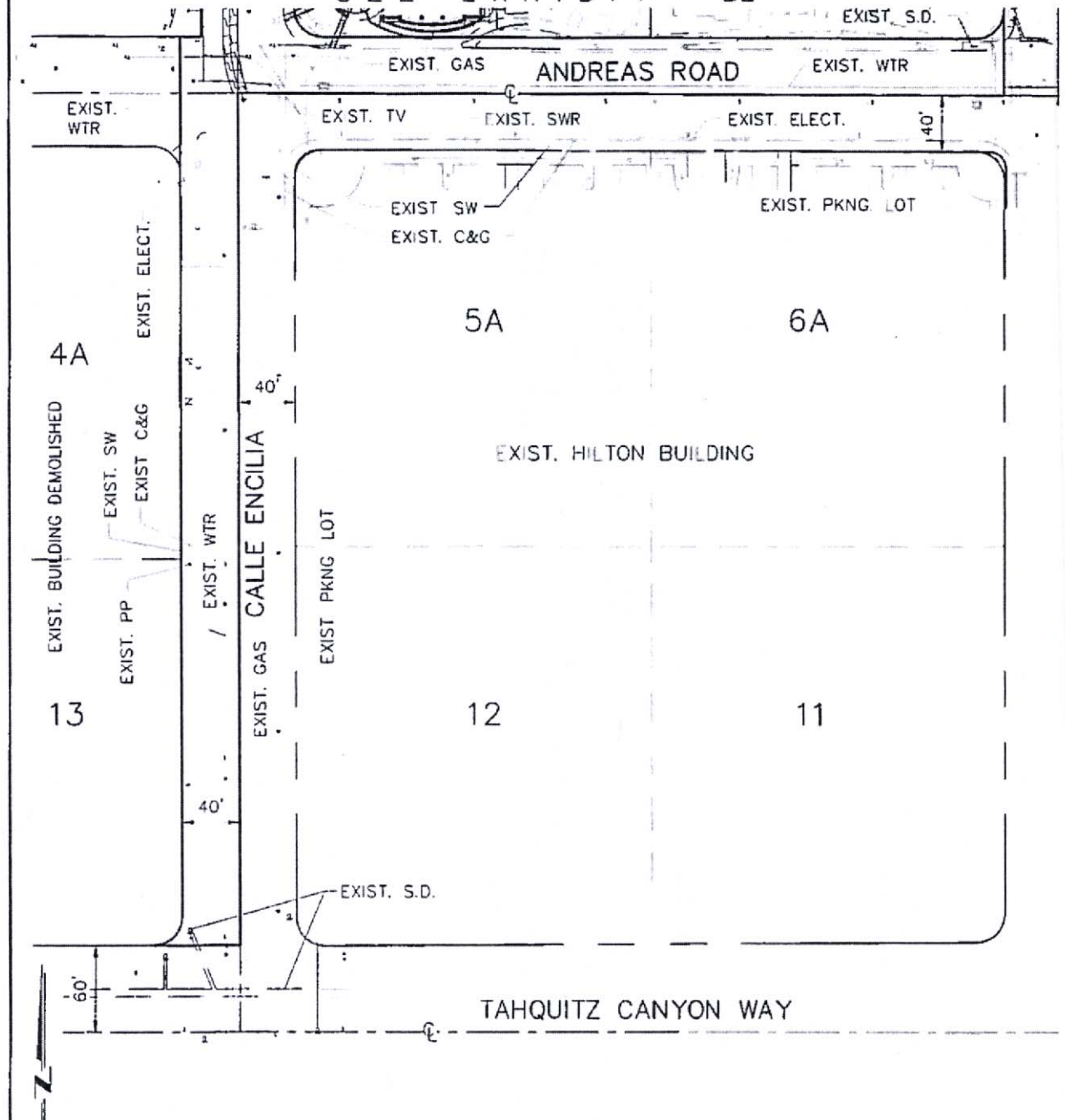
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In The City Of Palm Springs, CA  
**VACATION OF RIGHT OF WAY**  
OVER PORTIONS OF  
CALLE ENCILIA AND ANDREAS ROAD

# EXHIBIT "B3"

R15-12

SEE EXHIBIT "B2"



1" = 100'



INDICATES RESERVATION OF SEWER UTILITY EASEMENT 10 FOOT IN WIDTH CENTERED ON SEWER LINE WITHIN 24 HOURS DRIVABLE ACCESS OVER THE SEWER LINE

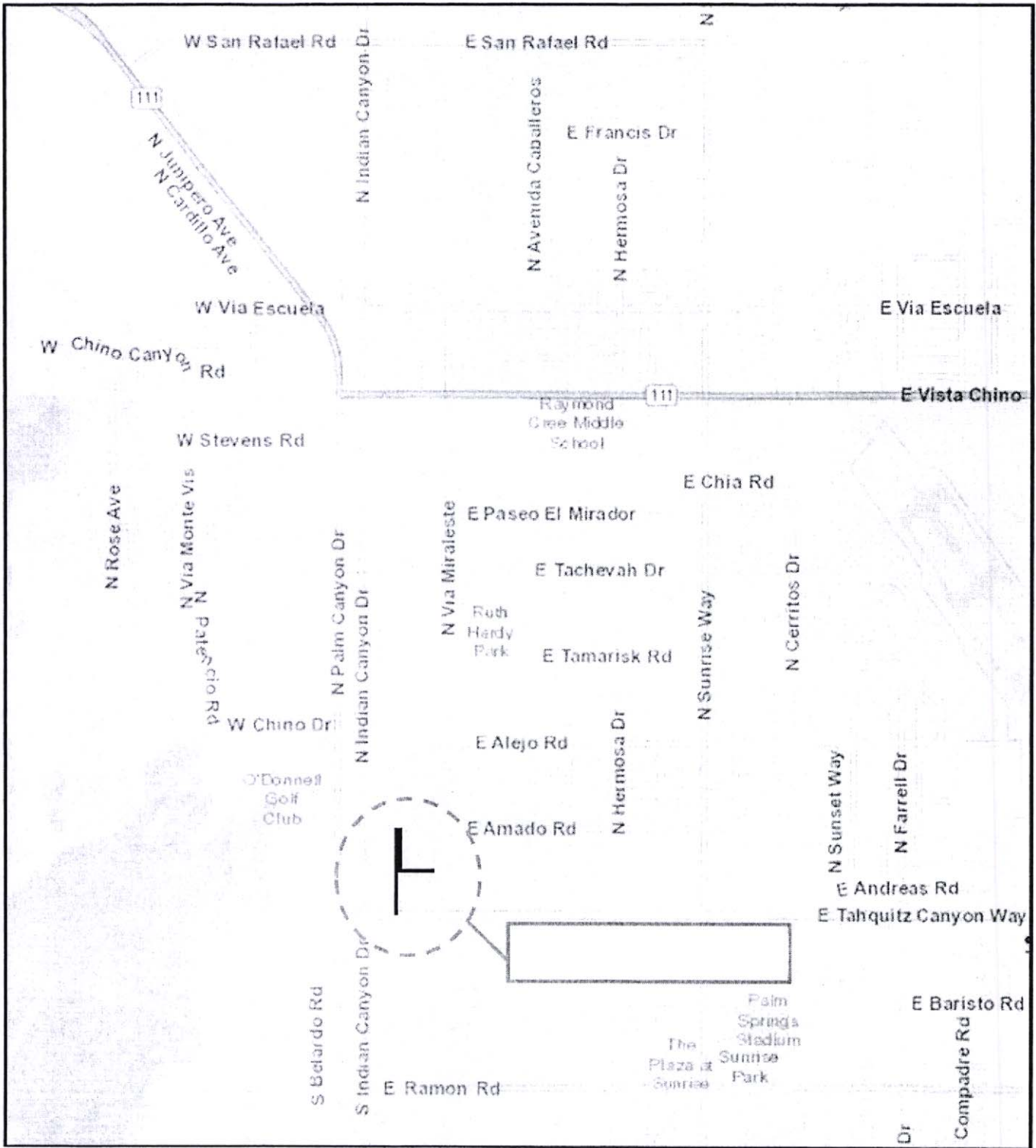
## DUDEK

Engineering, Planning,  
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VACATION OF RIGHT OF WAY  
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**R 15-12**  
**VICINITY MAP**  
 NOT TO SCALE