



## City Council Staff Report

DATE: June 1, 2016

NEW BUSINESS

SUBJECT: REPORT ON BUILDING OFFICIAL APPROVAL OF A REQUEST FOR EARLY CONSTRUCTION START TIME OF 5:00 A.M. FROM MONDAY THRU THURSDAY FOR CERTAIN WORK ACTIVITIES AT THE KIMPTON HOTEL CONSTRUCTION SITE FROM JUNE 15, 2016 THROUGH OCTOBER 15, 2016

FROM: David H. Ready, City Manager

BY: Office of the City Manager

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### SUMMARY

The City has received a request from Davis Reed Construction, Inc., the General Contractor responsible for construction of the Kimpton Hotel for Wessman Development, for an early construction start time of 5:00 a.m. Monday through Thursday beginning June 15, 2016, and extending to October 15, 2016. Chapter 8.04.220 of the Palm Springs Municipal Code limits the hours of construction from 7:00 a.m. to 7:00 p.m. Monday thru Friday, unless the construction work complies with the terms of a written early work permit issued by the Building Official upon a showing of sufficient need due to circumstances of an unusual or compelling nature. In this case, the Building Official will be approving a 2 hour early start to construction in consideration of the exposure of construction workers to high heat during the summer months, subject to period monitoring of noise complaints and impacts to adjacent properties and businesses.

### RECOMMENDATION:

Receive and file.

### STAFF ANALYSIS:

Because of the concern for the health and safety of the construction workers as the high temperatures approach, Davis Reed Construction, Inc., General Contractor building the Kimpton Hotel for Wessman Development, has requested an early construction start time to begin at 5:00 a.m. from Monday through Thursday for a period commencing from June 15, 2016, through October 15, 2016. A 500 feet radius location map of the construction site is provided in Figure 1.

ITEM NO. 5.C.

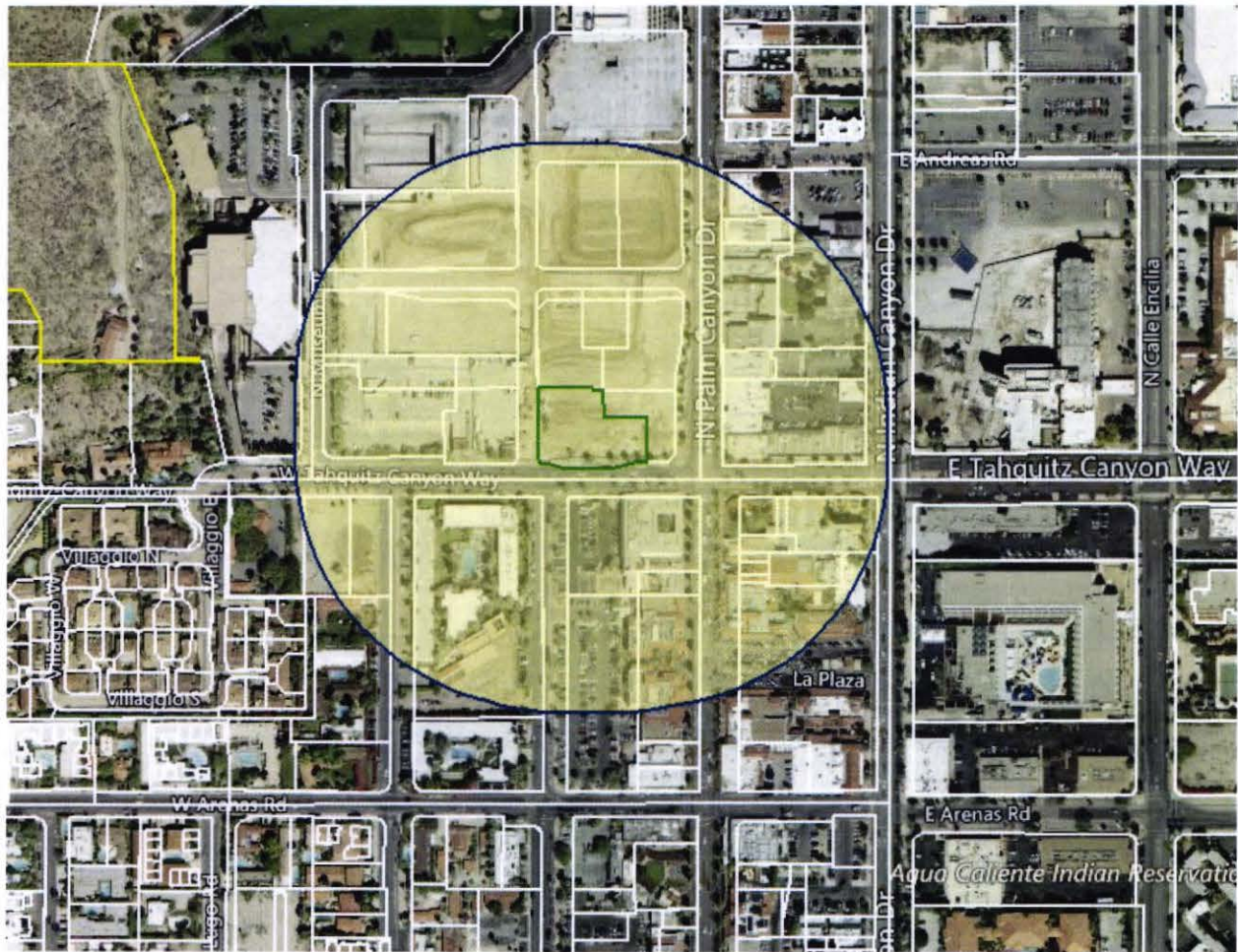


Figure 1

Permitted construction hours per the Palm Springs Municipal Code 8.04.220 are listed in the table below:

**Permitted Hours of Construction**

<b>Weekdays</b>	<b>Saturday</b>	<b>Sundays &amp; Holidays*</b>
7 a.m. to 7 p.m.	8 a.m. to 5 p.m.	Not permitted

\*Thanksgiving Day, Christmas Day, New Years Day, July 4<sup>th</sup>, Labor Day and Memorial Day

Certain exceptions to these construction hours are allowed in the Municipal Code, including exception (2):

*(2) Construction work complying with the terms of a written early work permit which may be issued by the building official upon a showing of sufficient need due to circumstances of an unusual or compelling nature;*

Davis Reed Construction has requested a two hour early start for construction (at 5 AM) to accommodate the following construction trades that are affected by high heat during the summer months:

- Electrical/Low Voltage Installation
- Plumbing/Mechanical
- Installation of Exterior Insulation Finishing System (EIFS)\*  
\*(Note: EIFS cannot be installed when temperatures exceed 110 degrees.)
- Drywall Tapers
- Roofing
- Sheet Metal
- Doors/Frames/Hardware
- Flooring
- Painting
- Glazing (small tools only)

To mitigate the noise associated with these trades, the Davis Reed Construction will restrict the use of back-up alarms and radios, and make every effort to minimize construction traffic on Museum Way/Belardo Road. Davis Reed Construction will make every effort to cooperate with the community and not work during these work windows if there are any special events planned during these times, if provided with a seven day advanced notice.

As agreed upon by the Contractor, the noisiest activities that will not be allowed during the early start hours (5:00 a.m. to 7:00 a.m.) are as follows:

- Concrete Pours
- Metal Study Framing
- Drywall Installation

The concrete pours, which are the noisiest work activities and are not requested for early start, is nearly complete with an anticipated activity end date of late June or early July.

Wessman Development has communicated this request to Main Street and the General Managers of the Hyatt Hotel and the Palm Mountain Resort, and they won't object to this request for early construction start time provided that construction traffic is restricted and that there are limited complaints from hotel guests. The condition to the early start work permit is an obligation that Wessman Development, Davis Reed Construction, and

affected adjacent property owners meet at the jobsite every two weeks to discuss any needed changes to address noise impacts and construction activities affecting businesses during the early morning hours.

Correspondence from Wessman Development with the Hyatt Hotel is included as Attachment 1, and with Palm Mountain Resort is included as Attachment 2.

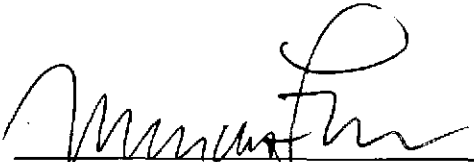
ENVIRONMENTAL IMPACT:

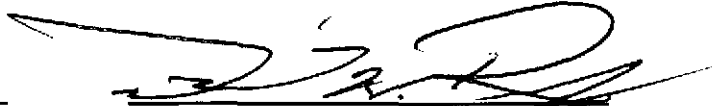
Environmental analysis of the proposed Kimpton Hotel was conducted as part of the Final Environmental Impact Report previously certified by the City Council in 2009, and its Addendum adopted in 2012. No further environmental analysis is required associated with this action.

FISCAL IMPACT:

None.

SUBMITTED:

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

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

Attachment(s):

1. Hyatt Hotel Response (e-mail)
2. Palm Mountain Resort Response (e-mail)

# **ATTACHMENT 1**

## Savat Khamphou

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**From:** vincent.bucci@hyatt.com  
**Sent:** Wednesday, May 18, 2016 3:06 PM  
**To:** mbraun@wessmandevelopment.com; Marcus Fuller  
**Cc:** Savat Khamphou; Tabitha Richards; timellis@palmmountainresort.com; joy@crystalfantasy.com; octavio@wessmandevelopment.com; srobinson@davisreedinc.com  
**Subject:** RE: Ref Kimpton Palm Springs - Request for Early Construction Start Time

Dear Michael, Marcus and Sandy,

As long as the traffic early morning is re-routed from behind my hotel then I have no issue. I would hope the city will pay attention as assure that everything goes as said in the e mail.

"Be excellent in all we do so that our associates, guests, and partners LOVE us!"  
"We Care for people so they can be their best."

*Vincent Bucci*  
general manager

**HYATT PALM SPRINGS DOWNTOWN**  
285 North Palm Canyon Drive | Palm Springs, CA 92262  
(T) 760-322-9000 (D) 760-969-6001 (F) 760-969-6025 (M) 404-277-4348  
(E) [vincent.bucci@hyatt.com](mailto:vincent.bucci@hyatt.com)  
[www.palmsprings.hyatt.com](http://www.palmsprings.hyatt.com)



P. O. Box 4507  
Palm Springs, CA 92263  
(760) 833-4987

**From:** Michael Braun [mailto:mbraun@wessmandevelopment.com]  
**Sent:** Wednesday, May 18, 2016 2:05 PM  
**To:** Marcus Fuller (Marcus.Fuller@palmsprings-ca.gov) <Marcus.Fuller@palmsprings-ca.gov>  
**Cc:** Savat Khamphou <Savat.Khamphou@palmsprings-ca.gov>; Tabitha Richards <Tabitha.Richards@palmsprings-ca.gov>; Tim Ellis (timellis@palmmountainresort.com) <timellis@palmmountainresort.com>; Bucci, Vincent (PALMS-F) <vincent.bucci@hyatt.com>; Joy Brown Meredith <joy@crystalfantasy.com>; Octavio Fernandez <octavio@wessmandevelopment.com>; Sandy Robinson <srobinson@davisreedinc.com>; Michael Braun <mbraun@wessmandevelopment.com>  
**Subject:** Ref Kimpton Palm Springs - Request for Early Construction Start Time

Dear Marcus:

Please see the request from our General Contractor Davis Reed below. We have presented our request to Main Street (copied on this e mail) and met no objection from the Retailers along Palm Canyon as it does not impact their operations. The affected parties are the Palm Mountain Hotel and Hyatt Hotel (Both General Managers copied on this e mail). The Hyatt is much further North and should not experience any disruptive noise issue as Davis Reed will reroute the early morning traffic to Palm Canyon versus Belardo Road (**Note there will be No Truck traffic prior 7 am**). The property with biggest exposure is the Palm Mountain Hotel and we will do everything possible to minimize any impact on their operations. We believe meeting every two weeks to review any issue is the most effective way to manage this difficult time for Downtown. Opening the Parking Garage and new public streets together with the Kimpton Hotel by February 2017 should outweigh the temporary impact during June 15th - October 15th during the hours 5 am - 7 am.

We appreciate your consideration

Regards,  
Michael

Michael Braun  
Wessman Development  
760-641-4046

**From:** Sandy Robinson [<mailto:srobinson@davisreedinc.com>]  
**Sent:** Wednesday, May 18, 2016 11:36 AM  
**To:** Michael Braun <[mbraun@wessmandevelopment.com](mailto:mbraun@wessmandevelopment.com)>; Octavio Fernandez <[octavio@wessmandevelopment.com](mailto:octavio@wessmandevelopment.com)>  
**Cc:** Erik Kissner <[ekissner@davisreedinc.com](mailto:ekissner@davisreedinc.com)>; Vince Buchanan <[vince@davisreedinc.com](mailto:vince@davisreedinc.com)>; Richard Ross <[rross@davisreedinc.com](mailto:rross@davisreedinc.com)>; JD Dalmás <[jd@davisreedinc.com](mailto:jd@davisreedinc.com)>  
**Subject:** Kimpton Palm Springs - Request for Early Construction Start Time

Good morning,  
As discussed, Davis Reed Construction requests permission for an early construction start time of 5:00 AM, Monday through Thursday starting June 15, 2016 through October 15, 2016.

Davis Reed has great concern for the health and safety of our construction workers as we move into the hot season. Aside from the concern for our workers, approval of the summer hours requested will help to ensure that we will meet the Hotel opening target date of February 2017 and limit the construction impact to downtown Palm Springs. If we cannot get this approval, the Hotel opening date will extend by several months with continued construction impact to the downtown area.

**The noisiest parts of the project which are the concrete pours are nearly behind us and we anticipate completion by late June or early July. Further, to mitigate the noise associated with other trades, we will restrict the use of back-up alarms, radios and we will make every effort to minimize construction traffic on Museum Way. We will also be willing to work with our neighbors if they have a special event planned. We would need a seven day advance notice from them requesting that we not work between the hours of 5:00 AM and 7:00 AM.**

The following trades will be the only activities allowed during the early start hours (5:00 AM to 7:00 AM):

- Electrical/Low Voltage Installation
- Plumbing/Mechanical
- Installation of exterior EIFS – Note that EIFS cannot be installed when temperatures exceed 110 degrees. Failure to be able to start at 5:00AM will delay the completion of the hotel and continue to impact the downtown area.
- Drywall Tapers
- Roofing
- Sheet Metal

- Doors/Frames/Hardware
- Flooring
- Painting
- Glazing (small tools only)

Activities that will not be allowed during early start hours (5:00AM to 7:00AM):

- Concrete pours
- Metal Stud Framing and Drywall Installation

We also would like to propose that all parties meet at the jobsite every two weeks discuss if any changes need to be made. Also, I will be available onsite or by phone at 760.409.7456 should a need arise that you need to speak to a jobsite representative immediately.

Thank you very much for your consideration of this request.

Sandy Robinson

Asst. Project Manager  
123 North Palm Canyon Dr.  
Palm Springs, CA 92262  
Cell: (760) 409-7456  
E-mail: [srobinson@davisreedinc.com](mailto:srobinson@davisreedinc.com)

**davis**   
**CONSTRUCTION INC.** VISIONS REALIZED

SAN DIEGO | LA QUINTA | LOS ANGELES | SACRAMENTO | ARIZONA  
San Diego Office 12250 El Camino Real, Suite 325, San Diego CA 92130  
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# **ATTACHMENT 2**

## Savat Khamphou

---

**From:** timellis <timellis@palmmountainresort.com>  
**Sent:** Wednesday, May 18, 2016 3:01 PM  
**To:** Michael Braun; Marcus Fuller  
**Cc:** Savat Khamphou; Tabitha Richards; vincent.bucci@hyatt.com; Joy Brown Meredith; Octavio Fernandez; Sandy Robinson  
**Subject:** RE: Ref Kimpton Palm Springs - Request for Early Construction Start Time

Michael and Sandy,

This plan seems reasonable to me.

Marcus, as I said to Michael, the primary test will be guest complaints. So far there only have been a handful, but if the complaints become impossible we will demand that the city revoke the privilege of a 5am start time. That way we have a clear way of tracking this, and neither side can argue about the results.

Thank you both for handling this in such a professional manner.

Tim

**From:** Michael Braun [mailto:mbraun@wessmandevelopment.com]  
**Sent:** Wednesday, May 18, 2016 2:05 PM  
**To:** Marcus Fuller (Marcus.Fuller@palmsprings-ca.gov)  
**Cc:** Savat Khamphou; Tabitha Richards; timellis; vincent.bucci@hyatt.com; Joy Brown Meredith; Octavio Fernandez; Sandy Robinson; Michael Braun  
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**To:** Michael Braun <mbraun@wessmandevelopment.com>; Octavio Fernandez <octavio@wessmandevelopment.com>  
**Cc:** Erik Kissner <ekissner@davisreedinc.com>; Vince Buchanan <vince@davisreedinc.com>; Richard Ross <rross@davisreedinc.com>; JD Dalmas <jd@davisreedinc.com>  
**Subject:** Kimpton Palm Springs - Request for Early Construction Start Time

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Asst. Project Manager

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**davis** 

**CONSTRUCTION INC.** VISIONS REALIZED

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