



CITY COUNCIL STAFF REPORT

DATE: March 1, 2017

PUBLIC HEARING

SUBJECT: ADMINISTRATIVE REVIEW AND CONFORMITY REPORT FOR THE VISION AGUA CALIENTE MASTER PLAN, TO ALLOW FOR THE EXPANSION OF THE EXISTING SPA RESORT CASINO, 350 HOTEL ROOMS, MEETING ROOMS, RETAIL/CULTURAL SPACE, A SPA/FITNESS CENTER, AND A PARKING STRUCTURE ON AN 18-ACRE CONSOLIDATED SITE LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND TAHQUITZ CANYON WAY, ZONE RA ("RESORT ATTRACTION"), SECTION 14 (CASE 5.1410).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The Agua Caliente Band of Cahuilla Indians has submitted a project report for the Vision Agua Caliente Master Plan ("Master Plan"), a plan document that establishes development standards for an 18-acre site located at the northeast corner of Indian Canyon Drive and Tahquitz Canyon Way. The plan would allow for an expansion of the existing Spa Resort Casino by up to 68,000 square feet, the development of up to 350 hotel rooms within a 510,000 square foot tower with a height of up to 175 feet, 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space, a 40,000 square foot spa/fitness center, and a parking structure with approximately 650 parking spaces.

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

RECOMMENDATION:

1. Open the public hearing and take public input;
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT FOR THE VISION AGUA CALIENTE MASTER PLAN, ALLOWING FOR THE EXPANSION

ITEM NO. 2.D.

OF THE EXISTING SPA RESORT CASINO AND ADDITION OF 350 HOTEL ROOMS, MEETING ROOMS, RETAIL/CULTURAL SPACE, A SPA/FITNESS CENTER, AND A PARKING STRUCTURE ON AN 18-ACRE CONSOLIDATED SITE LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND TAHQUITZ CANYON WAY IN SECTION 14;" and

3. Schedule a joint meeting with the Tribal Council pursuant to Section 5 of Agreement #1324A to discuss issues relative to the Vision Agua Caliente Master Plan, or as an alternative, appoint a City Council subcommittee to work with City staff and Tribal staff in resolving any issues related to the Master Plan.

ISSUES – ADMINISTRATIVE REVIEW:

- Build-out of all development anticipated under the Master Plan will result in the need for additional Police Department personnel and equipment.
- Development of the Master Plan will require additional Fire Department personnel, equipment, and facilities.

ISSUES – CONFORMITY REPORT:

- The Master Plan would allow a hotel height of up to 175 feet, which exceeds the 100-foot height limit specified in the Section 14 Specific Plan.
- The Master Plan would provide 37% open space, which does not meet the 40% open space requirement of the Section 14 Specific Plan.
- The number of parking spaces proposed for the Master Plan does not conform to the minimum number of spaces required by the Section 14 Specific Plan.
- The Tribal Environmental Impact Report (TEIR) has certain errors and omissions that should be corrected to adequately determine the impacts of the project and the associated mitigation measures.

PROCESS:

The City and the Tribe entered into the Agreement on December 15, 1998, to facilitate an expedited process for the City to review and comment on development projects located on land owned directly by the Tribe. The Agreement identifies a schedule for project review; in order to comply with the Agreement, the following schedule has been prepared:

Item	Timeline Required	Timeline
1. Pre-Submittal	N/A	N/A
2. Submission of Project Report	90 days prior to Tribal approval	January 11, 2017
3. Administrative Review	CC review 30 days after submission of Project Report	March 1, 2017 ¹

Item	Timeline Required	Timeline
4. Conformity Report	CC adopts within 30 days of receiving Administrative Review	March 1, 2017 ¹
5. Joint Meeting	City and Tribal Councils within 30 days of adopting Conformity Report	April 1, 2017
6. Final Tribal Action	90 days after submission of Project Report	No sooner than April 11, 2017

¹The Administrative Review and adoption of the Conformity Report by the City Council may be consolidated into a single review per Section 7 of the Agreement.

Based on the Agreement, the City Council has 60 days from the submittal of the Project Report to perform the Administrative Review and take action on the Conformity Report. Should the City Council deny the Conformity Report or fail to take action within the 60-day timeframe, the Tribal Council has the authority to proceed in taking action on the Project regardless of any decision (or inaction) by the City.

The Agreement allows for a Joint Meeting of the City Council and the Tribal Council once the City Council has taken action on the Conformity Report. The purpose of the Joint Meeting is to discuss the Conformity Report and whether any measures should be taken to make the Project more conforming with the rules, regulations, and ordinances of both the City and the Tribe. The Joint Meeting must take place within 30 days of the City Council taking action on the Conformity Report; however, the meeting may be waived with the approval of both the City Council and the Tribal Council. In the alternative, as both the Tribe and the City Council held public meetings on the issue of the Master Plan, a Council Subcommittee could be created to work with City staff and Tribal staff to resolve any issues related to the plan.

PROPOSED PROJECT:

The Tribe has submitted a project report for the Vision Agua Caliente Master Plan ("Master Plan"), which covers an 18-acre area of Tribal Trust land located adjacent to and including the Spa Resort Casino. The Master Plan area is identified as the area bounded by Amado Road on the north, Indian Canyon Drive on the west, Tahquitz Canyon Way on the south, and Calle Encilia on the east, while also incorporating the Spa Resort Casino parcel and its adjacent parking area. The Master Plan proposes a program of development totaling 728,000 square feet that will include the following:

- Expansion of the existing Spa Resort Casino by up to 68,000 square feet;
- Development of up to 350 hotel rooms within a 510,000 square foot building, with a height of up to 175 feet;
- 60,000 square feet of meeting space;
- 50,000 square feet of mixed-use/cultural/retail space;
- A 40,000 square foot spa and fitness center; and
- 650 additional parking spaces.

The Master Plan also calls for the removal of the existing US Post Office building at the corner of Amado Road and Calle Encilia, which is intended to be relocated elsewhere in the City. As this is a plan for future development, no specific building plans or elevations have been submitted in conjunction with the project report. The Master Plan is intended to establish the program, development standards, and scope of the project, with specific building designs to be developed later. The Master Plan is intended to be developed in phases; however, no specific phasing schedule is included in the project report.

ANALYSIS – ADMINISTRATIVE REVIEW:

The purpose of the Administrative Review is to determine the adequacy of police and fire safety services, and any other services of the City necessary for the project; any health, safety or welfare concerns; compatibility of the project with surrounding properties; and the fiscal impact of the project. The project report has been circulated to Police, Fire, Community & Economic Development, Building & Safety, and the Engineering Services departments. The following section of the staff report details the comments from the various departments

Police Department Review:

The Police Department has reviewed the project report for the proposed Vision Agua Caliente Master Plan, and has identified impacts that will require additional officers and equipment to adequately address public safety. At full build-out, the project will draw an increased number of visitors, both on a daily basis and during planned special events. The planned expansion of the casino and accompanying hotel, parking structures, and related facilities will require additional personnel to enforce laws, address public nuisances and ensure the safety of visitors and guests. The expanded facility will result in increased pedestrian and vehicular traffic, which may result in increased accidents, thefts, loitering, and other disturbances. These impacts will require the City to seek and program additional funding to adequately maintain public safety for development in and adjacent to the Master Plan area.

In previous years, grant funds were available from the Indian Gaming Special Distribution Fund to assist in covering the costs of the additional personnel and equipment that were needed to address the primary and secondary impacts associated with casino gaming. Beginning in February 2004, the City received funding for two officers to patrol the Spa Resort Casino and the adjacent downtown area. In 2007, funding was received for two additional officers to provide coverage for the casino and adjacent area. Additional funding was received through the program that covered a portion (10%) of the salary and benefits for a downtown patrol sergeant and police manager, and for Police Activities League (PAL) and drug prevention program funding. Due to a dwindling fund balance, the City has not received any grant monies from the Special Distribution Fund since FY 11/12. The State of California estimates that only

\$6.7 million in funding will be available statewide for FY 17/18, and a negative fund balance is anticipated for FY 18/19. Consequently, the City cannot depend on grant funding through the Special Distribution Fund to budget for the additional personnel and equipment necessary to provide service for the Master Plan development.

Based on the anticipated impacts of Master Plan and the additional visitors to the area, the Police Department is requesting the following additional personnel and equipment:

- Two (2) Police Officers to patrol the Spa Resort Casino and surrounding downtown area;
- Five (5) police officers and one (1) Community Services Officer to be assigned exclusively to address calls for service at the casino and around the casino;
- One (1) Police Sergeant to supervise all officers assigned to the casino and downtown;
- One (1) Police Officer to address homelessness on and adjacent to the casino property, and to be deputized to enforce Federal law on allottee and Tribal property;
- One (1) civilian community engagement/social media specialist;
- Funding for four (4) fully-equipped police bicycles;
- Funding for two (2) fully-outfitted patrol vehicles; and
- Funding for one (1) 4-wheel drive vehicle to be used by the officers assigned to address homelessness issues.

These needs are based on the full build-out of the project as anticipated by the Master Plan; as this is intended to be a phased development, it is assumed that personnel and equipment would be added as each phase of the development is completed. The full cost for the positions and equipment listed above would be \$1,568,705. Funding for the personnel would be an ongoing expense that would need to be allocated each year; equipment funding would need to be allocated for the initial purchase, and then for repair or replacement as needed in subsequent budget cycles.

Fire Department Review:

The project report for the Master Plan has been reviewed by the Fire Department to assess equipment and personnel needs based on the proposed scope of development. Based upon the size, height, and capacity of the development proposed under the Master Plan, the Fire Department has identified the need for additional personnel, equipment and facility space. The memo provided by the Fire Department identifies two different options regarding the amount of staffing and equipment needed to respond to a high-rise fire, with the costs associated with each option. Both options would require additional vehicles to be stored at Fire Station #1, which does not have the capacity for additional equipment or staff. The station would either need to be expanded, or an alternate location identified. As with the needs identified by the Police Department, the personnel and equipment identified by the Fire Department anticipates full build-out of the development, and would be added incrementally as phases of the development are

completed.

Building Permits/Impact Fees:

The Building & Safety Department will not be responsible for reviewing construction documents, issuing permits or collecting impact fees for the proposed development as projects on Tribal land, as permitting for such projects are handled directly by the Tribe.

Taxes and Revenue:

Development on Tribal land is exempt from the collection of standard taxes and fees that would typically accrue to the City for similar projects. Absent the collection of these taxes, the City must depend on other funding mechanisms to address the additional services that will be necessary for the proposed Master Plan development.

Economic Development:

The firm of Keyser and Marston Inc. has prepared an analysis of the economic impacts of the proposed development. A copy of the report will be distributed to City Council members and posted to the City website prior to the public hearing on March 1, 2017.

ANALYSIS – CONFORMITY REPORT:

Per the Agreement, the Conformity Report shall detail the conformance of the project to existing City rules and regulations, and the compatibility of the project with surrounding properties. The following tables and discussion provides an analysis of the project relative to the requirements of the Section 14 Specific Plan.

<i>Site Area</i>	
Net Acres	Approximately 18 acres (including the vacated rights-of-way of Andreas Road and Calle Encilia)

Land Use Designation and Proposed Uses:

Chapter 4 of the Section 14 Specific Plan identifies the following land use designations for the Master Plan area and surrounding properties:		
<i>Surrounding Property</i>	<i>Existing Land Use Per PSZC Chapter 92</i>	<i>Section 14 Specific Plan Land Use Designation/Zoning Designation</i>
Subject Property	Casino Use, Post Office Use, Parking Lot Use	RA (Resort Attraction)
North	Restaurant Use, Cocktail Lounge Use, Parking Lot Use	REO (Retail/Entertainment/Office), RA (Resort Attraction)

South	Retail Use, Restaurant Use	RA (Resort Attraction)
East	Hotel Use, Residential Use	HR (Residential High), RA (Resort Attraction)
West	Retail Use, Office Use, Restaurant Use	CBD (Commercial Business District)

Chapter 6 of the Section 14 Specific Plan provides for the following uses in the RA (Resort Attraction) land use designation:	
<i>Proposed Uses</i>	<i>Conformance to Section 14 Specific Plan – RA (Resort Attraction Designation)</i>
Casino Use	Conditional Use Permit (only with Tribal Council approval)
Hotel Use	Permitted by right
Meeting Space	Permitted in conjunction with a Resort Hotel Use
Cultural Use	Permitted by right
Retail Use	Under 10,000 SF permitted by right; between 10,000 SF and 20,000 SF requires Conditional Use Permit
Health/Fitness Center	Conditional Use Permit

The Section 14 Specific Plan designates the area within the boundaries of the Master Plan as RA (Resort Attraction), which allows for a mixture of hospitality, retail, and entertainment uses. The Specific Plan states as follows:

“Resort Attraction (RA) – This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.”

The uses proposed by the Master Plan are consistent with the purpose of the RA (Resort Attraction) land use designation, and are consistent with the uses listed in Table 6-1 of the Section 14 Specific Plan document. Certain uses, such as the casino use and the health/fitness center use, will require that a Conditional Use Permit be approved; other uses are permitted by right. Consequently, the uses proposed by the Master Plan are consistent with the Section 14 Specific Plan.

In terms of compatibility, the uses proposed by the Master Plan are generally compatible with adjacent and surrounding uses. One area of concern is the presence of multifamily residential uses located to the east of the Master Plan area. However, the Master Plan does not propose any additional construction on the east side of the project area, and impacts of the project may be reduced as long as traffic is directed to the Indian Canyon Drive and Tahquitz Canyon Way frontages.

Development Standards:

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following development standards apply:			
Standard	Required/ Allowed	Proposed	Compliance
Floor Area Ratio	3.0 ¹ (for consolidated projects)	1.4	Y
Min. Lot Area	2.0 Gross Acres	18.0 Gross Acres	Y
Height – Hotel Tower	35 Feet; up to 100 Feet subject to a CUP	175 Feet	N ²
Height – Hotel Entrance, Retail	35 Feet; up to 100 Feet subject to a CUP	30 Feet	Y
Height – Casino Expansion	35 Feet; up to 100 Feet subject to a CUP	45 Feet	Y ²
Height – Health/Fitness Center	35 Feet; up to 100 Feet subject to a CUP	20 Feet	Y
Parking Structure	35 Feet; up to 100 Feet subject to a CUP	47 Feet	Y ²
Open Space	40%	37%	N
Min. Setbacks			
• Indian Canyon	5 Feet	5 Feet or greater	Y
• Tahquitz Canyon	20 Feet	20 Feet or greater	Y
• Calle Encilia	20 Feet	20 Feet or greater	Y
• Amado	20 Feet	20 Feet or greater	Y
• Andreas	20 Feet	20 Feet or greater	Y

¹ As a consolidated project, the F.A.R. may be increased to 3.0.

² Any building over 35 feet would be subject to the requirements for a high-rise building.

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following additional setbacks apply to high-rise buildings:			
High-Rise Building Requirements	Required	Provided	Compliance
Hotel Tower (175'): Min. Setback (1:1) to residential	175'	580'	Y
Casino Expansion (45'): Min. Setback (1:1) to residential	45'	540'	Y

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following additional setbacks apply to high-rise buildings:			
<i>High-Rise Building Requirements</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Parking Structure (47'): Min. Setback (1:1) to residential	47'	425'	Y

The Master Plan proposes a "consolidated project," which is described and defined as follows in Section 6.5 of the Specific Plan:

"With a significant amount of vacant and underutilized land available for development in Section 14, an exciting opportunity exists for consolidating individual parcels/allotments into larger development sites. Larger, consolidated sites provide the chance to develop integrated projects that offer greater amenities, creative building designs, greater options for site access, and ultimately a stronger impact. To encourage the consolidation of parcels and ultimately fulfillment of its vision, the Specific Plan provides both development incentives and flexible zoning standards for development."

"Commercial or mixed-use development on sites designated as REO, RA, LSC, or NC on the Land Use Plan in which at least two or more parcels/allotments totaling five (5) or more acres combined are consolidated for one planned project."

The project site currently includes 11 parcels and totals approximately 18 acres combined, and therefore qualifies as a consolidated project. As a consolidated project, the development is eligible for a greater Floor Area Ratio (FAR) than would otherwise be permitted for non-consolidated development. The Master Plan proposes a FAR of 1.4 across the development site, which is in conformance to the FAR of 3.0 that would be allowed for a consolidated project. The project is also in conformance to the lot area requirements and setback requirements identified in the Section 14 Specific Plan. The casino expansion and parking structure will both exceed the 35-foot height limit and are subject to additional setback requirements for high-rise buildings; both structures will meet the minimum required setback from the nearest residential district.

There are two areas where the proposed development standards do not conform to the requirements of the Section 14 Specific Plan: the hotel tower height and open space requirement. The Specific Plan establishes a height limit of 35 feet in the RA (Resort Attraction) land use designation, but allows a height limit of up to 100 feet upon approval of a Conditional Use Permit. At 175 feet, the proposed hotel tower far exceeds the maximum height permitted by the Section 14 Specific Plan. This building height would be more than twice the height of the next tallest building in Palm Springs, and represents a significant and drastic departure from the low-scaled character of development within the City. Based on the fact that the proposed height is inconsistent

with the existing development pattern and is not allowed under the Section 14 Specific Plan, it is recommended the building height be reduced to no more than 100 feet. Should the Tribe proceed with the development of the tower at a height of up to 175 feet against the objections of the City, it is recommended that an application to amend the Specific Plan be submitted and approved prior to any entitlements or issuance of permits.

The other aspect of the proposed standards that does not conform to the Specific Plan is the amount of open space proposed for the project. The Specific Plan requires a minimum of 40% open space; the project as proposed would provide 37% open space. The usable open space as identified in Table 6-2 of the Specific Plan allows for outdoor living and recreation areas to be included in the calculation. The use of pedestrian plazas at key nodes in the development, the development of pedestrian paseos between the buildings and outdoor patios and recreation areas may assist in increasing the open space so as to conform to the Specific Plan requirements.

Density:

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following density limit applies:				
<i>Permitted Density</i>	<i>Site Area</i>	<i>Units Allowed</i>	<i>Units Proposed</i>	<i>Compliance</i>
86 Units Per Acre	3.8 Acres ¹	327 Units	350 Units	N

¹Note: If the Master Plan site is to be mapped as a consolidated parcel, a maximum of 1,548 hotel units would be permitted based on the 18-acre parcel size. The project report identifies the hotel with a parcel size of 3.8 acres.

The Section 14 Specific Plan allows a maximum density of 86 hotel units per acre. The Master Plan proposes a total of 350 units; the project report identifies the hotel as being located on a 3.8 acre parcel, which would permit a maximum of 327 hotel units. If the project is mapped as a consolidated project, a total of 1,548 hotel units would be permitted across the 18-acre parcel. Considered as a consolidated project, the proposed hotel density would be in conformance to the Specific Plan.

Parking:

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following parking standards apply:			
<i>Use</i>	<i>SF/# of Units</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>
Casino – Existing	119,000 SF	1/90 SF	1,322.22 spaces
Casino – Expansion	68,000 SF	1/90 SF	755.56 spaces
Hotel – first 50 units	50 units	1/unit	50 spaces
Hotel – over 50 units	300 units	.75/unit	225 spaces
Meeting Space	60,000 SF	1/250 SF	240 spaces
Retail/Cultural	50,000 SF	1/250 SF	200 spaces

Pursuant to Chapter 6 of the Section 14 Specific Plan, the following parking standards apply:			
<i>Use</i>	<i>SF/# of Units</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>
Health/Fitness Center	40,000 SF	1/450 SF	88.89 spaces
Total Spaces Required:			2,882 spaces
Total Spaces Provided:			1,500 spaces

The total parking required for all uses within the Master Plan area is 2,882 spaces. There are 850 spaces in the garage that is currently under construction to the north of the Spa Resort Casino building, and there would be an additional 650 spaces provided as part of the build-out of the Master Plan, resulting in a total of 1,500 spaces provided. Based on these numbers, the project will have a deficit of 1,382 parking spaces. The project report notes that the Tribe has approximately 2,000 additional parking spaces in the vicinity of the Master Plan area, which is assumed to be surface parking lots located north of Amado Road. In addition, the report notes that prior to the issuance of building permits, the Tribe will prepare a Specific Parking Plan pursuant to PSZC Section 93.06.00(B)(11). While it may be assumed that there will be certain efficiencies in parking as hotel guests will also be utilizing the casino, fitness and retail facilities, a Specific Parking Plan would need to detail the peak hours for each use and identify the maximum number of parking spaces needed. Should the parking study conclude that the number of parking spaces provided within the Master Plan area is inadequate to meet the peak hour parking demand, the surface parking areas north of Amado Road should be encumbered to satisfy the parking needs of the project.

Street Access and Pedestrian Connectivity:

The Master Plan identifies that the principal access to the hotel, casino expansion, and cultural/retail space will be from Indian Canyon Drive. Secondary access will be from Amado Road, which will provide access to the parking structures on the north side of the project. Additional access is also proposed from Calle Encilia at Andreas Road. In order to reduce impacts to the residentially-zoned areas to the east, access for the project should be limited to the Indian Canyon, Tahquitz Canyon, and Amado Road frontages. Minimal access should be provided from Calle El Segundo so as to reduce traffic impacts to the adjacent residential properties.

Street vacations of Andreas Road and Calle Encilia have been approved in support of the development of the Vision Agua Caliente Master Plan. The vacation of these roadways was first anticipated in 1994, when the General Plan was amended to change the classification of the roadways and a Planned Development District was approved for a gaming facility (Resolution #18463). The first vacation occurred in December 1996, when Andreas Road was vacated between Indian Canyon Drive and Calle Encilia (Resolution #18944). The second vacation was approved at a public hearing in May 2016 (Resolution #24027), which vacated portions of Calle Encilia between Amado Road and Tahquitz Canyon Way, and a portion of Andreas Road between Calle Encilia

and Calle El Segundo.

With these street vacations, it is still important to maintain pedestrian connectivity through and around the perimeter of the project area, and to encourage connections to the Convention Center to the east. The project should facilitate pedestrian connections across Indian Canyon on the Andreas Road axis; ideally, this pedestrian axis would be maintained through the project site so as to connect to the Convention Center. In addition, it is recommended that pedestrian connections be maintained along the Calle Encilia corridor to facilitate movement through the site. By maintaining and continuing these pedestrian axes through the site, it will assist in reducing the potential "superblock" scale of the project and encourage and draw pedestrians to the project from the downtown area and the Convention Center.

ENVIRONMENTAL IMPACT:

The Tribe has completed a draft Tribal Environmental Impact Report (TEIR) addressing the potential environmental effect of the proposed Master Plan in compliance with the Tribal Environmental Policy Act and Section 11.1 of the Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians. The draft TEIR concludes that Air Quality, Land Use and Planning, Population and Housing, Public Services (Fire Services and Law Enforcement), Operation Noise, and Utilities and Service Systems (solid waste and energy) impacts would be less than significant. The TEIR identifies that potentially significant Aesthetic, Cultural Resources, Water Resources, Construction Noise, Transportation and Traffic, and Utilities and Service System (water supply, wastewater, and drainage) impacts can be mitigated to less than significant levels by implementing the mitigation measures identified in the Draft TEIR.

The City has conducted a peer review of the TEIR, and has identified issues and questions regarding aspects of the environmental analysis and proposed mitigation. The following discussion provides a summary of the key issues relative to the TEIR:

Aesthetics – Section 5.1

- The aesthetics analysis of the 175-foot tall tower does not consider impacts associated with views on the ground; all exhibits are taken from a bird's-eye view. In addition, several key viewpoints are missing from the simulations.
- The TEIR does not address outdoor lighted signage; as the casino currently has lighted signage and video screens in place, it is assumed that the new structures will also utilize illuminated signage. The TEIR should include a discussion analysis of any illuminated signage proposed for the project.

Air Quality – Section 5.2

- The air quality analysis has conflicting build-out dates, and also utilizes data for land use categories that do not match the actual use. Consequently, the analysis may not reflect the operational emissions or

greenhouse gas generation accurately.

Land Use – Section 5.5

- The land use analysis identifies that the project does not conform to the Section 14 Specific Plan height and open space requirements, but concludes that the project is consistent with the Specific Plan. A consistency finding cannot be made when the open space does not meet minimum requirements and the height is significantly greater than what is allowed by the adopted plan.

Noise – Section 5.6

- The noise analysis considered only traffic noise in quantifying impacts, and did not analyze noise impact from the proposed project on adjacent properties.
- The TEIR does not address impacts of potential noise generation from outdoor events. As outdoor events are currently held on the project site, it can be expected to occur on a regular basis as part of the build-out of the site, and noise from such events should be included in the analysis.

Public Services – Section 5.8

- The TEIR addresses response time and personnel for fire and police services, but does not address whether the departments have sufficient equipment and facilities to serve the proposed project. The analysis provided by the Police Department and Fire Department and included as an attachment to the City's peer review of the TEIR (included as an attachment to this Staff Report) indicates that additional equipment will be necessary to service a development of this scale, as well as additional personnel.

Traffic and Transportation – Section 5.9

- There are concerns that the methodology used may not adequately model the impact generated by the project. Specific examples are provided in the memo from Engineering Resources of Southern California, Inc. which is included as an attachment to this report.
- The analysis identifies that delay could be reduced at approximately 16 of the 37 studied intersections, and also that the Volume to Capacity ratios will decrease or stay the same. Based on the scale and traffic generated by this project, these assumptions should be reevaluated.
- The Tribe should be responsible to design and construct a traffic signal at Ramon Road and Calle El Segundo as part of the mitigation for the project, as the intersection does not meet the operational requirements of the General Plan and municipal code. There is also conflicting data as to the percentage that can be attributed to the project.
- The calculations for traffic signal change intervals should be revised to adopt the timing and methodology used by the City.

Utilities and Service Systems – Section 5.10

- Based on the square footage and number of hotel rooms proposed within the project, a Water Supply Assessment should have been prepared and

processed in conjunction with the analysis.

- The analysis assigns the same water consumption factor to the casino as for the existing post office, despite the marked difference in operations. In addition, the same electric and natural gas factors used for the post office are also utilized for the casino. It is recommended that the analysis be revised based on actual usage at the casino, as the data should be available from operations over the last several years.

Growth Inducement – Section 7.0

- The analysis determines that the project could generate a need for 711 residences, but does not identify how that figure was derived. In addition, the TEIR describes how there is sufficient vacant land to accommodate those units, but does not address whether these units can be built at a price that the lower-wage service workers who would represent the majority of new workers at the site would be able to afford.

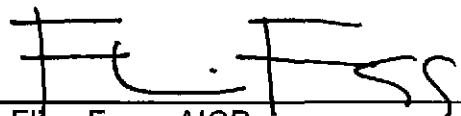
A separate letter will be prepared and submitted to the Tribe prior to the close of the comment period on March 13, 2017, identifying all issues and concerns with the environmental analysis that was conducted for the project.

CONCLUSION:

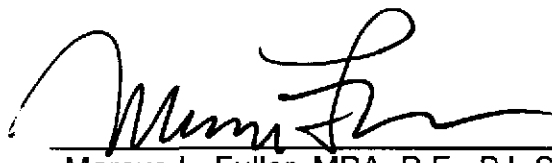
The proposed Master Plan will assist in revitalizing a key area of downtown Palm Springs, and will contribute to the economic health of the community. While the City supports the Tribe's efforts to redevelop this area, there are impacts related to the proposed Master Plan that need to be addressed. The issues are as follows:

1. The provision of additional police personnel and equipment to address the safety issues related to the increase of visitors and workers in and adjacent to the Master Plan area;
2. The provision of additional fire personnel, equipment and facilities that will be necessary to support the scale of the development as proposed;
3. The proposed hotel tower significantly exceeds the maximum height permitted by the Section 14 Specific Plan;
4. The proposed open space does not meet the 40% open space required under the Section 14 Specific Plan;
5. The number of parking spaces proposed does not conform to the number parking spaces required under the Section 14 Specific Plan; and
6. The TEIR prepared to evaluate the Master Plan does not adequately address certain impacts of the development, and may require additional analysis or corrections to adequately determine the impacts and mitigation measures.

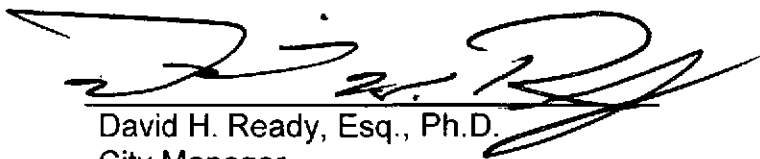
Based on the issues listed above, it is recommended that a Joint Meeting of the Tribal Council and the City Council be scheduled to discuss the Vision Agua Caliente Master Plan.



Filinn Fagg, AICP
Director of Planning Services



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



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

Attachments:

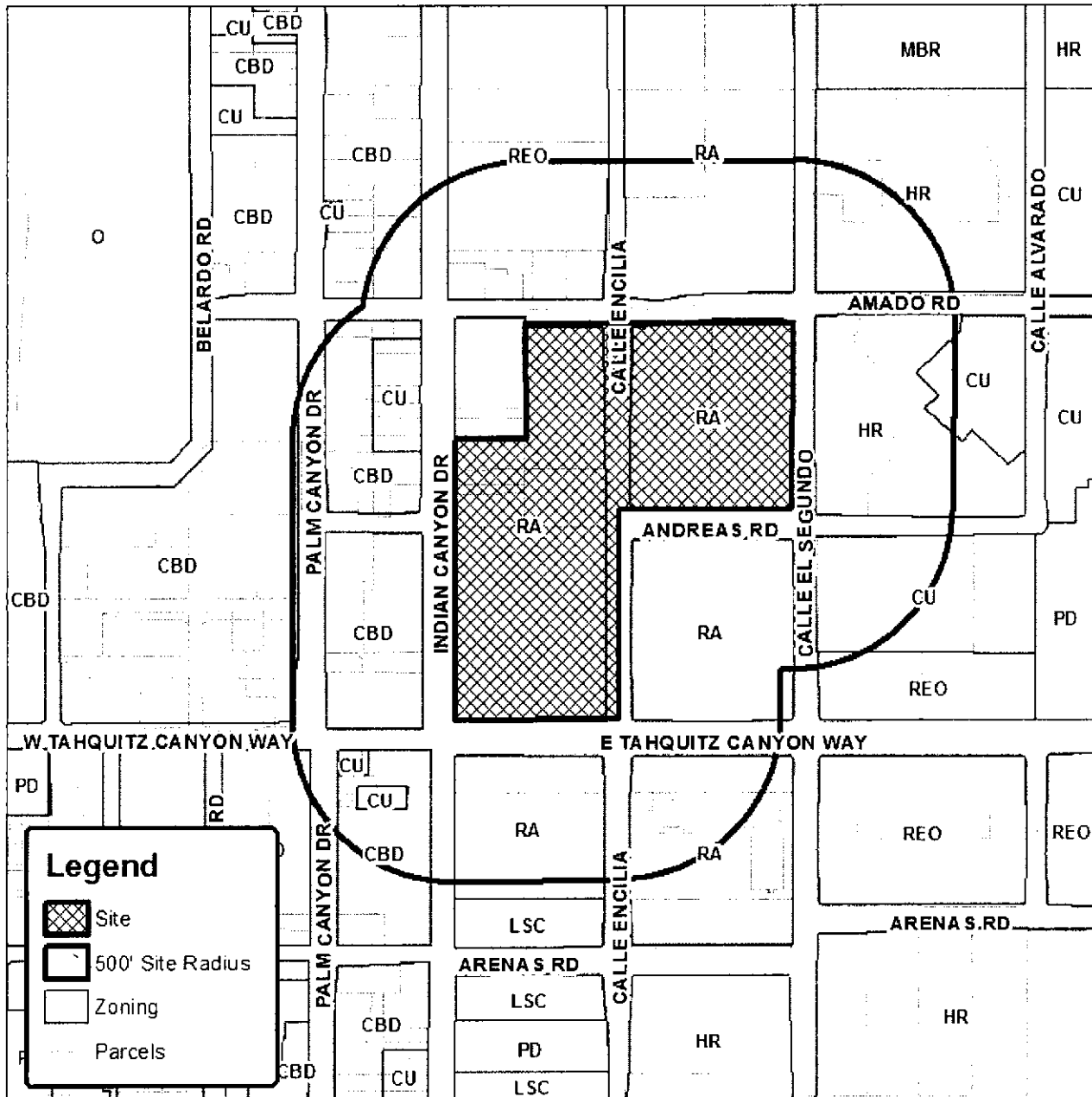
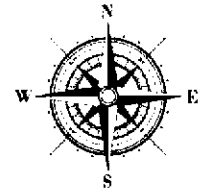
1. Vicinity Map
2. Draft Resolution and Recommended Conditions of Approval
3. Tribal/City Land Use Coordination Agreement
4. Police Department Memo
5. Fire Department Memo
6. Peer Review – TEIR
7. Vision Agua Caliente Master Plan Project Report

(Note: Fiscal analysis report by Keyser Marston Inc. to be provided prior to the City Council meeting on 03/01/17)

ATTACHMENT #1



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS
Case # 5.1410 Spa Resort Casino

ATTACHMENT #2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT FOR THE VISION AGUA CALIENTE MASTER PLAN, ALLOWING FOR THE EXPANSION OF THE EXISTING SPA RESORT CASINO AND ADDITION OF 350 HOTEL ROOMS, MEETING ROOMS, RETAIL/CULTURAL SPACE, A SPA/FITNESS CENTER, AND A PARKING STRUCTURE ON AN 18-ACRE CONSOLIDATED SITE LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND TAHQUITZ CANYON WAY IN SECTION 14.

The City Council of the City of Palm Springs finds:

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

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

C. On January 11, 2017, the Tribe submitted a Project Report to the City for the Vision Agua Caliente Master Plan, allowing for the redevelopment of an 18-acre consolidated parcel, including the existing Spa Resort Casino ("Project").

D. The Project Report was transmitted to the City for review and comment under the terms of the Agreement. In order to adhere to the review timeline specified by the Agreement, the City and the Tribe have agreed to a combined Administrative Review and Conformity Report in accordance with Section 7 of the Agreement.

E. On March 1, 2017, the City Council conducted a public hearing and considered the matter, including the Project Report, the Tribal Environmental Impact Report, the Administrative Review, the Conformity Report, related exhibits, and public testimony.

F. The City Council has concluded that based on the information presented, the following issues merit further discussion with the Tribe:

- 1) Build-out of all development anticipated under the Project will result in the need for additional Police Department personnel and equipment.
- 2) Development of the Project will required additional Fire Department personnel, equipment, and facility space.

- 3) The Project would allow a hotel height of up to 175 feet, which exceeds the allowable 100-foot height limit specified in the Section 14 Specific Plan.
- 4) The Project would provide 37% open space, which does not meet the 40% open space requirement specified in the Section 14 Specific Plan.
- 5) The number of parking spaces proposed for the Project does not conform to the minimum number of spaces required by the Section 14 Specific Plan.

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

SECTION 1. The Administrative Review and Conformity Report, dated March 1, 2017, including the suggested Conditions of Approval contained in Exhibit "A" and made a part thereto, is hereby approved and staff is directed to transmit the Administrative Review and Conformity Report to the Tribe.

SECTION 2. Pursuant to Section 5 of Agreement #1324A, the City Council hereby requests a Joint Meeting with the Tribal Council to discuss the Administrative Review and Conformity Report, including the anticipated need for additional Police Department and Fire Department personnel, equipment and facilities resulting from the ultimate build-out of the Project, and whether any measures should be taken to make the Project more conforming with the rules, regulations and ordinances of both the City and the Tribe.

ADOPTED THIS 1ST DAY OF MARCH, 2017.

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

ATTEST:

Kathleen D. Hart, MMC
Interim City Clerk

CERTIFICATION

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

Kathleen D. Hart, MMC
Interim City Clerk

RESOLUTION NO. _____

EXHIBIT A

Case 5.1410 – Conformity Report

Vision Agua Caliente Master Plan

March 1, 2017

RECOMMENDED CONDITIONS OF APPROVAL

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

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Project Description and Reference Documents. These recommended conditions are for the project described as the Vision Agua Caliente Master Plan, per Case 5.1410, and as described in the Project Report submitted in conjunction with this application.
- PLN 2. Phased Development and Future Entitlements. It is acknowledged that the development allowed under the Master Plan will proceed in phases. It is recommended that a Project Report be submitted to the City for each phase of the development and processed in accordance with Agreement #1324A.
- PLN 3. Section 14 Specific Plan Amendment – Building Height Overlay. It is recommended that the Section 14 Specific Plan be amended to reflect the proposed Building Height Overlay, should the Tribal Council approve the Master Plan as proposed with a hotel tower height of up to 175 feet. The amendment to the Specific Plan should occur prior to entitlements for any building in excess of what the plan currently allows.
- PLN 4. Open Space Requirement. The open space as proposed under the Master Plan does not meet the Section 14 Specific Plan requirement; it is recommended that the Tribal Council make specific findings to justify the decrease in open space. As an alternative, it is recommended that the use of pedestrian plaza areas, paseos, and outdoor dining areas be investigated for each phase of the development as a means to satisfy open space requirements.
- PLN 5. Parking. The number of parking spaces proposed under the Master Plan does not meet the requirements of the Section 14 Specific Plan. It is recommended that a Specific Parking Plan be approved by the Tribal Council,

or that the surface parking areas which are owned by the Tribe north of Amado Road be encumbered as part of the development.

- PLN 6. Water Efficient Landscaping Conformance. It is recommended that the project conform to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances.
- PLN 7. Streetscape Requirement. It is recommended that the streetscape installed with the various phases of the project be provided in conformance to the requirements of Chapter 5 of the Section 14 Specific Plan.

POLICE DEPARTMENT CONDITIONS

- POL 1. It is recommended that the applicant shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

ENGINEERING DEPARTMENT CONDITIONS

STREETS

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

AMADO ROAD

ENG 5. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

CALLE EL SEGUNDO

ENG 6. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced

ANDREAS ROAD

ENG 7. Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department for review, the plans shall demonstrate how existing utilities are to be protected and/or relocated and also how vehicular and pedestrian access will be modified.

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

CALLE ENCILIA

ENG 9. Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department for review, the plans shall demonstrate how existing utilities are to be protected and/or relocated and also how vehicular and pedestrian access will be modified.

ENG 10. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

TAHQUITZ CANYON WAY

ENG 11. Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department for review, the plans shall demonstrate how existing utilities are to be protected or relocated and also how vehicular and pedestrian access will be modified.

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

INDIAN CANYON DRIVE

ENG 13. Applicant shall submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department for review,

the plans shall demonstrate how existing utilities are to be protected and/or relocated, vehicular, pedestrian and signal modifications.

- ENG 14. It is recommended that all broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

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

- ENG 16. It is recommended that the minimum pavement section for all on-site pavement (specify drive aisles, parking spaces, etc.) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

GRADING

- ENG 17. It is recommended that a Precise Grading Plan prepared by a California registered Civil engineer be submitted to the Agua Caliente Band of Cahuilla Indians (ACBCI) Engineering Division for review and approval. It is recommended that the Grading Plan be approved by the Agua Caliente Band of Cahuilla Indians (ACBCI) prior to issuance of grading permit.

- ENG 18. It is recommended that a Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- ENG 19. It is recommended that a Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Agua Caliente Band of Cahuilla Indians (ACBCI) Engineering Division with the first submittal of a grading plan.

- ENG 20. It is recommended that the applicant provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown

on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. It is recommended that no certificate of occupancy be issued until the required certification is provided to the Agua Caliente Band of Cahuilla Indians (ACBCI).

ENG 21. It is recommended that in cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

ENG 22. It is recommended that a mylar copy of the approved Grading Plan be provided to the City Engineering Division for the City's information, use and files.

WATER QUALITY MANAGEMENT PLAN

ENG 23. It is recommended that this project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

ENG 24. It is recommended that a Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's)

necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

- ENG 25. It is recommended that prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 26. It is recommended that all stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMPs).
- ENG 27. It is recommended that this project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
- ENG 28. It is recommended that this project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant

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

ENG 29. It is recommended that all on-site storm drain systems shall be privately maintained by the Agua Caliente Band of Cahuilla Indians (ACBCI) Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

GENERAL

ENG 30. It is recommended that any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 31. It is recommended that all proposed utility lines shall be installed underground.

ENG 32. It is recommended that nothing shall be constructed or planted in the corner cut-off area of any (intersection or) driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 33. It is recommended that all proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 34. It is recommended that existing parcels be merged where appropriate. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

ENG 35. As determined by the traffic study submitted by Gibson Transportation Consulting Inc., the ACBCI shall be responsible for mitigation measures recommended by the report.

ENG 36. It is recommended that a minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 37. It is recommended that all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 38. It is recommended that stop signs, stop bars, and "STOP" legends be installed for traffic exiting the development in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 39. It is recommended that construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT CONDITIONS

- FID 1. Project-specific conditions shall be provided upon the submittal of a Project Report for each phase of the development proposed under the Master Plan.

END OF CONDITIONS

ATTACHMENT #3

ZONING CODE
ZONING CODE APPENDICES

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

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

RECITALS:

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

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

1. Pre-Submittal.

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

2. Submission of Report.

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

3. Administrative Review.

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

4. City Council Conformity Report.

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

5. Joint Meeting.

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

6. Final Tribal Action.

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

7. Waiver.

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

8. Amendments.

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

9. Approval.

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

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

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

11. Lands Located Outside Reservation.

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

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

CITY OF PALM SPRINGS, CALIFORNIA

a municipal corporation.

Will Kleindienst, Mayor

Attest:

Judith Sumich, City Clerk

Approved as to form:

David Aleshire, City Attorney

Approved by the City Council

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

AGUA CALIENTE BAND OF CAHUILLA INDIANS,

a federally-recognized Indian tribe

By:

Richard M. Milanovich, Chairman

Approved as to form:

Art Bunce, Tribal Attorney

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ATTACHMENT #4



City of Palm Springs

Office of the Chief of Police

200 South Civic Drive • Palm Springs, California 92262

Tel: (760) 323-8126 • Fax: (760) 323-8173 • Web: www.pspd.com

DATE: February 21, 2017
TO: City Manager David H. Ready
FROM: Police Chief Bryan Reyes
SUBJECT: Agua Caliente Master Plan

In February of 2004, the Palm Springs Police Department ("Department") applied for funding for two police officers to patrol the Spa Resort Casino ("casino") and surrounding downtown area. The program was selected for award. In 2007, the Department applied for and received funding for two additional bicycle officers, for a total of four officers, in order to provide adequate coverage for the casino and surrounding area. In 2004, the Department applied for and received SDF grant funding for the Police Activities League and Drug Prevention programs. The Department has also received funding that represented ten percent (10%) of the salary and benefits of one patrol sergeant and one police manager responsible for supervising and managing the bicycle officers assigned to provide coverage at the casino.

There are currently two bicycle officers assigned to police the downtown area. These officers work together four days a week during the nighttime hours and operate out of the Downtown Experience substation. They are responsible for law enforcement throughout the entire downtown corridor and surrounding areas, including the casino. The Department has experienced a significant increase in activity requiring police response in the downtown area during the last several years. While there are many factors contributing to this increase, it does highlight the need for additional staffing to address the increased activity. The casino, located within the heart of downtown Palm Springs, is a unique and dynamic venue. The planned expansion of the casino and accompanying hotel, parking structures and facilities will have a clear and direct impact on the community and our ability to enforce laws, address public nuisances and ensure the safety of visitors and guests. The casino has organized New Years' Eve and Goldenvoice-sponsored events and has begun hosting a series of concerts that have drawn and will continue to attract thousands of people to the property and downtown area immediately surrounding the casino. With the scheduled expansion and large-scale planned events hosted at the property, we anticipate a significant increase in pedestrian and vehicular traffic on and adjacent to the casino. In 2016, numerous vehicle thefts and recovered stolen vehicles were reported on casino property and the immediate surrounding area. Officers also responded to multiple assaults, robberies and a carjacking on or immediately adjacent to the casino. During a 2016 call for service, a suspect fled from an officer in the area of the casino. The suspect discarded a handgun before engaging the officer in a physical

altercation during which the officer sustained injuries. These calls for service highlight an increase in crime and violence, particularly against officers, that can be directly attributed to and could have a profound impact on the casino and its visitors. Parking structures, which allow for a significant amount of parking in a condensed area, can quickly become a haven for loitering, disturbances, fights and other criminal activity. The Downtown Parking Structure located at 275 S. Indian Canyon has been the venue for numerous large scale fights, assaults against law enforcement officers and felony hit and runs. The Downtown Parking Structure is in close proximity to retail stores, entertainment venues and restaurants like those that will be offered by the casino. Given these similarities, it is likely that any parking structure erected on casino property would be subject to comparable crime trends best addressed by law enforcement.

We are asking for funding for an additional five police officers and a Community Services Officer that would be assigned exclusively to address calls for service at the casino and a geographically defined area around the casino. A Community Services Officer is a civilian employee with a salary less than that of a sworn police officer. A Community Services Officer is capable of handling past calls for service and traffic collisions, freeing sworn police officers to address in progress emergencies and conduct proactive enforcement. Community Services Officers can work with casino personnel to retrieve video surveillance and document theft and fraud. An additional five police officers and a Community Services Officer would ensure expanded day and nighttime coverage dedicated to the casino and surrounding area seven days a week. Additional personnel would ensure officers are assigned to patrol the casino and immediate surrounding area each day of the week, with dedicated coverage 24hrs a day. There would be expanded coverage from 6:30 AM to 2:30 AM, Thursday, Friday and Saturday. The base salary of a top step Master Police Officer plus benefits for FY 2017/18 is \$173,989 per year. The base salary of a top step Community Service Officer plus benefits for FY 2017/18 is \$102,125 per year.

Officers utilize bicycles to quickly respond to calls for service in a defined geographic area and efficiently navigate through large crowds. We anticipate that four of the officers assigned to patrol the casino and immediate surrounding area will do so while riding a police bicycle. A fully equipped police bicycle costs approximately \$2,000. We are asking for funding to cover the costs of four fully equipped police bicycles. Given an increase in the number of personnel assigned exclusively to patrol the casino and adjacent geographical area, it would be necessary to ensure that they also have patrol vehicles to respond to calls for service and conduct proactive, highly visible enforcement. We are asking for funding to cover the costs of two fully outfitted patrol vehicles. We would identify these vehicles as having been donated by the Agua Caliente Band of Cahuilla Indians by affixing their logo in a conspicuous location on the vehicles. The estimated cost of two fully outfitted patrol vehicles is \$86,000.

The two officers currently assigned to the downtown area are supervised by a patrol sergeant that oversees their function as a collateral assignment. If we are awarded funding to add additional sworn and civilian personnel assigned to patrol the casino and surrounding geographical area, it would be essential that a full time sergeant provide direct supervision to the assigned officers. We are asking for additional funding to cover the cost of a full-time police sergeant that would operate out of the Downtown Experience substation. In addition to providing direct supervision to the officers assigned to patrol the casino and adjacent area, this sergeant would act as a liaison between the Department the

casino, the area businesses and be capable of responding to calls for service on casino property and the area immediately adjacent to it. This same sergeant would be responsible for supervising our team of personnel that specifically address issues related to homelessness in Palm Springs, to include tribal land. The base salary of a top step Police Sergeant III plus benefits for FY 2017/18 is \$218,646 per year.

Homelessness is a highly visible epidemic that requires a multi-faceted approach to address and mitigate. The Department has dedicated two full-time sworn officers and two civilian employees to address and mitigate the impact of homelessness in our community. This staffing ensures coverage to address related issues seven days a week. These officers provide resources to those in need, address concerns related to homelessness and conduct camp clean up across the entire City of Palm Springs.

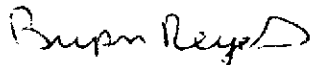
We are asking for funding to cover an additional sworn officer whose responsibility it would be to address homelessness on casino property and the immediate surrounding area. Working in conjunction with representatives of the Agua Caliente Band of Cahuilla Indians, BIA and the Riverside County Flood Control, this officer could focus their efforts to address a variety of issues on allottee or Indian-owned land within the City of Palm Springs. We would be willing to ensure that this officer is deputized pursuant to the authority of the Indian Law Enforcement Reform Act, 25 U.S.C. 2801 et seq., so that applicable Federal criminal laws can be fully investigated, documented and enforced. In early 2016, the disruption of tribal land in the area of Belardo Road and West Sunny Dunes was reported to the Palm Springs Police Department. Should a similar incident be reported, an officer that has been issued a Special Law Enforcement Commission through the BIA would be assigned as the primary investigator and work closely with the Agua Caliente Band of Cahuilla Indians to ensure an appropriate resolution is achieved. I have discussed the Federal commission process with BIA, Office of Justice Services Special Agent in Charge Carleen Fischer. She indicated that an officer would be required to go through a full background process before being considered for a Federal commission. After the background has been completed, it would need to be adjudicated and then submitted to Ms. Fischer for review and a recommendation for commission through the BIA offices in Washington DC. We estimate that this process could take up to six months. While there are still many unknowns, we will continue to research the process to determine how to best accomplish this transition.

The officers assigned to address homelessness issues utilize a pickup truck to facilitate camp cleanup, transport property and navigate through terrain that would be difficult or impossible to traverse with a standard patrol vehicle. We are asking for funding for an additional 4-wheel drive pickup truck to be utilized by the officers assigned to address homelessness. This truck could be used to remove camps and respond to and address issues related to homelessness on Indian-owned land throughout the City of Palm Springs. We would identify this truck as having been donated by the Agua Caliente Band of Cahuilla Indians by affixing their logo in a conspicuous location on the vehicle. Although no quotes have been obtained for a specific vehicle, we estimate the cost of an unequipped pickup truck to be approximately \$50,000.

Given the planned casino expansion and development, it is likely that the location will draw an increasing number of people, both on a daily basis and during planned special events. As such, it is prudent to ensure that social media is regularly monitored for threats or information that would be

pertinent to the daily operations of the casino. During the 2013 Boston Marathon bombing incident, Boston Police Department social media played a vital role in ensuring that large numbers of people had access to direction and an immediate, accurate, trustworthy source of information. The increased vehicular and pedestrian traffic at and near the casino makes it vital that real time, up-to-date information is disseminated in the event of an emergency, terrorist attack or large scale incident of any kind. We are asking for funding for a civilian community engagement/social media specialist. This person would work closely with casino social media experts to ensure the continuity of released information. They would utilize applicable software designed to monitor threats, union or employee protests and events that could impact the safety of casino employees, guests, visitors and property. Although this position has not yet been established, we estimate that the annual salary of this employee, excluding benefits, would be approximately \$60,000 per year.

The Department is requesting a total amount of **\$1,568,705** for FY 2017/18. This funding would cover the costs of five officers, a Community Services Officer and a sergeant that would be assigned exclusively to address calls for service at the casino and a geographically defined area around the casino, and an officer assigned to address issues related to homelessness on casino property or the immediate surrounding area and Indian-owned land. This funding would also cover the salary of civilian social media specialist and be utilized to purchase a pickup truck that would be operated by our officers dedicated to addressing homelessness on casino and Indian-owned property. The funding would also cover the costs of two police vehicles and four police bicycles to be utilized by the officers assigned to patrol the casino and a defined geographical area surrounding the casino.



BRYAN REYES
Chief of Police

BR:as

ATTACHMENT #5



City of Palm Springs

Fire Department
Office of the Fire Chief

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Tel: (760) 323-8181 * Fax: (760) 778-8430 * Web: www.palmsprings-ca.gov

MEMORANDUM

DATE: February 16, 2017
TO: David H Ready, City Manager
FROM: J Kevin Nalder, Fire Chief
SUBJECT: Vision Agua Caliente Master Plan Project Impact to Palm Springs Fire Department

Project

I have reviewed the content of the Vision Agua Caliente Master Plan Project (Project) dated January 9, 2017. The report allows the expansion of the existing Spa Resort Casino by up to 68,000 square feet and replacing the former 229 room Spa Hotel with the development of up to 350 hotel rooms within a maximum 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed use cultural and/or retail space, a 40,000-square foot spa fitness center, and approximately 650 parking spaces. The Project increases the Spa Casino Resort total square footage by more than 550,000 square feet plus parking structure. Additionally, based on maximum occupant loads as prescribed in the California Fire Code for the type of use for each of the areas defined in the Project, up to 12,589 additional occupants would occupy the Project. The calculation of two occupants per hotel room, in the added 121 rooms, was used for the hotel space.

Impact

Factors Determining Impact:

Fire Flow:

The quantity of water available for fire protection purposes in excess of that required for other purposes (public, private and other simultaneous fire emergencies). A fire flow of 1500 gallons per minute for a duration of two hours is required to protect the Project and occupants from fire. The fire flow was calculated using the attached California Fire Code, Appendix B, "Fire-Flow Requirements for Buildings" Table B105.1(2) and reductions in Table B105.2. This fire flow assumes the Project will be built to Type 1- Fire Resistive construction standards.

Response Resources:

National Fire Protection Association (NFPA) Standard 1710 provides the minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. NFPA 1710 Standard initial full alarm

assignment to a fire in a building with the highest floor greater than 75 ft. (23 m) above the lowest level of fire department vehicle access must provide for a minimum of 43 firefighters if the building is equipped with a fire pump.

Palm Springs Fire Department Standard Operating Guideline – High Rise:

1st Alarm (initial response) to a high rise consists of:

Six engine companies – 18 firefighters (three per engine)
One ladder truck company – 3 firefighters
One ambulance – 2 paramedics
One battalion chief – 1 B/C
Total 1st alarm – 24 personnel

Two of the six engine companies in this 1st alarm will be responding from an outside agency *IF* all four Palm Springs Fire Department engine companies are available and not responding to another emergency.

2nd Alarm (often part of the initial response):

Four engine companies – 12 firefighters
One ladder truck company – 3 firefighters
One battalion chief – 1 B/C
One ambulance – 2 paramedics
One deputy chief – 1 D/C
Total 2nd alarm – 19 personnel

All apparatus and personnel, except the deputy chief, will be responding from outside agencies

3rd, 4th, 5th ... alarms:

Palm Springs Fire Department Current Resources:

Fire Stations:

- Station #441 - engine (located in the Project primary response area), wildland truck (unstaffed)
- Station #442 - ladder truck, command vehicle, ARFF (airport response only), reserve ladder truck (unstaffed), utility air truck (unstaffed), water tender (unstaffed), wildland truck (unstaffed)
- Station #443 - engine, reserve engine (unstaffed)
- Station #444 - engine, reserve engine (unstaffed), wildland truck (unstaffed)
- Station #445 - engine

Daily minimum staffing:

- 1 - battalion chief
- 5 - captains
- 5 - engineers
- 5 - firefighter/paramedics
- 3 - aircraft rescue firefighters (airport only response)
- Total – 19

Recommendation

Based on the factors determining impact for this Project and to address those impacts for the protection of life and property at the Project, Palm Springs Fire Department needs in addition to its current resources:

Option A:

To achieve the six engines and 24 personnel required in a 1st alarm assignment to a high rise with City resources (if all resources were available to respond), an additional two engines each staffed with 1 captain, 1 engineer and 1 firefighter/paramedic on a daily basis is required. Because the Fire Department responds to emergencies twenty-four hours a day, it requires a three shift system to staff each engine. To staff both engines on all three shifts:

- 1 captain x 2 engines x 3 shifts = 6 captains
- 1 engineer x 2 engines x 3 shifts = 6 engineers
- 1 firefighter/paramedic x 2 engines x 3 shifts = 6 firefighter/paramedics

One time cost for two engines and the tools and equipment for both engines: \$1,606,530

Annual cost for these 18 personnel: \$2,896,934

Option B:

To achieve the 24 personnel required in a 1st alarm assignment to a high rise and to address the estimated increase of two to three calls for emergency medical service per day at the Project an additional one engine staffed with 1 captain, 1 engineer and 1 firefighter/paramedic on a daily basis, also add 1 firefighter/paramedic to the existing ladder truck and add one medic squad staffed with 2 firefighter/paramedics. To staff this configuration on all three shifts:

- 1 captain x 1 engine x 3 shifts = 3 captains
- 1 engineer x 1 engine x 3 shifts = 3 engineers
- 1 firefighter/paramedic x 1 engines x 3 shifts = 3 firefighter/paramedics
- 1 firefighter/paramedic x 1 ladder truck x 3 shifts = 3 firefighter/paramedics
- 2 firefighter/paramedics x 1 medic squad x 3 shifts = 6 firefighter/paramedics

One time cost for one engine, one medic squad and the tools and equipment for both apparatus: \$946,760

Annual cost for the 18 personnel: \$2,647,087

The Project is located in Fire Station #441's primary response area. For maximal protection of life and property at the Project, in both options the ladder truck at Fire Station #442 would be moved to Fire Station #441. The configuration of apparatus at Fire Station #441 would be:

Option A:

Two engines - one ladder truck - one wildland truck

Option B:

One engine - one ladder truck - one medic squad - one wildland truck

Currently, Fire Station #441 does not have the space to accommodate an increase in personnel and apparatus. To accommodate the increase Fire Station #441 would need to be expanded at its current location or rebuilt at a new location proximal to the Project. I will provide a cost associated with either option to accommodate an increase in personnel and apparatus pending a detailed analysis of both options.

TABLE B105.1(1)
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	500	1/2
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1/2 value in Table B105.1(2)	1

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

TABLE B105.1(2)
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^a	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	4
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. Types of construction are based on the *California Building Code*.

b. Measured at 20 psi residual pressure.

**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND
TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	25% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	25% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire-flow shall be not less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.2 and B105.1(2).

Exception: [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1. California State Parks buildings of an accessory nature (restrooms).
2. Safety roadside rest areas, (SRRA), public restrooms.
3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

B105.3 Water supply for buildings equipped with an automatic sprinkler system. For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand, including hose stream allowance.
2. The required fire-flow.

**SECTION B106
REFERENCED STANDARDS**

ICC	IWUIC—15	International Wildland-Urban Interface Code	B103.3
NFPA	1142—12	Standard on Water Supplies for Suburban and Rural Fire Fighting	B103.3

ATTACHMENT #6



February 16, 2017

MEMORANDUM

TO: Flinn Fagg
Director, Planning Services
FROM: Nicole Sauviat Criste
Principal
RE: Vision Agua Caliente Master Plan Draft Tribal Environmental Impact Report (EIR)

In response to your request, we have reviewed the above referenced EIR, and provide the following comments for your consideration.

Aesthetics

The aesthetics analysis does not consider the impacts associated with views on the ground. The exhibits included in the EIR are all shots taken from a bird's eye view. The pictures also show warped building structures and odd-looking palm trees, including a disembodied crown that occurs without a trunk over the Stewart Galleries building, in view 5.1-4. This may be a printing problem, but it affects the reader's ability to assess what the true impacts of the mass and scale of the structures could be.

There are no views from ground level, nor are there views from locations where public views could be impacted, such as: Andreas east of Calle Encilia looking west; Tahquitz Canyon at Calle Encilia and Calle El Segundo looking northwest; Indian Canyon and Tahquitz Canyon, looking northeast; or Amado Road at Calle El Segundo looking southwest.

The mass of the structures proposed cannot be assessed as it relates to public views with the current analysis. We would also note that an appropriate visual simulation at ground level could easily be achieved by superimposing the existing Agua Caliente hotel building, which is approximately 175 feet at its tallest point. This would be a simple solution to this issue.

Finally, the EIR does not address outdoor lighted signage. The signage currently in place at the casino could be replicated throughout the project, and should be considered in the analysis of light and glare in the EIR. The exact locations may not be known, but the scale and number should be characterized for this document.

Air Quality

The assumptions included in the air quality analysis are inconsistent with the project description of the EIR. The air quality analysis assumed a build out of 2022, while the EIR states that the

ultimate build out of the project would occur in 2026. The extended build out period would also result in extended construction days, which would affect the air emissions. The inconsistency should be corrected to reflect an accurate build out scenario.

The air quality analysis also uses “Arena” as the land use category for the casino property, and “Office Building” for the 60,000 square feet of meeting space proposed. The Arena category does not accurately reflect the 24/7 character of a casino property; and the Office Building category is not accurate for the meeting space area. Finally, the air quality modeling assigns 3.8 acres for the hotel use, while the Land Use discussion provides for 6.8 acres for hotel. As a result, the air quality analysis may not reflect operational emissions or greenhouse gas generation accurately.

Land Use

The land use discussion assigns 6.8 acres for the hotel use, while the air quality analysis states that the hotel will occur on 3.8 acres. The land area is important because it affects the density calculation for the project. On a 3.8 acre parcel, the maximum hotel rooms allowed would be 327, which would make the project inconsistent with the Section 14 Specific Plan.

The Land Use section also states that the project is inconsistent with the Specific Plan’s height and open space requirements, but concludes that the project is consistent with the Specific Plan. Inconsistency with Specific Plan standards cannot lead to a consistency determination, and this discussion should be expanded to explain why the project is consistent with the Specific Plan.

Noise

The Noise analysis considered only traffic noise in quantifying impacts. There were no measurements taken, for example, of the noise levels at the adjacent Hilton hotel, which is a sensitive receptor, and no analysis of the impacts associated with noise from the proposed project on that sensitive receptor. It is therefore not possible to assess the impacts to surrounding land uses as a result of the proposed project.

The Noise discussion correctly determines that an increase of 3 dBA is considered significant in the noise environment. However, the discussion finds that loading dock noise would result in a 5 dBA increase in the noise environment, but declares that the impact would be less than significant. The EIR should explain how it came to this conclusion, particularly, for example if loading docks were to be located in proximity to the adjacent hotel.

The EIR does not consider the potential noise generation from outdoor events. These events currently occur on the project site, and can be expected to occur as part of the hotel’s regular operations. In order to consider the impacts of outdoor events, which could be amplified by the hard surfaces of project buildings, the EIR should include a discussion of outdoor events, including frequency, potential locations, and surrounding land use impacts.

Finally, the EIR did not consider the impacts of the proposed project as it relates to the City’s Noise Ordinance. This is particularly important as it relates to stationary noise, construction noise and short term noise (such as special events) impacts.

Public Services and Utilities

In general the quantification of impacts in the Public Services and Utilities sections is based on 935 new employees. However, if these employees were all new residents, their households could generate a population increase of 1,814 new residents, assuming the City's current household size of 1.9 persons per household. As a result, the analysis could be under-estimating the potential impacts to these facilities.

The analysis of fire and police services addresses only response time and personnel, but does not address whether the City's Fire and Police departments have sufficient equipment or facilities to serve the proposed project. This could be of concern for the Fire Department, because although Station No. 1 is located across the street from the proposed project, there is no determination that the station has the equipment or personnel required to fight a large structure fire, should such an event occur at the proposed hotel. Similarly, the impact to the police department does not discuss the potential for 1,814 new residents, and the associated need for 1.8 new police officers, consistent with General Plan standards.

Based on the square footage and hotel rooms proposed within the project, the project should have prepared and processed a Water Supply Assessment, consistent with Water Code 10912. Although the hotel is 350 rooms, the law requires the preparation and processing of a Water Supply Assessment for projects resulting in equivalent water use to 500 dwelling units. All components of the project are likely to generate water demand consistent with at least 500 residential units.

There is also a concern regarding the water consumption factor assigned to the casino. The EIR assigns the post office and the casino the same water demand factor. However, the casino, operating 24/7 and including multiple dining venues and associated kitchen facilities, currently must generate more water demand than the post office, which does not even have public restrooms. We would recommend that the factors used for the casino be based on actual water usage, which is available from their several years of operation at their current facility.

Similarly, the calculations for electricity use, natural gas and solid waste generation seem low for a casino that operates hundreds of slot machines on a 24/7 basis. The casino's electricity demand is certainly higher than the post office's, and yet the EIR assigns them the same electric and natural gas use factors on a per square foot basis, and shows a lower electricity use annually than the hotel. The EIR should consider, as with water use, calculating electricity, natural gas and solid waste based on actual use over the last several years.

Growth Inducement

The Growth Inducement discussion determines that the project could generate a need for 711 residences, but does not explain how that number was derived. If one assumes that all new jobs would be filled by new residents, there could be a need for 935 new residences, for 1,814 new residents. Although the EIR describes how sufficient vacant land occurs within the City to accommodate those units, the EIR does not describe whether these future units can be built for the lower-wage service workers who would represent the majority of the new workers at the site. The issue of jobs-housing balance, environmental justice and social equity are soon to be added

to the CEQA Guidelines, are will be an important factor for the City to consider in considering future housing projects.

Similarly, this section assumes school and library impacts based on the land use, rather than the potential new residents. In order to provide a conservative analysis, these discussions should consider the impacts of 1,814 new residents, or 935 new households on these services.

Conclusion

Based on the analysis we have conducted, several questions remain regarding the impacts associated with build out of the proposed project. I realize that the project is still conceptual, and many details are unknown, but the potential off-reservation impacts, which would be the City's to mitigate, have not been fully developed in the EIR.



Nicole Sauviat Criste
Principal

MEMORANDUM

To: Jonathan Chambers, P.E. , Gibson Transportation Consulting, Inc.
Gianfranco Laurie, P.E., T.E., City of Palm Springs

From: Steven Latino, P.E. - *Engineering Resources of Southern California, Inc.*

Date: February 2, 2017

Subject: **Traffic Study Comments**
Vision Agua Caliente Master Plan
ERSC #00010002/621

We have completed the first review of the Traffic Study for the above referenced project, dated December 2016. The following comments are the result of our review.

1. Chapter 1, Page 1: The first paragraph states, “The scope and methodology were reviewed and approved by City staff and the Trip.” However, several comments were made regarding future cycle lengths and Peak Hour Factors (PHF) that were not addressed. While we are satisfied with the maximum cycle length of 120-seconds (i.e. Riverside recommends 60-120 seconds and San Bernardino recommends less than 130-seconds) there are still concerns of the PHF being used. The use of a PHF of 1.0 in the future year (short term, not buildout) assumes that traffic is evenly distributed over a 1-hour window, which does not accurately model the intersection. Please revise per comment 19 below.
2. Page 10, Is the City willing to accept a 10% traffic increase from the spring to accommodate the winter “peak” season?
3. Page 20, Alejo Road – The Section 14 Specific Plan designated Alejo Road as a Modified Secondary Thoroughfare. Revise the text accordingly.
4. Page 35, Baristo Road – Verify the description of this road, as it appears there was a copy and paste error.
5. Page 46 - For the purpose of consistency with the Section 14 Specific Plan, the study should consider using the ITE morning peak hour rates to estimate midday peak hour trips for the Resort Hotel land use, or whichever is more intense. Provide a comparison table of the two with the next submittal.
6. Page 70, Table 13 Existing with Project Conditions (Year 2016) Intersection Levels of Service – It is very hard to believe that delay could be reduced at approximately 16 of the 37 studied intersections with a project of this magnitude, particularly those that are in close proximity to the project. Please review all assumptions and your model to define how this is possible and provide sample data upon your next submittal.
7. Page 72, Table 14 Existing with Project Conditions (Year 2016) Street Segment Levels of Service – It is very hard to believe that Volume to Capacity (V/C) ratios can decrease or stay the same with a project of this magnitude. Please review all assumptions and your model to define how this is possible and provide sample data upon your next submittal.

8. Page 73, Table 15 Future with Project Conditions (Year 2026) Intersection Levels of Service – See comment 6 above.
9. Page 75, Table 16 Future with Project Conditions (Year 2026) Street Segment Levels of Service
10. Page 77, Project Share of Mitigations – The tribe should be responsible to design and construct the traffic signal as a part of this project at the intersection of Ramon Road and Calle El Segundo. The reasoning is that the intersection does not meet the operational requirements of the City’s General Plan and Municipal Code. The City may opt enter into a reimbursement agreement for the portion that is not attributed to the Tribe as collected during future developments.
11. Is there a reason that the Traffic Study for this project did not analyze a buildout scenario (currently 2035 per Riverside County General Plan)? If it is because this is consistent with the Section 14 Specific Plan, please include this information in the appendices.
12. Page 78 states that the project is responsible for 17.8% portion of the Traffic Signal at Ramon Road and Calle El Segundo; however, Page 81 states that the project is responsible for 15.1%. Please clarify.
13. Page 82, References - There are a couple of other references that were made in the Traffic Study, including the Beverly Hills Hilton study and the Casino Trip Rates from San Diego that should be included in this list.

The following comments pertain to Appendix A

14. The Intersection Lane Configuration appear to be missing the data, please provide Appendix A in its completeness.

The following comments pertain to Appendix C

15. In accordance with the Riverside County Transportation Department Traffic Impact Analysis Preparation Guidelines (available at: http://rctlma.org/Portals/7/documents/pamphlets/traffic_impact_anaylsis.pdf), all signalized intersections need to include Lost Time in accordance with the Highway Capacity Manual (HCM) Exhibit 10-17. Below is a summary:

Major Street	Minor Street	Number of Phases	Lost Time (sec.)
Protected	Protected	4	16
Protected	Permitted	3	12
Permitted	Protected	3	12
Permitted	Permitted	2	8

This could likely impact Levels of Service at all intersections, and could require major revisions to the document. Please resubmit with the appropriate analysis.

16. In accordance with the Riverside County Transportation Department Traffic Impact Analysis Preparation Guidelines, the Min. Green time for any movement should be 7 seconds; however, with the adoption of the requirement to include bicycle detection at intersections, major intersections should be calculated in accordance with the CAMUTCD section 4D.105(CA). Include your calculations for each intersection.

17. Minimum yellow change intervals shall be in accordance with Table 4D-102 (CA) Table b, of the CAMUTCD. In accordance with Section 4D.26 of the CAMUTCD that red clearance intervals are usually 0.1 – 2.0 seconds. The project currently assumes a Y+R clearance interval of 4 seconds for all intersections. It is recommended that a red clearance interval of 1.0-2.0 seconds is used for the purpose of this analysis. At a minimum, the Y+R clearance should be 4.6 seconds; however, it should be calculated for each intersection. Please revise and include your calculations.
18. The LOS worksheets include optimal cycles which do not make sense; however, based on comments 16 and 17 above, this should change. Please verify that the optimal cycle times are logical based on the proposed changes.
19. In accordance with the Riverside County Transportation Department Traffic Impact Analysis Preparation Guidelines, buildout traffic conditions Peak Hour Factor's (PHF's) should be set at 1.0; however, the scoping agreement had requested using a different variable. Since the analysis is being done in a 10-year horizon (non-buildout conditions), it is recommended that the PHF of 0.95 be used. This is in accordance with San Bernardino County CMP Appendix C instead of the Riverside standard. The reason is, Riverside recommends using the same PHF as calculated for existing conditions; however, this is not always an accurate assumption.

NOTE: Due to the extensive changes required in the analysis of intersection Level of Service, these comments may change upon a later submittal. These comments should be addressed and the study resubmitted, at which time additional comments may be included.

Please provide written responses explaining all revisions to these plans resulting from this plan check. Lack of response, or inadequate response, to the comments included herein will result in additional comments and prolonged review time.

ATTACHMENT #7

VISION



AGUA CALIENTE

MASTER PLAN PROJECT REPORT

JANUARY 9, 2017



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I. INTRODUCTION

The Vision Agua Caliente Master Plan (the "Master Plan" or "Project") would allow the expansion of the existing Spa Resort Casino by up to 68,000 square feet and replacing the former 229 room Spa Hotel with the development of up to 350 hotel rooms within a maximum 510,000 square feet of hotel space. The Master Plan also includes up to 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space¹, a 40,000 square foot spa/fitness center, and 650 parking spaces on approximately 18 acres of Tribal Trust land (the "Project Site") of the Agua Caliente Band of Cahuilla Indians (the "Tribe"). The Project Site is located within Section 14, Township 4 South, Range 4 East of the San Bernardino Base and Meridian, Palm Springs, California, on the Agua Caliente Indian Reservation (the "Reservation"), and is bound by Tahquitz Canyon Way on the south, Indian Canyon Drive on the west, Amado Road on the north, and Calle El Segundo on the east (see Exhibit A, *Project Site Location Map*).

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

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

¹ Mixed-use/cultural/retail space consistent with the uses permitted in the Resort Attraction Zone of the Section 14 Specific Plan including, but not limited to, a museum.

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

II. EXISTING CONDITIONS

Project Site

As shown on Exhibit B, *Existing Site Conditions Map*, the Project Site currently contains the Spa Resort Casino, a United States Postal Service office (the "Post Office"), surface parking and vacant land (see Exhibit C, *Project Site Photos*). Utility connections for water, sewer, power and telecommunication services are available, and the public streets surrounding the Project Site providing direct access include Amado Road to the north, Indian Canyon Drive to the west, Tahquitz Canyon Way and Andreas Road to the south, and Calle Encilia and Calle El Segundo to the east. The public streets within the Project Site have been vacated by the City, which is further discussed in Section III.E.

Surrounding Land Uses

Land uses on adjacent properties include:

- North/Northwest – Surface parking, commercial buildings, and vacant land
- West – Commercial/retail corridor
- South/Southeast – Commercial buildings, resort hotels, and surface parking
- East – Residential (Plaza Villa Condominiums)
- Northeast – Parking structure and residential (Deauville Condominiums)

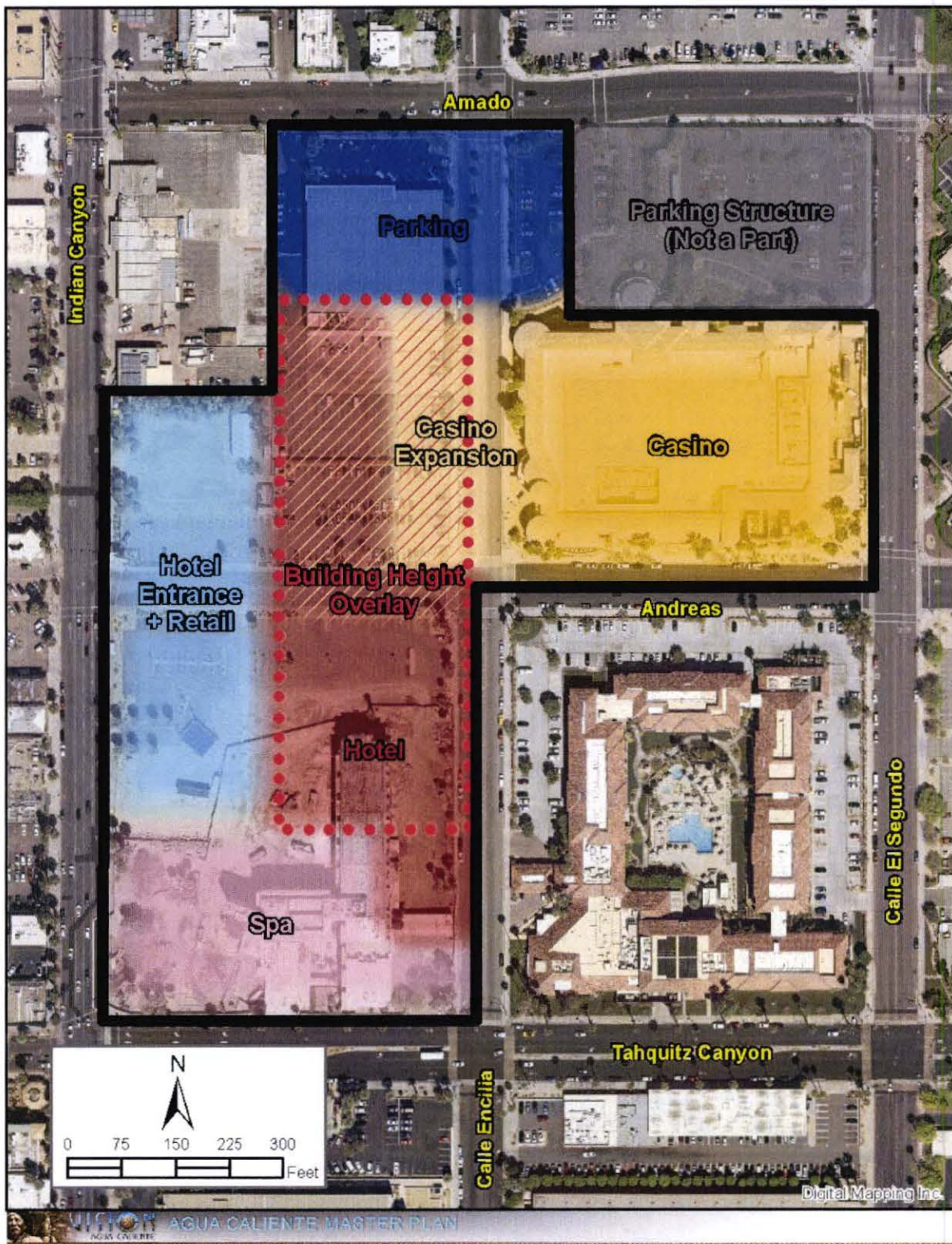
III. STATEMENT OF PROJECT

The Tribe is proposing a program of development that will include the following:

- Expansion of the existing Spa Resort Casino by up to 68,000 square feet;
- Development of up to 350 hotel rooms within a maximum 510,000 square feet of hotel space (replacing the former 229 room Spa Hotel);
- 60,000 square feet of meeting space;
- 50,000 square feet of mixed-use/cultural/retail space;
- A 40,000 square foot spa/fitness center;
- Approximately 650 parking spaces; and
- Removal of the 35,000 square foot Post Office.

Included as Figure 1 on the following page is the *Land Use Concept* for the Master Plan's program of development. The Land Use Concept identifies where the above uses are anticipated to be developed on the Project Site. The boundaries between the uses shown are not definitive, and some crossover between uses is expected as illustrated on the Land Use Concept. Included in the Land Use Concept is a Building Height Overlay Zone outlined with red dots, where a maximum building height of 175 feet shall be permitted.

FIGURE 1 – LAND USE CONCEPT



A. Section 14 Specific Plan

While the Project Site is located within the Section 14 Specific Plan, it is located on Tribal lands that are not subject to City land use regulations. As a result, the Section 14 Specific Plan serves as a guiding framework but does not bind the Tribe in its decision to approve the Project. Under the Section 14 Specific Plan, the Project Site is designated Resort Attraction (RA), which *"allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities."* All of the uses proposed as part of the Master Plan's program of development are allowed either by right or subject to a Conditional Use Permit in the RA Zone.

The Project supports the Specific Plan's overall vision for Section 14 as a *"bold and lively place providing fun and excitement for visitors, locals, and residents."* The Project Site is also located within the Specific Plan's Resort, Shopping & Entertainment District, which calls for the *"collection of existing visitor attractions, such as the hotels, casino, and convention center [to] be expanded into a lively, large-scale resort district."*

To facilitate this expansion, the Specific Plan provides both development incentives and flexible zoning standards to encourage consolidation of parcels into larger development sites. As stated in the Specific Plan, *"[l]arger, consociated sites provide the chance to develop integrated projects that offer greater amenities, creative building designs, greater options for site access, and ultimately a stronger impact."* In order to qualify for development incentives and flexible zoning as a "Consolidated Project," the Specific Plan requires that at least two or more parcels/allotments totaling five (5) or more acres combined are consolidated for one planned project. The Master Plan meets this requirement; therefore, as a Consolidated Project under the Specific Plan, development would be allowed to reach a Floor Area Ratio (FAR) of up to 3.0, and the Project Site could be developed under either the RA or Retail-Entertainment-Office (REO) land use designations.

B. Project Development Standards

In order to better analyze how the Master Plan's program of development could be implemented and thus compared to the Development Standards of the Section 14 Specific Plan, Table 1 on the following page includes a potential development scenario that breaks down the program by the uses shown on the Land Use Concept map, and demonstrates how the program's numbers could translate into physical development over the next ten years. While no particular development is being proposed at this time, certain assumptions were made for analytical purposes.

Land Use Concept Area	Building Square Ft.	Rooms	Acres	Height	Floors	FAR	Lot Coverage
HOTEL (includes meeting space)	570,000	350	3.8	175'/45' ^a	15/1 ^a	3.9	93.3%
CASINO & CASINO EXPANSION	200,000		6.3	45'	1	0.7	73.4%
SPA (includes fitness center)	40,000		2.6	20'	1	0.4	34.7%
HOTEL ENTRANCE + RETAIL	50,000		3.0	30'	1-2	0.4	25.9%
PARKING (650 structured spaces) ^b	235,300		2.3	47'	3	2.4	59.7%
TOTAL/AVERAGE	1,095,300	350	18.0			1.4	62.3%^c

^a. Modeled after the 340 room Agua Caliente Casino - Resort - Spa. Hotel tower footprint programmed at 32,000 square feet with a maximum height of 175'/15 floors; for the remainder of the Hotel area building height is programed at 45'/1 floor.
^b. Parking numbers modeled after the Calle Encilia Parking Structure at 4 levels/3 floors.
^c. Weighted Average.

Table 2 below compares the potential development scenario provided in Table 1 against the allowed/required standards of the RA Zone that impact surrounding uses.

Section 14 Specific Plan Property Development Standard	Allowed/ Required	Potential Development Scenario
Maximum Building Height	100'	175'
Minimum Yard Setbacks ^a :		
Front (North - Amado Road)	20'	>=20'
Front (South – Tahquitz Canyon Way/Andreas Road)	20'	>=20'
Front (East - Calle Encilia/Calle El Segundo)	20'	>=20'
Front (West – Indian Canyon Drive)	5'	>=5'
Minimum High-Rise Setback: ^b (Building Height Overlay Zone)	175'	>=580'
Maximum Floor Area Ratio	3.0	1.4
Minimum Open Space	40%	37% ^c

^a. For analytical purposes, all required setbacks from the surrounding public streets are assumed to be front yard setbacks.
^b. High-rise buildings in Section 14 are required to have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of the building.
^c. The percentage of Open Space shown is an estimate based on the average lot coverage identified in Table 1.

C. Development Standard Deviations

As Table 2 illustrates, with the exception of maximum building height and minimum open space requirements, which are further discussed in the following paragraphs, it is anticipated that future development within the Master Plan will

comply with all other development standards established by the Section 14 Specific Plan.

Maximum Building Height

Within the Building Height Overlay Zone a maximum building height of 175 feet is permitted, subject to the High-Rise Building Setback requirements of the Section 14 Specific Plan. Per the Specific Plan, high-rise buildings "*shall have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of building.*" The nearest residential district to the Building Height Overlay Zone is located approximately 580 feet to the east, which is well over the minimum required 175 foot high-rise setback for a 175 foot tall building.

Minimum Open Space

While it is not possible to calculate open space without a specific development proposal, based on the potential development scenario analyzed in Table 1, it is anticipated that less than the minimum required open space will be provided by the Project.

D. Design Guidelines

While no particular development is being proposed at this time, the design guidelines of the Section 14 Specific Plan will be consulted as the Master Plan is implemented.

E. Circulation and Parking

Main access to the proposed hotel, casino expansion, and the mixed-use/cultural/retail space is anticipated to be from Indian Canyon Drive, with secondary access from Amado Road and Calle Encilia via Tahquitz Canyon Way or Andreas Road. The spa/fitness center would likely be accessed through the hotel or from Tahquitz Canyon Way. As part of the Project, those portions of Calle Encilia and Andreas Road within the Project Site will be removed as the Master Plan is developed; however, 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.

These street closures are consistent with prior actions taken by the City, as the right-of-way for Andreas Road between Indian Canyon Drive and Calle Encilia was vacated and abandoned by the City on December 18, 1996 (City Council Resolution No. 18944), and the full right-of-way for Calle Encilia between Amado Road and Andreas Road and the right-of-way for the west half Calle Encilia between Andreas Road and Tahquitz Canyon Way, as well as the right-of-way for the north half of Andreas Road between Calle Encilia and Calle El Segundo, were vacated and abandoned by the City on May 18, 2016 (City Council Resolution No. 24027).

Parking for the Project would primarily be located along and accessed off of Amado Road. Consistent with the requirements of Section 93.06.00 B. 11. of the Palm Springs Zoning Code, a Specific Parking Plan(s) will be prepared and approved by the Tribe prior to the issuance of any building permit(s). In addition to the 650 spaces proposed

as part of the Master Plan, there are approximately 2,000 additional parking spaces under Tribal control in the immediate vicinity of the Project. Therefore, it is anticipated that more than enough parking is available to support the Master Plan's program of development.

IV. ENVIRONMENTAL ANALYSIS

A Draft Tribal Environmental Impact Report (TEIR) has been prepared for the Project and is included as Appendix A. The Draft TEIR analyzed the potential effects of the proposed Project including impacts related to aesthetics; air quality, including greenhouse gas emissions; cultural resources; land use; noise; population and housing; public services; transportation and traffic; utilities and service systems; and water resources. Due to the existing characteristics of the Project Site and previous environmental review documents that were prepared for the Section 14 Specific Plan, effects related to agricultural resources, biological resources, geology and soils, hazards and hazardous materials, mineral resources, and recreation were not anticipated to be significant and therefore not discussed in detail in the Draft TEIR.

Based on the analysis contained in the Draft TEIR and the mitigation measures it incorporates into the Project, no significant environmental impacts are anticipated.

V. FISCAL IMPACT ANALYSIS

The Master Plan will have some additional impact on public services; however, the program of development is essentially replacing and expanding the uses that previously existed on the Project Site (e.g. the Spa Hotel). In contrast, the Project will provide: 1) stimulus for additional economic development activity in downtown Palm Springs; 2) additional job opportunities for the community; and 3) a premiere resort destination for visitors, locals, and residents.

With respect to public services, the Project will be conditioned to pay, either directly or indirectly, all the standard development fees typically imposed by the City, including, but not limited to, sewer fees, regional traffic impact (TUMF) fees, school fees, etc. In addition, pursuant to the 2016 Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians (the "Compact"), the Tribe is required to contribute revenue based on a set formula to the Special Distribution Fund (SDF) where it shall be available for appropriation by the California Legislature via grants for the support of State and local government agencies impacted by tribal government gaming.

The Compact also requires that the Tribe and the City shall commence negotiations on an intergovernmental agreement(s) before the Final TEIR is completed that, among other things, addresses: 1) timely mitigation of any significant effect on the off-Reservation environment related to the Project; and 2) compensation for law enforcement, fire protection, emergency medical services, and any other public services to be provided to the Project.

Attention is also drawn to the Tribe's strong history of contribution to the local Palm Springs community, a recent summary of which is provided in Table 3. Therefore, with

the incorporation of the previously identified development fees, SDF revenue, negotiated compensation and miscellaneous Tribal contributions, the Project will have a negligible impact on public services while providing direct tangible benefits to downtown Palm Springs and the greater community.

Table 3 – TRIBAL CHARITABLE CONTRIBUTIONS TO THE PALM SPRINGS COMMUNITY	
Organization	Since 2003
Palm Springs Fire Department	\$240,000
Palm Springs Fireman's Association	\$5,000
Palm Springs Police Department	\$217,500
Palm Springs Police Activities League	\$55,000
Palm Springs Police Citizens on Patrol	\$40,500
Palm Springs Police Officer's Association	\$53,000
Palm Springs Police Reserves Unit	\$55,000
Miscellaneous Charitable City Events	<u>\$145,000</u>
TOTAL	\$811,000

EXHIBIT A – PROJECT SITE LOCATION



EXHIBIT B – EXISTING SITE CONDITIONS



EXHIBIT C – PROJECT SITE PHOTOS



Intersection of Tahquitz Canyon Way and Indian Canyon Drive Looking Northeast

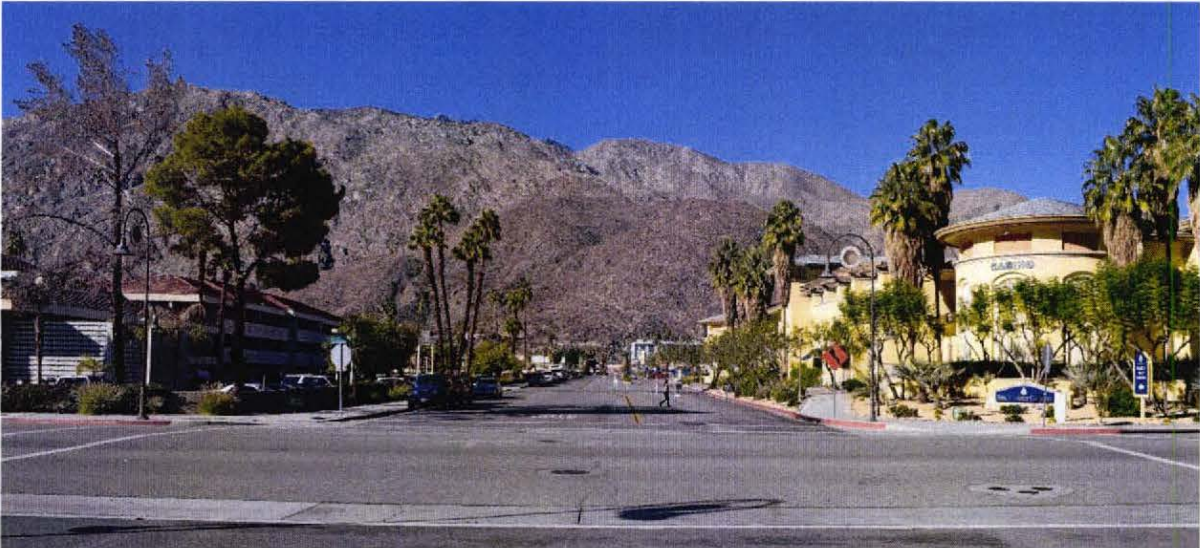


Intersection of Indian Canyon Drive and Andreas Road Looking East

EXHIBIT C – PROJECT SITE PHOTOS (Continued)



Intersection of Amado Road and Calle Encilia Looking South



Intersection of Calle El Segundo and Andreas Road Looking West

EXHIBIT C – PROJECT SITE PHOTOS (Continued)



Intersection of Calle Encilia and Andreas Road Looking Northwest



Intersection of Tahquitz Canyon Way and Calle Encilia Looking Northwest

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**

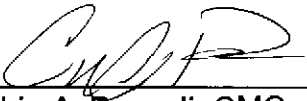


Date: March 1, 2017
Subject: Administrative Review and Conformity Report
Vision Agua Caliente Master Plan

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, CMC, Interim 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 February 18, 2017.

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




Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, CMC, Interim 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 February 16, 2017.

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




Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on February 16, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (10 notices)

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



Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS
ADMINISTRATIVE REVIEW AND CONFORMITY REPORT
VISION AGUA CALIENTE MASTER PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of March 1, 2017. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an Administrative Review and Conformity Report for the Vision Agua Caliente Master Plan, which has been prepared by the Agua Caliente Band of Cahuilla Indians. The Master Plan addresses approximately 18 acres of Tribal Trust land located within the Section 14 Specific Plan area; the project site is bounded by Amado Road, Calle El Segundo, Tahquitz Canyon Way, and Indian Canyon Drive. The Master Plan would allow the expansion of the Spa Resort Casino by 68,000 square feet, the development of up to 350 hotel rooms, 60,000 square feet of meeting space, 50,000 square feet of mixed-use/cultural/retail space, a 40,000 square foot spa/fitness center, and approximately 650 parking spaces. The Master Plan proposes a Building Height Overlay Zone for a portion of the development site, which would allow a building height of up to 175 feet.

ENVIRONMENTAL DETERMINATION: The Agua Caliente Band of Cahuilla Indians has completed a draft Tribal Environmental Impact Report (TEIR) addressing the potential environmental effect of the proposed Master Plan in compliance with the Tribal Environmental Policy Act and Section 11.1 of the Tribal-State Compact between the State of California and the Agua Caliente Band of Cahuilla Indians. The Tribe is soliciting comments on the content of the draft TEIR through March 13, 2017. The draft TEIR is available for public review at the Agua Caliente Tribal Administration Office, located at 5401 Dinah Shore Drive, Palm Springs, or on the Tribe's website at <http://www.aguacaliente.org/>.

REVIEW OF PROJECT INFORMATION: The proposed application, site plan, and related documents are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

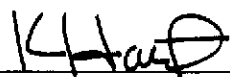
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments can be made to the City Council by email at City.Clerk@palmspringsca.gov or letter (for mail or hand delivery) to:

Kathleen D. Hart, MMC, Interim City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

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

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

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



Kathleen D. Hart, MMC
Interim City Clerk