



City Council Staff Report

DATE: JUNE 21, 2017

PUBLIC HEARING

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, COMPLYING WITH WRIT OF MANDATE, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PD-374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PD-374

FROM: David Ready, City Manager

BY: Edward Kotkin, City Attorney

SUMMARY:

The City Council approved the "750 Lofts" project in September 2015. A community interest group filed a lawsuit alleging violations of law in the approval process, and seeking an order to have the project approvals rescinded. The lawsuit resulted in the issuance of a judgment denying the challenge to the approvals in all respects but one – the City's consideration of the issue of parking for the project. Pursuant to the court's order, the City is to set aside its approvals until the City addresses the project's parking issues according to the Palm Springs Municipal Code. The *status quo* is that the City's past approvals of this project are currently set aside. That said, the court decided that the scope of the defect in the City's processing of the 750 Lofts project was narrow, a failure to consider the parking requirement arising from the "event space" incorporated in the project. The Court tasked the City only with addressing that single defect and filing a response to its final orders on the merits of the case.

The developer recalls discussions with the City regarding the potential removal of the "event space" from the Project during the entitlement process. The developer also indicates that the parking study for this Project did not reference or include the event space. The list of permitted uses and development standards reflected in the conditions of approval for the Project entitlements did not contain the "event space." Regardless of the terms and conditions of approval, and despite any party's understanding that the event space had been removed from the Project plans prior to Council approval of the Project, that removal did not in fact take place.

ITEM NO. 2.C.

While the judicial set-aside of the project approvals pending City action regarding parking affords the City Council discretion to take alternative actions delineated below, the proposed Resolution conforms to the Court's entire and specific direction to the City Council.

RECOMMENDATION:

Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, COMPLYING WITH WRIT OF MANDATE, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PD-374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, CONFIRMING CONFORMITY WITH THE PALM SPRINGS MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PD-374."

DISCUSSION.

In 2014, 750 Lofts, LLC applied for approval of Planned Development District PD-374, General Plan Amendment, Conditional Use Permit and Major Architectural Application (the "Entitlements") in order to construct a thirty-nine (39) room hotel on 1.13 acres of property located at 750 N. Palm Canyon Drive, Palm Springs (the "Property"). The Property, while itself not a historic structure, is located within the Las Palmas Business Historic District. On October 12, 2014, the Historic Site Preservation Board ("HSPB") reviewed the General Plan Amendment ("GPA"), Conditional Use Permit ("CUP"), and Planned Development District ("PDD") for the original project application which, at that time, included a hotel with forty-six (46) rooms, sixty-two (62) parking spaces and a maximum height of fifty feet (50'), with lower heights at the street frontages. The HSPB approved the Project subject to certain conditions, one of which required that the Major Architectural Application ("MAJ") come back to the HSPB for review.

The Project, including the MAJ, was brought back to the HSPB on January 13, 2015, and at that time, the HSPB approved the Project subject to conditions requiring reductions in building height, limitations on rooftop structures, and a requirement that the parking study be reviewed by the City Engineer for adequacy of off street parking such that the Project would not adversely impact the historic district.

The Project was revised in an effort to respond to the HSPB conditions, resulting in a hotel of only thirty-nine (39) rooms, thereby reducing room count by seven (7), and reducing some building heights.

An initial study was prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), and was circulated for a twenty (20) day period from February 6, 2015 to February 25, 2015. With the revisions to the Project prompted by the HSPB review, the initial study was revised and re-circulated for public comment from June 29, 2015 to July 20, 2015.

On June 24, 2015, July 22, 2015, and August 12, 2015 the Planning Commission conducted a public hearing and reviewed the project. At its August 12, 2015 meeting, the Planning Commission recommended that the Project be approved subject to the conditions of approval.

On September 16, 2015, the City Council held a public hearing and, after taking public testimony, approved the Project. This project approval included Council votes in favor of the GPA, PDD, CUP, MAJ and Mitigated Negative Declaration, and deleted HSPB conditions 1, 2 and 3. A copy of the City Council minutes from that meeting is attached to this staff report as Attachment B. The staff report and attachments considered by the City Council at that meeting, four hundred eighteen (418) pages in length, will be available to the Council prior to this public hearing on a flash drive, available to the public on the City's website and at the City Clerk's office. Further, a "hard-copy" of the staff report will be available to the public at the City Council meeting on June 21, 2017. The permitted uses and development standards that exclude the "event space" and are referenced in the study above are reflected in condition PLN 16, at pages 347-48 of the staff report and accompanying materials

On October 23, 2015, Advocates for Better Community Development filed a Petition for Writ of Mandate (the "Petition"), seeking to compel the City to rescind its approval of the Entitlements. In adjudicating the Petition, the Court heard three (3) basic arguments: (a) that the City Council abused its discretion when it deleted the HSPB conditions without sending the Project back to the HSPB, (b) that the City violated its municipal code for approving the Project without considering the parking requirements for the "event space", and (c) that the approval of the Project was "spot zoning."

The Court denied the Petition as to the claim that the City Council abused its discretion in deleting the HSPB conditions and it found nothing in the municipal code that requires the Council to refer the revised Project back to the HSPB. The Court also denied the Petition as to the claim of spot zoning, finding that no spot zoning occurred as no "island" was created, and the Court further found that even if it had been spot zoning, such zoning was in the public interest as it provided tourist accommodations and revitalized Indian Avenue.

The Court, however, granted the Petition as to the issue of parking, and on April 6, 2017, issued a "Peremptory Writ of Mandate" (the "Writ") to the City. The Writ, attached to this report as Attachment C, requires neither more nor less than that the City set aside its approvals of the Entitlements until such time as the City adequately addresses all parking issues, including event space parking, as required by the City's Municipal Code.

While the elimination of the event area may have been intended, Project plans inadvertently continued to show the event area as part of the Project. At hearing on the Writ, the court noted that the administrative record in this case was "messy." The inclusion of the event area in the Project plans when that use is not reflected in condition of approval PLN 16 that enumerates permitted uses and development standards is at best ambiguity regarding the parking requirement in the administrative record.

With the elimination of the event area/space, the Project consists of a thirty-nine (39) room hotel, a one hundred thirteen (113) seat restaurant on Palm Canyon Drive, a thirty-nine (39) seat lounge on Indian Canyon, and a twenty (20) seat roof top lounge. Palm Springs Municipal Code requires one (1) parking space for each hotel room in any hotel having less than fifty (50) rooms, and one (1) parking space for every three (3) seats in restaurants and lounges. Given the PSMC requirements, the parking requirement for the Project includes thirty-nine (39) spaces for the hotel and fifty-eight (58) spaces for the restaurant and lounges, for a total parking requirement ninety-seven (97) spaces. The Project plans as approved will provide for a total of one hundred eight (108) spaces, thirty-four (34) of which will be on-site valet spaces. The Project is conditioned to provide valet service at all times. Condition of Approval number ADM 15 provides that any deviation from the number of restaurant or lounge seats shall require prior approval by the Director of Planning by means of an amendment to the use permit associated with each use, thereby assuring that the City retains control to enforce Project compliance with the PSMC as to parking.

An independent traffic engineer reviewed the Project's parking requirements, exclusive of the event area, and found that based on the PSMC and the widely accepted and used Urban Land Institute shared parking methodology, the forecast shared parking demand for the Project can be accommodated by the one hundred eight (108) off-street parking spaces in the Project.

When this matter first appeared on the City Council agenda on May 3, 2017, the Council took affirmative action rescinding Ordinance No. 1886 (the past approval of the PDD), Resolution No. 23899 (the past approval of the MAJ), and directing staff to schedule a public hearing in this matter. The public hearing was originally noticed for May 17, 2017, subsequently re-noticed for June 7, 2017, and then continued, after being opened and properly adjourned until June 21, 2017. Documentation of the two (2) notices of public hearing are provided herewith as Attachment D.

ALTERNATIVES:

Reject staff's recommendation in this matter, and direct staff as to how to comply with the Court's Writ.

ENVIRONMENTAL ASSESSMENT:

The environmental assessment prepared and approved in conjunction with the 750 Lofts Project is the controlling environmental assessment for purposes of this Resolution. The only defect in this assessment, per the Court's ruling issued in relation to the Writ, was analysis of parking related to the event area. Although the Writ set aside the City's prior approval of that assessment, the analysis of the Project contained therein, clarified by this staff report and the proposed Resolution, *i.e.*, the Project does not include the event area, supports the recommended action.

FISCAL IMPACT:

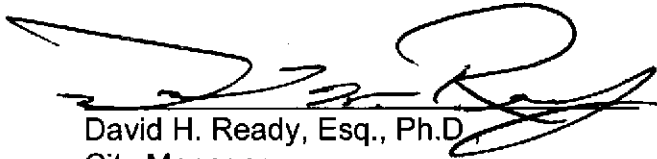
No significant change to City revenue or expenditures is expected as a result of adopting the proposed Resolution.



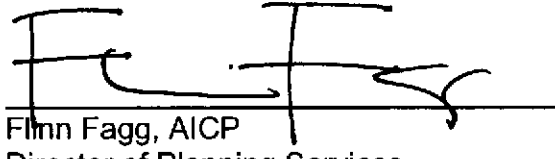
Edward Z. Kotkin,
City Attorney



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



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



Finn Fagg, AICP
Director of Planning Services

Attachments:

- A. Resolution
- B. City Council Minutes, September 16, 2015
- C. Peremptory Writ of Mandate
- D. Notices of Public Hearing

ATTACHMENT A

750 Lofts, June 21, 2017

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, COMPLYING WITH WRIT OF MANDATE, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PD-374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PD-374

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. In 2014, 750 Lofts, LLC a California limited liability company applied for approval of Planned Development District PD-374, General Plan Amendment, Conditional Use Permit and Major Architectural Application (the "Entitlements") in order to construct a 39 room hotel on 1.13 acres of property located at 750 N. Palm Canyon Drive, Palm Springs (the "Property").

B. The Property, while itself not a historic structure, is located within the Las Palmas Business Historic District. On October 12, 2014, the Historic Site Preservation Board ("HSPB") reviewed the General Plan Amendment ("GPA"), Conditional Use Permit ("CUP"), and Planned Development District ("PDD") for the original project application which, at that time, included a hotel with forty-six (46) rooms, sixty-two (62) parking spaces and a maximum height of fifty feet (50'), with lower heights at the street frontages. The HSPB approved the Project subject to certain conditions, one of which required that the Major Architectural Application ("MAJ") come back to the HSPB for review.

C. The Project, including the MAJ, was brought back to the HSPB on January 13, 2015, and at that time, the HSPB approved the Project subject to conditions requiring reductions in building height, limitations on rooftop structures, and a requirement that the parking study be reviewed by the City Engineer for adequacy of off street parking such that the Project would not adversely impact the historic district.

D. The Project was revised in an effort to respond to the HSPB conditions, resulting in a hotel of only thirty-nine (39) rooms, thereby reducing room count by seven (7), and reducing some building heights

E. An initial study was prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), and was circulated for a twenty (20) day period from February 6, 2015 to February 25, 2015. With the revisions to the Project prompted by the

HSPB review, the initial study was revised and re-circulated for public comment from June 29, 2015 to July 20, 2015.

F. On June 24, 2015, July 22, 2015, and August 12, 2015 the Planning Commission conducted a public hearing and reviewed the project. At its August 12, 2015 meeting, the Planning Commission recommended that the Project be approved subject to the conditions of approval.

H. On September 16, 2015, the City Council held a public hearing and, after taking public testimony, approved the Project, including the GPA, PDD, CUP, MAJ and Mitigated Negative Declaration and deleted HSPB conditions 1, 2 and 3.

I. On October 23, 2015, Advocates for Better Community Development filed a Petition for Writ of Mandate (the "Petition"), seeking to compel the City to rescind its approval of the Entitlements.

J. In adjudicating the Petition, the Court heard three (3) basic arguments: (a) that the City Council abused its discretion when it deleted the HSPB conditions without sending the Project back to the HSPB, (b) that the City violated its municipal code for approving the Project without considering the parking requirements for the "event space", and (c) that the approval of the Project was "spot zoning."

K. The Court denied the Petition as to the claim that the City Council abused its discretion in deleting the HSPB conditions and it found nothing in the municipal code that requires the Council to refer the revised Project back to the HSPB.

L. The Court also denied the Petition as to the claim of spot zoning, finding that no spot zoning occurred as no "island" was created, and the Court further found that even if it had been spot zoning, such zoning was in the public interest as it provided tourist accommodations and revitalized Indian Avenue.

M. The Court, however, granted the Petition as to the issue of parking, and on April 6, 2017, issued a "Peremptory Writ of Mandate" (the "Writ") to the City. The Writ requires neither more nor less than that the City set aside its approvals of the Entitlements until such time as the City adequately addresses all parking issues, including event space parking, as required by the City's Municipal Code.

N. On May 3, 2017, the Council took affirmative action rescinding Ordinance No. 1886 (the past approval of the PDD), Resolution No. 23899 (the past approval of the MAJ), and directing staff to schedule a public hearing in this matter.

O. Staff first issued and gave proper notice of this public hearing to take place on May 17, 2017, then re-noticed this public hearing for June 7, 2017, and then continued, after being opened and properly adjourned until the date of this Resolution's consideration, and adoption, June 21, 2017.

P. At the public hearing in this matter, prior to adopting this Resolution, the City Council considered a report from its staff inclusive of a true and correct copy of the Writ, received any and all written or oral testimony offered, and deliberated upon the approval of this Resolution to the extent deemed appropriate by the City Council.

THE CITY COUNCIL HEREBY FURTHER FINDS AND RESOLVES:

Section 1: The true and correct recitals above are incorporated by this reference herein as the factual basis for this Resolution.

Section 2: The list of permitted uses and development standards reflected in the Project's conditions of approval did not contain the "event space." Regardless of the terms and conditions of approval, and independent of whether the parking study in support of the Project referenced or included the "event space," that space was not removed from the Project plans prior to Council approval of the Project, and ambiguity existed in the administrative record as to whether the Project included the event space.

Section 3: With the elimination of the event area, the Project consists of a thirty-nine (39) room hotel, a one hundred thirteen (113) seat restaurant on Palm Canyon Drive, a thirty-nine (39) seat lounge on Indian Canyon, and a twenty (20) seat roof top lounge

Section 4: Palm Springs Municipal Code ("PSMC") Section 93.060.00(16) requires one (1) parking space for each hotel room in any hotel having less than fifty (50) rooms.

Section 5: PSMC Section 93.060.00(30) one (1) parking space for every three (3) seats in restaurants and lounges.

Section 6: Given the PSMC requirements, the parking requirement for the Project includes thirty-nine (39) spaces for the hotel and fifty-eight (58) spaces for the restaurant and lounges, for a total parking requirement ninety-seven (97) spaces.

Section 7: The Project plans as approved will provide for a total of one hundred eight (108) spaces, thirty-four (34) of which will be on-site valet spaces. The Project is conditioned to provide valet service at all times.

Section 8: Condition of Approval number ADM 15 provides that any deviation from the number of restaurant or lounge seats shall require prior approval by the Director of Planning by means of an amendment to the use permit associated with each use, thereby assuring that the City retains control to enforce Project compliance with the PSMC as to parking.

Section 9: An independent traffic engineer reviewed the Project's parking requirements exclusive of the event area, and found that based on the PSMC and the widely accepted and used Urban Land Institute shared parking methodology, the forecast shared parking demand for the Project can be accommodated by the one hundred eight (108) off-street parking spaces in the Project.

Section 10: Since the issuance of the Writ and pending the City of Palm Springs' adoption of this Resolution, all Project approvals have been and remained effectively "set aside." As such, the City has neither processed nor issued any Project permits. To ensure certainty on the part of all parties regarding the status of all Project approvals and resolutions pending adoption of this Resolution, the City Council formally rescinded approval of the PDD and the MAJ on May 3, 2017.

Section 11. The environmental assessment prepared and approved pursuant to and in accord with the California Environmental Quality Act in conjunction with the Project is the controlling environmental assessment for purposes of this Resolution. The only defect in this assessment, per the Court's ruling issued in relation to the Writ, was the City's parking analysis related to the "event space." Although the Writ set aside the City's approval of that assessment, the analysis contained therein, complemented by this Resolution's clarification that the event area/space is no longer a part of the Project, supports the recommended action.

Section 12: This Resolution shall be effective immediately upon its adoption, and the City Attorney and City Clerk are hereby directed to take all necessary action to ensure the City's timely compliance with the Writ, including without limitation the filing of a Return to the Writ, explaining the City's action(s) taken to comply with the terms of the Writ.

NOW THEREFORE, BE IT FURTHER RESOLVED that, based upon the foregoing, the City Council hereby orders that *(i)* an additional condition shall be placed on the Project which expressly requires that the "event area," also referenced in the Writ and from time to time in relation to the Project as "event space," is eliminated from PDD-374, and that *(ii)* subject to that change, the approval of PDD-374 and all related approvals and resolutions, including without limitation Ordinance No. 1886 and Resolution No. 23899, adopted arising from and related to the Project are hereby reinstated and affirmed in their entirety.

ADOPTED this 21st day of June, 2017.

David H. Ready, City Manager

ATTEST:

Kathleen Hart, Interim City Clerk

CERTIFICATION

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

I, Kathleen 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 Hart, Interim City Clerk
City of Palm Springs, California

ATTACHMENT B

750 Lofts, June 21, 2017

No further speakers coming forward, the public hearing was closed.

Councilmember Mills requested Staff address the history and background of the current street name.

ACTION: Adopt Resolution No. 23897, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST TO CHANGE THE STREET NAME OF ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE AND NORTH OF EAST TWIN PALMS DRIVE TO WILLIAM KRISSEL WAY AND APPROVING A CEQA CATEGORICAL EXEMPTION." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Hutcheson.

Councilmember Foat stated she has a property ownership related conflict of interest with respect to Item 1.C., would not participate in the discussion or the vote, and left Council Chamber.

1.C. 750 LOFTS, LLC, FOR THE DEVELOPMENT OF A 39-UNIT HOTEL WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE AND ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, ZONE C-1/R-3/PDD 104/RESORT COMBINING ZONE/LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ):
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 16, 2015.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

JIM CIOFFI, Representing Applicant, outlined the features of the development, and introduced the development team who provided in detail the proposed development, and requested relief from Planning Conditions Nos. 20 and 26.

DOUG JONES, spoke in support of the project, commented on the beautiful design and construction.

CLAIRE BEST HAWLEY, requested the City Council consider the long term ramifications on the spot zoning of allowing a high-rise hotel on the site.

JORDAN HAWLEY, commented on the positive aspects of Palm Springs and stated the project is not consistent with the City as a premier destination.

PATRICK HARBINSON, appreciated the effort the Developer has done to address the concerns of the community, but spoke in opposition to the project.

ROBERT FEY, stated the property is functionally obsolete, stated the project will attract tourists worldwide.

FRANK TYSEN, stated they are fighting with the City and Developers working together and trying to accommodate the Developer, spoke in opposition to the project, and strongly against the zoning modification to the Central Business District.

SERGIO ESPERICUETA, Cathedral City, read comments by the Planning Commission, commented on the lack of parking, the height of the building, and spoke in opposition to the project.

JIM STUART, stated the project will be good for business in the Community, and commented on the variety of the types of buildings in the business district.

NIKOHL VANDEL, Palm Springs, commented on the Environmental Impact Report.

EMILY HEMPHILL, Applicant Rebuttal, commented on the use of variance and the use of Planned Development District as allowed in the Zoning Code, commented on the parking in the area, the use of a mitigated negative declaration rather than an EIR, and the length of time of review by City officials and commissions.

No further speakers coming forward, the public hearing was closed.

Councilmember Mills commented on the use of a PD, stated the zoning changed only for this project, noted this is a preliminary PD that will be further reviewed, stated he was in support of including Condition No. PLN 20 and requested the City Council consider the replacing "may" with "shall" and PLN 26, commented on Condition No. PLN 8 and the lack of detail on the plans, Condition No. PLN 21 should be revised to submit a study on how trash will be accommodated in the project, commented on Condition No. 28 and the requirement for shading devices and requested a shading study shall be submitted with the final PD, noted that Condition No. ENG 22 was duplicative with Condition No. ENG 28, and requested

the City Council consider including another condition that prohibits the conversion of units to condominiums.

Mayor Pro Tem Lewin complimented the Architect and the Developer, stated it is a creative and wonderful project, and the project was amended as comments were received by the community.

ACTION: 1) Adopt Resolution No. 23898, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED GENERAL PLAN AMENDMENT, PRELIMINARY PLANNED DEVELOPMENT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT, AND A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL WITH ACCESSORY SPA, RESTAURANT AND COCKTAIL LOUNGE/BAR USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ);" 2) Adopt Resolution No. 23899, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL, A CONDITIONAL USE PERMIT FOR A HIGH-RISE BUILDING, AND A CONDITIONAL USE PERMIT FOR ACCESSORY SPA, COCKTAIL LOUNGE/BAR USES, AND HOTEL UNITS WHERE MORE THAN 10% OF THE UNITS HAVE KITCHEN FACILITIES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ);" 3) Adopt Resolution No. 23900, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, MODIFYING THE LAND USE DESIGNATION FROM "NCC" (NEIGHBORHOOD COMMUNITY COMMERCIAL) TO "CBD" (CENTRAL BUSINESS DISTRICT) FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE;" and 4) Waive the reading of the ordinance text in its entirety and introduce Ordinance No. 1886, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ)" *amending the Conditions of Approval as follows: (i) retain Condition No. PLN 20 to delete the outdoor drapes, (ii) require the submission of Plans to screen the mechanical equipment and approved at the time of final, (iii) Condition No. 21 to provide a detail study on how the trash will function to be approved at the time of final, (iv) Condition No. PLN 28 to provide a study for shading to be approved at*

the time of final and prohibit reflective glazing, (v) add a condition that prohibits the conversion for condo purposes, and (vi) eliminate Condition No. PLN 26. Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried 3-0 on a roll call vote.

AYES: Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Foat and Councilmember Hutcheson.

Councilmember Foat returned to the dais.

Councilmember Mills stated to avoid the appearance of a business related conflict of interest, he would not participate in the discussion or vote on Item 1.D., and left Council Chamber.

1.D. AMENDMENT TO THE DESERT PALISADES SPECIFIC PLAN TO ALLOW RESIDENT ACCESS TO TRAM WAY AND TO DESIGNATE A 5-ACRE PARCEL TO THE PLAN AREA AS PERMANENT OPEN SPACE (CASE 5.1154-A SP):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 16, 2015.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

MARVIN ROOS, representing Applicant, provided a status report of the project, requested the City Council approve the amendment and the use of Tram Way to remove boulders and to place the boulders on the remainder parcel to reduce impact and trips to the surrounding neighborhood.

BRADLEY KAIN, stated the project has been a construction site for the last year, commented on the other projects and the stress to the neighborhood due to the projects, and requested the construction trucks be moved to Tram Way and requested the City Council approve the access.

SCOTT BRIDGEMAN, stated there is a lack of communication, and requested the City Council approve the amendment to move construction trucks to Tram Way.

NANCY STUART, Palm Springs, stated the Winter Park Authority Board voted 5-0 to deny an access easement onto Tram Way, and commented on the placement of boulders.

ATTACHMENT C

750 Lofts, June 21, 2017

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

<p>ADVOCATES FOR BETTER COMMUNITY DEVELOPMENT</p> <p style="text-align: center;">Plaintiff/Petitioner,</p> <p style="text-align: center;">vs.</p> <p>CITY OF PALM SPRINGS, a California municipal corporation; CITY COUNCIL OF CITY OF PALM SPRINGS, and DOES 1-25, inclusive</p> <p style="text-align: center;">Defendants/Respondents</p> <p>750 LOFTS, LLC, a California Limited Liability Company, and ROES 26-50, inclusive.</p> <p style="text-align: center;">Real Parties in Interest.</p>	<p>Case No: RIC1512884</p> <p>[PROPOSED] PEREMPTORY WRIT OF MANDATE</p>
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TO RESPONDENT, City of Palm Springs and Palm Springs City Council:

Consistent with the Judgment entered in this case ordering that a Peremptory Writ of Mandate issue from this Court,

IT IS HEREBY ORDERED THAT upon receipt of this Writ, the Palm Springs City Council shall set aside its approvals/resolutions adopted for the "750 Lofts" Project (Case 5.1350 PDD 374/GPA/CUP/3.3795 MAJ) until such time as the City of Palm Springs has adequately addressed all parking issues, including event space parking, as required by the City's Municipal Code.

[PROPOSED] PEREMPTORY WRIT OF MANDATE

1 The Court shall retain jurisdiction to enforce this Peremptory Writ of Mandate and the
2 Judgment issued in this action. The Court shall retain jurisdiction by way of a Return to the
3 Peremptory Writ of Mandate until the Court has determined that the County has complied with this
4 Writ. The City of Palm Springs is hereby directed to file a Return to the Writ, no later than 90 days
5 from service of this Writ, explaining the action(s) taken to comply with the terms of the Writ.

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7 *L. Hall*, Clerk
8 **L. Hall**



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10 LET THE FOREGOING WRIT ISSUE,

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12 Date: *April 6, 2017*

13
14 *Sharon J. Waters*
15 Hon. Sharon J. Waters
16 Judge of the Superior Court
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ATTACHMENT D

750 Lofts, June 21, 2017

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**




Date: June 7, 2017
Subject: 750 Lofts Development – Case 5.1350 PDD 374

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 May 27, 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 May 25, 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 May 25, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (92 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

750 LOFTS DEVELOPMENT – CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ
750 NORTH PALM CANYON DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of June 7, 2017. The City Council meeting begins at 6:00 p.m., in Primrose B, Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs.

The purpose of this hearing is to consider Case 5.1350 – PDD 374/GPA/CUP/3.3795 MAJ for the 750 Lofts development, including the adoption of Ordinance No. 1886 and Resolution No. 23899 for the purpose of addressing all parking issues, including the event space parking, as required by the Palm Springs Municipal Code.

ENVIRONMENTAL DETERMINATION: An initial study was conducted and a Mitigated Negative Declaration (MND) for this project under the guidelines of the California Environmental Quality Act (CEQA) was adopted by the City Council on September 16, 2015 (Resolution #23898). This MND will be the controlling environmental assessment for this development proposal. As this action will only lessen the impact of the approved project and will not result in any new environmental impacts that were not previously analyzed, no additional environmental review is required under CEQA.

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 Edward Kotkin, City Attorney, at (760) 323-8205.

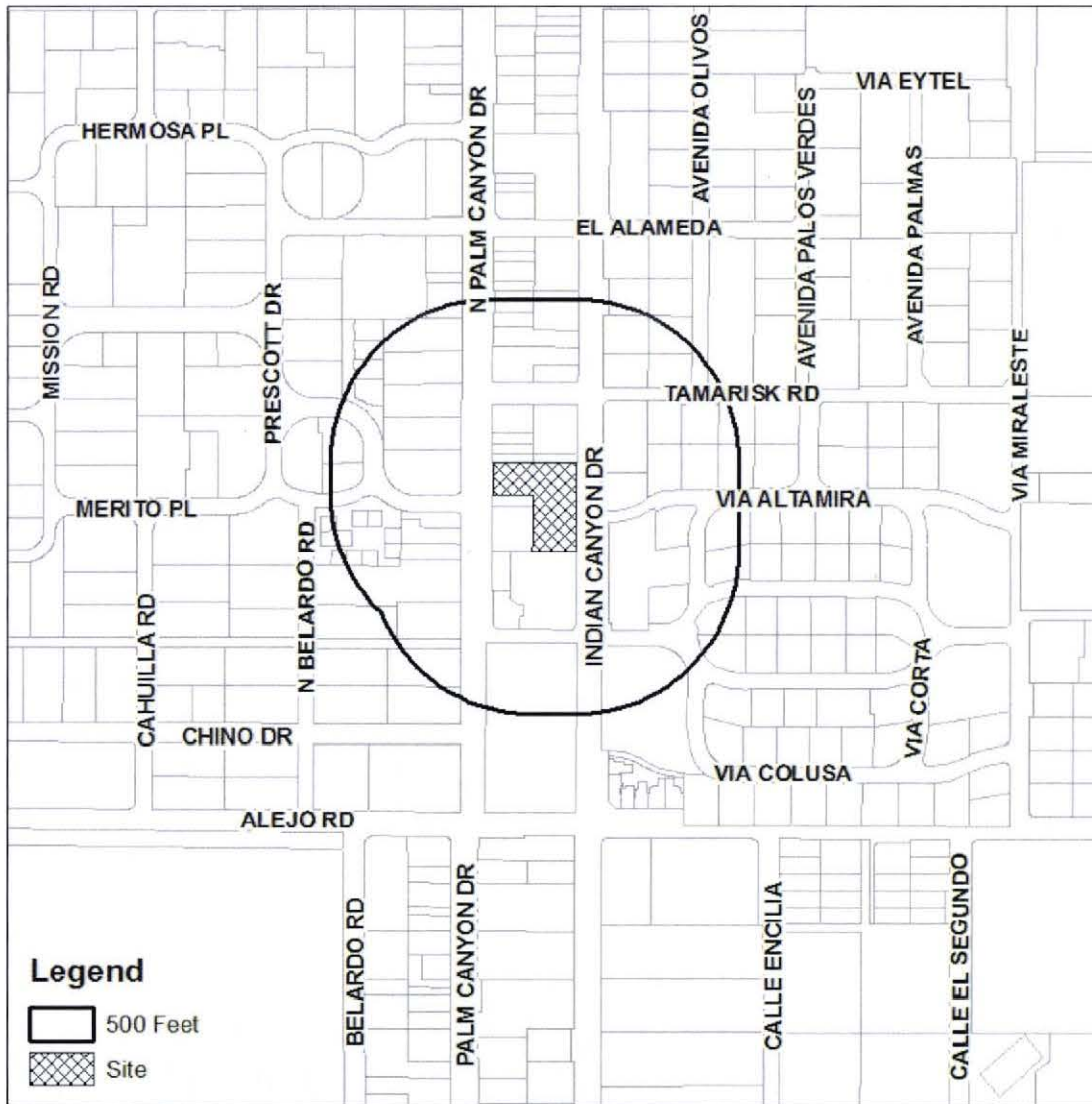
Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.



Kathleen D. Hart, MMC
Interim City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**



Date: May 17, 2017
Subject: 750 Lofts Development

AFFIDAVIT OF PUBLICATION

I, Kathleen D. Hart, MMC, Interim 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 May 6, 2017.

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

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

Kathleen D. Hart, MMC
Interim City Clerk

AFFIDAVIT OF POSTING

I, Kathleen D. Hart, MMC, Interim 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 May 4, 2017.

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

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

Kathleen D. Hart, MMC
Interim City Clerk

AFFIDAVIT OF MAILING

I, Kathleen D. Hart, MMC, Interim 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 May 4, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(75 notices)

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

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

Kathleen D. Hart, MMC
Interim City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

750 LOFTS DEVELOPMENT
CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ
750 NORTH PALM CANYON DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 17, 2017. The City Council meeting begins at 6:00 p.m., in the Primrose B Meeting Room at the Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs.

The purpose of this hearing is to consider Case 5.1350 – PDD 374/GPA/CUP/3.3795 MAJ for the 750 Lofts development, including the adoption of Ordinance No. 1886 and Resolution No. 23899 for the purpose of addressing all parking issues, including the event space parking, as required by the Palm Springs Municipal Code.

ENVIRONMENTAL DETERMINATION: An initial study was conducted and a Mitigated Negative Declaration (MND) for this project under the guidelines of the California Environmental Quality Act (CEQA) was adopted by the City Council on September 16, 2015, (Resolution No. 23898). As this action will only lessen the impact of the approved project and will not result in any new environmental impacts that were not previously analyzed, no additional environmental review is required under CEQA.

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 Doug Holland, City Attorney, at (760) 323-8201.

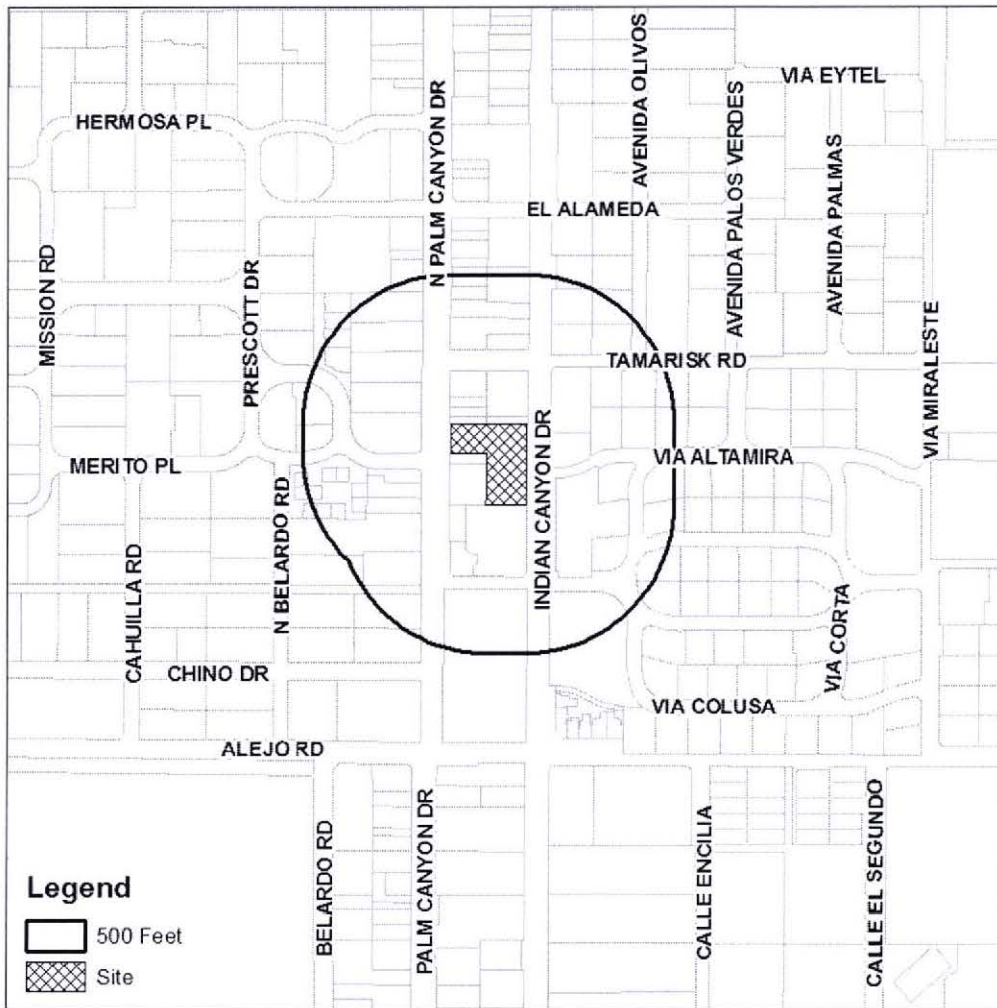
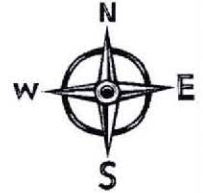
Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.



Kathleen D. Hart, MMC
Interim City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS



PLEASE DO NOT REMOVE!
PUBLIC RECORD
SEE CITY CLERK FOR COPIES

City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: 760.323.8204 • Fax: 760.322.8332 • TDD 760.864.9527 • www.palmspringsca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Regular Meeting held on June 7, 2017, the City Council continued Public Hearing Item No. 2.C. to June 21, 2017:

750 LOFTS DEVELOPMENT, PLANNED DEVELOPMENT DISTRICT 374, GENERAL PLAN AMENDMENT/CONDITIONAL USE PERMIT, MAJOR ARCHITECTURAL APPLICATION 3.3795, CASE 5.1350, LOCATED AT 750 NORTH PALM CANYON DRIVE:

ACTION:

- 1) Open the public hearing, and take no public testimony at this time.
- 2) Continue the public hearing to June 21, 2017, at 6:00 p.m.
- 3) Direct the City Clerk to post a notice of continuance.

I, Kathleen D. Hart, Interim City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on June 8, 2017, as required by established policies and procedures.



KATHLEEN D. HART, MMC
Interim City Clerk