



## Planning Commission Staff Report

Date: April 8, 2009

Case No.: 5.1049 - CUP AMND

Type: Conditional Use Permit (CUP) Amendment (AMND)

Location: 640 North Indian Canyon Drive

Applicant: Nejat Kohan

General Plan: High Density Residential (15.1-30 du/ac 43 hotel du/ac max)

APN: 507-183-003 and 006

Zone: R-3 Hotel / Multi-Family Residential

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

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### **PROJECT DESCRIPTION:**

The application is a request to amend a previously approved Conditional Use Permit (CUP). The amendment encompasses the following:

- 1 A change in the design of the proposed complex to add an approximately 1,224 square foot second floor on a portion of the existing "A" building. Three existing hotel rooms would be relocated to this new second floor in order to create space on the first floor to expand the proposed snack bar into a 1,670 square foot restaurant, commercial kitchen and poolside bar for hotel guests.
- 2 A request to allow a restaurant as an accessory to the hotel use.

### **RECOMMENDATION:**

That the Planning Commission approves the amendment to the Conditional Use Permit to allow a change in the physical configuration of the structures, and to allow a restaurant/bar as an accessory use to a hotel subject to the attached conditions of approval.

## **PRIOR ACTIONS:**

On July 13, 2005, the Planning Commission approved Case 5.1049 CUP and TTM 31104 subject to conditions of approval. The project consisted of renovation of the existing Spanish Inn and construction of a new structure on the eastern portion of the site for subterranean off-street parking and residential condominiums. The project was approved with eighteen (18) hotel rooms and twenty (20) residential condominiums. It included landscaping, a swimming pool and spa area, hotel lobby, snack bar, and 58 off-street parking spaces. A condition of approval included construction of The Movie Colony Traffic Calming Project and payment of a proportional share of the costs of that project<sup>1</sup>. The traffic calming project is complete.

On September 7, 2005, the City Council approved Tentative Tract Map 31104 for condominium purposes for Case 5.1049 CUP.

On February 13, 2007, the City Council approved the final Tract Map 31104.

On June 25, 2007, Staff approved a minor change increasing the maximum of hotel units on the site from 18 to 24, and the relocation of two existing units adjacent to the lobby to the second floor of Building A.<sup>2</sup>

On October 24, 2007, the Planning Commission approved a time extension for Case 5.1049 CUP.

On December 19, 2007, the City Council approved the time extension for Tract Map 33104 related to Case 5.1049.

On May 12, 2008, Staff approved a minor change to the CUP for the addition of a 222 foot long vehicular drop-off lane along North Indian Canyon Drive.

On April 6, 2009, the Architectural Advisory Committee reviewed the subject project. Their comments and recommendations will be presented by Staff at the time of the Planning Commission public hearing on this item.

## **PROJECT DESCRIPTION:**

The Spanish Inn was constructed in several phases in the 1930's in an eclectic Spanish Colonial architectural motif. Building A was initially constructed as a private residence and later converted to hotel uses. The hotel closed in the 1990's and the present

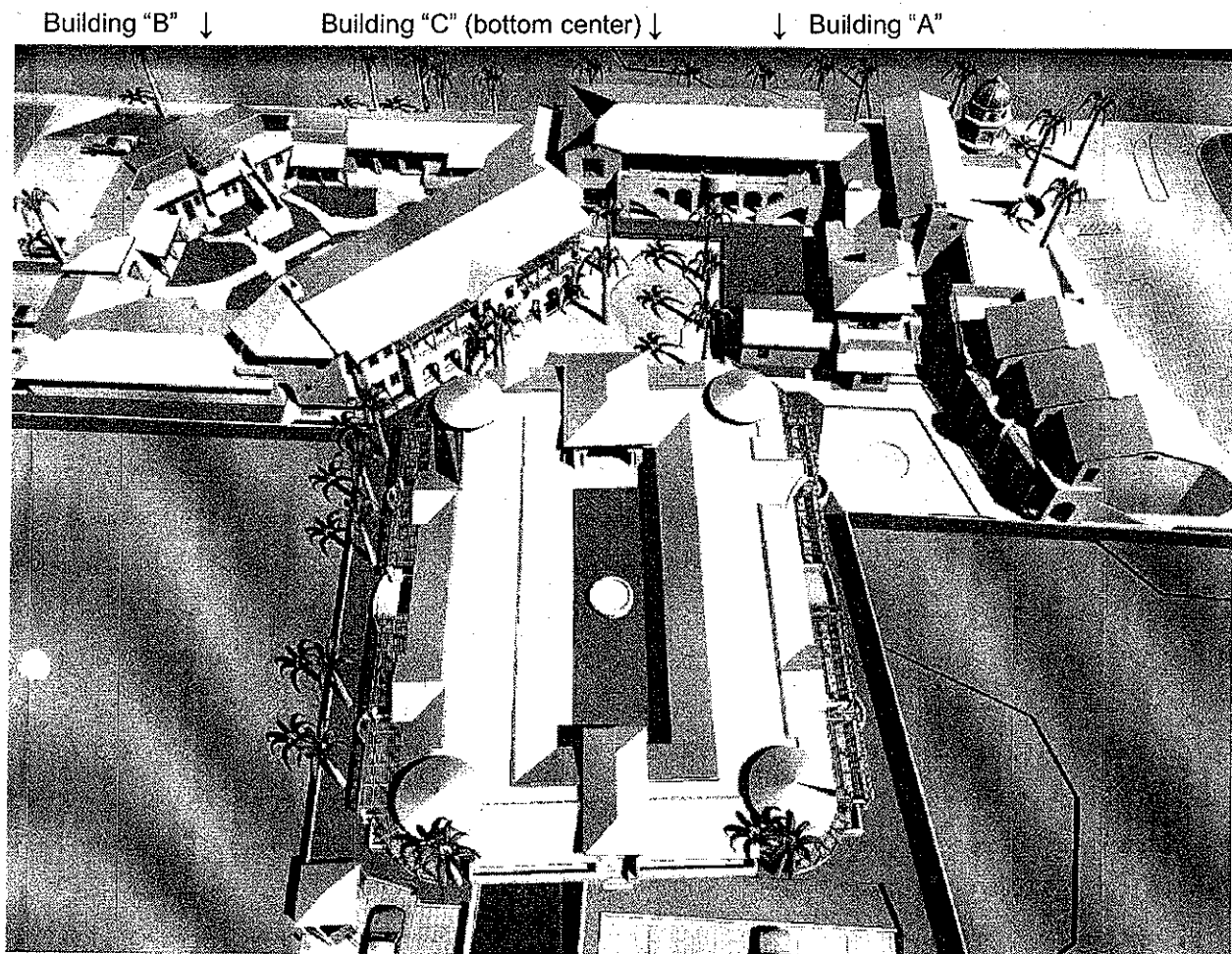
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<sup>1</sup> The Movie Colony Traffic Calming Project costs were to be shared among the Indian Manor, Colony Palms and the Spanish Inn hotels.

<sup>2</sup> The project was designed with enough parking to accommodate 24 hotel units in addition to parking for the 20 condominium units.

owners purchased the building shortly thereafter and began the current renovation project.

The original project associated with this case, approved in 2005, is located on two parcels that total approximately 1.5 acres. The parcels form a T-shaped site with the long dimension fronting Indian Canyon on the west and the short dimension fronting Via Chica on the east. The site is flanked on the north by Via Altamira and on the south by Granvia Valmonte. The computer generated image below simulates how the approved project will appear when complete.



Spanish Inn; looking west; Indian Canyon would be along the top of the image.  
Building A is to the right, Building B is to the left and Building C is at the bottom.

The approved project was comprised of 18 hotel rooms and 20 condominium units in three buildings with 58 off-street parking spaces as follows:

**Building A (existing):**

Renovation & modifications to an existing 2-story building with lobby/reception/snack shop and hotel uses (18 hotel rooms<sup>3</sup>)

**Building B (existing):**

Renovation of an existing 2-story hotel building for condominium uses (12 residential condominium units)

**Building C (new):**

New construction for condominium uses and subterranean parking (8 residential condominium units)

**Off-street parking:**

The original staff report notes that 45 off-street parking spaces are required. 58 off-street spaces are provided comprised of 26 subterranean parking spaces in Building C and 32 off-street surface parking spaces.

With the staff approval of the additional six hotel units on 6-25-07, the total approved unit count prior to this application is as follows:

Building A:	24 hotel rooms -	24 parking spaces req'd.
Building B:	12 condo units; 10 1-bdrm, 2 2-bdrm –	16 spaces req'd.
Building C:	8 condo units: 8 1-bdrm units –	10 spaces req'd.
Off-street parking:	50 spaces required,	58 spaces provided

The applicant has estimated there will be six (6) employees to operate the hotel and proposed restaurant. These spaces can be accommodated within the 58 off-street spaces already provided.

The applicant is proposing reconfiguration of 3 of the 24 hotel units in Building A to expand the snack bar into a restaurant with a commercial kitchen and an outdoor poolside bar. The restaurant/bar is intended as an accessory use for hotel guests. The three hotel rooms would be relocated from the first floor to a proposed new second floor area comprised of approximately 1,220 square feet.<sup>4</sup>

**ANALYSIS:**

*General Plan:*

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<sup>3</sup> The 2005 staff report and resolutions identify 18 hotel rooms, but the approved plan indicates 24 hotel rooms in Building A. The additional 6 hotel units in Building A were approved by staff on 6-25-07 based on the tentative tract map and site plan showing 58 spaces created by lot-line adjustments and street right-of-way reductions that provided space for the construction of bay parking along Via Altamira and Granvia Valmonte.

<sup>4</sup> If the applicant desires to expand restaurant service to the general public in the future, a condition of approval is included to require an off-street parking management plan (valet service to a long term leased off-street parking lot).

The General Plan land use designation "High Density Residential" allows between 15.1 and 30 du/acre and up to 43 hotel units per acre. The subject site is approximately 1.5 gross acres and 1.36 net acres. The gross area of this site can accommodate a maximum of 64 dwelling units. The amended project proposes 58 hotel units and one manager's apartment and is thus consistent with the General Plan

The CUP Amendment application was evaluated against various policies of the General Plan as follows:

*Policy LU7.6 Retain small hotel uses as part of the unique character of Palm Springs.*

The renovation and addition to the Spanish Inn allows this unique small boutique hotel to be retained and revitalized to meet contemporary tourist demand. The CUP amendment is consistent with this policy.

*Policy LU7.7 Consider financial and other incentives to assure the economic viability of small hotels and mobile home parks.*

While no specific financial incentives are being provided by the City for the Spanish Inn, allowing the restaurant as an accessory use and the physical re-configuration of this small hotel may help assure its success in these difficult market conditions. The CUP amendment is therefore consistent with this policy

*Policy CU28.7 Encourage developers of sites containing a significant architectural, historical or cultural structure to adaptively reuse and expand it, in lieu of demolition and replacement, where financially feasible.*

The Spanish Inn is recognized as one of the few remaining small hotels in Palm Springs from the 1930's. Allowing the developer to add restaurant uses and the slight addition to the original CUP may make this complex renovation more successful. The proposed amendment is therefore consistent with this policy.

Based on this analysis, the project amendment request is considered to be consistent with the General Plan.

#### *Zoning:*

#### *Development standards:*

The proposed amendment identifies physical changes to Building A. These changes are comprised of the addition of a 1,225 square foot second floor over a center portion of Building A. There are three existing hotel rooms on the first floor in this section of Building A. The amendment proposes to relocate the three hotel rooms to a new second floor addition. The existing first floor that would be vacated by the hotel rooms would be gutted and reconfigured to expand the proposed snack bar into a small restaurant, bar and commercial kitchen totaling 1,670 square feet. A portion of the

building would be demolished to create a covered outdoor bar to serve patrons on the pool deck<sup>5</sup>.



Construction photo showing a portion of Building A. This photo is looking north from the swimming pool area. The proposed second floor would be added left of the white tower. The one-story tile-roofed element to the right would be the outdoor poolside bar. The pool is in the foreground of this photo.

The physical footprints of the buildings on the site are not modified with this proposed amendment. The open space on the site will also not be affected by the requested amendment. The perimeter setbacks, yards and landscaping will not be affected by the proposed amendment. The overall height is within the height limits of the zone. The proposed appearance of the Spanish Inn from the street sides will not be significantly affected by the proposed amendment because the bulk of the proposed second floor addition is not located on a street-fronting portion of Building A<sup>6</sup>. Therefore, it has been concluded that the project conforms to the development standards for the zone.

#### *Proposed Restaurant/Bar uses.*

Section 94.02.01(D)(9) of the Zoning Code states that accessory uses are permitted as follows: *"Incidental or accessory commercial uses, located within hotels containing less than one hundred (100) guest rooms and operated primarily for the convenience of the hotel guests; providing, such total commercial uses shall occupy not more than twenty (20) percent of the gross floor area of the hotel buildings"*, may be permitted with a Conditional Use Permit.

The applicant states that the intention is to operate the proposed restaurant/bar primarily for the convenience of the hotel guests. The gross square footage of the restaurant/bar uses including the commercial kitchen is 1,670 square feet. This is significantly less than 20% of the total gross square footage of the project which is

<sup>5</sup> The applicant has concurrently filed an application with the City Council for a determination of Public Necessity and Convenience for a license to sell alcohol on the premises. That application is not part of this amendment.

<sup>6</sup> A 24 foot wide balcony facing Indian Canyon will be the only street-facing portion of the proposed building modifications.

approximately 37,000 square feet. Therefore the proposed restaurant as an accessory use conforms to the Zoning Code.

*Off-street parking.*

The original application provided for 58 off-street parking spaces. This met the required off-street parking requirements for the project mix of condominiums and hotel units. Since the accessory restaurant uses are intended for the use of hotel guests, no additional off-street parking is required

## **REQUIRED FINDINGS**

Conditional Use Permit findings. In addition to the specific standards outlined in the zone requirements, the Planning Commission must make certain findings in order to approve this amended Conditional Use Permit pursuant to Section 94.02.00 of the zoning ordinance. Those findings are analyzed by staff below with respect to this CUP amendment and pertain to the proposed change in structure and the proposed addition of accessory restaurant use

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

The amendment addresses the minor structural changes proposed in Building A. The amendment also includes a request to enlarge the proposed snack bar to create a small restaurant/bar as an accessory use. Hotel uses within the R-3 zone are permitted by right of zone. Restaurants as an accessory use to hotels are permitted in the R-3 zone. No change is proposed in the overall building site coverage or open space. Therefore the uses proposed are ones for which a CUP application/amendment is appropriate.

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

This application to amend the CUP for the Spanish Inn proposes a restaurant as an accessory use which is permitted in the R-3 zone. Hotel and residential uses are permitted in the High-Density Residential land use area of the General Plan. The use is similar and compatible with existing boutique hotel uses in the immediate vicinity. The proposed building-related changes conform to the existing conditions on the site and do not increase density, lot coverage, or reduce open space or landscaping. Therefore the proposed CUP amendment is desirable and in harmony with the neighborhood and the General Plan and is not considered detrimental to existing or future uses in the zone.

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

The Spanish Inn is a legal, non-conforming use and development in the R-3 zone. The project as previously approved provides approved landscaping, walls, fences and other features as required by the development standards of the Zoning Code. The proposed amendment does not change or modify any of those previously approved development standards for the project. The addition of a restaurant as an accessory use and minor changes to the physical structures in this amendment are consistent with those permitted in the Zoning Code.

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

The Spanish Inn provides 58 off-street parking spaces and 56 off-street spaces are required. The project has contributed to a major capital improvement project known as The Movie Colony Traffic Calming Project, aimed to reduce traffic in the adjacent Movie Colony neighborhood and provide adequate bay parking for the various hotels in the vicinity. The project has added a 222 foot long "valet parking lane" along Indian Canyon Drive to handle temporary parking required at check-in. The roadways adjacent to the Spanish Inn are projected to operate at acceptable level of service (LOS) as noted in the General Plan. The project therefore relates adequately to adjacent streets and is designed to accommodate the type and quantity of traffic generated by the uses proposed in the CUP amendment.

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

The CUP amendment requests modifications to the initial CUP for renovation and addition of the Spanish Inn. The project revitalizes and expands an existing hotel that has been closed for several years. By renovating and improving the property, blighted and deteriorated conditions will be ameliorated. Transient occupancy taxes will be generated by re-opening the hotel. A draft set of conditions of approval accompany the draft resolution. The proposed amendments are necessary to improve public health and safety and improve general welfare of Palm Springs and this neighborhood.

## **CONCLUSION:**

The CUP amendment requesting a change in the structural configuration of the buildings and the proposed restaurant as an accessory use conforms to the findings for



a Conditional Use Permit. The CUP amendment is therefore recommended for approval.

### ENVIRONMENTAL ANALYSIS:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an initial study was prepared in accordance with the regulations of CEQA for the initial CUP application. The applicant agreed to all mitigation measures described in the Mitigated Negative Declaration, which reduce potentially significant impacts to a level of less than significant. Staff has evaluated the changes proposed in the subject CUP amendment and has determined that there is no new information or material changes in the project scope that would negate or adversely affect the conclusions of the initial environmental analysis. The proposed project amendment therefore does not require recirculation of the notice of intent and does not require preparation of an environmental impact report.

### NOTIFICATION:

A public hearing notice was mailed to all property owners within 400 feet radius of the subject property. As of the writing of this report, staff has not received any public comments or phone calls.



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Ken Lyon,  
Associate Planner



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Craig A. Ewing, AICP  
Director of Planning Services

### ATTACHMENTS

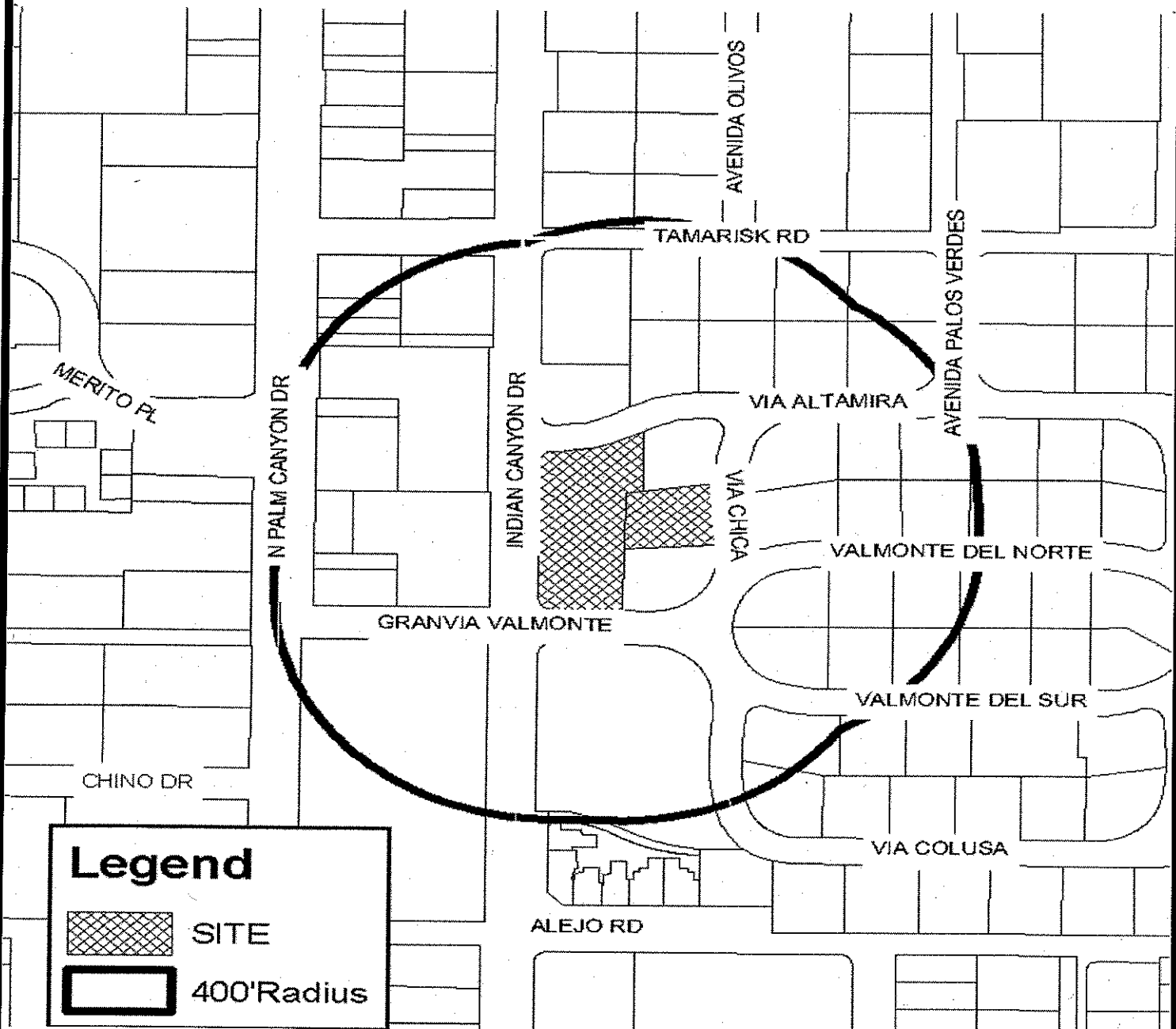
- 1 Vicinity Map
- 2 Draft Resolution with Conditions of Approval
- 3 Reduced site plan, building plans, and elevations.
- 4 Site photos
- 5 Action summary from City Council meeting of 12-19-07 approving the time extension.
- 6 Planning Commission minutes from 10-24-07 approving the time extension
- 7 Copy of Goodell to Wilson letter dated 6-25-07 showing approval of 24 hotel units
- 8 Action summary from City Council meeting of 2-13-08 approving the final tract map
- 9 Action summary from City Council meeting of 9-7-05 approving the tentative tract map.
- 10 Excerpts from Planning Commission minutes of 7-13-05 approving the CUP and tract map
- 11 Staff report dated July 13, 2005 and Council Resolution 21388<sup>7</sup> dated September 7, 2005

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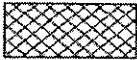
<sup>7</sup> The July 13, 2005 staff report erroneously references Case 5.1019; the correct case number is 5.1049.




# Department of Planning Services Vicinity Map



**Legend**

 SITE

 400' Radius

## CITY OF PALM SPRINGS

CASE NO.: 5.1049 CUP AMND

APPLICANT: Nejat Kohan

**DESCRIPTION:** Application by Nejat Kohan for an amendment to a Conditional Use Permit located at 640 North Indian Canyon Drive, Zone R-3, Section 11, APN 507-183-003 and 507-183-006.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A RENOVATION AND ADDITION TO THE SPANISH INN HOTEL FOR CONDOMINIUM AND HOTEL USES AT 640 NORTH INDIAN CANYON DRIVE.

WHEREAS, Nejat Kohan ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Ordinance for an amendment to a conditional use permit for the Spanish Inn located at 640 North Indian Canyon Drive, Zone R-3, Section 11; and

WHEREAS, the Application seeks to amend the CUP to modify of certain structures on the site (Building A) in order to relocate three existing hotel rooms to a proposed second floor addition and

WHEREAS, the Application seeks to amend the CUP to include expansion of a proposed snack bar to create a restaurant/bar and commercial kitchen as an accessory use to a hotel to serve the patrons of the hotel, and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1049 CUP AMND was given in accordance with applicable law; and

WHEREAS, on April 8, 2009, a public hearing to consider Case 5.1049 CUP AMND was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the application is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an initial study was prepared in accordance with the regulations of CEQA for the initial CUP application. The applicant agreed to all mitigation measures described in the Mitigated Negative Declaration, which reduce potentially significant impacts to a level of less than significant. Staff has evaluated the changes proposed in the subject CUP amendment and has determined that there is no new information or material changes in the project scope that would negate or adversely affect the conclusions of the initial environmental analysis. The proposed project amendment therefore does not require recirculation of the notice of intent and does not require preparation of an environmental impact report.

Section 2: Pursuant to the requirements of the Section 92.04.00(B)(6) of the zoning ordinance, the Planning Commission finds:

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

The CUP amendment addresses the minor structural changes proposed in Building A. The amendment also includes a request to enlarge the proposed snack bar to create a small restaurant/bar as an accessory use. No change is proposed in the overall building site coverage or open space. Hotels with accessory uses such as restaurants provided primarily for the use of hotel guests may be permitted in the R-3 zone with approval of a CUP. Therefore the uses proposed are ones for which a CUP application/amendment is appropriate.

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

This application to amend the CUP for the Spanish Inn proposes uses which are permitted in the R-3 zone and the High-Density Residential land use area of the General Plan. The use is compatible with existing adjacent boutique hotel uses in the immediate vicinity. The proposed building-related changes conform to the existing conditions on the site and do not increase density, lot coverage, or reduce open space or landscaping. The amendment requesting an accessory restaurant use is permitted by CUP for the R-3 zone. The hotel units will generate transient occupancy tax revenue for the City, and will revitalize an aging hotel property by the ongoing comprehensive renovation and addition. The proposed restaurant as an accessory use will make the hotel use more attractive and viable in meeting the demands of the contemporary traveler. Therefore the proposed CUP amendment is desirable and in harmony with the neighborhood and the General Plan and is not considered detrimental to existing or future uses in the zone.

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

The Spanish Inn is a legal, non-conforming use and development in the R-3 zone. The project as previously approved provides approved landscaping, walls, fences and other features as required by the development standards of the Zoning Code. The proposed amendment does not change or modify any of those previously approved development standards for the project. The changes in physical structures in this amendment are consistent with those permitted in the Zoning Code.

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

The Spanish Inn provides 58 off-street parking spaces. The project has contributed to a major capital improvement project known as The Movie Colony Traffic Calming Project, aimed to reduce traffic in the adjacent Movie Colony neighborhood and provide adequate bay parking for the various hotels in the vicinity. The project has added a 222 foot long "valet parking lane" along Indian Canyon Drive to handle temporary parking required at check-in. The roadways adjacent to the Spanish Inn are projected to operate at acceptable level of service (LOS) as noted in the General Plan. The project therefore relates adequately to adjacent streets and is designed to accommodate the type and quantity of traffic generated by the uses proposed in the CUP amendment.

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

The CUP amendment requests modifications to the initial CUP for renovation and addition of the Spanish Inn. The project revitalizes and expands an existing hotel that has been closed for several years. By renovating and improving the property, blighted and deteriorated conditions will be ameliorated. Transient occupancy taxes will be generated by re-opening the hotel. A draft set of conditions of approval accompany the draft resolution. The proposed amendments are necessary to improve public health and safety and improve general welfare of Palm Springs and this neighborhood.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1049 CUP AMND, an amendment to a Conditional Use Permit for the renovation and addition of the Spanish Inn, at 640 North Indian Canyon Drive, subject to the conditions listed in Exhibit "A" of this resolution.

ADOPTED this 8<sup>th</sup> day of April, 2009.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

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

EXHIBIT A

Case 5.1049 CUP AMND  
The Spanish Inn  
640 North Indian Canyon Drive  
April 8, 2009

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM1 Project Description. This approval is for the project described per Case 5.1049 CUP AMND except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM2 The site shall be developed and maintained in accordance with the approved plans, date stamped March 9, 2009, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM3 The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM4 The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1049 CUP AMND. The City of Palm Springs will

promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM6 Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM7 Time Limit on Approval. Approval of the amended Conditional Use Permit and Administrative Minor Modification shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

ADM8 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM9 Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM10 Control of Noise. Live entertainment is permitted in the location shown on the approved floor plan only. If complaints are received, all exterior doors and windows shall be closed immediately upon request of the enforcement officer. A limited bar service window may remain open for the indoor/outdoor bar service.

- ADM11 Seating Count. The applicant shall be limited to the total number of seats as follows: a maximum of 40 seats inside (including bar stools),. Any deviation from these numbers shall require prior approval by the Director of Planning. The applicant shall maintain the minimum clearance as specified by the Fire Department between the front entrance and the outdoor tables and chairs. This includes games, pool tables, and other amenities.
- ADM12 If the applicant desires to expand restaurant service to the general public in the future, submittal and approval by the Director of Planning Services of an off-street parking management plan (valet service to a long term leased off-street parking lot) is required.
- ADM 13. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
  - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
  - c. Provisions for joint access to the proposed parcels, and any open space restrictions.
  - d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
  - e. Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,
- ADM 14. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 15. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

## **ENVIRONMENTAL ASSESSMENT CONDITIONS**

- ENV1 Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) exempt. This project is deemed exempt from the CVMSHCP LDMF because it is existing construction with an active grading permit in place prior to the adoption of the LDMF.



- ENV2 California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.
- ENV3 Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.

#### **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings; down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

(sign program may be required if more than one commercial entity is established at this site)

- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 6. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 8. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 12. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 13. (add any additional conditions imposed by the Planning Commission or City Council here)

## **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

### **BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Prior to any construction on-site, app appropriate permits must be secured.
- BLD 2. A two-hour fire barrier separation is required between the A occupancy and the R occupancy. Table 508.3.3 (see exceptions).
- BLD 3. Exit doors shall swing in the direction of exit travel when serving an occupant load of 50 or more persons for Group H occupancy. Section 1008.1.2.
- BLD 4. Each door in a means of egress from an occupancy of Group A or E having an occupant load of 50 or more (and any occupancy of Group H-1 through H-5) shall not be provided with a latch or lock unless it is panic hardware. Section 1008.1.9.
- BLD 5. All doors and gates, within the exit path to a public way from an occupancy of Group A or E having an occupant load of 50 or more (and any occupancy of Group H-1 through H-5) shall not be provided with latches or locks unless they are equipped with panic hardware. Sections 1008.1.9 and 1002.
- BLD 6. When additional doors are provided for egress purposes, they also shall conform to the requirements of Section 1008 (width, swing, hardware, etc.). Section 1008.1.
- BLD 7. When a door landing serves an occupant load of 50 or more, doors in any position shall not reduce the landing dimension to less than one half its required width. Section 1008.1.5. See the two interfering doors at the cantina/hall.
- BLD 8. Doors opening into the path of egress travel shall not reduce the required width to less than one-half during the course of the swing. When fully open, the door shall not project more than 7 inches (178 mm) into the required width. See the two interfering doors at the cantina/hall.

### **ENGINEERING DEPARTMENT CONDITIONS**

No additional conditions.

### **FIRE DEPARTMENT CONDITIONS**

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received 3/9/09. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 4. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 5. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted adjacent to said gates, on walls or fences, at five (5) feet above grade, or as close to this height as possible if the adjacent wall is less than five feet. Show location of boxes on plan and elevation views. Show requirement in plan notes.
- FID 6. **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required for Building "A" and "B" based on the following factors:
1. An approved automatic fire sprinkler system shall be installed in every Group A Occupancy per CFC 903.2.1 including those that result from a change of use in an existing building or portion thereof. The submitted changes include converting three (3) of the existing Group R units on the first floor to a cantina, bar and seating area which has been determined to be a Group A Occupancy use by the Building Department.
  2. Any building undergoing construction or alteration which adds square footage to an existing building resulting in the total floor area of the building exceeding 3,000 square feet, said building shall require an approved automatic fire sprinkler system. The addition of the three (3) residential units above the proposed cantina, bar,

seating area and kitchen results in the total floor area of Building "A" to exceed 3,000 SF.

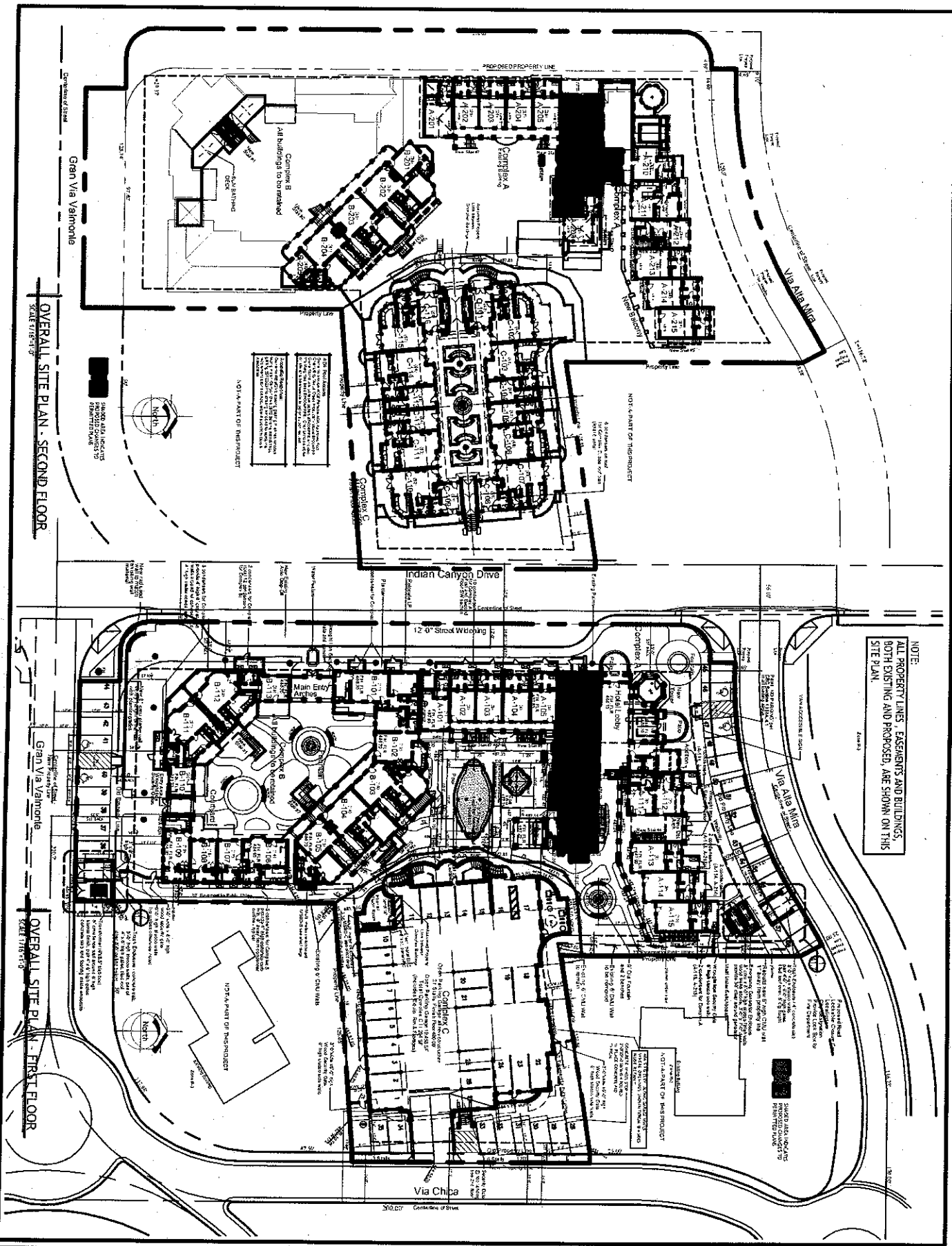
3. For purposes of this code subsection regarding building size, fire resistive construction shall not be considered for purposes of reducing the gross fire area of that building.

- FID 7. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using  $C_p$  of 0.74 and  $l/r$  Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)
- FID 8. **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID 9. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 10. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of an automatic fire sprinkler system. The fire flow was based on Appendix B of the 2007 CFC.
- FID 11. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 12. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID 13. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or

equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.

- FID 14. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 15. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
- FID 16. **Kitchen:** Applicant needs to submit detailed drawings of the kitchen. Additional requirements will be required at that time based on revisions to site plans.

**END OF CONDITIONS**



NOTE:  
ALL PROPERTY LINES, EASEMENTS AND BUILDINGS,  
BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS  
SITE PLAN.

OVERALL SITE PLAN - SECOND FLOOR  
SCALE 1/8" = 1'-0"

OVERALL SITE PLAN - FIRST FLOOR  
SCALE 1/8" = 1'-0"

**SPANISH INN RESTORATION, RENOVATION AND ADDITION**  
640 North Indian Canyon Drive  
Palm Springs, CA 92262  
Section 11 APN: 507 183-006 and 003

**OVERALL SITE PLAN**  
FIRST AND SECOND FLOORS

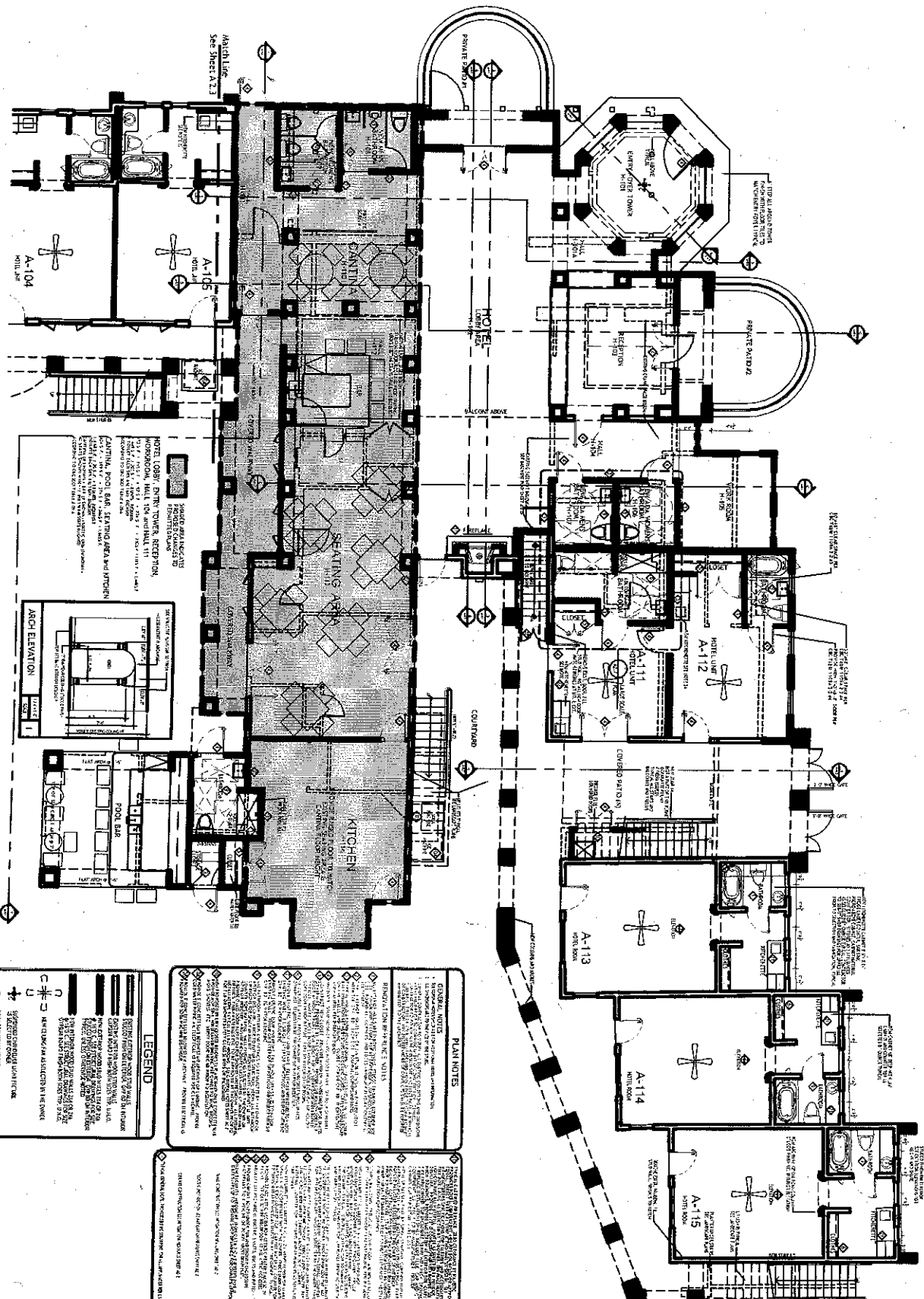
DATE: 11/11/10

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

PROJECT NO: 10-0001

ARCHITECT: DANIEL WEST ARCHITECTS, INC.

1000 N. PALM SPRINGS AVENUE, SUITE 100  
PALM SPRINGS, CA 92262  
TEL: 760.325.1000  
WWW.DANIELWESTARCHITECTS.COM



FIRST FLOOR RENOVATION PLAN  
COMPLEX A NORTH PART

**LEGEND**

U	UNFINISHED FLOOR
U	UNFINISHED WALL
U	UNFINISHED CEILING
U	UNFINISHED DOOR
U	UNFINISHED WINDOW
U	UNFINISHED STAIR
U	UNFINISHED ELEVATOR
U	UNFINISHED MECHANICAL
U	UNFINISHED ELECTRICAL
U	UNFINISHED PLUMBING
U	UNFINISHED HVAC
U	UNFINISHED FIRE
U	UNFINISHED SOUND
U	UNFINISHED SECURITY
U	UNFINISHED ACCESSIBILITY
U	UNFINISHED OTHER

**PLAN NOTES**

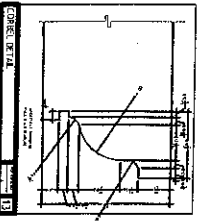
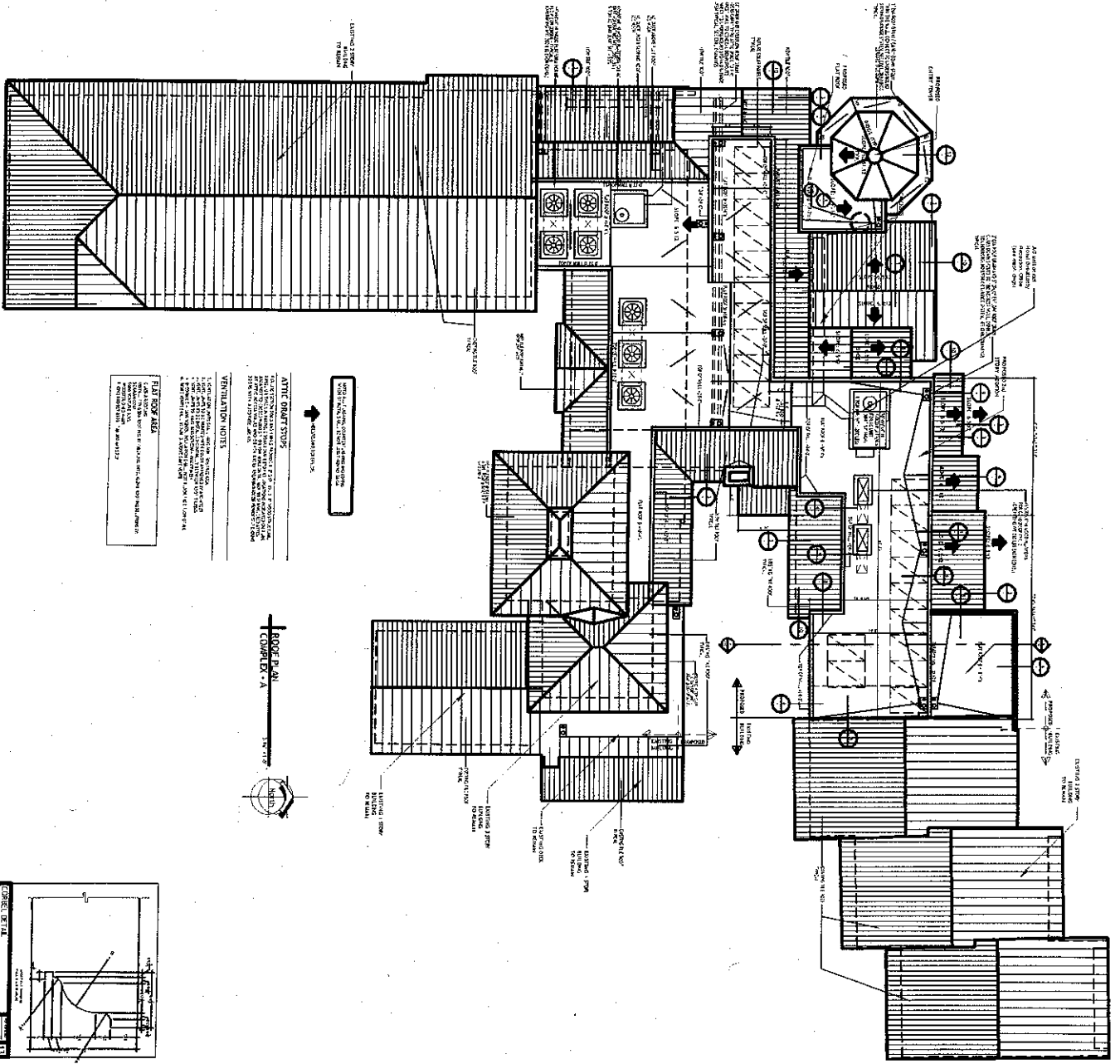
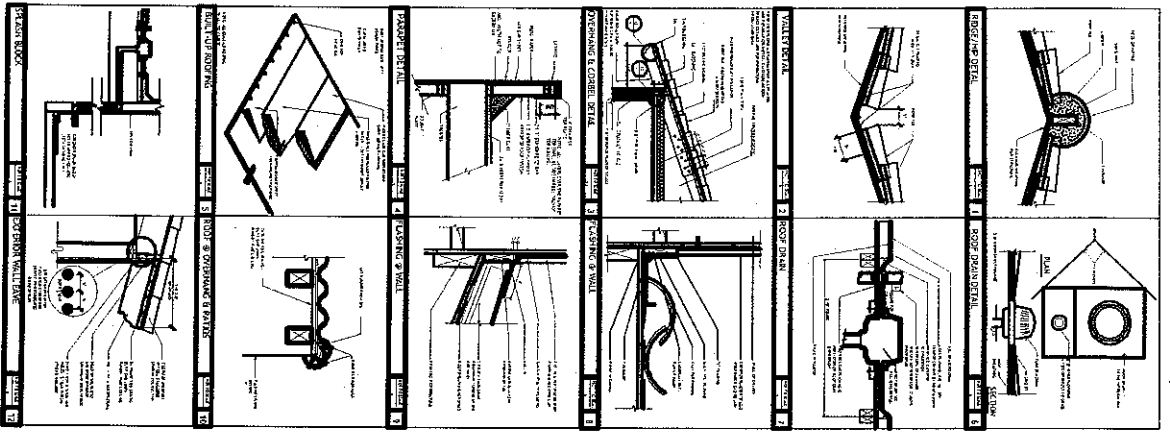
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE AND SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ACCESSIBILITY STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENERGY EFFICIENCY STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HISTORIC PRESERVATION STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HEALTH AND SAFETY STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LABOR STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CONSTRUCTION STANDARDS AND ALL APPLICABLE LOCAL ORDINANCES.

**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC AREAS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SAFETY OF ALL WORKERS AND THE PUBLIC.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE QUALITY OF ALL WORK AND MATERIALS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SCHEDULE AND BUDGET OF THE PROJECT.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE COMMUNICATIONS WITH THE ARCHITECT AND OTHER STAKEHOLDERS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE RECORDS OF ALL WORK AND MATERIALS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CLEANLINESS OF THE WORK AREA.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE ENVIRONMENTAL QUALITY OF THE WORK AREA.







**Spanish Inn Restoration, Renovation and Addition**  
 640 North Indian Canyon Drive  
 Palm Springs, CA 92262  
 Section 11 APN: 507-183-006 and 003

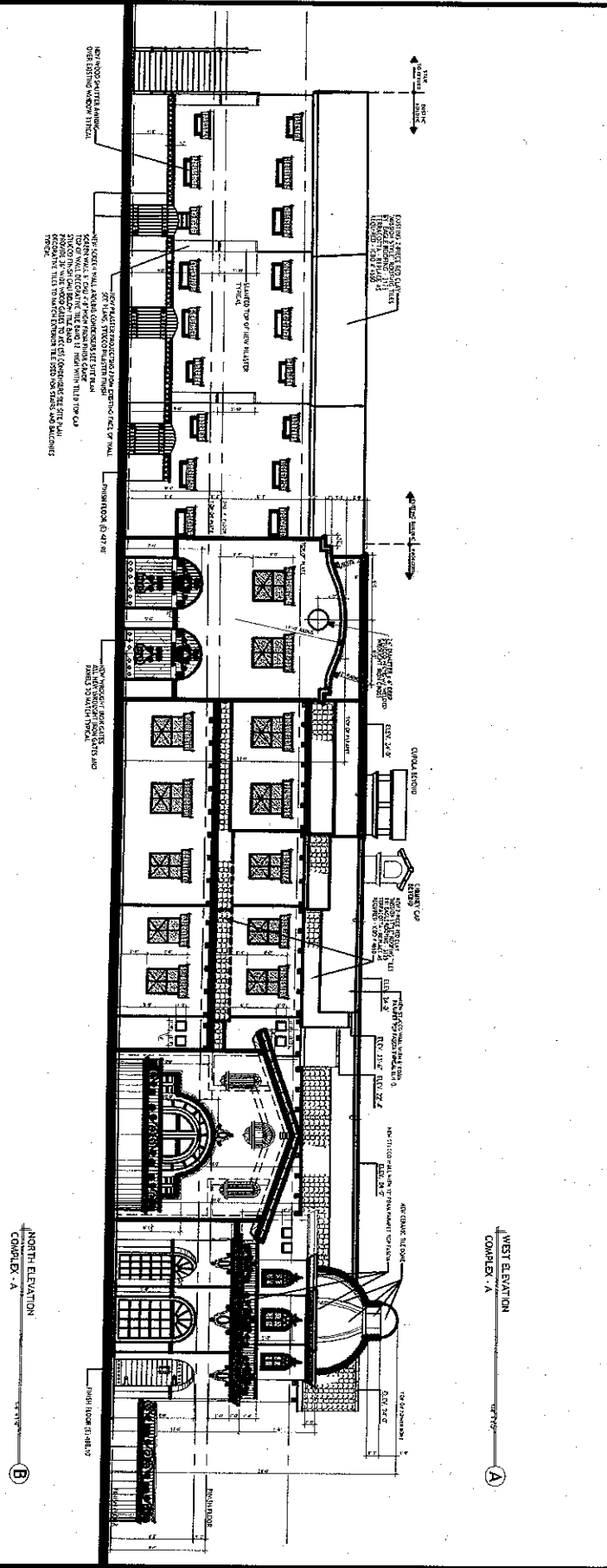
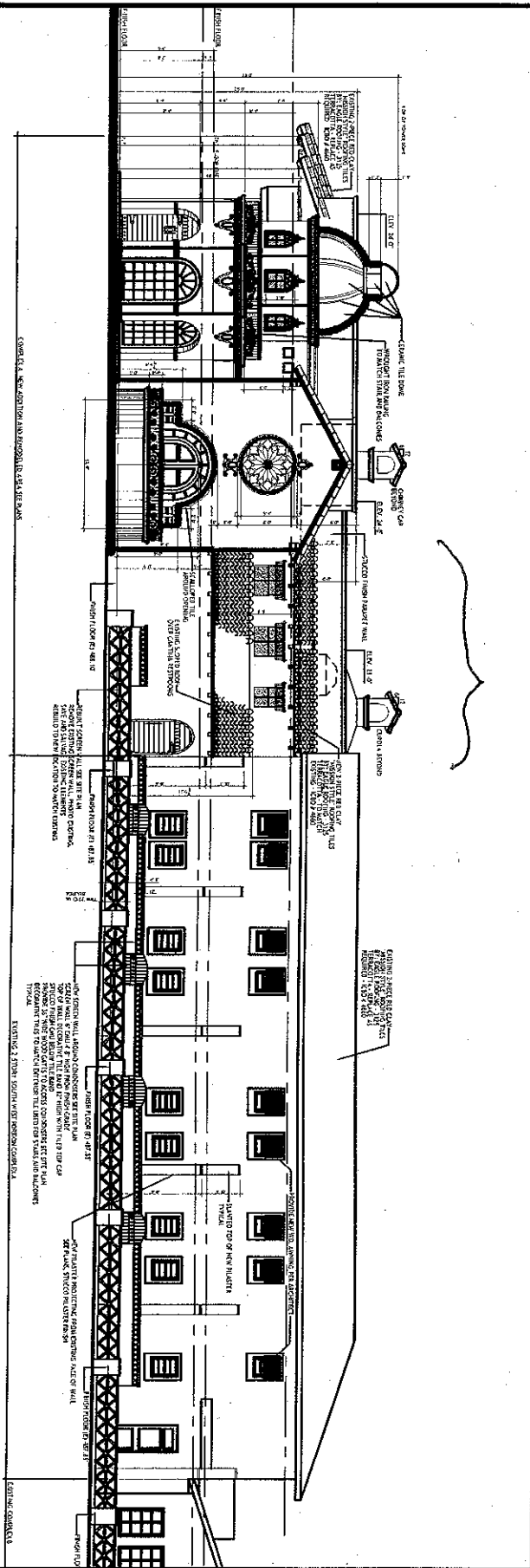
**Architect:** **Delaney West**  
 1430 N. Palm Springs Blvd., Suite 100  
 Palm Springs, CA 92262  
 Phone: (760) 325-1111  
 Fax: (760) 325-1112  
 www.delaneywest.com

**Project:** Spanish Inn Restoration, Renovation and Addition  
 640 North Indian Canyon Drive  
 Palm Springs, CA 92262

**Contract No.:** DW-18-006-003

**Drawings:**  
 A - ARCHITECTURAL  
 S - STRUCTURAL  
 M - MECHANICAL  
 E - ELECTRICAL  
 P - PLUMBING  
 I - INTERIORS  
 L - LANDSCAPE

**Scale:** A2.4



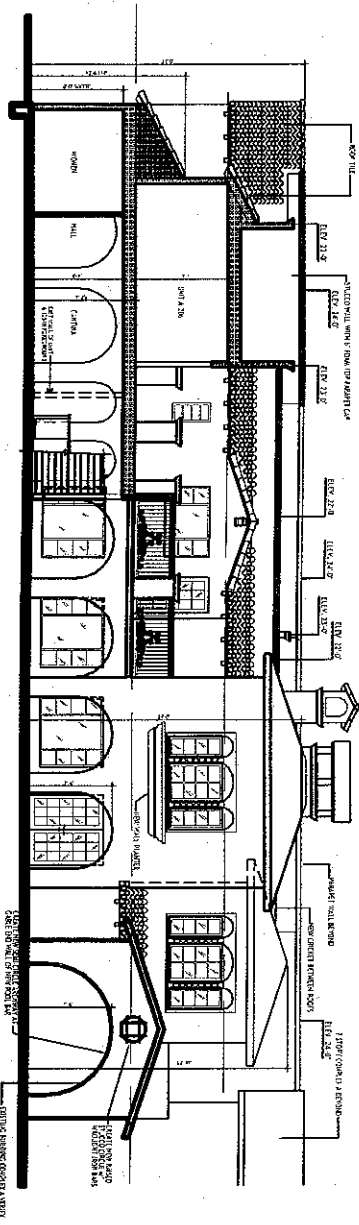
**SPANISH INN RESTORATION, RENOVATION and ADDITION**  
 640 North Indian Canyon Drive  
 Palm Springs, CA 92262  
 Section 11 APN: 507-183-006 and 003

**DRINGING WEST**  
 ARCHITECTS  
 1100 EAST PASEO DE LA PALMA  
 PALM SPRINGS, CALIFORNIA 92262  
 PHONE: 760-325-1100

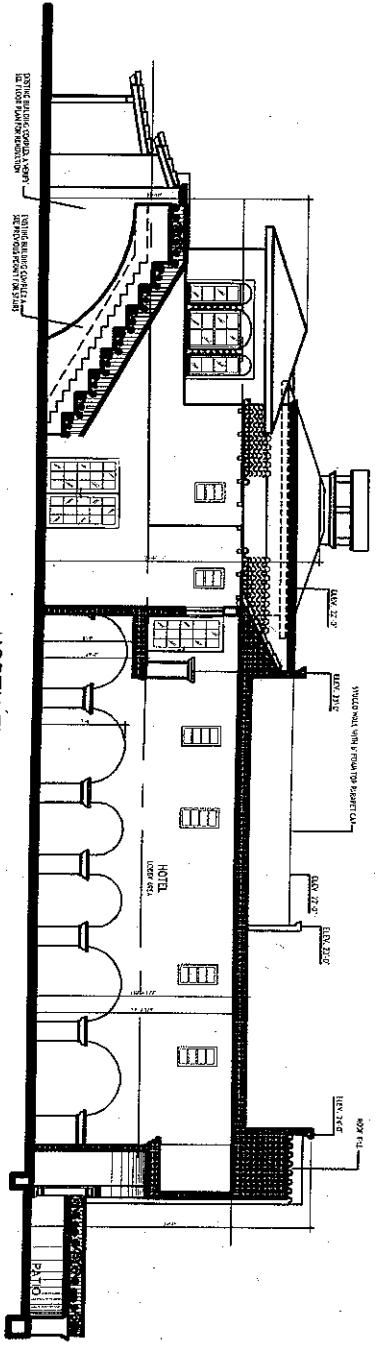
**HALL & TOWER EXTERIOR ELEVATIONS COMPLEX - A**

DATE	NOV 20 1983
DESIGNED BY	A. W. 118
CHECKED BY	A. W. 118
APPREVED BY	A. W. 118
DATE	NOV 20 1983

A  
A3.1



**SOUTH ELEVATION**  
**COMPLEX - A**  
 1/4" = 1'-0"

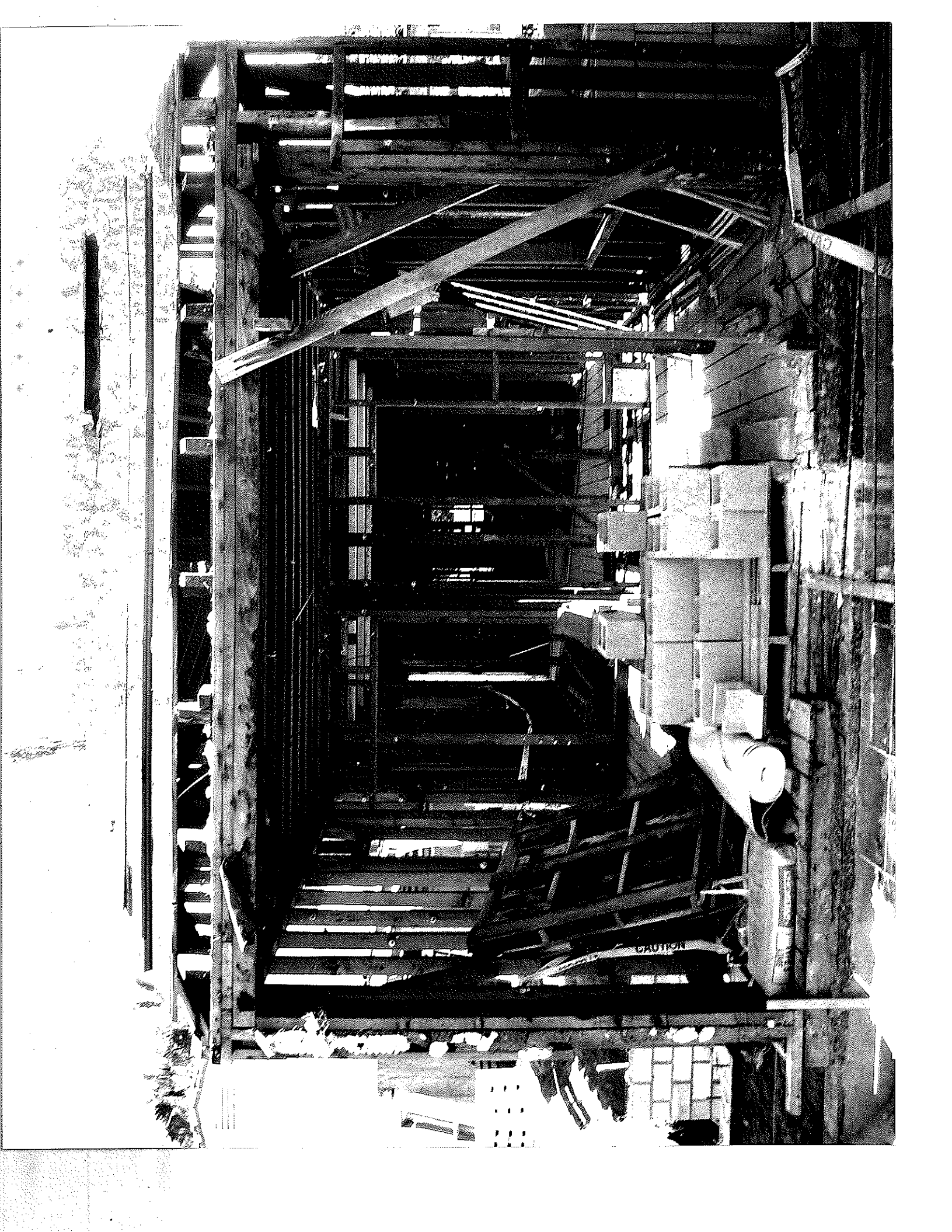


**NORTH ELEVATION**  
**COMPLEX - A**  
 1/4" = 1'-0"

	<b>Gregory West</b> ARCHITECT 640 NORTH INDIAN CANYON DRIVE PALM SPRINGS, CALIFORNIA 92262 (714) 326-5800	<b>SPANISH INN RESTORATION, RENOVATION and ADDITION</b> 640 North Indian Canyon Drive Palm Springs, CA 92262 Section 11 APN: 507-183-006 and 003	Spanish Inn, Inc. 640 North Indian Canyon Drive Palm Springs, California (714) 326-5800	BUILDING ELEVATIONS COMPLEX 'A'	DATE: 11/10/10
					SHEET: A3.2



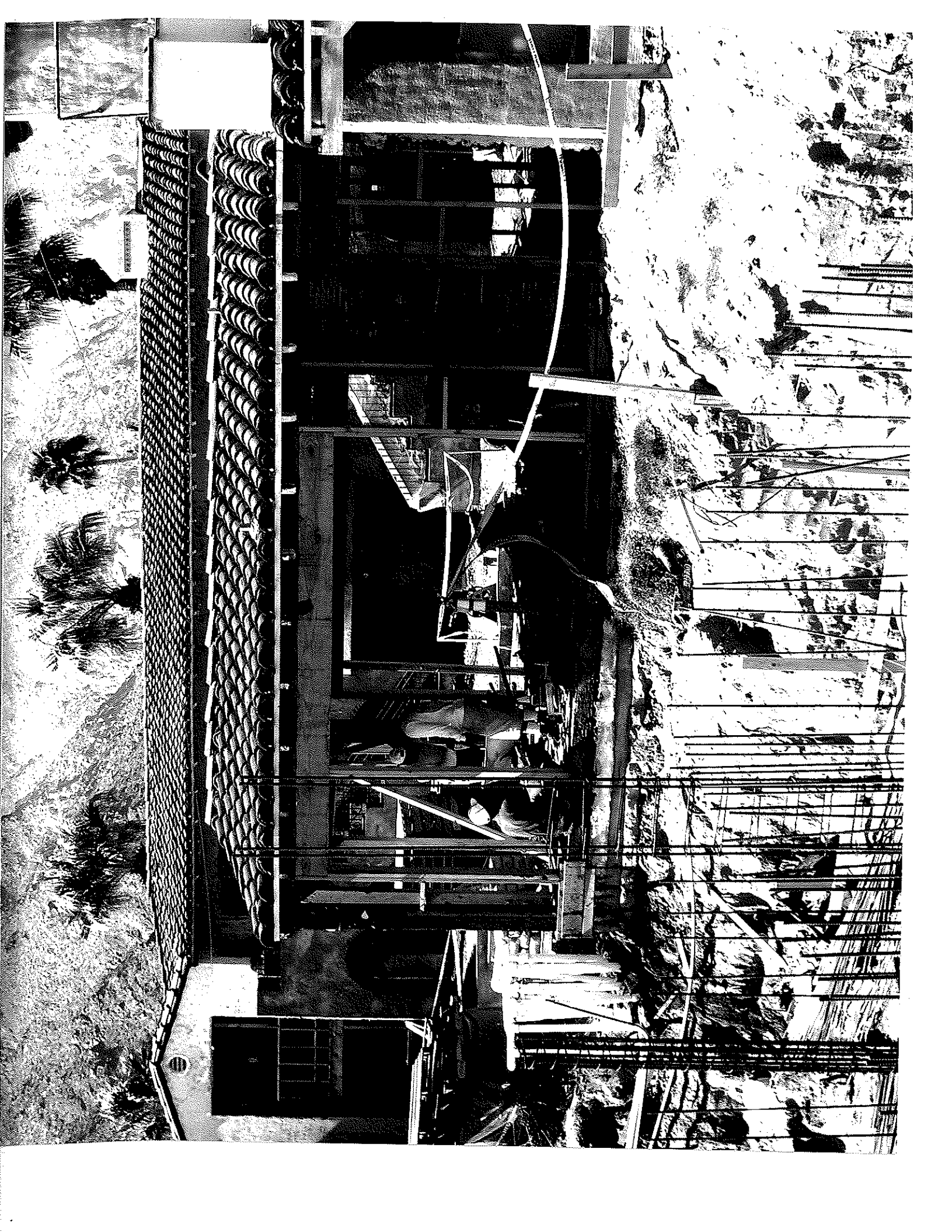


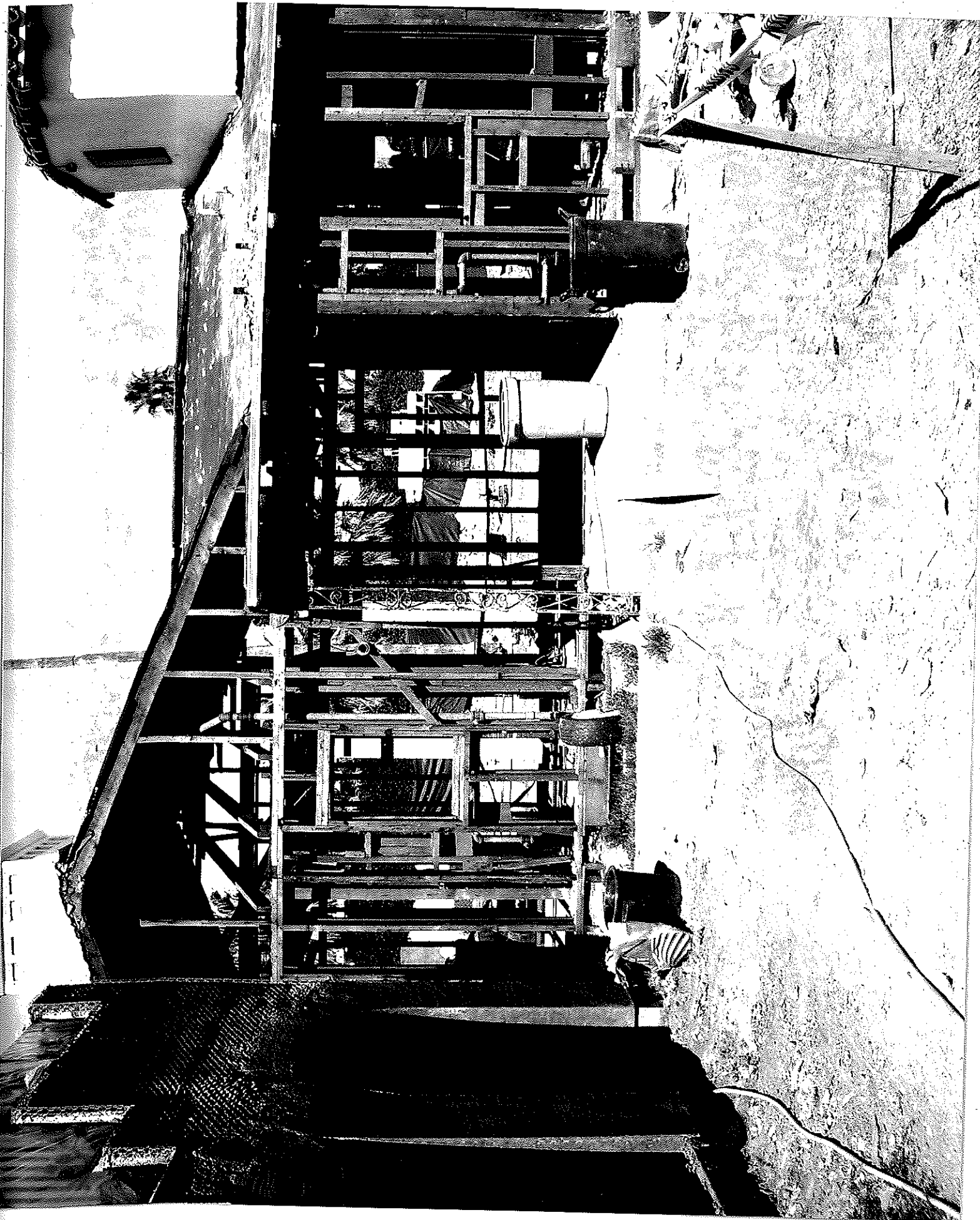


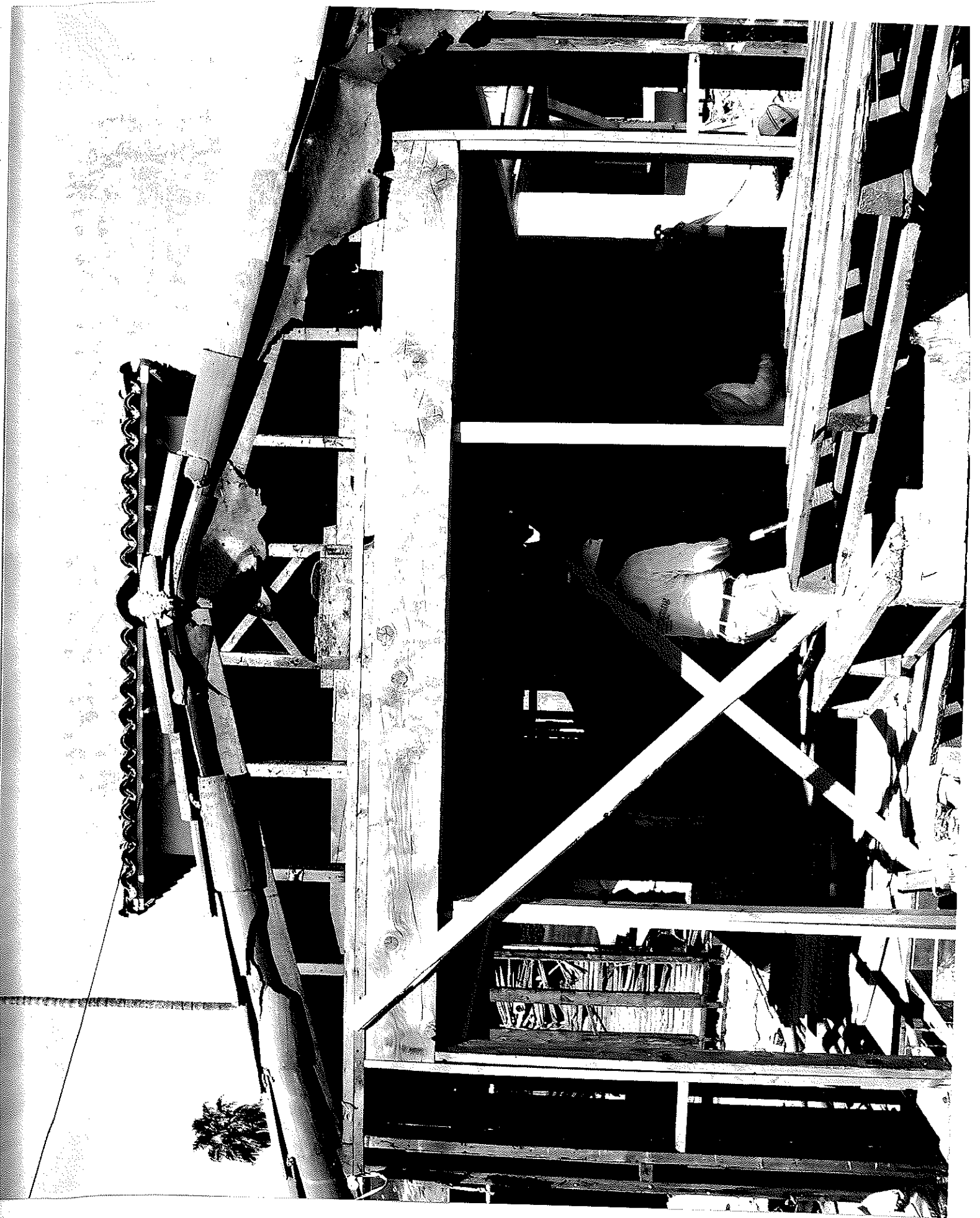












5

**PRIMA FACIE SPEED LIMITS FOR VARIOUS CITY STREETS." Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REQUEST FOR PROPOSAL (RFP) FOR THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FISCAL YEAR 2008-09, CDBG PROGRAM, 34TH PROGRAM YEAR:**

Tabled to January 9, 2008 at the request of staff.

5.B. **REQUEST BY NEJAT KOHAN FOR A ONE-YEAR TIME EXTENSION TO ALLOW THE CONTINUATION OF AN UNUSED ENTITLEMENT TO CONVERT 12 HOTEL ROOMS INTO CONDOMINIUMS AND THE CONSTRUCTION OF EIGHT ADDITIONAL CONDOMINIUMS LOCATED AT 640 NORTH INDIAN CANYON DRIVE (SPANISH INN), ZONE R-3, SECTION 11:**

**ACTION:** Adopt Resolution No. 22122, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM SEPTEMBER 5, 2007, TO SEPTEMBER 5, 2008, CASE NO. 5.1012 CUP / TTM 31104, TO ALLOW THE CONTINUATION OF AN UNUSED ENTITLEMENT TO CONVERT 12 HOTEL ROOMS INTO CONDOMINIUMS AND THE CONSTRUCTION OF EIGHT ADDITIONAL CONDOMINIUMS, LOCATED AT 640 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 11." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

5.C. **PROPOSED SPONSORSHIP AGREEMENT FOR THE KRAFT NABISCO CHAMPIONSHIP IN THE AMOUNT OF \$26,000 FUNDED WITH COMMUNITY PROMOTIONS BUDGETED UNALLOCATED FUNDING:**

**ACTION:** 1) Approve an Event Sponsorship Agreement for the Kraft Nabisco Championship in the Amount of \$26,000; 2) Authorize the Director of Finance/City Treasurer to allocate \$26,000 from budgeted Community Promotions Unallocated Priorities; and 3) Authorize the City Manager to execute

**CONSENT CALENDAR:**

Commissioner Hutcheson requested staff address if any objections were received from neighbors pertaining to Item 2D. Staff responded that no objections were received.

M/S/C (Hutcheson/Vice Chair Hochanadel, 7-0) To approve, Items 2A, 2B, 2C and 2D, as part of the Consent Calendar.

- 2A. Case 5.0866 PD 267 / TTM 30054 / TTM 30058 (Four Seasons) - An application by Andy Fraser of K. Hovnanian Homes to allow the reduction of rear yard setback to 10 feet for open patio trellises for the homes within TTM 30054 and TTM 30058 located at 3601 and 3800 North Sunrise Way, Zone PD 267, Section 36. (Project Planner: Bryan Fernandez, Assistant Planner) Approved, as part of the Consent Calendar.**
- 2B. Case 3.3068 MAJ - An application by Rafael Garcia on behalf of AT&T to allow construction of a 3,200 square foot telecommunications facility located at 700 East Research Drive, Zone M-1-P, Section 12, APN: 507-530-014. (Project Planner: Bryan Fernandez, Assistant Planner) Approved, as part of the Consent Calendar.**
- 2C. Case 3.3082 MAJ - An application by Terri Miller of Millwood Construction to allow construction of two one-story commercial office buildings with the combined size of approximately 5,172 square feet located at 1756 Sahara Road, Zone P, Section 1, APNs: 501-315-001 and 002. (Project Planner: Bryan Fernandez, Assistant Planner) Approved, as part of the Consent Calendar.**
- 2D. Case 3.3137 SFR and 7.1271 AMM - An application by Lance O'Donnell, owner, to construct a 2,671 square foot single-family residence on a hillside lot, and to allow a reduced rear yard setback and height increase located at 2299 Via Monte Vista, Zone R-1-B, Section 3, APN: 504-192-004. (Project Planner: Bryan Fernandez, Assistant Planner) Approved, as part of the Consent Calendar.**

**MISCELLANEOUS:**

- 3. Case 5.1012 CUP / TTM 31104 / PD 300 - A request by Negat Kohan, on behalf of the Spanish Inn, Inc., for a two-year time extension to renovate the hotel, convert hotel to condominiums and construct new condominium building located at 640 North Indian Canyon Drive, Zone R3, Section 11, APN: 507-183-003 and 007. (Project Planner: Bryan Fernandez, Assistant Planner)**

Craig A. Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 24, 2007. Staff stated a denial of the project could result in a derelict site over time and recommended approval of the time extension with new conditions.

Chair Marantz agreed that denial of the project would only set this project further back.

The Commission discussed building permits, the progress of the final map and installation of the traffic calming program.

Chair Marantz open Public Comments:

-Mary Lou Feenstra, Palm Springs, spoke in opposition of the project, voiced concern with negative impact to the neighbors and violation of the vacant building ordinance.

-Graham Young, Palm Springs, spoke in opposition of the project and requested denial of the project.

-Arlene Battishill, Palm Springs, spoke in opposition of the project, voiced concern with completion of the project and requested denial of the time extension.

-Ken Feenstra, Palm Springs, suggested an alternative use for this site such as conversion to senior citizen housing in conjunction with the redevelopment agency.

-Skip Goodell, architect for the project, provided further details pertaining to the architectural drawings for the street calming designs and plan check for the stairs and balconies.

-Lisa Luisi, assistant to the Spanish Inn owners, stated many delays have occurred mostly due to the traffic calming program and complex engineering conditions.

There being no further appearances, Public Comments was closed.

Staff provided further details on the traffic calming plan, the public streets and street vacations.

Commission Caffery noted a concern with this project meeting the timelines and suggested imposing a condition to require a completion bond.

Commissioner Hutcheson noted his preference to limit approval of the time extension to only 2 to 3 weeks not for one year. Commission Cohen concurred.

Vice Chair Hochanadel requested staff address engineering condition #7 pertaining to widening of Indian Canyon Drive. Staff responded that the street improvements on Indian Canyon were deferred by City Council and revisions will be made.

Commissioner Hutcheson noted that he is not in favor of one year time extension and suggested a one month continuance.

Negat Kohan, applicant, reassured the Commission that the funds for the project are available and emphasized their commitment to complete the street improvements.

Commissioner Scott suggested that the applicant provide to the Director of Planning Services proof of financial responsibility to complete the project and proof that the applicant has subcontractors under contract to complete the project.

Mr. Ewing recommended two weeks for approval of the street improvements (issuance of the traffic improvement plan permit) and direct staff to return with a resolution granting the extension with an amended development schedule, as discussed.

M/S/C (Hutcheson/Cohen, 7-0) To approve, refer staff to bring back a resolution, as amended:

**Development Schedule:**

Milestone 1 - Approve street improvement plans related to the Movie Colony Traffic Calming Program, no later than November 7, 2007.

Milestone 2 - Record Final Map and install street improvement plans, no later than February 7, 2008.

Milestone 3 - All internal demolition, 3 months after final map.

Milestone 4 - Apply for grading permits, 6 months after final map.

Milestone 5 - Apply for building permits and submit construction plans, 6 months after final map.

Milestone 6 - Secure grading permits, 1 year after final map.

Milestone 7 - Secure building permits, 1 year after final map.

Milestone 8 - Complete construction, 2 years after final map.

Milestone 9 - Certificate of occupancy, 3 years after final map.

Project Condition:

Failure to meet the milestones will result in an automatic expiration of the entitlement.

**ARCHITECTURAL REVIEW:**

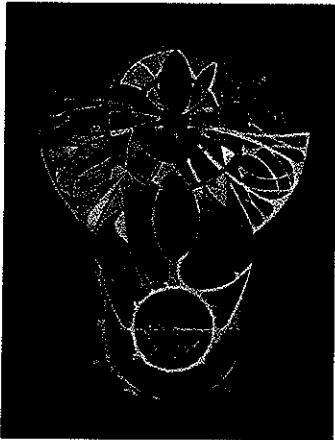
- 4. Case 5.1025 PD 307 - An application by H & H Investments, LLC, seeking approval for the Final Development Plans for a previously approved commercial shopping center located on the northwest corner of North Sunrise Way and East Tahquitz Canyon Way, Zone PD 307, Section 14, APN's: 508-070-035 and 042. (Project Planner: David A. Newell, Assistant Planner)**

David Newell, Assistant Planner, provided background information as outlined in the staff report dated October 24, 2007. Staff reported that the Architectural Advisory Committee and Tribal Council are both in support of the project.

Staff provided further details on the minor changes made to the project relating to the pedestrian entry, the access points and the median on Sunrise Way.



7



# Britanny West, LLC

Project Development and Architectural Studios

32-220 Rancho Vista, Suite 206

Cathedral City, California 92234

Studio Phone 760-328-7210

California Fax 760-328-7128

Skip Goodell's Cell Phone 760-902-2432

[www.britannywest.com](http://www.britannywest.com)

June 25, 2007

Thomas Wilson  
Assistant City Manager – Development Services  
3200 E Tahquitz Canyon Way  
Palm Springs, California 92262

Re: Spanish Inn – by the Numbers  
Site Plan and Site Data  
Follow-up to our meeting April 19, 2007

*Hotel Limited  
to 24 units  
per approved  
Tent Tract Map  
C Ewing  
6/25/07*

Dear Tom,

Now that everyone has settled down, including the street calming plan and the developer, our office was able to prepare a comprehensive site plan illustrating land dedications, lands to be conveyed, building square footages, parking layout and building placement for complex "C". We appreciate everyone's patience and willingness to make the Spanish Inn complex everything that it was and it should be.

It is my understanding, subject to official wording of course, the City will convey properties to the Spanish Inn and to other neighbors to their adjacent existing road centerlines of Granvia Valmonte, Via Chica, and Via Alta Mira. These property owners are to agree to easements for public use and the City will maintain the new street layout per the street calming plan as prepared by Amir Engineering.

I am pleased to announce that the Spanish Inn exceeds the parking requirements for the proposed improvements and unit count by one stall. 58 stalls are required and 59 are proposed.

All of the other square footages required for landscape, etc., are improved due to the street calming plan. Complex "C" was moved approximately 5 feet towards Via Chica. This provides more room within the central pool area.

We also combined the hot tub or spa with the pool. The hotel tower is now back to the rounded dome as was approved by the historic and architectural committees.

The parking along Via Chica is 90 degrees as opposed to Amir's plans indicating them at 45 degrees. We have room for this adjustment on our part and we allowed for the required backup space. We gained one stall within the garage and three more around the perimeters that resulted from the street calming plans and as directed by City engineering.

I personally would like to push Via Chica eastwardly another 10 feet to allow more space for our central pool area. All of the other streets are centered; I think it would be fitting that Via Chica should also be centered. This way, no one has a "special" advantage and there is plenty of room to make this adjustment. We need City engineering to direct Amir Engineering to make this adjustment if you all agree this makes sense.

The Spanish Inn would like to ask the City for a tax break on the T.O.T. to compensate the significant expense uniquely imposed on the Spanish Inn as a result of the Movie Colony Traffic Remediation Plan. This tax break would start from the time the hotel is re-opened; the amount and time period for the T.O.T. would be evaluated at a future time.

I believe that I have everything committed to numerical and graphic format suitable for common review and review. We seek your continued support. If there are any other items you need please advice our office or the developer.

Sincerely,

A handwritten signature in cursive script that reads "Skip Goodell".

Skip Goodell

4/25/07

Max 24 units

Spanish Inn - Unit Calculations

Unit Number	Living Area	Balcony Area	Total Area
<b>Complex - A - Hotel 28 units (including Manager's Quarters)</b>			
Lower Floor	6,692.39		6,692.39
Upper Floor	3,169.05	4,114.00	7,283.05
			13,975.44

**Complex - B - Condominiums - 12 Remodeled Units**

Lower Floor	B-101	760.33	760.33
	B-102	654.32	654.32
	B-103	685.93	685.93
	B-104	716.50	716.50
	B-105	707.94	707.94
	B-106	795.48	795.48
	B-107	784.90	784.90
	B-108	886.62	886.62
	B-109	881.34	881.34
Upper Floor	B-201	89.00	89.00
	B-202		
	B-203	85.00	85.00
			6,873.36

Total Living Area - Complex B  
 2,648.47  
 9,521.83

Common Area - Balconies

Front	422.25
Rear	192.08
	192.08

614

**Complex - C - Condominiums - 8 New Units**

C-101	817.06	235.99	1,053.05
C-102	789.74	141.78	931.52
C-103	795.33	164.74	960.07
C-104	745.10		

*requirement in Subpart 17 of Section 8.04.510 for Subterranean and above ground structures to provide 8 feet 6 inches of vertical clearance. Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.*

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., and 2.C. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.A. REPORT ON POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the February 13, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. STAFF AUTHORIZED AGREEMENTS FOR JANUARY 1 THROUGH JANUARY 31, 2008:**

**ACTION:** Receive and file the Staff Authorized Agreements covering the period January 1 through January 31, 2008. **Approved as part of the Consent Calendar.**

**2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**

**ACTION:** Adopt Resolution No. 22157, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-26-08 BY WARRANTS NUMBERED 412988 THROUGH 413042 TOTALING \$90,438.13, LIABILITY CHECKS NUMBERED 1026157 THROUGH 1026178 TOTALING \$142,561.69, THREE WIRE TRANSFERS FOR \$60,882.15, AND THREE ELECTRONIC ACH DEBITS OF \$1,095,421.43, IN THE AGGREGATE AMOUNT OF \$1,389,303.40 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:** None.

**4. UNFINISHED BUSINESS:**

Mayor Pro Tem Foat stated she has a property ownership related conflict of interest with respect to Item 4.A., would not participate in the discussion and the vote and left Council Chamber.

**4.A. FINAL MAP 31104 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH SPANISH INN, INC., FOR A ONE LOT TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 640 NORTH INDIAN CANYON DRIVE:**

**ACTION:** 1) Adopt Resolution No. 22159 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 31104 FOR PROPERTY LOCATED AT 640 NORTH INDIAN CANYON DRIVE, AND APPROVING A SUBDIVISION

IMPROVEMENT AGREEMENT WITH SPANISH INN, INC.," and 2) Authorize the City Manager to execute all necessary documents. A5618. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

Mayor Pro Tem Foat returned to the dais.

**4.B. PROPOSITION 218 ELECTION FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2008-09:**

**ACTION:** 1) Adopt Resolution No. 22160, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8"; 2) Adopt Resolution No. 22161, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-09 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8;" 3) Direct staff to review and return with options for City lighting on Belardo Road; 4) Direct staff to proceed with the abandonment of District No. 2; 5) Direct staff to proceed with the abandonment of District No. 4 and for the City to provide the current lighting; 6) Direct staff to discuss the maintenance of trees in District No. 6B, and the abandonment of the District; and 7) Direct staff to proceed with the reduction of contract landscape maintenance in District No. 7 to ensure the expenses in the District are within the levy. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.  
**NOES:** Councilmember Mills.

**5. NEW BUSINESS:**

**5.A. CONCEPTUAL PLANS FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPING IMPROVEMENTS, CITY PROJECT 06-03:**

**ACTION:** 1) Approve the conceptual plans for parkway and median landscaping of Gene Autry Trail, from Vista Chino to Via Escuela; 2) Approve the conceptual plan for a Gateway Entry Sign; and 3) Approve the conceptual plans for construction of a pocket park located at the southwest corner of Gene Autry Trail and Vista Chino. **Motion**

**TRACT MAP IS A ONE LOT CONDOMINIUM MAP OF APPROXIMATELY 1.57 ACRES AND A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT TWELVE RESIDENTIAL CONDOMINIUMS IN THE RESORT OVERLAY ZONE, LOCATED AT THE SOUTHWEST CORNER OF VIA ESCUELA AND NORTH PALM CANYON DRIVE, ZONE C-1 AND R-3, SECTION 3, APN 504-310-035:**

Craig Ewing, Director of Planning, provided background information as outlined in the staff report dated September 7, 2005.

**ACTION:** Adopt Resolution No. 21387, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING TENTATIVE TRACT MAP 33542 AND CASE NO. 5.1038 – PD310, FOR A TENTATIVE TRACT MAP FOR A ONE LOT CONDOMINIUM MAP OF APPROXIMATELY 1.57 ACRES AND A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT TWELVE RESIDENTIAL CONDOMINIUMS IN THE RESORT OVERLAY ZONE, LOCATED AT THE SOUTHWEST CORNER OF VIA ESCUELA AND NORTH PALM CANYON DRIVE, ZONE C-1 AND R-3, SECTION 3, APN 504-310-035" as amended by modifying condition 12 to include a streetscape plan, conditions 67 and 77 by adding a sentence "The landscape and pool features associated with Unit 7 shall be adjusted to accommodate the required easement" and adding condition 83 to read as indicated in the Memorandum dated September 7, 2005. **Motion Councilmember Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

Councilmember Foat stated she has a conflict of interest by proximity for Item 1.D., she owns property within 500 feet and will not participate in the discussion or the vote and left Council Chamber at 7:04 P.M.

**1.D. CASE TTM31104 AND 5.1049 – AN APPLICATION BY NEJAT KOHAN TO SUBDIVIDE APPROXIMATELY 1.46 ACRES FOR HOTEL AND RESIDENTIAL CONDOMINIUM USE – THE CONDITIONAL USE PERMIT TO ALLOW THE CONVERSION OF HOTEL TO CONDOMINIUMS AND THE CONSTRUCTION OF RESIDENTIAL CONDOMINIUMS IN THE RESORT OVERLAY, LOCATED AT 640 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 11, APN 507-183-006:**

Craig Ewing, Director of Planning, provided background information as outlined in the staff report dated September 7, 2005.

**ACTION:** Adopt Resolution No. 21388, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 31104 TO SUBDIVIDE APPROXIMATELY 1.46 ACRES TO RENOVATE THE HOTEL, CONVERT A PORTION OF THE HOTEL TO CONDOMINIUMS, AND CONSTRUCT NEW CONDOMINIUMS, LOCATED AT 640 NORTH INDIAN CANYON, ZONE R-3, SECTION 11, APN 507-183-006"

amending the time schedule and conditions for the issuance of a covenant. **Motion Councilmember Pougnet, seconded by Mayor Pro Tem McCulloch and carried on a roll call vote.**

**AYES:** Councilmember Mills, Councilmember Pougnet, Mayor Pro Tem McCulloch and Mayor Oden.  
**NOES:** None.  
**ABSTAIN:** None.  
**ABSENT:** Councilmember Foat.

Councilmember Foat returned to Council Chamber at 7:41 P.M.

Councilmember Mills stated he has a business related conflict of interest with Item 1.E. and would not participate in the discussion or the vote and left Council Chamber at 7:42 P.M.

**1.E. CASE 5.1065 / 61 / 5.1029 – AN APPLICATION BY P.S. VENTURE INDIAN CANYON SAN RAFAEL, LLC FOR A GENERAL PLAN AMENDMENT TO CHANGE THE DESIGNATION FROM GENERAL COMMERCIAL (GC) ALLOWING RESIDENTIAL AND COMMERCIAL DEVELOPMENT AT THE PROPOSED SPECIFIC SITE ONLY, A TENTATIVE TRACT MAP TO SUBDIVIDE APPROXIMATELY 20 ACRES, AND A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT 211 RESIDENTIAL CONDOMINIUMS AND APPROXIMATELY 10,000 SQUARE FEET OF COMMERCIAL, LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND SAN RAFAEL, ZONE C-M, SECTION 35, APN 669-330-038:**

Craig Ewing, Director of Planning, provided background information as outlined in the staff report dated September 7, 2005.

**ACTION:** Continue to October 5, 2005. **Motion Councilmember Foat, seconded by Councilmember Pougnet and carried on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Pougnet, and Mayor Oden.  
**NOES:** Mayor Pro Tem McCulloch.  
**ABSTAIN:** None.  
**ABSENT:** Councilmember Mills.

The City Council recessed at 8:05 P.M.

The City Council reconvened at 8:19 P.M. Councilmember Mills returned to Council Chamber.

**PUBLIC COMMENT:** 8 Speakers

4. Case 5.0666 PD-231 – An application by Lennar Communities for approval of design guidelines and minor amendments to the development standards for the Palm Springs Classic/Esena project located at 1000 Gene Autry Trail North, Zone WM1P, WO5 and W, Section 7 and 18, APN 677-220-015.

Principal Planner, Alex Meyerhoff, gave details of the project. He indicated that the applicant has requested to withdraw the request to amend the development standards.

Chairwoman Marantz opened the Public Hearing.

Marvin Roos, MSA & Associates, gave additional information to the Planning Commission and was available for questions.

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

M/S/C (Hochanadel/Roath, 6-0 ) to approve the design guidelines, subject to Conditions of Approval.

5. Case TTM 33542 / 5.1038 PD-310 – An application by Via Escuela Land Partners, LLC, for a Tentative Tract Map to create a one lot condominium map and a Planned Development District for the construction of 12 residential condominiums located at the southwest corner of Via Escuela and North Palm Canyon Drive, Zone C-1 and R-3, Section 3, APN 504-310-035.

Associate Planner, Matthew Feske, gave details of the project at the exhibits.

Chairwoman Marantz opened the Public Hearing.

Patricia Lawth, Palm Springs, spoke in favor of the project.  
Skip Goodell, architect for the project, gave additional information to the Planning Commission.  
Charles Sachs, Palm Springs, spoke in favor of the project.

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

M/S/C (Ringlein/Roath, 6-0) to approve, subject to Conditions of Approval.

6. Case TTM31104 and 5.1019 – An application by Nejat Kohan to subdivide approximately 1.46 acres for hotel and residential condominium use. The Conditional Use Permit to allow the conversion of hotel to condominiums and the construction of residential condominiums in the Resort Overlay, located at 640 North Indian Canyon Drive, Zone R-3, Section 11, APN 507-183-006.

Associate Planner, Matthew Feske, gave details of the project at the exhibit. He indicated that this building is a historic site and has been approved by the Historic Site Preservation Board for conceptual approval and interior demolition. It will go back to the HSPB, if approved by the Planning Commission and City Council, for final architectural approval.

Chairwoman Marantz opened the Public Hearing.



Bob Rosenhall, Palm Springs, owns property near this project, requested the importance of reviewing this project.

Randall Erickson, Palm Springs, lives behind the Spanish Inn, spoke in favor of the project.

Neget Kohen, applicant, gave additional information.

Graham Young, Palm Springs, voiced his concerns about mixed use of a hotel and condominiums.

Catherine McMillan, Palm Springs, lives behind project, voiced concerns regarding mixed use and requested to keep it as a hotel.

Joe Luisi, Palm Springs, historic preservationist for the project, spoke in support of the project and stated their plan to restore the tile and gave additional information.

Skip Goodell, architect for the project, expressed his willingness to accommodate the neighbors and drafted a computer view analysis of the project.

Tony Gonzales, Amir Engineering, thanked staff for being very helpful and expressed willingness to help project move forward.

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

Commissioner Roath objected to the widening of the street at Indian Canyon.

M/S/C (Shoenberger/Hutcheson, 6-0) to approve, subject to conditions of approval; including revision of the timeline schedule indicating more details and approval by the Planning Department for scheduled deadlines, at the discretion of the Planning Director.

7. Case 5.0842 PD 77 - An application by Christopher Mills Architecture, for Maurice Refoua, for an amendment to the Planned Development District 77 for an 8,785 sq. ft. addition to an existing retail center, expansion of the parking lot and the remodel of existing parking lot located at 611 South Palm Canyon Drive, Zone PD-77 (C-1), Section 22, APN 513-290-005.

Associate Planner, Matthew Feske, gave details of the project at the exhibits.

Chairwoman Marantz opened the Public Hearing.

Chris Mills, architect for the project, gave additional information to the Planning Commission. He indicated that it does not meet the 50% minimum shading requirement, because parking spaces would be lost.

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

Matthew Feske requested revised engineering condition #4 to be included.

M/S/C (Roath/Hutcheson, 6-0) to approve, subject to Conditions of Approval, and revised engineering condition #4 to be incorporated.

8. Case TTM 33035 - An application by Mountain Meadows Associates for a Tentative Tract Map to create a one lot, condominium map for the conversion of the 129 existing apartment units to 129 condominium units located at 2500 East Palm Canyon Drive, Zone R-3, Section 24, APN 502-310-054 and 502-310-055.

1  
Case TTM31104 and 5.1019

Application Complete: 5/31/05  
Staff Planner: Matthew Feske  
Staff Engineer: Marcus Fuller

DATE: JULY 13, 2005  
TO: PLANNING COMMISSION  
FROM: DIRECTOR OF PLANNING SERVICES

CASE TTM31104 AND 5.1019 – AN APPLICATION BY NEJAT KOHAN TO SUBDIVIDE APPROXIMATELY 1.46 ACRES FOR HOTEL AND RESIDENTIAL CONDOMINIUM USE. THE CONDITIONAL USE PERMIT TO ALLOW THE CONVERSION OF HOTEL TO CONDOMINIUMS AND THE CONSTRUCTION OF RESIDENTIAL CONDOMINIUMS IN THE RESORT OVERLAY, LOCATED AT 640 NORTH INDIAN CANYON DRIVE, ZONE R-3, SECTION 11, APN 507183006.

RECOMMENDATION:

That the Planning Commission:

- A. Order the filing of the Mitigated Negative Declaration; and
- B. Approve Case 5.1019:
  - 1. Conditional Use Permit to allow multiple-family residential in the Resort Overlay Zone, subject to the Conditions of Approval in Exhibit A and Exhibit B and the approval of TTM31104 by the City Council at a later date; and
  - 2. Major Architectural Approval for the renovation of Building A, 18 hotel rooms subject to the Conditions of Approval in Exhibit A and Exhibit B and the approval of TTM31104 by the City Council at a later date; and
  - 3. Major Architectural Approval for the renovation of Building B for 12 residential condominiums subject to the Conditions of Approval in Exhibit A and Exhibit B and the approval of TTM31104 by the City Council at a later date; and
  - 4. Major Architectural Approval for the construction of Building C, which will consist of 8 residential condominiums and an underground parking area subject to the Conditions of Approval in Exhibit A and Exhibit B and the approval of TTM31104 by the City Council at a later date; and
- C. Recommend approval to the City Council for Tentative Tract Map 31104 to subdivide approximately 1.46 acres for the renovation of Building A for hotel use, the conversion of Building B from hotel to condominium use, and the construction of Building C for condominiums.

Located at 640 North Indian Canyon Drive, Zone R-3, Section 11.

BACKGROUND:

The proposed project site is known as the Spanish Inn Hotel and is located at 640 North Indian Canyon Drive. The proposal is to renovate building A (existing north building) for

use as a hotel, to convert building B (existing south building) from hotel to condominium and to construct a new building C as condominiums with an underground parking area.

The existing structures are legal, nonconforming structures and do not comply with the R-3 Zone development standards. Staff has prepared a table that outlines the R-3 Zone development standards and the existing conditions.

R-3 Zone		
	Development Standards	Existing Conditions
Lot Area	20,000 square feet	63,698 square feet
Lot Width	170 feet	357 feet
Lot Depth	175 feet	220 feet to 345 feet
Density – Hotel	1 unit per 1,000 square feet	1 unit per 1,000 square feet
Density - Condominium	1 unit per 2,000 square feet	1 unit per 2,000 square feet
	18 hotel units, 20 condominium units	18 hotel units, 20 condominium units
Building Height	24 feet	24 feet
Front Yard	30 feet	10 feet
Side Yard	24 feet (setback = building height)	10 feet
Rear Yard	24 feet (setback = building height)	10 feet
Building Distance	15 feet	5 feet to 10 feet

The proposed project also includes a new structure, Building C. This will consist of underground parking and 8 residential condominiums. Building C will comply with the R-3 Zone development standards.

#### ADJACENT LAND USES, GENERAL PLAN AND ZONING:

Adjacent land uses are the following:

	General Plan	Zoning	Land Uses
North	H43/21	R-3	Hotel
South	H43/21, CBD	R-3	Hotel
East	L4	R-1-B	Single-Family Residences
West	PR, RC	O, R-3	Stevens Park, Multi-Family Residential

#### ANALYSIS:

The General Plan designation is H43/21 (High Density Residential); these areas are for both hotels and high-density apartments that primarily serve visitors. The objective of

the High Density Residential is to allow for hotel and similar types of resort housing, while also allowing for multi-family residential and similar permanent housing. Therefore, the proposal would be consistent with the General Plan.

The proposed site is Zoned R-3 (Multi-Family Residential and Hotel); these areas are intended to provide for the development of high density apartments, hotels and as well as permanent and resort housing. The proposed project will consist of hotel and residential uses; therefore uses would be consistent with the intent of the R-3 Zone.

Section 9.62.020 of the Municipal Code allows condominium conversion for legal, nonconforming structures that do not meet the Zoning Ordinance development standards. The existing structures, Building A and Building B, are legal, nonconforming structures and do not comply with the R-3 Zone development standards. Building A and Building B do not comply with front yard setback, side yard setback, rear yard setback and building distance. Building C is a new structure which triggers an additional dedication along Indian Canyon Drive of 20 feet and is required to meet the R-3 Zone development standards. Staff has prepared a table that outlines the R-3 Zone development standards, existing conditions, and proposed structure.

R-3 Zone			
	Development Standard	Existing	Proposed
Building Height	24 feet	24 feet	12 feet
Front Yard	30 feet	<b>10 feet</b>	110 feet
Side Yard	24 feet (setback=building height)	<b>10 feet</b>	10 feet
Rear Yard	24 feet (setback=building height)	<b>10 feet</b>	10 feet
Building Distance	15 feet	<b>5 feet to 10 feet</b>	15 feet
Parking	45 total (20 minimum covered)		54 or 58 (26 covered)
Open Space	45%		57%

The proposed project will have bay parking along Via Alta Mira and Gran Via Valmonte. Currently the site plan and the Tentative Tract Map assume the vacation of Via Alta Mira and Gran Via Valmonte. This assumption is because of the Movie Colony Traffic Calming Program that was approved by City Council. Staff has added Condition of Approval that will ask the applicant to fund the traffic calming program and then be reimbursed by the participating properties. This will allow the site plan and map to be approved as submitted; otherwise staff would recommend approval subject to the site plan and map reflecting the full right-of-way for Via Alta Mira and Gran Via Valmonte. The revised site plan and map will reduce the number of parking by 3 or 4, which will not affect the proposed project from meeting the required parking

The proposed project is required to have a total of 45 parking spaces of which a minimum of 20 parking spaces must be covered. The proposed project will have 26 covered parking spaces in the underground garage and 32 surface parking spaces. This proposal assumes that the Via Alta Mira and Gran Via Valmonte are vacated. Without Via Alta Mira and Gran Via Valmonte vacated (current conditions), the proposed project

will lose approximately 3 to 4 surface parking spaces. The other surface parking spaces can be moved to comply with current conditions. The reduction of 3 or 4 surface parking spaces will reduce the total parking to approximately 54 parking spaces, which exceeds the minimum parking requirements.

Vehicular access will be off of Via Chica. Via Chica is a fully improved street that has the capacity to handle the type and volume of traffic anticipated from the proposed project. The traffic calming program will reduce or eliminate the potential traffic from Indian Canyon Drive. The current conditions allow traffic from Indian Canyon Drive to turn onto Via Alta Mira and/or Gran Via Valmonte, which then turns into Via Chica. The proposed project will have minimal traffic impact.

The proposed project consists of existing structures at 24 feet in height and a new structure at 16 feet (maximum). The new structure has a lower building height than the existing structures; therefore the visual impact will be minimal. The existing structures have different architectural design and style. The renovation, of the existing structures and the new structure will be a consistent architectural design and style. The aesthetic impact will be minimal.

The proposed project shall abide with the following schedule to ensure prompt and complete development of the property. If the schedule is not abided by, then the Conditional Use Permit and associated Architectural Approvals will be void and the City shall reserve the right to proceed with its legal obligations and rights. Staff has provided a table that outlines the schedule for development.

Description	Timeline (Date)
All internal demolition	3 months after final map
Submit for final map	Within 1 year of TTM approval
Apply for grading permits	6 months after final map
Secure grading permits	1 year after final map
Submit construction plans	6 months after final map
Apply for building permits	1 year after final map
Complete construction	2 years after final map
Certificate of Occupancy	3 years after final map

## ENVIRONMENTAL ANALYSIS AND NOTIFICATION

An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the regulations of the California Environmental Quality Act (CEQA). The applicant has agreed to all mitigation measures described in the Mitigated Negative Declaration, which will reduce potentially significant impacts to a level of less than significant.

A Public Hearing Notice was published in the Desert Sun newspaper.

5  
Case TTM31104 and 5.1019

Application Complete: 5/31/05  
Staff Planner: Matthew Feske  
Staff Engineer: Marcus Fuller

All property owners within 400 feet of the project site have been notified of the public hearing.

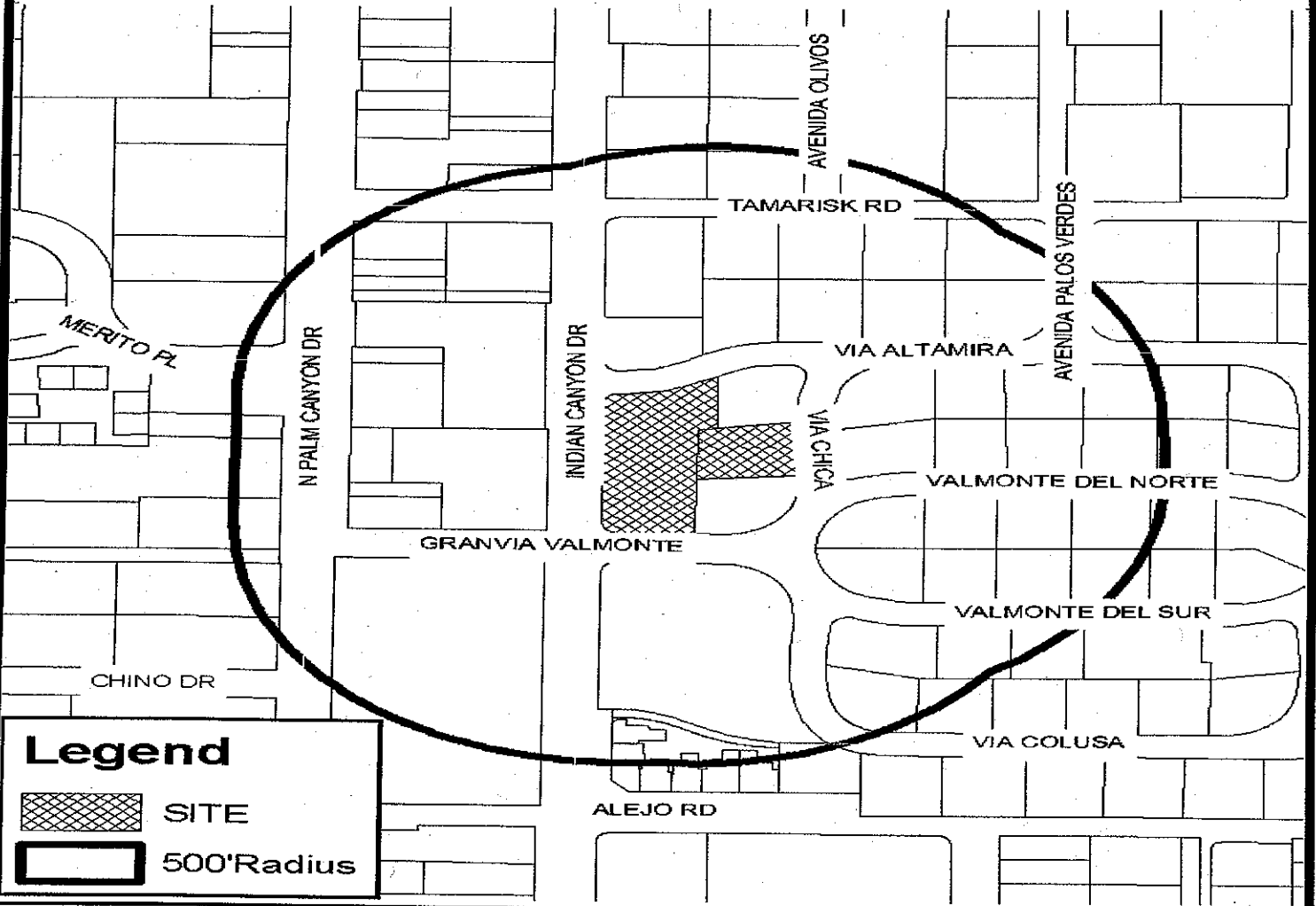
As of the writing of this report, staff has received no correspondences.

**ATTACHMENTS:**

1. Vicinity Map
2. Draft Resolution
3. Draft Conditions of Approval
4. Copy of Mitigated Negative Declaration (for the Planning Commission packet only, otherwise on file in the Planning Services Department)



# Department of Planning Services Vicinity Map



**Legend**

-  SITE
-  500'Radius

## CITY OF PALM SPRINGS

**CASE NO.:** TTM31104 and 5.1012  
Tentative Tract Map 31104 and  
Conditional Use Permit

**APPLICANT:** Nejat Kohan

**DESCRIPTION:** Application by Nejat Kohan for a  
Tentative Tract Map and a Conditional Use Permit to  
subdivide approximately 1.46 acres to renovate the  
hotel, convert the hotel to condominiums, and construct  
new condominiums, located at 640 North Indian  
Canyon, Zone R-3, Section 11, APN 507183006.

RESOLUTION NO. 21388

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 31104 TO SUBDIVIDE APPROXIMATELY 1.46 ACRES TO RENOVATE THE HOTEL, CONVERT A PORTION OF THE HOTEL TO CONDOMINIUMS, AND CONSTRUCT NEW CONDOMINIUMS, LOCATED AT 640 NORTH INDIAN CANYON, ZONE R-3, SECTION 11, APN 507183006.

WHEREAS, Nejat Kohan ("Applicant") has filed an application with the City pursuant to Section 9.63 of the Municipal Code for a Tentative Tract to subdivide approximately 1.46 acres to renovate the hotel, convert the hotel to condominiums, and construct new condominiums, located at 640 North Indian Canyon, Zone R-3, Section 11; and

WEHERAS, the Conditional Use Permit to allow the construction of multiple-family residential in the Resort Overlay has been reviewed and approved by the Planning Commission, subject to the City Council approval of the Tentative Tract Map; and

WEHERAS, the Architectural Approval for the renovation of Building A as hotel use, renovation of Building B as residential condominium use, and construction of Building C as hotel use with underground parking; has been reviewed and approved by the Planning Commission, subject to the City Council approval of the Tentative Tract Map; and

WEHERAS, the applicant has agreed to pay for the Movie Colony Street Calming Program; and

WEHERAS, the applicant shall abide by the schedule as outlined in the Conditions of Approval; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Tentative Tract Map 31104 and Case No. 5.1019 was given in accordance with applicable law; and

WHEREAS, on July 13, 2005, a public hearing on the application for Tentative Tract Map 31104 and Case 5.1012 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider the application for Tentative Tract Map 31104 was given in accordance with applicable law; and

WHEREAS, on September 7, 2005, a public hearing on the application for Tentative Tract Map 31104 was held by the City Council in accordance with applicable law; and



WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

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

Section 1: Pursuant to CEQA, the City Council finds that the Initial Study and Mitigated Negative Declaration adequately address the general setting of the project, its potentially significant impacts, and the mitigation measures related to each significant effect for the proposed project.

The City Council further finds that with the adoption of the proposed Mitigated Negative Declaration, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance.

Section 2: Pursuant to Government Code Section 66474 (Subdivision Map Act), the City Council finds that with the incorporation of those conditions attached in Exhibit A:

1. The proposed Tentative Map is consistent with applicable general and specific plans.

The proposed project is consistent with the General Plan. The General Plan designation for the site is H43/21, High Density Residential. The General Plan allows up to 62 hotel units or 30 dwelling units or a combination of hotel and dwelling units on the project site. The applicant is proposing 18 hotel units and 20 dwelling units for the approximately 1.46 acre site. The proposed project is hotel and residential use; therefore the proposed project is consistent with the General Plan.

2. The design of improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan.

Pursuant to Government Code Section 66473.5 the Planning Commission finds that the proposed subdivision and the provisions for its design and improvement are compatible with the objectives, policies, and general land uses and program provided in the City's General Plan. All street, drainage, and utilities improvements will be constructed to the standards of the General Plan and Conditions of Approval associated with TTM 31104.

The proposed project consists of legal, nonconforming structures and a new structure. The nonconforming structures are exempt from meeting Zoning Ordinance development standards. The new construction will

comply with the Zoning Ordinance development standards. With the Conditions of Approval, the proposed project has been determined to be compatible with overall goals and policies of the General Plan in order to provide quality architecture, open space and distinctive landscape elements. Therefore it is concluded that the proposed project will not be in conflict with the overall intent of the General Plan.

3. The site is physically suitable for the type and density of development contemplated by the proposed subdivision.

The project proposes the subdivision of approximately 1.46 acres for hotel and residential condominium use. The proposed development is at the maximum allowable density of 18 hotel units and 20 dwelling units, as permitted under the General Plan. The subject property is surrounded with a mix of single-family residential, multiple-family residential, hotel, and commercial uses. The subject property is physically suitable for the type and density of development.

4. The designs of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

All potential environmental impacts as a result of developing the subject property are fully disclosed in the Initial Study and Mitigated Negative Declaration. The incorporation of the mitigation measures as prescribed in the Mitigated Negative Declaration will ensure that any potentially significant impacts will be reduced to a level of insignificance. Therefore, the designs of the proposed subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

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

The design of the subdivision and proposed improvements must comply with the conditions of approval including, but not limited to, the application of the Uniform Building Code Seismic Safety Standards, and the City of Palm Springs Fugitive Dust Control Ordinance in order to ensure public health and safety.

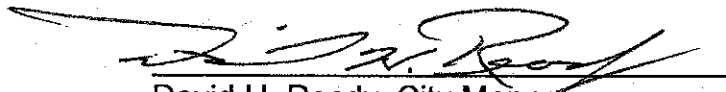
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The applicant will be required to construct on and off-site improvements. Therefore the design and the type of improvements proposed will not conflict with easements acquired by the public at large.

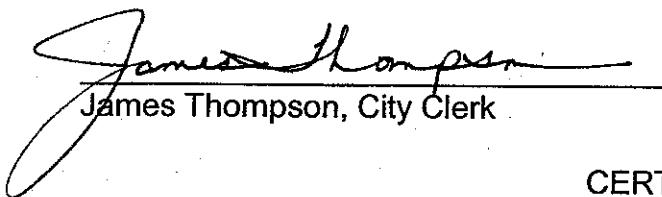
THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

- 1 Adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and
- 2 Approves Case TTM31104 subject to the conditions contained in Exhibit "A" and "B".

ADOPTED this 7th day of September, 2005.

  
David H. Ready, City Manager

ATTEST:

  
James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 21388 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 September 7, 2005, by the following vote:

AYES: Members Mills, McCulloch, Pougnet and Mayor Oden  
NOES: None  
ABSENT: Councilmember Foat  
ABSTAIN: None

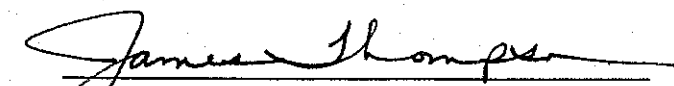
  
James Thompson, City Clerk  
City of Palm Springs, California

Exhibit "A"

CONDITIONS OF APPROVAL

CASE TTM31104 - TENTATIVE TRACT MAP

SPANISH INN  
640 NORTH INDIAN CANYON DRIVE

SEPTEMBER 7, 2005

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

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

ADMINISTRATIVE

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case TTM31104 – Tentative Tract Map. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways,

parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The fee shall be collected by the Planning Services Department.
6. The Project will bring additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government C. Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

#### CC&R's

7. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded

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

The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$10,000, for the review of the CC&R's by the City Attorney. A \$2,000 filing fee shall also be paid to the City Planning Department for administrative review purposes.

#### Cultural Resources

8. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
9. The project area has the possibility of buried resources. A Native American Monitor shall be present during all ground-disturbing activities.
  - a) Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
  - b) Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning and Zoning Department prior to final inspection.

#### Final Design

12. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, Department of Public Works, and Department of Parks and Recreation, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located

within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.

13. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

#### GENERAL CONDITIONS/CODE REQUIREMENTS

14. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
15. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
16. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
17. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
18. All materials on the flat portions of the roof shall be earth tone in color.
19. All awnings shall be maintained and periodically cleaned.
20. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.

21. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
22. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
23. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
24. The street address numbering/lettering shall not exceed eight inches in height.
25. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
26. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
27. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.
28. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
29. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
30. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
31. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
32. The applicant shall provide all tenants with Conditions of Approval of this project.
33. Standard parking spaces shall be 17 feet deep by 9 feet wide; handicap parking spaces shall be 18 feet deep by 9 feet wide plus an 8 foot walkway at the right side of the parking space and shall be designated as "van accessible".



34. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
35. Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.
36. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
37. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces. Additional islands may be necessary to comply with shading requirements.
38. Shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
39. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.
40. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
41. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
42. The development standards for the legal, nonconforming structures are as follows:

Lot Area	63,698 square feet
Lot Width	357 feet
Lot Depth	220 feet to 345 feet
Density - Hotel	1 unit per 1,000 square feet
Density - Condominium	1 unit per 2,000 square feet
	18 hotel units, 20 condominium units
Building Height	24 feet
Front Yard	10 feet
Side Yard	10 feet
Rear Yard	10 feet
Building Distance	5 feet to 10 feet

- 43. The applicant shall voluntarily pay for the cost of the Movie Colony Street Calming Program and shall pursue private reimbursements from the other participating properties. The City shall not have any obligation or enforcement of such private reimbursement agreements
- 44. The applicant shall agree to the following schedule for development of the proposed project:

Description	Timeline (Date)
All internal demolition	3 months after final map
Submit for final map	Within 1 year of TTM approval
Apply for grading permits	6 months after final map
Secure grading permits	1 year after final map
Submit construction plans	6 months after final map
Apply for building permits	1 year after final map
Complete construction	2 years after final map
Certificate of Occupancy	3 years after final map

**POLICE DEPARTMENT**

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

**BUILDING DEPARTMENT**

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

**FIRE DEPARTMENT**

- 47. Shall comply with all Fire Department codes and regulations

**ENGINEERING DEPARTMENT**

- 48. See Exhibit B

Exhibit "B"

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

**STREETS**

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a Registered Civil Engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any grading or building permits.
3. Tentative Tract Map 31104 proposes a partial abandonment of the south half of the existing right-of-way for Via Altamira adjacent to the project site, to facilitate construction of new bay parking spaces along the Via Altamira frontage. A partial abandonment of Via Altamira right-of-way is not possible, and the proposed improvements within Via Altamira will require the full abandonment of right-of-way, consistent with the "Movie Colony Traffic Calming Program" adopted by the City Council on June 15, 2005.
4. Vacation of right-of-way is required to facilitate the proposed development application. An application for the right-of-way vacation of Via Altamira between Indian Canyon Drive and Via Chica, Gran Via Valmonte between Indian Canyon Drive and Via Chica, and Via Chica between Via Altamira and Via Colusa shall be submitted to the Engineering Division for separate processing and approval, all as necessary to implement the "Movie Colony Traffic Calming Program" adopted by the City Council on June 15, 2005. As necessary, coordinate final relocation, adjustment or abandonment of all utilities with the respective utility companies, and demolition of all existing improvements, reconstruction of affected intersecting streets, and coordination of improvements with adjacent property owners, as appropriate, with the Engineering Division. The right-of-way vacation shall be conditionally approved by the City prior to approval of a final map, and shall not be recorded until completion of the construction of the street improvements necessary to implement the "Movie Colony Traffic Calming Program".
5. The applicant shall be responsible for the design and construction of the street improvements required to implement the "Movie Colony Traffic Calming Program" adopted by the City Council on June 15, 2005. The street improvements have been conceptually outlined by the Engineering Division, and

will be made available to the applicant upon request. The required street improvements to implement the "Movie Colony Traffic Calming Program" are generally listed within these conditions; however, additional requirements may be added at the discretion of the City Engineer as street improvement plans are prepared by the applicant for review and approval by the City Engineer. The applicant is advised that not all required street improvements necessary to implement the "Movie Colony Traffic Calming Program" are specifically listed herein, and that off-site street improvements are required as a condition of this development.

6. The Engineering Division has estimated the total cost of the "Movie Colony Traffic Calming Program" at approximately \$362,000 with an estimated fair share of \$111,000 assigned to the proposed development. The applicant may request to enter into a reimbursement agreement with the City that provides for reimbursement to the applicant from other property owners subject to the "Movie Colony Traffic Calming Program", as identified by the City. Reimbursement shall be determined as the proportionate share of the cost of constructing the street improvements, as approved by the City Engineer, and reimbursement shall be made to the applicant as reimbursements are received, if any, in accordance with the terms of the reimbursement agreement. The developer shall deposit \$2,000 with the Engineering Division for costs associated with preparation of the reimbursement agreement by the City Attorney, and shall be liable for all costs in the preparation thereof.

#### INDIAN CANYON DRIVE

7. Dedicate an additional 20 feet to provide the ultimate half street right-of-way width of 50 feet along the entire frontage, together with a property line - corner cut-back at the northwest and southwest corners of the subject property in accordance with City of Palm Springs Standard Drawing No. 105.
- \*8. Remove the existing 8 inch curb and gutter located 26 feet east of centerline and replace with an 8 inch curb and gutter located 38 feet east of centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the southeast corner of the intersection of Indian Canyon Drive and Via Altamira and at the northeast corner of the intersection of Indian Canyon Drive and Granvia Valmonte, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- \*9. Remove the existing curb return and spandrel at the southeast corner of the intersection of Indian Canyon Drive and Granvia Valmonte, as necessary to coordinate with the "Movie Colony Traffic Calming Program" street improvements.
- \*10. Construct an 8 feet wide cross gutter across the Indian Canyon Drive and Via Altamira intersection, and across the east leg of the Indian Canyon Drive and

Granvia Valmonte intersection, as necessary to coordinate with the "Movie Colony Traffic Calming Program" street improvements, in accordance with City of Palm Springs Standard Drawing No. 200.

- \*11. Remove the existing sidewalk and construct an 8 feet wide sidewalk behind the proposed curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
12. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Indian Canyon Drive and Via Altamira and at the northeast corner of the intersection of Indian Canyon Drive and Granvia Valmonte in accordance with City of Palm Springs Standard Drawing No. 212.
13. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. 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.

#### VIA CHICA

14. Remove the existing asphalt pavement, and construct full width street improvements consisting of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, along Via Chica, from Via Altamira to Via Colusa, in accordance with the "Movie Colony Traffic Calming Program". Street improvements shall consist of a 20 feet wide, one-way street, and 45 feet diameter traffic circles located at the intersections with Via Altamira, Granvia Valmonte, and Via Colusa. Standard curb and gutter, wedge curb, or other approved street edge treatment shall be constructed, as necessary to convey street surface drainage.
15. Proposed bay parking spaces along Via Chica adjacent to this project shall be aligned as necessary to facilitate the one-way southbound direction of Via Chica. Perpendicular bay parking, as proposed, shall not be allowed.
16. The proposed driveway entrance into the open parking garage identified as "Complex C" shall have a minimum width of 24 feet, and shall be constructed of 6 inches of concrete, unless otherwise approved by the City Engineer, from the garage structure to the edge of travel way on Via Chica. The proposed driveway width of 20 feet is not approved.

### VIA ALTAMIRA

17. Remove the existing asphalt pavement, and construct full width street improvements consisting of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, along Via Altamira, from Indian Canyon Drive to east of Via Chica, in accordance with the "Movie Colony Traffic Calming Program". Street improvements shall consist of a 24 feet wide, two-way street, and a 45 feet diameter traffic circle located at the intersection with Via Chica. Standard curb and gutter, wedge curb, or other approved street edge treatment shall be constructed, as necessary to convey street surface drainage.
18. Proposed bay parking spaces along Via Altamira adjacent to this project shall be aligned as necessary to facilitate the two-way direction of Via Altamira. Bay parking shall be aligned perpendicular to the travel way.

### GRANVIA VALMONTE

19. Remove the existing curb and gutter and asphalt pavement, and construct full width street improvements consisting of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, along Granvia Valmonte, from Indian Canyon Drive to Via Chica, and along Valmonte Del Norte and Valmonte Del Sur east of Via Chica, in accordance with the "Movie Colony Traffic Calming Program". Street improvements shall consist of a 24 feet wide, two-way street, and a 45 feet diameter traffic circle located at the intersection with Via Chica. Standard curb and gutter, wedge curb, or other approved street edge treatment shall be constructed, as necessary to convey street surface drainage.
20. Proposed bay parking spaces along Granvia Valmonte adjacent to this project shall be aligned as necessary to facilitate the two-way direction of Granvia Valmonte. Bay parking shall be aligned perpendicular to the travel way.

### SANITARY SEWER

21. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
22. An on-site private sewer system shall be constructed to collect sewage from the development and connect to the existing public sewer system. Sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains shall conform to City sewer design standards. A profile view of the on-site private sewer mains is not necessary provided sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Connection of the on-site private sewer system to the public sewer main shall be connected as a lateral and not to an existing manhole or with a new manhole.

Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

23. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

#### GRADING

24. Submit a Precise Grading Plan prepared by a California registered Civil Engineer or qualified Architect to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
25. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact Elio Torrealba at AQMD at (909) 396-3752, or at [etorrealba@AQMD.gov](mailto:etorrealba@AQMD.gov). A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
26. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; and a copy of Soils Report.
27. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
28. A 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 soils report shall be submitted to the Building Department and to the Engineering Division prior to approval of the Grading Plan.

29. 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. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

30. 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.
31. The project is subject to flood control and drainage implementation fees pursuant to Resolution 14082. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### ON-SITE

32. For on-site bay parking in residential and 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.
33. No structures shall be constructed within existing or proposed public utility easements.

#### GENERAL

34. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within



existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

35. All proposed utility lines shall be installed underground.
36. All existing utilities shall be shown on the grading/street plans. The existing and proposed service laterals shall be shown from the main line to the property line.
37. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing file) and DXF (AutoCAD ASCII drawing exchange file). Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
38. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
39. Contact Whitewater Mutual Water Company to determine impacts to any existing water lines and other facilities that may be located within the property. Make appropriate arrangements to protect in place or relocate any existing Whitewater Mutual Water Company facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Whitewater Mutual Water Company shall be submitted to the Engineering Division prior to issuance of a grading permit.
40. Nothing shall be constructed or planted in the corner cut-off area of any 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.
41. 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 per City of Palm Springs Standard Drawing No. 904.

#### MAP

42. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map

to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

43. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD drawing file), DGN (Microstation drawing file), and DXF (AutoCAD ASCII drawing exchange file). Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

#### TRAFFIC

44. The applicant shall relocate the existing City street lights along the Indian Canyon Drive frontage behind the curb, as part of the widening of Indian Canyon Drive required by this development. The relocated street lights shall have the existing overhead power converted to underground service through installation of underground conduits and pull boxes between the street lights located along the Indian Canyon Drive frontage, subject to the review and approval of the City Engineer. Prior to removal and relocation of existing street lights, contact the City of Palm Springs Facilities Division for requirements related to the removal and relocation of the affected street lights.
45. Submit traffic striping plans for Indian Canyon Drive prepared by a California registered Civil Engineer to the Engineering Division for review and approval. All required traffic striping improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a Certificate of Occupancy.
46. Construction signing, lighting and barricading shall be provided for on all projects as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996, or subsequent additions in force at the time of construction.
47. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

\*Off-Site Improvements Approved For Deferral By Covenant