



## CITY COUNCIL STAFF REPORT

PLANNED DEVELOPMENT DISTRICT

DATE: December 14, 2011

PUBLIC HEARING

SUBJECT: CASE 5.1171 AMND PDD 351: A REQUEST TO AMEND A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT TO CHANGE THE USE FROM CONDOMINIUMS TO TIME-SHARE CONDOMINIUM HOTEL, AT A 12-UNIT CONDOMINIUM PROJECT ON APPROXIMATELY 0.73 ACRES AT 588 SAN LORENZO ROAD. ZONE R-3.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will review an application for an amendment to a previously approved Planned Development District to change the use from Condominiums to Time-share Condominium Hotel, at a 12-unit condominium project on approximately 0.73 acres at 588 San Lorenzo Road. The current amendment proposes no physical changes to the previously approved PDD. The applicant is seeking preliminary and final PDD approval at this time.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING THE PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR CASE 5.1171 AMND PDD 351, SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL IN EXHIBIT "A"."

### PRIOR ACTIONS:

On June 11, 2008, the Planning Commission approved the final PDD for Case 5.1171 PDD 351 / TTM 35544; a conversion of a 13 unit apartment building to a 12-unit Condominium complex. The tract map was established for condominium purposes only; no physical subdivision of land was proposed.

ITEM NO. 1A

On November 9, 2011, the Planning Commission approved the preliminary and final PDD amendment for Case 5.1171 AMND PDD 351 and recommended its approval by the City Council subject to Conditions of Approval.

**BACKGROUND AND SETTING**

The applicant is requesting approval to amend the PD to add Time-share Condominium Hotel as a permitted use within the PD. The project was approved in 2008 as a conversion of a 13-unit apartment building to a 12-unit condominium complex, with off-street parking, landscaping and significant upgrades and renovations to the units and the building. Due to changes in the economy the applicant desires a change in use from condominiums to time-share condominium hotel. The complex contains a swimming pool, parking and landscaping. Originally there were six (6) apartment units on the first floor and seven (7) on the second floor. With the 2008 project, the applicant combined a small one bedroom apartment on the second floor with the front apartment on the first floor to create a total of twelve (12) condominium units. There are no further physical changes being proposed at this time

The project is located in a fully developed part of the city, just south of the Tahquitz Creek Wash where other small hotel uses currently exist.

Table 1: Surrounding Land Uses

	General Plan	Zoning	Land Use
North	High Density Residential	R-3	Church
South	Small Hotel Resort Commercial	R-2	Resort Hotel
East	Small Hotel Resort Commercial	R-3	Multi-Family Residential
West	Mixed Use/Multi-Use	C-1	Vacant

**ANALYSIS**

**General Plan**

The project is consistent with the General Plan. The project site is designated High Density Residential. This designation supports duplexes, townhouses, apartments, and hotels at a density of 15.1 to 30 dwelling units per acre. The project density is 16.4 dwelling units per acre (12 units / 0.73 acre). The project is compatible with existing land uses in the area as identified in Table 1.

The project is supported by General Plan Policy LU 1.4 which encourages the introduction of uses that are of significant importance and contributes exceptional benefits to the City in that it adds time-share units to the existing stock of such units, thereby adding to the inventory and variety of rental units for visitors and tourists.

The project is consistent with General Plan Policy LU 1.10 which encourages appropriately placed high density residential development.

The project is consistent with General Plan Policy LU 2.5 which promotes the consolidation of lots to facilitate infill development.

The project is supported by General Plan Policy LU6.2 which encourages new residential infill development.

### Zoning

The project is zoned R-3 (Multi-Family and Hotel). The project is consistent with the Palm Springs Zoning Code (PSZC) Section 92.04.01 which permits multi-family development in the R-3 zone. PSZO Section 93.15.00 states that Timeshare Condominiums may be approved in the R-3 zone subject to the findings of PSZC Section 94.02.00 (*Conditional Use Permit*). Pursuant PSZO 93.15.00 (B), timeshare condominiums are only permitted in a Planned Development District if expressly described or permitted in the development plan for the district. This PDD amendment seeks approval to incorporate timeshare condominiums as a permitted use in PD 351.

### Condominium Hotel

Pursuant to PSZO Section 93.15.00, condominium hotels are permitted in any zone where hotels and resort hotels are permitted. The R-3 zone in which the subject project is located conforms to this requirement. Condominium hotels must be submitted as a Planned Development District. This PD amendment application conforms to this requirement. Further conditions of approval are proposed subject to the guidelines of the Zoning Code for Condominium Hotels.

### Site Plan and Project Design

The subject site has an existing U-shaped building, associated landscaping, and parking. The center court yard contains a swimming pool, spa and lounge area, and provides 38 feet separation between buildings. Through the original approval of PD 351, the setbacks of the existing building were accepted and established as the approved setbacks for this site.

### Parking, Landscaping and Walls

As part of the previous approval for this project, the applicant has provided redesigned parking for the existing facility. There will be a car port providing shade for 12 of the 22 spaces being provided. The redesign of the parking area provided additional landscaped areas as well as screening of the parking from the public street. The proposed change of use to timeshare condominium hotel use does not require a change in the off-street parking requirements.

### Planned Development District

The applicant is seeking approval of an amendment to the previously approved Planned Development District changing the proposed use from condominiums to time-share

condominium hotel units. Since there are no other physical changes from the previously approved PDD proposed, the applicant is seeking approval of both the preliminary and final PDD at this time.

Conditions for Consideration of approval of a timeshare condominium:

Pursuant to PSZC Section 93.15.00 (E,2) when considering whether to approve an application for a conditional use permit for a timeshare condominium, the Planning Commission (and City Council) shall consider, among other things, the following:

- a. *The impact of the time-sharing project on transient or permanent rental stock;*

The project proposes to add time-share condominium hotel uses to PD 351. With the approval of this amendment, the applicant will be able to market and sell the units as time-share condominiums. Furthermore, with the approval of the condominium hotel use, the units will be available for short term rental. This will in turn contribute to the City's revenue via the Transient Occupancy Tax.

- b. *The impact of time-sharing on present and future city services;*

The proposed use as a time-share condominium hotel is not anticipated to alter the impact on present or future city services. The number of dwelling units is not being changed and municipal services to support time-sharing occupancy should be no different than those required for standard condominium units.

- c. *Nonconformity with current zoning regulations and the general plan, and reasonable conditions to eliminate same;*

The original PD approval is consistent with the City's General Plan and Zoning Ordinance. With the approval of the PD amendment, the project will continue to be consistent with these documents.

- d. *Nonconformity with existing uniform building and fire codes and reasonable conditions to eliminate same;*

The original PD approval involved the renovation of the building, landscaping, and parking; all of which were constructed in accordance with applicable building and zoning codes and regulations. Minor regulatory changes which have occurred since the 2008 approval have been incorporated into the Conditions of Approval associated with this application.

- e. *The sign program proposed for the project;*

The project will be conditioned to apply for separate applications for all signage on the site.

*f. The landscaping proposed for the project;*

The landscaping is being installed in accordance with the previously approved plans.

*g. Traffic circulation and parking;*

The project relates to surrounding streets and thoroughfares in an acceptable manner and the proposed change in use will pose no new adverse impacts to traffic and circulation in the vicinity of the project site.

*h. The applicant's description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the time-share project; and*

*i. The desirability of requiring an office of the managing agent or agency be located locally or on-site, as appropriate;*

CC&R's will be reviewed and approved by the City Attorney as a condition of approval.

*j. Any other factors deemed relevant and any other information which the commission or the applicant considers necessary or desirable to an appropriate and proper consideration of the application.*

A draft set of Conditions of Approval is attached to this staff report. The City Council may add, delete or change these as may be appropriate.

## REQUIRED FINDINGS

### Planned Development District Findings:

The provisions of Section 94.03.00(B) (*Planned Development District*) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development.

Furthermore, Timeshare Condominiums and Condominium Hotels are regulated under Section 93.15.00 (*Use or occupancy of land on a "time-share" basis*) and Section 93.15.10 (*Condominium Hotels*) of the Palm Springs Zoning Code. Additional findings are noted below.

Findings are hereby made in support of amending the Planned Development District as follows:

- 1. The proposed planned development is consistent and in conformity with the*

*General Plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

This PDD amendment requests approval to change the proposed use of the subject property from Condominiums to Time-share Condominium Hotels. This proposal is in conformity with the density of the General Plan and the development standards and permitted uses for the R3 Zone.

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

The proposed land uses are deemed to be desirable for the public welfare and convenience by providing added inventory of a unique type of hotel product to the existing inventory of hotel/guest units in the city. The facility has been vacant for several years and will contribute Transient Occupancy Tax revenue to the City.

- 3. 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 proposed development is similar to the character and design of the existing developments in the area. The proposal does not add any additional structures to the site and with the previously approved PD project, reduced the density of the site from thirteen apartment units to twelve condominium units. There will be twelve time-share condominium hotel units with this proposed PD amendment.

The 0.73 acre site will adequately accommodate the proposed use and is provided with adequate landscaping, open space, and off-street parking.

- 4. 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 subject site currently is developed and has an established street network adequately servicing the site. The traffic generated by the proposed request would not increase since the previously approved PD was to covert from thirteen existing apartment units to twelve condominium units. The current PD amendment retains the 12 units.

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

A set of Conditions of Approval are attached to the draft resolution of approval as Exhibit "A".

Condominium Hotel Findings

Pursuant to PSZC Section 93.15.10 (C), in approving this planned development district amendment to add condominium hotel uses, the Planning Commission (and City Council) shall make the following findings:

- 1 *CC&Rs and/or other documents satisfactory to the director of planning services and city attorney will be recorded to ensure the long term maintenance and operation of the condominium hotel in accordance with this chapter and the terms of any permits or approvals issued for the condominium hotel and to provide notice to future purchasers of the city's right to enforce the CC&Rs and/or other documents, this chapter, and the terms of any permits or approvals issued for the condo-hotel.*

The applicant will submit draft CC&R's to the City Attorney for review and approval prior to recordation of the final Tract Map. A condition of approval has been incorporated denoting that the CC&R's will be recorded and the terms of any permits and/or other documents related to the long term maintenance and operation of the condominium hotel.

- 2 *The proposed condominium hotel does not involve the conversion or the replacement of a hotel, resort hotel, or hotel or resort hotel units, constructed on or before July 1, 2007.*

The subject project does not involve the conversion or replacement of an existing hotel.

Tentative Tract Map Findings:

The Tract Map is not revised with this amendment application. The Tentative Tract Map was approved in 2008 and due to automatic time extensions granted by the State of California, the 2008 approval is still valid. No further findings are required at this time.

CONCLUSION:

The previously approved PD established a twelve unit condominium project with off, street parking, landscaping, and open space. The proposed amendment to the PD would establish the subject property as a Time-share Condominium Hotel. Staff believes the findings necessary for approval of a Time-share Condominium Hotel have been affirmatively made. A draft set of conditions of approval are provided to further assure effective long term maintenance and operation of the Time-Share Condominium Hotel. Staff therefore recommends approval of the requested amendment to Planned Development District 351 subject to conditions of approval shown in Exhibit A.


## ENVIRONMENTAL ASSESSMENT

Pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Existing Facilities), the division of existing multiple-family residences into common-interest ownership, where no physical changes occur, which are not otherwise exempt, are Categorically Exempt.

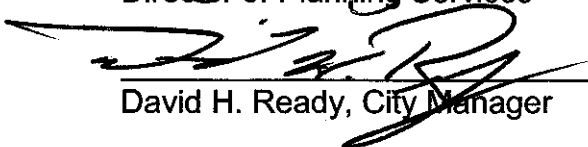
## NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.

FISCAL IMPACT: No fiscal impact.

  
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Craig A. Ewing, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Thomas Wilson, Assistant City Manager

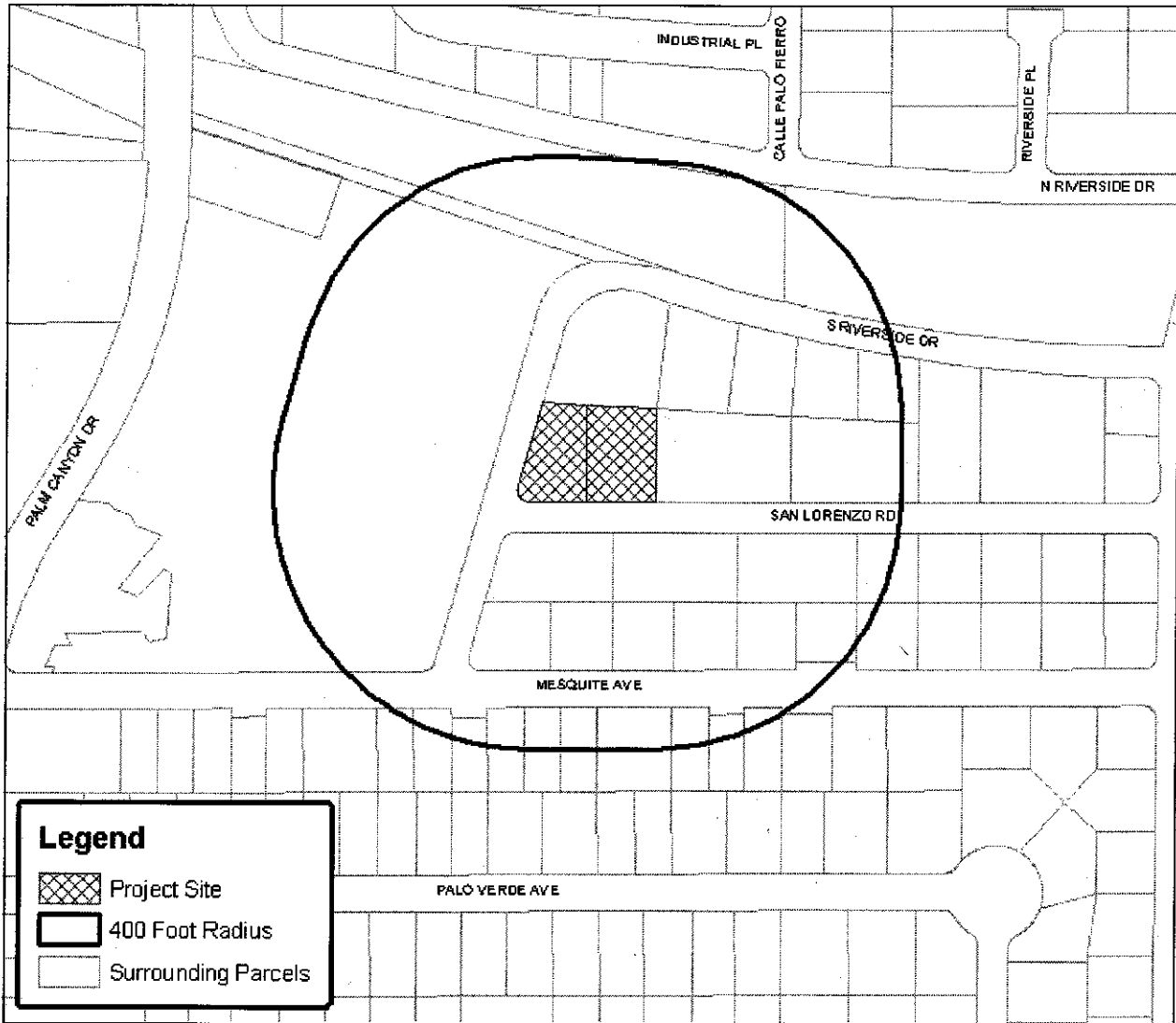
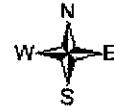
  
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David H. Ready, City Manager

## ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Draft Conditions of Approval
4. Excerpt of Planning Commission minutes of November 9, 2011
5. Planning Commission Staff Report dated November 9, 2011
6. Approved site plan from 2008 approval



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1171 PDD 351  
AMND

**APPLICANT:** Greg Loehr for San  
Lorenzo Pride LLC

**DESCRIPTION:** An amendment to add Time-share  
Condominium Hotel uses to the list of approved uses  
for a previously approved Planned Development  
District 351 for a 12-unit condominium project located  
at 588 San Lorenzo Road, zoned R-3, Section 23,  
APN: 508-191-013.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT AMENDMENT FOR CASE 5.1171 PD 351 AMND, TO ADD TIME-SHARE CONDOMINIUM HOTEL USES TO THE LIST OF PERMITTED USES IN PD 351, AT AN EXISTING 12-UNIT CONDOMINIUM PROJECT LOCATED AT 588 SAN LORENZO ROAD, ZONE R-3, SECTION 23.

WHEREAS, Doug Leohr of San Lorenzo Pride LLC has filed an application with the City pursuant to the Palm Springs Municipal Code Section 94.03.00 (Planned Development District) and pursuant to the Palm Springs Zoning Code Section 93.15.00 (Timeshare Condominium) and 93.15.10 (Condominium Hotel) for an amendment to a previously approved Planned Development District No. 351 to add Timeshare Condominium Hotel uses to the permitted uses within PD 351 for a 12-unit condominium complex located at 588 San Lorenzo Road, Zone R-3 Section 23; and

WHEREAS, notice of the public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1171 PD 351 AMND, was given in accordance with applicable law; and

WHEREAS, on November 9, 2011, a public hearing on the application Case 5.1171 PD 351 AMND was held by the Planning Commission in accordance with applicable law, and

WHEREAS, the project has been reviewed under the guidelines of the California Environmental Quality Act and has been deemed Categorical Exempt under the provisions of Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA").

WHEREAS, at the said public hearing, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the meeting on the Project, including but not limited to the staff report and all written and oral testimony presented and voted 5-0 (Hudson absent) to approve the preliminary and final PDD and recommend approval by the City Council.

WHEREAS, notice of the public hearing of the City Council of the City of Palm Springs to consider Case 5.1171 PD 351 AMND, was given in accordance with applicable law; and

WHEREAS, on December 14, 2011, a public hearing on the application Case 5.1171 PD 351 AMND was held by the City Council in accordance with applicable law, and

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

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1 The project has been reviewed under the guidelines of the California Environmental Quality Act (CEQA) and has been deemed Categorical Exempt under the provisions of Section 15301 (Existing Facilities).

Section 2 Planned Development District Findings: The provisions of Section 94.03.00(B) (*Planned Development District*) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions set forth in Section

94.02.00 (Conditional Use Permit), the General Plan and sound community development.

Findings are hereby made in support of amending the proposed Planned Development District as follows:

1. *The proposed planned development is consistent and in conformity with the General Plan pursuant to Sections 94.07.00 (A)(1) and 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

This PDD amendment requests approval to change the proposed use of the subject property from Condominiums to Time-share Condominium Hotels. This proposal is in conformity with the density of the General Plan and the development standards and permitted uses for the R3 Zone.

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

The proposed land uses are deemed to be desirable for the public welfare and convenience by providing added inventory of a unique type of hotel product to the existing inventory of hotel/guest units in the city. The facility has been vacant for several years and will contribute Transient Occupancy Tax revenue to the City.

3. *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 proposed development is similar to the character and design of the existing developments in the area. The proposal does not add any additional structures to the site and with the previously approved PD project, reduced the density of the site from thirteen

apartment units to twelve condominium units. There will be twelve time-share condominium hotel units with this proposed PD amendment.

The 0.73 acre site will adequately accommodate the proposed use and is provided with adequate landscaping, open space, and off-street parking.

4. *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 subject site currently is developed and has an established street network adequately servicing the site. The traffic generated by the proposed request would not increase since the previously approved PD was to covert from thirteen existing apartment units to twelve condominium units. The current PD amendment retains the 12 units.

5. *The conditions to be imposed and shown on the approved site plan, and other conditions of approval attached, are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards under the Planned Development District.*

A set of Conditions of Approval are attached to the draft resolution of approval as Exhibit "A".

**Section 3:** Condominium Hotel Findings Pursuant to PSZC Section 93.15.10 (C), in approving this planned development district amendment to add condominium hotel uses, the Planning Commission (and City Council) shall make the following findings:

- 1 *CC&Rs and/or other documents satisfactory to the director of planning services and city attorney will be recorded to ensure the long term maintenance and operation of the condominium hotel in accordance with this chapter and the terms of any permits or approvals issued for the condominium hotel and to provide notice to future purchasers of the city's right to enforce the CC&Rs and/or other documents, this chapter, and the terms of any permits or approvals issued for the condo-hotel.*

The applicant will submit draft CC&R's to the City Attorney for review and approval prior to recordation of the final Tract Map. A condition of approval has been incorporated denoting that the CC&R's will be recorded and the terms of any permits and/or other documents related to the long term maintenance and operation of the condominium hotel.

2. *The proposed condominium hotel does not involve the conversion or the replacement of a hotel, resort hotel, or hotel or resort hotel units, constructed on or before July 1, 2007.*

The subject project does not involve the conversion or replacement of an existing hotel.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves the amendment to preliminary and final Planned Development District 351 submittal as Case 5.1171 PD351 AMND, adding Time-share Condominium Hotel uses to the list of permitted uses within this PDD; subject to the conditions of approval in exhibit "A".

ADOPTED this 14<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
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, California, do hereby certify that Resolution No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on December 14, 2011 and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California \

RESOLUTION NO.

**EXHIBIT A**

Case 5.1151 PDD 341 AMND TTM 35544 AMND  
Timeshare Condominium Hotel Uses at  
588 San Lorenzo Road  
December 14, 2011

**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**

- ADM 1. Project Description. This approval is for the project described per Case 5.1171 PDD 351 TTM 35544 AMND; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the plans approved with the June 11, 2008 entitlement, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved conditions below.
- ADM 3. Conform to all Codes and Regulations. 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.
- ADM 4. Minor Deviations. 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.
- ADM 5. Tentative Map. This approval is for associated Tentative Tract Map 35544 located at 588 San Lorenzo Road. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 6. 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 5.1171 AMND PDD 351 TTM 35544. 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.

- ADM 7. 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.
- ADM 8. Time Limit on Approval. Approval of the Planned Development District (PDD) and Tentative Tract Map (TTM) 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. Extensions of time on the Tentative Tract map may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.
- ADM 9. 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.
- ADM 10. Public Art Fees. 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.

ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 12. Community Services District. The Project will bring a significant number of 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 Code 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.

ADM 13. CC&R's 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 for approval in a format to be approved by the City Attorney. These 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

CC&R's.

ADM 14. 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.

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 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 16. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 18. Condominium Hotel Regulations. Pursuant to Zoning Code Section 93.15.10.(D) the following regulations are required for all Condominium Hotels:

- a. It is the intent of this section to ensure that condominium hotels are operated and governed in substantially the same manner as hotels and or resort hotels. The provisions of this section are designed to protect and preserve the density requirements mandated in districts where hotels and resort hotels are allowed, as well as preserving future land uses for short term transient accommodations made available to the general public, visitors, and tourists. The regulations in this section are intended to ensure that the land use and business operation of condominium hotels remain an exclusively commercial enterprise. The provisions of this section are in addition to the regulations relating to hotel or resort hotel development found elsewhere in the Zoning Code.
- b. All units in a condominium hotel may be used only for short term transient accommodations.
- c. Licensing will be required of all condominium hotels through all applicable state and local agencies. All licenses must be kept current.
- d. A unified management operation shall be required as an integral part of the condominium hotel for all activities.
- e. There shall be a lobby/front desk area where all guests and condo hotel unit owners must register with the hotel operator upon arrival and departure, as in a

- hotel or resort hotel.
- f. There shall be a uniform key entry system operated by the condominium hotel manager to receive and disburse keys for each condominium hotel unit.
  - g. There must be one central telephone system operated by the condominium hotel manager in order to access each condominium hotel unit.
  - h. All condo hotel units shall be subject to the provisions of Chapter 3.28 of the Palm Springs Municipal Code relating to the imposition and collection of transient occupancy taxes. Each condo hotel owner that allows the rental of his or her condo hotel unit, either individually, through a rental agent, or through participation in a rental program, is subject to the provisions of Chapter 3.28 of the Palm Springs Municipal Code. The per diem transient occupancy tax constitutes a lien by the city of Palm Springs and the city has the right but not the duty to foreclose on a condo hotel unit for non-payment of taxes due.
  - i. Use of a condo hotel unit arising out of an exchange program with an affiliated hotel property or the redemption of brand-related rewards or loyalty points shall be subject to transient occupancy tax per Municipal Code Chapter 3.28 based on the equivalent daily rental value for that room exchanged free of charge or otherwise reduced in the program. Such use shall not be considered personal use by the condo-hotel owner.
  - j. Condo hotel units shall not be used for homesteading purposes, home occupational licensing, voter registration or vehicle registration.
  - k. As a commercial use, condominium hotels are to be entitled under the hotel land use standards in any zone that allows the development of a hotel or resort use; included in these standards are density, parking standards, payment of in-lieu park fees ("Quimby" fees), and assessment of the public safety community facilities district.
  - l. Nothing in this section allows for the creation of time-share or fractional interests in any condo hotel unit.
  - m. All condominium hotels must have approved signage viewable by the general public designating the property as a hotel or resort hotel.
  - n. A condo-hotel unit may be used for personal use of the condo-hotel unit owner. Such personal use shall not exceed seventy-five (75) days in any consecutive twelve (12) month period nor shall a condominium hotel unit be occupied by a condo-hotel unit owner for more than twenty-eight (28) consecutive days. Owners may delegate their right of use and occupancy directly or through an exchange program. At all other times, units shall be used for short term transient occupancy purposes only. If a condo hotel owner exceeds the seventy-five (75) days of personal use restrictions described in this subsection, the owner shall be subject to an assessment for each day in excess thereof payable to the city in an amount as the council may adopt and amend by resolution or as may be otherwise addressed as a condition of approval at the time of the planned development district approval.
  - o. Each condo-hotel unit owner, the owners' association, and condominium hotel manager or any other rental entity shall maintain and regularly make available to city such information, books, records, and documentation, and also shall allow reasonable access to individual units, as the city finds necessary to have or review in order to ensure that city may determine the condominium hotel's

- compliance with this section and other applicable city laws, regulations, project conditions, and mitigation measures. The original and every subsequent condominium hotel manager or other rental entity renting condo-hotel units shall immediately advise the director of planning services of its name, qualifications, address, telephone number, and the name of a contact person.
- p. Any change or amendment to the CC&Rs shall require the approval of the Palm Springs city council.
  - q. An owners' association shall be established to govern, maintain, and operate the condominium hotel and its services including but not limited to housekeeping for all public areas (including lobby and hallways), front desk, concierge services, and other hospitality services as provided in a hotel or resort hotel and in accordance with CC&Rs satisfactory to the city. The CC&Rs, as well as other relevant documents, shall require all portions of the condo-hotel including, but not limited to, landscape and open space areas; lobby; hallways; parking; banquet/ballroom facilities; conference; restaurant; retail; parking; recreational; and spa facilities; and other amenities and improvements (collectively "amenities"), as well as the individual condominium hotel units, their furniture, fixtures, equipment, to be maintained and operated in accordance with first class hotel standard.
  - r. The CC&Rs shall require the owners' association to hire a single qualified professional management entity to maintain and operate the condo-hotel. The initial management entity shall have at least five (5) consecutive years of experience in the hotel management business in hotels that meet the first class standard and have at least five (5) other properties (nationally or internationally) under current management. The city shall be provided appropriate documentation to demonstrate that the management entity meets the requirements of this section. The city council may modify the experience standards for the initial management, or any subsequent management entity upon finding that the management entity has substitute experience meeting the interests served by the standards. The CC&Rs shall give the owner's association and management entity the right, power, and obligation to enforce the first class standard including, without limitation, the right to enter any portion of the condominium hotel, including individual condo-hotel units, and cure any failure to meet the first class standard. The management entity shall offer transient rental services to all condo-hotel unit owners.
  - s. The CC&R's shall give the condominium hotel manager the exclusive right to provide to the condominium hotel, the property, and to unit owners, lessees, and other occupants, any or all "on property" services commonly provided at first class hotels, restaurants, and resorts, including without limitation, reservation programs, maid and housekeeping services, maintenance, laundry and dry cleaning, room service, catering and other food and beverage services, massage, and personal training and other spa services. The use of such services, if offered, shall be conditioned upon payment of such charges or fees as may be imposed on unit owners or hotel guests by the condominium hotel manager. The CC&Rs shall include mandatory and uniform maintenance requirements for condo-hotel units. The owners' association and its designees shall have the exclusive right to restrict and control access to any and all

- shared facilities within the condominium hotel, provided the same does not restrict a unit owner's right of access to its own unit. The condominium hotel manager shall monitor and document the use of each and all of the hotel units.
- t. All condominium hotels must have customary daily maid services, back of house services, and other hospitality services.
  - u. In addition to any other prohibition at law, including, without limitation, any other provision of the Palm Springs Municipal Code or the Zoning Code, condominium hotels and/or condo-hotel units shall not be converted to any other use without the approval of the city council.

### **ENVIRONMENTAL ASSESSMENT CONDITIONS**

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. Does not apply.
- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorical Exempt from CEQA).
- ENV 3. 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.

### **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 and all other water efficient landscape ordinances. 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. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

- 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.
- 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.
- 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. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
  - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
  - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

PLN 14. (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, all appropriate permits must be secured.

#### **ENGINEERING DEPARTMENT CONDITIONS**

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**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

#### **SAN LORENZO ROAD**

- ENG 2. Remove the existing street improvements (curb, gutter, sidewalk, and driveway approaches) as necessary to construct a wedge or roll curb 20 feet north of centerline along the entire project frontage.
- ENG 3. Construct a sidewalk from back of curb to property line along the entire

frontage in accordance with City of Palm Springs Standard Drawing No. 210.

- ENG 4. Construct street improvements in accordance with applicable City standards as required by the City Engineer.
- ENG 5. 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). Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 6. Construct pavement as necessary with a minimum pavement section of 3 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 300. 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.

#### RANDOM ROAD

- ENG 7. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

- ENG 8. The minimum pavement section for all on-site pavement (for drive aisles and parking spaces) shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 9. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

#### SANITARY SEWER

- ENG 10. All on-site sewer systems shall be privately maintained.

#### GRADING

- ENG 11. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
- 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 has 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 AQMD at (909) 396-3752, or at [www.AQMD.gov](http://www.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 Precise Grading and Paving Plan.
  - The first submittal of the Precise Grading and Paving 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 project.
- ENG 12. Prior to approval of the Grading Plan or issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 14. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be

submitted to the Engineering Division with the first submittal of a grading plan.

- ENG 15. 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

- ENG 16. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to San Lorenzo Road or Random Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 17. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any). Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 18. All on-site storm drain systems shall be privately maintained.

#### GENERAL

- ENG 19. 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.
- ENG 20. All proposed utility lines shall be installed underground.
- ENG 21. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the north and west property lines, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 22. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 23. 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 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. 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.

- ENG 24. 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 final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 25. 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.
- ENG 26. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### MAP

- ENG 27. 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 parcels 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.
- ENG 28. 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 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. 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

- ENG 29. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the San Lorenzo Road and Random Road frontages of the subject property.
- ENG 30. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

#### **FIRE DEPARTMENT CONDITIONS**

No new conditions.

#### **(REVISED CONDITIONS pursuant 6-11-08 Planning Commission Hearing.)**

- FID 1 Premises Identification: Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
- FID 2 Plot Plan: Prior to completion of the project, an 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
- FID 3 Road Design: Fire apparatus access into parking area shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC). The minimum inside turning radius into the parking area is 30 feet, with an outside radius of 45 feet.
- FID 4 Access Gates: Fire/Police/Ambulance access gates shall be at least 14' in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
- FID 5 Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. Plan shows Palm Trees that must not restrict vertical clearance. (902.2.2.1 CFC)

- FID 6 Building or Complex Gate Locking Devices: Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
- FID 7 Key Box Contents: The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
- FID 8 Fire Flow: The available fire flow of the existing water main is 1,250 GPM. Current California Fire Code Section 508.3 (Fire Flow) and Appendix B (Fire Flow Requirements) Table B105 set forth the fire flow requirements for this project at 3,500 GPM from four (4) hydrants. Applicant will need to upgrade water mains to meet required fire flow demands.
- FID 9 A fire flow reduction of fifty percent (50%) can be obtained with the installation of a NFPA 13R residential fire sprinkler system.
- FID 10 Operational Fire Hydrants: An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
- FID 11 Residential Smoke Detector Installation: Provide Residential Smoke Detectors. Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
- FID 12 Trash Container Protection: If trash container space is within 5 feet of a building wall provide information on the type and size of trash container to be stored there. If it is a dumpster with a capacity of 1.5 cubic yards or greater, then the container must be protected by an approved automatic fire sprinkler. (1103.2.2 CFC)
- FID 13 Fire Extinguisher Requirements: Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is along the path of exit travel or near an exit door. Extinguishers located outdoors must be installed in weather and vandal resistant cabinets approved for this purpose.
- FID 14 Fencing Required: Construction site fencing with 20 foot wide access gates is

required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)

FID.15 Access During Construction: Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)

**END OF CONDITIONS**

**Motion Philip Klatchko, seconded by J.R. Roberts and unanimously carried 5-0 on a roll call vote.**

**AYES:** Tracy Conrad, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson

**ABSENT:** Leslie Munger

**1A. Minutes of October 26, 2011.**

Approved, as part of the Consent Calendar.

**1B. Case SF 11-010 Sign Program - A request by 7-Eleven to implement a sign program for the multi-tenant commercial building located 150 West Vista Chino Road, Zone C-1 & R-3, Section 3. (Project Planner: David A. Newell, Associate Planner)**

Approved, as part of the Consent Calendar.

**2 PUBLIC HEARING:**

**2A. Case 5.1171 AMND PD 351 / TTM 35544 - A request to amend a previously approved Planned Development District to add Timeshare Condominium Hotel uses to the list of permitted uses in the PDD for a 12-unit condominium project on approximately 0.73 acres located at 588 San Lorenzo Road. (Project Planner: Ken Lyon, Associate Planner)**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated November 9, 2011.

Chair Donenfeld opened public comments:

-Lance Robutz, project manager, was available for questions from the Commission.

There being no further comments public comments was closed.

Commissioner Klatchko requested staff address the impact the time-share use would have on the surrounding neighborhood. Mr. Lyon explained the time-share use is comparable to vacation rentals allowed for condominium use and staff found no noticeable impacts to the neighborhood.

The Commission discussed the increase in traffic and use for time-share occupancy and the required conditions for condominium use.

Vice Chair Hudson noted that this area is mostly transient use and the time-share use is compatible with the neighborhood.

**ACTION:** To approve preliminary and final development plans for Case 5.1171 PD351 AMND and recommend approval to the City Council, subject to Conditions of Approval.

**Motion J.R. Roberts, seconded by Vice Chair Hudson and unanimously carried 5-0 on a roll call vote.**

**AYES:** Tracy Conrad, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson

**ABSENT:** Leslie Munger

**PLANNING COMMISSION COMMENTS:**

Commissioner Klatchko requested clarification on the sign ordinance relating to size of signs.

Commissioner Conrad requested staff follow-up on the three following locations:

1. The granite and marble repaint of the architectural element at the KFC Restaurant on Sunny Dunes and Palm Canyon Drive.
2. Building repaint of a 1960's modern building on Palm Canyon Drive (across the street from Stein Mart).
3. A dead palm tree adjacent to the Rite Aid store on Sunrise Way.

Commissioner Klatchko brought up an article on the changes made to the traffic median for the Morrison Development on Alejo Road and Avenida Caballeros. Director Ewing provided background information on the conditions of the map for the construction of the median and the applicant's request to delete the median.

Commissioner Klatchko reported a "no parking sign" without a red curb directly adjacent to the Morrison project on the south side of Avenida Caballeros.

Commissioner Roberts requested an update on the changes to the former Santa Fe Federal building. Director Ewing explained the modifications to the exterior and interior of the building.

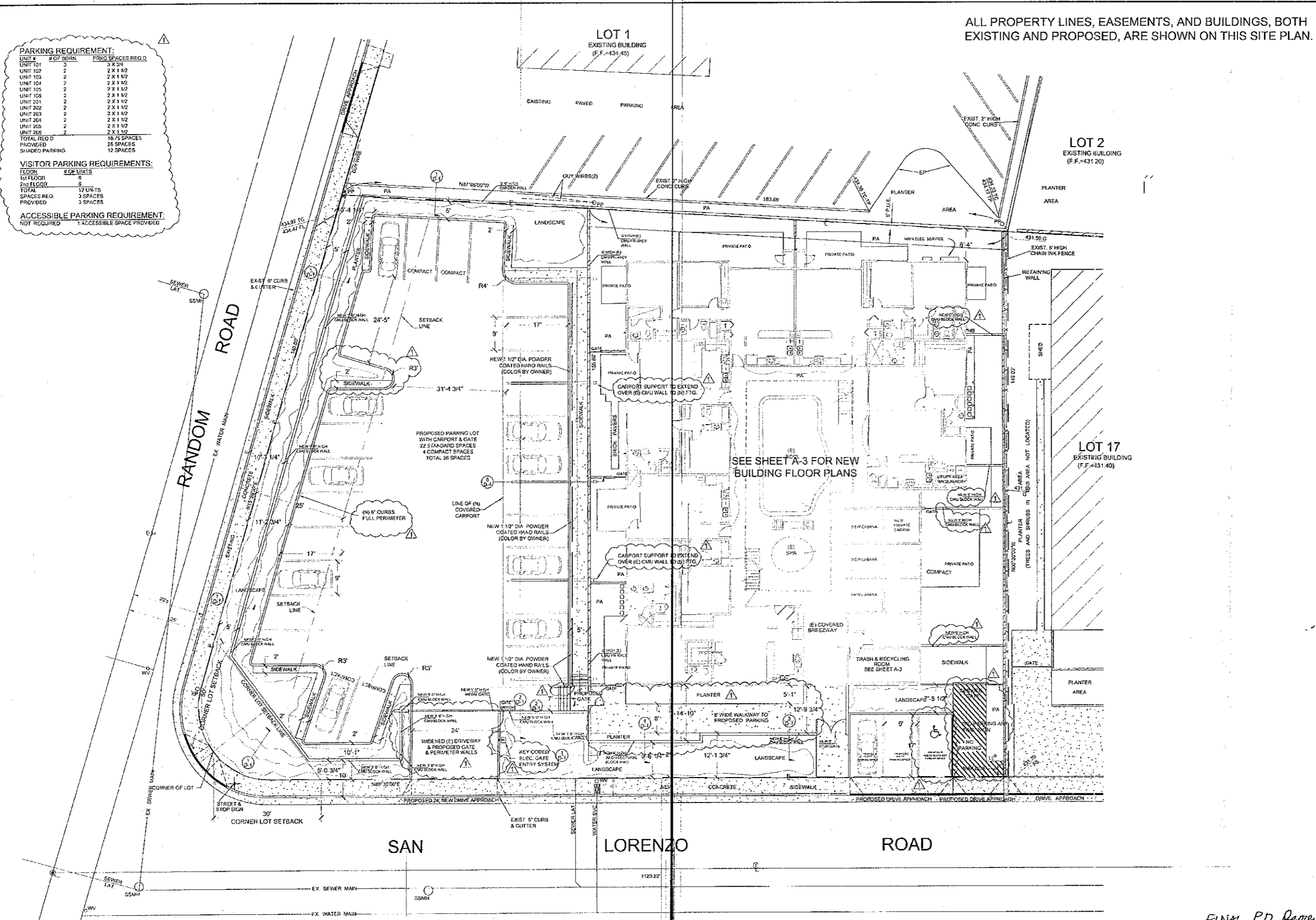
**PARKING REQUIREMENT:**

UNIT #	# OF UNITS	PARKING SPACES REQ'D
UNIT 101	2	3 X 3/4
UNIT 102	2	2 X 1 1/2
UNIT 103	2	2 X 1 1/2
UNIT 104	2	2 X 1 1/2
UNIT 105	2	2 X 1 1/2
UNIT 106	2	2 X 1 1/2
UNIT 201	2	2 X 1 1/2
UNIT 202	2	2 X 1 1/2
UNIT 203	2	2 X 1 1/2
UNIT 204	2	2 X 1 1/2
UNIT 205	2	2 X 1 1/2
UNIT 206	2	2 X 1 1/2
TOTAL REQ'D		18 1/2 SPACES
PROVIDED		26 SPACES
SHADED PARKING		12 SPACES

**VISITOR PARKING REQUIREMENTS:**

FLOOR	# OF UNITS
1st FLOOR	8
2nd FLOOR	8
TOTAL	12 UNITS
SPACES REQ.	3 SPACES
PROVIDED	3 SPACES

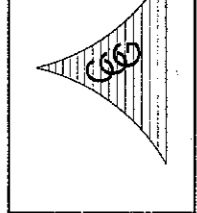
**ACCESSIBLE PARKING REQUIREMENT:**  
NOT REQUIRED 1 ACCESSIBLE SPACE PROVIDED



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

#	DATE	REVISION	BY
1	5/17/08	FOR APPROVAL	KMK
2	5/20/08	PLAN CHECK	KMK

**CONCORDE CONSULTING GROUP, INC.**  
(CONSULTING ENGINEERS)  
3605 CAMINO DEL RIO SOUTH #350  
SAN DIEGO CA, 92108  
PH: (619) 516-3377 FAX: (619) 516-3388  
SATELLITE OFFICE: PALM SPRINGS, CA  
PH: (760) 322-8626 FAX: (760) 416-1893



The contractor shall verify and be responsible for all dimensions and conditions on the job and this office must be notified in writing of any variation from the dimensions and conditions shown by these drawings.

PREPARED FOR:  
**SAN LORENZO CONDOS**  
588 SAN LORENZO ROAD  
PALM SPRINGS, CALIFORNIA 92264

SHEET TITLE  
**PROPOSED SITE PLAN**

SCALE	1" = 10'-0"
DRAWN BY	ADDS
CHECKED BY	KMK
START DATE	3-7-08
ISSUE	08-020
SHEET NUMBER	

*FINAL PD Review*  
CITY OF PALM SPRINGS  
APPROVED BY PLANNING COMMISSION  
Case # 5-177 *San Lorenzo*  
APPROVED BY CITY COUNCIL  
Case # 08-020  
Resolution # 08-020  
APPROVAL SUBJECT TO ALL REQUIRED CONDITIONS BY ABOVE BODIES

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



**CITY CLERK'S DEPARTMENT**

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Meeting Date: December 14, 2011  
Subject: PLANNED DEVELOPMENT DISTRICT (PDD) TO ADD TIMESHARE  
CONDOMINIUM HOTEL USES TO THE LIST OF PERMITTED USES  
IN THE PDD FOR A 12-UNIT CONDOMINIUM COMPLEX AT 588  
SAN LORENZO ROAD

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**AFFIDAVIT OF MAILING**

I, Kathie Hart, CMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on November 30, 2011, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (80 notices)

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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 3, 2011.


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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Dolores Strickstein, Secretary, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on December 1, 2011.

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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

CITY COUNCIL  
CITY OF PALM SPRINGS  
NOTICE OF PUBLIC HEARING

CASE NO. 5.1171 PDD 351 AMND  
AN AMENDMENT TO PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 351  
588 SAN LORENZO ROAD

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 14, 2011. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider an amendment to a previously approved Planned Development District (PDD) to add Timeshare Condominium Hotel uses to the list of permitted uses in the PDD for a 12-unit condominium complex at 588 San Lorenzo Road, Zone R-3, Section 23.

**ENVIRONMENTAL DETERMINATION:** This project is categorically exempt from environmental review pursuant to Section 15315 (Minor Land Alterations) of the California Environmental Quality Act (CEQA), whereas the proposed Tentative Tract Map meets the conditions outlined for Minor Land Alterations.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this are available for public review at City Hall from between 8:00 a.m. to 11:00 p.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

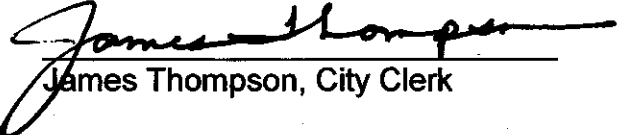
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (mail or hand delivery) to:

James Thompson, City Clerk  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

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

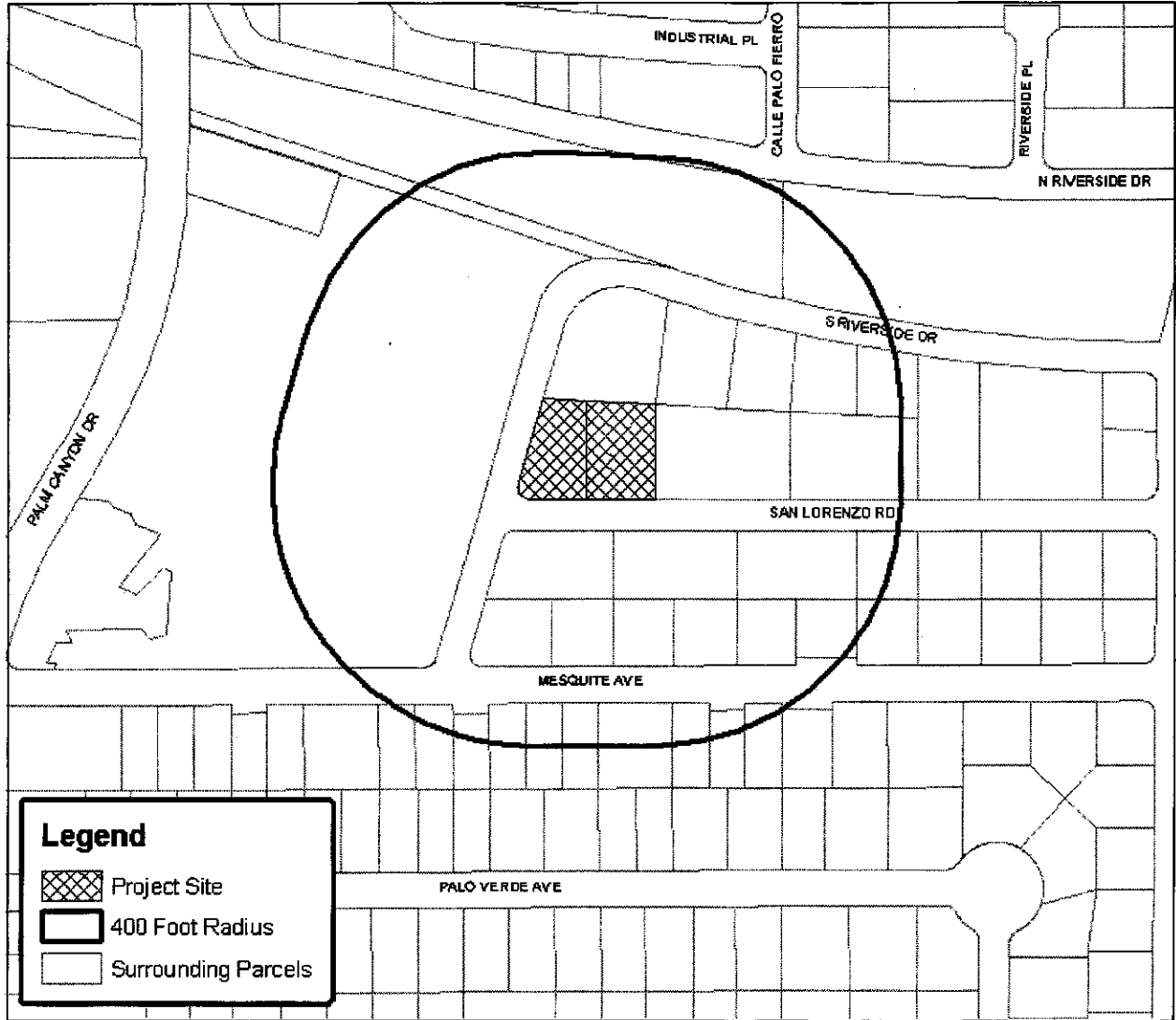
An opportunity will be given at said hearings for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger (760) 323-8364.

  
James Thompson, City Clerk



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1171 PDD 351  
AMND

**APPLICANT:** Greg Loehr for San  
Lorenzo Pride LLC

**DESCRIPTION:** An amendment to add Timeshare  
Condominium Hotel uses to the list of approved uses  
for a previously approved Planned Development  
District 351 for a 12-unit condominium project located  
at 588 San Lorenzo Road, Zoned R-3, Section 23, APN  
508-191-013.