



CITY COUNCIL STAFF REPORT

DATE: March 15, 2017

CONSENT AGENDA

SUBJECT: SUNLIGHT PEAK LLC (DBA: "EPIC HOTEL"), FOR A CONDITIONAL USE PERMIT TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS, LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3 (CASE 5.1404 CUP).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY:

This is a request for approval of a Conditional Use Permit (CUP) to allow an existing apartment complex to be converted to an (8) unit boutique hotel with kitchens. A CUP is required when more than 10% of the rooms contain kitchen facilities. The project is to be called the "EPIC Hotel."

The Planning Commission reviewed the CUP application on February 8, 2017, and approved the application subject to conditions. This item has been brought forward to City Council pursuant to Section 94.10.00 of the Palm Springs Zoning Code, which allows any member of the City Council to initiate a review of any decision of the Planning Commission that is final action. On March 1, 2017, the City Council reviewed the CUP request, and voted to approve the application subject to additional conditions. Staff has prepared a Resolution and Conditions of Approval reflecting the City Council action on March 1st.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1404 CUP, A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS AT 275 EAST TAMARISK ROAD."

STAFF ANALYSIS:

This item was forwarded to the City Council pursuant to Section 94.10.00, which states as follows:

"Any member of the City Council may initiate a review of any planning or zoning decision of the planning commission not otherwise before the City

ITEM NO. 1.G.

Council by giving notice thereof to the City Clerk within the time for filing of a notice of review as prescribed by Section 2.06.030 of the Palm Springs Municipal Code."

Following the Planning Commission meeting where the item was considered, the City Clerk received notice from Councilmember Kors to review the Planning Commission's decision to approve the application. Based on this request, the item was noticed for a public hearing before the City Council on March 1, 2017.

The application involves the conversion of an existing nine (9) unit apartment complex to an eight (8) unit hotel facility. No additional square footage is proposed; the existing buildings will be renovated and updated, the new landscaping will be installed, the swimming pool will be replaced, and solar panels will be placed on the roof. Pursuant to Palm Springs Zoning Code (PSZC) Section 92.04.01(D), a CUP is required as all of the hotel rooms will have kitchen facilities. A full analysis of the application is provided in the accompanying Planning Commission Staff Report, which is included as Attachment #2 to this report.

The Planning Commission reviewed the application at their meeting of February 8, 2017, and found the application to be consistent with the requirements of the R-3 zoning district and the criteria for approval of a CUP application. However, concerns were raised by Planning Commission members about the loss of affordable housing stock and provisions made to assist any existing tenants with relocation needs.

Relative to the loss of housing stock, staff provided the goal statements from the Housing Element of the General Plan to the Planning Commission members:

Goal HS2.10:

"Ensure that proposals for the conversion of apartments into condominiums are evaluated on an individual, case by case basis and that no loss of existing affordable housing units occurs as a result of conversion".

Goal HS2.6:

"Preserve At-Risk Units. The City is committed to preserve its stock of multiple-family affordable housing, some which is at risk of conversion and/or needs significant renovation and improvement. The City is committed to facilitating preservation of affordable housing through technical assistance and providing financial assistance when feasible. 5-Year Objective: Monitor the status of affordable units that may become at-risk of conversion; and the City will work with tenants of at-risk units and provide them with education regarding tenant rights and conversion procedures".

It was noted that the units in question were not identified as at-risk units in the Housing

Element of the General Plan, nor was the application a request to convert to condominium units.

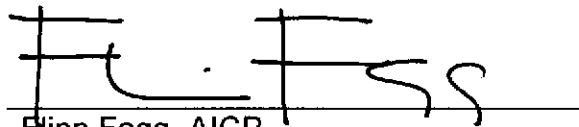
In addition, the Planning Commissioners questioned if the municipal code required relocation expenses for the conversion of the apartments to hotel units. Palm Springs Municipal Code (PSMC) Section 9.62.020 does require notification and payment of relocation expenses where apartments are converted to condominiums, but does not address the conversion to hotel units. Because of the similarity of the process and in the interest of public welfare, the Planning Commission approved the CUP with the following added conditions:

1. Property owner to provide a sixty (60) day notice of intent to convert apartment complex to hotel for all current building tenants with proof of notification submitted to Planning Department.
2. Property owner to provide Tenant Assistance to occupants as stipulated in Section 9.62.020 (F) of the Palm Springs Municipal Code.

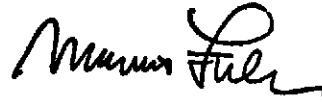
At the meeting of March 1, 2017, the City Council voted to approve the application with the conditions imposed by the Planning Commission, and also added conditions requiring that the facility be operated as a typical full-service hotel. The added conditions are included in the attached Conditions of Approval.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

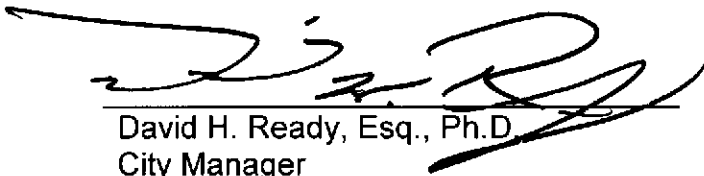
The Planning Commission determined that pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class I exemption and is categorically exempt pursuant to Section 15301(a), Existing Facilities.



Plinn Fagg, AICP
Director of Planning Services



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



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

Attachments:

1. Resolution
2. Conditions of Approval
3. Vicinity Map
4. Planning Commission Staff Report – 02/08/17
5. Planning Commission Resolution #6611
6. Planning Commission Meeting Minutes – 02/08/17
7. Section 9.62.020 of the Municipal Code – Condominium Conversion
8. AAC Meeting Minutes – 01/17/17
9. Business Principal Disclosure – Sunlight Peak LLC

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1404 CUP, A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS LOCATED AT 275 EAST TAMARISK ROAD.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. Sunlight Peak, LLC, ("Applicant") has filed a Conditional Use Permit application with the City pursuant to Sections 94.02.00 and 92.02.01(C)(7) of the Zoning Code to allow a hotel with more than 10% of the guest rooms containing kitchens at Epic Hotel located at 275 East Tamarisk Road, Zone R-3, Section 11, APN: 507-181-002 (Case 5.1404 CUP).

B. A hotel with guest units containing kitchen facilities in more than 10% of the rooms is permitted in the R-3 (Medium Density Residential) Zone with the approval of a Conditional Use Permit, pursuant to Section 92.02.01(C)(7) of the Zoning Code.

C. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider the above-mentioned application was given in accordance with applicable law, and on January 11, 2017, the Planning Commission 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 and voted 7-0 to approve the Project with conditions.

D. On Monday 6, 2017, a timely Notice of Review was submitted to the City Clerk requesting City Council a review of the Planning Commission decision relative to Case 5.1404 CUP according to Section 2.06.030 of the Municipal Code.

E. Notice of public hearing of the City Council of the City of Palm Springs California to consider Case 5.1404 CUP was given in accordance with applicable law, and on March 1, 2017, the City Council 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 and voted 5-0 to approve the Project with conditions.

F. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines.

G. Section 94.02.00(B)(6) of the Palm Springs Zoning Code requires the City Council to not approve a Conditional Use Permit unless it finds as follows:

- 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.*

Section 92.02.01(C)(7) of the Palm Springs Zoning Code (PSZC) allows hotels which more than ten (10%) percent of the guest rooms contain kitchen facilities within the R-2 zone with the approval of a CUP. The existing structure is a nine (9) unit apartment complex that will be renovated into an eight (8) unit boutique hotel with kitchens. The approval of the CUP will allow the use to comply with the PSZC.

- 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 not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The approval of the CUP to allow eight (8) units with kitchens will permit the business to operate as a boutique hotel. The presence of kitchens in the rooms will provide casual cooking facilities for a short or long term visitor. The conversion of a 1950's apartment complex to hotel located in the R-3 zone with a General Plan Land Use Designation of High Density Residential conforms to all applicable development standards. Adjacent properties to the west and south are similar commercial businesses and the renovation of the proposed project will reduce the overall unit count. The new hotel is not anticipated to be detrimental to existing uses or future uses specifically permitted in the R-3 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 renovation of an existing apartment complex to a new boutique hotel will meet the development standards of the R-3 zone. The existing foot print of the structure will not be altered and the density of the site will be reduced with the elimination of one unit. Changes to the property include the relocation of a pool, the construction of internal patio walls, and the reconstruction of the existing front property wall separating the parking area and the internal courtyard. The project as presented with the proposed improvements will meet this finding, therefore, the site is adequate in size and shape to accommodate the proposed use.

- 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 project site is located within 140 feet of North Indian Canyon Drive which is a Major Thoroughfare in the General Plan Circulation Element, and has direct access from East Tamarisk Road. Off-street parking for the project consists of nine (9) bay parking spaces located at the front of the subject property. The renovated hotel will reduce the overall number of guest units to eight (8) and any traffic generated by the proposed use will be insignificant to the streets and highways.

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 proposal is to renovate an existing apartment complex into an eight (8) unit boutique hotel with kitchens. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare and protect the historic resource. These conditions include compliance with the City's Zoning Ordinance and other necessary requirements.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS RESOLVES AS FOLLOWS:

SECTION 1. CEQA.

The proposed proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines

SECTION 2. Conditional Use Permit.

The City Council approves Conditional Use Permit application (Case 5.1404 CUP) with conditions as outlined in attached Exhibit "A."

ADOPTED THIS 15th DAY OF MARCH, 2017.

David H. Ready, City Manager

ATTEST:

Kathleen D. Hart, Interim City Clerk

CERTIFICATION

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

Kathleen D. Hart, Interim City Clerk
City of Palm Springs, California

RESOLUTION NO.

EXHIBIT A

Case 5.1404 CUP

Epic Hotel

275 East Tamarisk Road

March 15, 2017

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 5.1404 CUP, except as modified the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans date stamped February 1, 2017 and on file in the Planning Division except as modified by the 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. 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 5.1404 CUP. 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 6. 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 7. Time Limit on Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.
- ADM 8. 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. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.

ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with the law.

ADM 11. Comply with City Noise Ordinance. This use and property 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.

Ordinance Time of Day	Ordinance dBA Limits
7:00 AM to 6:00 PM	60
6:00 PM to 10:00 PM	55
10:00 PM to 7:00 AM	50

ADM 12. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

CITY COUNCIL CONDITIONS

- CC 1. Maintain the relocation assistant as required by the Planning Commission as seen in PLN 11.
- CC 2. A list of residents for relocation shall be provided to the Department of Planning Services prior to issuance of permits for construction.
- CC 3. The renovated hotel shall be required to provide and maintain the following services:
 - The hotel shall have a front desk that is accessible to the general public.
 - The front desk must be staffed from 7:00 AM to 7:00 PM, with a manager available after hours to respond to guest needs.
 - Housekeeping services shall be provided on a daily basis.
 - Guest occupancy shall not exceed a maximum of 28 days.

PLANNING DEPARTMENT CONDITIONS

PLN 4. Entertainment and Amplified Noise. This CUP does not authorize any use of entertainment or amplified music on-site.

- PLN 5. Sign Applications Required. No signs are approved by this action.
- PLN 7. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 8. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 9. Kitchens. Conditional Use Permit (CUP) will permit kitchens in eight (8) guest units.

CONDITIONS IMPOSED BY PLANNING COMMISSION

- PLN 10. Property owner to provide a sixty (60) day notice of intent to convert apartment complex to hotel for all current building tenants with proof of notification submitted to Planning Department.
- PLN 11. Property owner to provide Tenant Assistance to occupant's as stipulated in Section 9.62.020 (F) of the Palm Springs Municipal Code.

POLICE DEPARTMENT CONDITIONS

- POL 1. The operator shall comply with the noise ordinance (Chapter 11.74 of the Municipal Code) 24-hours a day.
- POL 2. The operator shall work with the Police Department to amicably resolve complaints related to meetings and events at the property.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial Fire Department conditions have been determined from the plans received and dated June 13, 2016 in addition to a revised site plan received on November 11, 2016. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) 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. No deferred submittals accepted.

FID 3 PLANS AND PERMITS

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID 4 **Conditions of Approval** – “Conditions of Approval” received from the Palm Springs Planning Department must be submitted with each plan set. Failure to submit will result in a delay of plan approval

FID 5 **Key Box Required (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.

Key Box Contents (CFC 506.1): 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 6 Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), public water mains, Double Check Detector Assembly, Fire Department Connection and associated valves.

FID 7 Required Water Supply (CFC 507.1): An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

FID 8 NFPA 13R Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13R, 2013 Edition, as modified by local ordinance.

FID 9 Identification (CFC 509.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, roof access, electrical rooms, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

FID 10 Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1): All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals shall be distinctly different and shall be monitored at a UL listed

central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2013 Edition. All control valves shall be locked in the open position.

- FID 11 Smoke Alarm or Detector Location – R-1 Occupancy (CFC 907.2.11.1):** Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
1. In sleeping areas.
 2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- FID 12 Group R-1 and R-2.1 Accessibility Requirements (CFC 907.6.2.3.3):** Group R-1 and R-2.1 dwelling units or sleeping units in accordance with Table 907.6.2.3.3 shall be provided with a visible alarm notification appliance, activated by both the in room smoke alarm and the building fire alarm system. Also comply with Section 1111B.4.5, Table 11B-3, and Table 11B-4 of the California Building Code.
- FID 13 Fire Extinguisher Requirements (CFC 906):** 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. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 14 Interior, Finish, Decorative Materials and Furnishings (CFC 801.1):** Scope. The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Existing buildings shall comply with Sections 803 through 808. New buildings shall comply with Sections 804 through 808, and Section 803 of the *California Building Code*.
- FID 15 Hazardous Materials (CFC 5004.1):** Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003 and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and

noncombustible liquid hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

- Pool Chemicals – dedicated, compliant storage cabinets, rooms, or areas required
- Liquid Petroleum Gas (LPG) – dedicated, compliant storage cabinets, rooms, or areas required

ENGINEERING DEPARTMENT CONDITIONS

STREETS

- ENG 1. The Engineering Services Department recommends deferral of off-site improvement items (identified as “**Deferred**”) at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner(s) prior to approval of the Grading Plan or issuance of grading or building permits. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
- ENG 2. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit. All improvements are subject to inspection and a 24 to 48 hour inspection notification is required.
- ENG 3. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Services Department. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits. “**Deferred**”

TAMARISK ROAD

- ENG 4. Dedicate an additional 10 feet to provide the ultimate half street right-of-way width of 30 feet along the entire frontage. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A right-of-way plan check fee shall be paid by the applicant in effect at the time that the dedication is submitted.

- ENG 5. The owner shall apply for an Encroachment Agreement from the Engineering Services Department to allow the existing bay parking to remain on said portion of property to be dedicated as required for additional right-of-way. The agreement shall be executed by the owner prior to issuance of a building permit.
- ENG 6. Construct a 6 inch curb and gutter, 20 feet south of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200. ***“Deferred”***
- ENG 7. Construct a driveway approach for bay parking in accordance with City of Palm Springs Standard Drawing No. 201. ***“Deferred”***
- ENG 8. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. ***“Deferred”***
- ENG 9. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 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. (Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane.) 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. ***“Deferred”***
- ENG 10. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

SANITARY SEWER

- ENG 11. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities. New laterals shall not be connected at manholes.

GRADING

- ENG 12. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Services Department for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Services Department 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 Services Department 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 <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 Services Department prior to approval of the Grading plan.
- b. 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; a copy of Soils Report.

ENG 13. Prior to approval of a 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 (a copy of the written approval must be provided to the City) . The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at ACBCI-THPO@aguacaliente.net 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 14. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in

the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

GENERAL

- ENG 15. 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.
- ENG 16. All proposed utility lines shall be installed underground.
- ENG 17. If utility undergrounding is deferred in accordance with specific direction by the Planning Commission and/or City Council, the record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the developer prior to issuance of any grading or building permits.
- ENG 18. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 19. Upon approval of any improvement plan (if required) 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 by the City Engineer.
- ENG 20. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Services Department 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 21. 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.

TRAFFIC

ENG 22. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

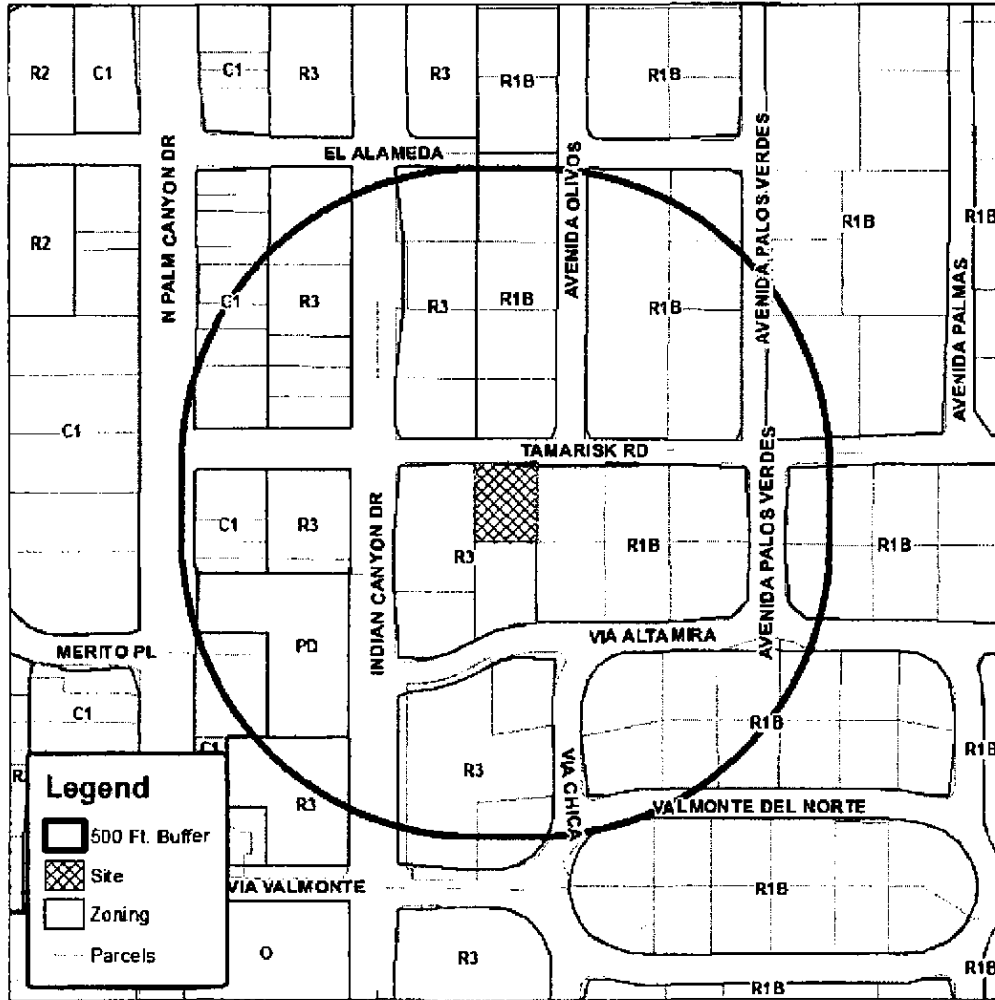
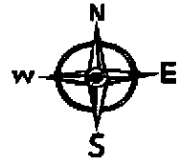
ENG 23. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (CAMUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

ENG 24. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1404 CUP / 3.2374 MAJ

APPLICANT: Epic Hotel

ADDRESS: 275 E. Tamarisk Road



PLANNING COMMISSION STAFF REPORT

DATE: FEBRUARY 8, 2017

SUBJECT: SUNLIGHT PEAK LLC. (DBA: "EPIC HOTEL"), FOR A CONDITIONAL USE PERMIT TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3. (CASE 5.1404 CUP)

FROM: Flinn Fagg, AICP, Director of Planning Services

SUMMARY

A public hearing before the Planning Commission requesting a Conditional Use Permit (CUP) to allow an existing apartment complex be converted to an (8) unit boutique hotel with kitchens. A CUP is required when more than 10% of the rooms contain a kitchen. Architectural changes include modifications to the front entry walls, a remodel of building exterior, a new pool, and new landscaping. The project is to be called the "EPIC Hotel".

RECOMMENDATION:

Approve with Conditions.

ISSUES:

- The Palm Springs Zoning Code requires that hotels in which more than ten (10%) of the guest rooms contain kitchen facilities must obtain a Conditional Use Permit (CUP).
- The architectural changes to the building will not increase existing floor area and does not require Planning Commission action. Site and Landscape plans along with building elevations, and floor plans are provided to illustrate the scope of the project.

BACKGROUND INFORMATION:

<u>Related/Relevant City/Action</u>	
1/17/2017	AAC recommends approval to the Planning Commission as presented.

<u>Most Recent Ownership</u>	
5/6/2015	Sunlight Peak, LLC

Notification	
1/26/2017	Notification mailed to all property owners within 500 feet of subject lot.

Neighborhood Meeting/Notification	
2/2/2017	Email notification sent to Old Las Palmas; El Mirador; Movie Colony; and Midtown Neighborhood Organizations.

Field Work	
January 2017	Staff visited site to observe existing conditions

DETAILS OF APPLICATION REQUEST:

Site/Area	
Net Area	13,917-square feet

Surrounding Property	Existing General Plan Designation	Existing Land Use	Existing Zoning Designation
Subject Property	HDR (High Density Residential), up to 30 units per acre	9-unit apartment complex	R-3 (Multi-Family Residential)
North	VLDR (Very Low Density Residential), up to 4 units per acre	Single-Family Residential	R-1-B (Single-Family Residential)
South	HDR (High Density Residential), up to 30 units per acre	Small Hotel	R-3 (Multi-Family Residential)
East	VLDR (Very Low Density Residential), up to 4 units per acre	Single-Family Residential	R-1-B (Single-Family Residential)
West	HDR (High Density Residential), up to 30 units per acre	Small Hotel	R-3 (Multi-Family Residential)

Special Purpose and Overlay Districts	Compliance
Old Las Palms Business Historic District	Yes (not a contributing structure)

DEVELOPMENT STANDARDS:

Development standards for the project will be evaluated by the Planning Commission at a subsequent review. A cursory review of the development standards pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.03 for the R-2 zone is provided to assist in the architectural review of the project:

Standard	Required/Allowed	Provided	Compliance
Lot Area	20,000-square feet	13,917-square feet	Yes (non-conforming lot of record)
Lot Width	130 feet	105 feet	Yes (non-conforming lot of record)
Lot Depth	150 feet	104 feet	Yes (non-conforming lot of record)
Front Yard	25 feet	26 feet	Yes
Side Yard	10 feet	10 feet	Yes
Rear Yard	10 feet	9 feet	Yes (existing non-conforming)
Building Height (max.)	15 feet backing on R-1	9' feet	Yes
Open Space	45%	45%	Yes
Trash Enclosure	Required	1 Trash Enclosure	Yes
Mech. Equip.	Screened	Ground Mount	Yes
Parking	1 space per unit = 8 spaces	9 spaces	Yes

ANALYSIS:

Site Plan:

The proposal is to renovate an existing 9-unit apartment complex into an 8-unit hotel with kitchens. The site was originally built in 1939 as the "Chaney Apartments" designed by architect John Porter Clark and consists of two buildings with angled entries facing a center court and large free form pool. Bay parking is provided at the front of the complex accessed from East Tamarisk Road. The site has deteriorated with age with some of the units currently uninhabitable. The new property owners seek approval to renovate the property and operate the facility as a hotel. The units will be "studios" with a combination living/bedroom, kitchen, bathroom and private patios on the front and rear of the unit.

Changes to the site plan include the construction of individual unit privacy walls at five (5') feet tall which line the center walkway. This is a change from the original design which had a small front entry onto common open space. The floor plan for the existing units contains a front bedroom that has a parallel wall to the center courtyard which will be removed. This new area will become the front patio with a triangle cut-out in the roof above each private space.

Mass and Scale:

The proposal is to renovate the existing two building apartment complex with no additional square footage into a hotel with kitchens requiring a Conditional Use Permit (CUP). The density of the complex will be reduced from 9-units to 8-units allowing for ancillary uses such as a small reception/check-in area, housekeeping, and a pool

lounge/restroom. The buildings are currently 8'-1" tall with no increase in height proposed. The size and scale of the project will be consistent with the adjacent Los Arboles Hotel and provides an appropriate transition to single-family homes to the north and east.

Building Design and Detailing:

The renovation of the two buildings will include the alteration of the interior floor plan by removing an exterior wall of the front bedrooms facing the courtyard. This allows for an expanded private patio with a five (5') foot tall masonry wall and gate. Other building alterations include new exterior smooth plaster walls in a white color; and new glass sliders and windows with clear anodized aluminum frames in a gray color. The building roofs will be altered with a triangle cut-out above the front patios. Masonry walls will be added in the rear of each unit to separate and provide privacy. Access to the unit shower will be from the rear patio and a stacked washer/dryer is provided.

Other site changes include the removal of the existing front property line low wall and ficus hedge to be replaced with a new six (6') foot tall masonry wall and front entry with metal gate. The existing pool will be removed and replaced with a new rectangular pool, spa, and deck at the rear of the property.

Landscaping and Buffers:

The dominant feature of the existing site is the dissecting concrete walkway which leads from the front entry gate through the site with sidewalks leading to each unit. The common open space consists of turf with smaller shrubs in planter beds. The area between the bay parking and front perimeter wall contains a mature ficus hedge.

The proposed landscape plan will maintain the symmetrical bisecting walkway, however all turf will be removed and replaced with planting areas containing a 36" box Waxleaf Privet, understory of Green Carpet, Yucca, and Calliandra climbing the patio walls. The planter beds between the bay parking and the perimeter wall will also contain trees, Yucca, and climbing plants similar to the interior plan. The rear patios will contain either a Pony Tail Palm, or Aloe with Yucca and Mexican Grass. A ficus hedge at the rear of the property will provide privacy for the pool area. Ground cover will be 3/8" decomposed granite Mohave Gold color and boulders.

Architectural Advisory Committee

The AAC reviewed the project at the January 17, 2017 meeting and voted to recommend approval to the Planning Director as submitted.

REQUIRED FINDINGS:

The Planning Commission must make certain findings in order to approve this Conditional Use Permit pursuant to Section 94.02.00 of the Palm Springs Zoning Code; those findings are analyzed by staff below:

- a. *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.*

Section 92.02.01(C)(7) of the Palm Springs Zoning Code (PSZC) allows hotels with more than ten (10%) percent of the guest rooms containing kitchen facilities within the R-2 zone with the approval of a CUP. The existing structure is a nine (9) unit apartment complex that will be renovated into an eight (8) unit boutique hotel with kitchens. The approval of the CUP will allow the use to comply with the PSZC.

- b. *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 not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The approval of the CUP to allow eight (8) units with kitchens will permit the business to operate as a boutique hotel. The presence of kitchens in the rooms will provide casual cooking facilities for visitors. The conversion of a 1950's apartment complex to hotel located in the R-3 zone with a General Plan Land Use Designation of High Density Residential conforms to all applicable development standards. Adjacent properties to the west and south are similar commercial businesses and the renovation of the proposed project will reduce the overall unit count. The new hotel is not anticipated to be detrimental to existing uses or future uses specifically permitted in the R-3 zone.

- c. *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 renovation of an existing apartment complex to a new boutique hotel will meet the development standards of the R-3 zone. The existing foot print of the structure will not be altered and the density of the site will be reduced with the elimination of one unit. Changes to the property include the relocation of a pool, the construction of internal patio walls, and the reconstruction of the existing front property wall separating the parking area and the internal courtyard. The project as presented with the proposed improvements will meet this finding, therefore, the site is adequate in size and shape to accommodate the proposed use.

- d. *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 project site is located within 140 feet of North Indian Canyon Drive which is a Major Thoroughfare in the General Plan Circulation Element, and has direct access from East Tamarisk Road. Off-street parking for the project consists of nine (9) bay parking spaces located at the front of the subject property. The renovated hotel will reduce the overall number of guest units to eight (8) and any traffic generated by the proposed use will be insignificant to the streets and highways.

e. 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 proposal is to renovate an existing apartment complex into an eight (8) unit boutique hotel with kitchens. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare and protect the historic resource. These conditions include compliance with the City's Zoning Ordinance and other necessary requirements.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class I exemption and is categorically exempt per Section 15301(a) (Existing Facilities).

CONCLUSION:

The approval of a CUP will allow for the renovation of the existing apartment complex to an eight (8) unit hotel with kitchens and the use will not be detrimental to the surrounding neighborhood. The re-worked site to include new exterior building materials, revised landscape plan, relocation of pool, and new front entry wall and gate is consistent with the underlying R-3 zoning. Based upon this determination, Staff recommends approval of the Conditional Use Permit.


Glenn Mlaker, AICP
Associate Planner


Flihn Fagg, AICP
Director of Planning Service

Attachments:

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. Minutes of the 1/17/2017 AAC Meeting
5. Site Photos
6. Justification Letter
7. Material Board
8. Existing Site Plan
9. Proposed Site Plan
10. Landscape Plan
11. Floor Plan
12. Roof Plan
13. Building Elevations
14. 3-D Images of Site

file

RESOLUTION NO. 6611

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1404 CUP, A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS LOCATED AT 275 EAST TAMARISK ROAD.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Sunlight Peak, LLC, ("Applicant") has filed a Conditional Use Permit application with the City pursuant to Sections 94.02.00 and 92.02.01(C)(7) of the Zoning Code to allow a hotel with more than 10% of the guest rooms containing kitchens at Epic Hotel located at 275 East Tamarisk Road, Zone R-3, Section 11, APN: 507-181-002.

B. A hotel with guest units containing kitchen facilities in more than 10% of the rooms is permitted in the R-3 (Medium Density Residential) Zone with the approval of a Conditional Use Permit, pursuant to Section 92.02.01(C)(7) of the Zoning Code.

C. Notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1404 – CUP was given in accordance with applicable law.

D. On February 8, 2017, a public hearing on the application was held by the Planning Commission in accordance with applicable law.

E. The proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines; and

F. 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:

G. Section 94.02.00(B)(6) of the Zoning Code requires the Planning Commission not approve a Conditional Use Permit unless it finds as follows:

- 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.*

Section 92.02.01(C)(7) of the Palm Springs Zoning Code (PSZC) allows hotels which more than ten (10%) percent of the guest rooms contain kitchen facilities

within the R-2 zone with the approval of a CUP. The existing structure is a nine (9) unit apartment complex that will be renovated into an eight (8) unit boutique hotel with kitchens. The approval of the CUP will allow the use to comply with the PSZC.

- 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 not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The approval of the CUP to allow eight (8) units with kitchens will permit the business to operate as a boutique hotel. The presence of kitchens in the rooms will provide casual cooking facilities for a short or long term visitor. The conversion of a 1950's apartment complex to hotel located in the R-3 zone with a General Plan Land Use Designation of High Density Residential conforms to all applicable development standards. Adjacent properties to the west and south are similar commercial businesses and the renovation of the proposed project will reduce the overall unit count. The new hotel is not anticipated to be detrimental to existing uses or future uses specifically permitted in the R-3 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 renovation of an existing apartment complex to a new boutique hotel will meet the development standards of the R-3 zone. The existing foot print of the structure will not be altered and the density of the site will be reduced with the elimination of one unit. Changes to the property include the relocation of a pool, the construction of internal patio walls, and the reconstruction of the existing front property wall separating the parking area and the internal courtyard. The project as presented with the proposed improvements will meet this finding; therefore, the site is adequate in size and shape to accommodate the proposed use.

- 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 project site is located within 140 feet of North Indian Canyon Drive which is a Major Thoroughfare in the General Plan Circulation Element, and has direct access from East Tamarisk Road. Off-street parking for the project consists of nine (9) bay parking spaces located at the front of the subject property. The renovated hotel will reduce the overall number of guest units to eight (8) and any traffic generated by the proposed use will be insignificant to the streets and highways.

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 proposal is to renovate an existing apartment complex into an eight (8) unit boutique hotel with kitchens. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare and protect the historic resource. These conditions include compliance with the City's Zoning Ordinance and other necessary requirements.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1404 – CUP, a Conditional Use Permit to allow a hotel to contain more than ten (10%) percent of the units with kitchens located at 275 East Tamarisk Road, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 8th day of February, 2017.

AYES: 7, Vice-Chair Weremiuk, Chair Calderine, Commissioner Donenfeld,
Commissioner Hirschbein, Commissioner Hudson, Commissioner
Lowe, Commissioner Middleton
NOES: None.
ABSENT: None.
ABSTAIN: None.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA


Finn Fagg, AICP
Director of Planning Services

EXCERPT OF MINUTES

At the Planning Commission meeting of the City of Palm Springs, held February 8, 2017, the Planning Commission took the following action:

2B. SUNLIGHT PEAK LLC. (DBA: "EPIC HOTEL"), FOR A CONDITIONAL USE PERMIT (CASE 5.1404 CUP) TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3 (GM). (CASE 5.1404 CUP)

Associate Planner Mlaker provided an overview of the proposed hotel as outlined in the staff report.

Technical Questions:

Vice-Chair Weremiuk commented and/or verified:

- Removal of housing units (vacation rentals and condominium conversion) and tenant protection.
- Recent policy from the City Council regarding the preservation of apartment units.
- Noticing requirements for residents.
- Is State relocation available for low-income residents?
- Accessibility requirements for this project.

Commissioner Hirschbein verified:

- What is the intent of limiting the number of kitchens?

Commissioner Degenfeld verified:

- Fire code requirements.

Chair Calderine opened the public hearing:

JIM CIOFFI, project architect, confirmed the ADA accessibility of the units. Mr. Cioffi stated that the apartment house is dilapidated (at least of the units are inhabitable) and has issues with drug activity. He clarified the use is a boutique hotel and not a condominium conversion.

There being no further speakers the public hearing was closed.

Commissioner Middleton said the project is very impressive and asked about conformance to the Housing Element of the General Plan. She verified: the number of units that are inhabitable, tenant changes made to the units, and notification of the conversion to the existing tenants.

Vice-Chair Weremiuk thinks the project is beautiful; however, she noted concern about the loss of rental housing and would like to forward to the City Council for review.

ACTION: Approve with Conditions; subject to:

1. Provide a sixty (60) day notice of intent to convert apartment complex to hotel for all current tenants.
2. Property owner to provide Tenant Assistance to occupants as stipulated in Section 9.62.020(F) of the Palm Springs Municipal Code.

I, TERRI HINTZ, Planning Administrative Coordinator for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 8th day of February, 2017, by the following vote:

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton
NOES: None
ABSENT: None



Terri Hintz
Planning Administrative Coordinator

Palm Springs Municipal Code

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Title 9 SUBDIVISION OF LAND
Chapter 9.62 MAPS

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9.62.020 Condominium conversion.

A. **General Requirements.** A tentative map, parcel map, or final map involving prospective conversion of one or more existing structures or parcels into a **condominium**, stock cooperative, or any other form of community ownership, shall be approved only if the proposed **condominium** use of the property will be in conformity with the general plan and such conversion conforms to any other requirements or restrictions which may be adopted by the City Council by ordinance dealing with the conversion of existing structures or parcels of land from rental units to community ownership; and further, only if any structure, parcel, or design, if newly constructed as of the date of tentative map approval, could be lawfully constructed in accordance with the applicable zoning regulations, building codes, and fire safety codes. A tentative map shall be required for all conversions including those of fewer than five units or parcels except for exceptions and exclusions set forth in the State Subdivision Map Act.

B. **Application.**

1. The sale of any portion of real property on one lot to different owners constitutes a division of property and is subject to the provisions of the State of California Department of Real Estate, and the City's regulations for the subdivision of land and/or units. No apartment building can be divided to allow the sale of individual units to more than one buyer, without securing permission to convert the property.

2. Applications for the conversion to condominiums or similar forms of ownership shall comply with the procedures set forth in this Chapter regarding Subdivisions and with the procedures specified in this Section.

C. **Condominium Conversion Requirements.** The conversion of apartments and community apartments to residential condominiums may be permitted only if such conversions comply with the requirements of this Section.

1. The conversion shall be consistent with the Land Use Element and Housing Element of the Palm Springs General Plan.

2. The conversion shall comply with all applicable zoning and property maintenance requirements, unless otherwise specified in this Section.

D. **Building Inspections.** Community apartments shall be inspected by the Director of Building and Safety for building or safety violations relating to plumbing, fire, housing, electrical, earthquake, and property maintenance codes which may cause health or safety hazards to current or future occupants prior to the filing of an application for conversion and corrective work required for fire exiting, fire extinguishers, smoke detectors, fire alarms and any other corrective work shall be completed prior to approval of the final subdivision map. Furthermore, community apartments shall be inspected prior to the initial sale of each converted living unit and a report of building deficiencies shall be provided to the prospective purchaser of the respective living unit.

E. **Tenant Notification.** For all applications for conversion to condominiums, tenants shall be provided with notifications in compliance with applicable State Law and this Chapter, including without limitation all notices of intent to convert at least sixty (60) days prior to filing a tentative map. The City Council shall not approve the final map for a subdivision to be created from the conversion of apartments and community apartments into **condominium** unless the subdivider, owner, or applicant has certified that each of the tenants of the proposed **condominium** project has been given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety days for Eligible Tenants and one hundred twenty days for Special Tenants from the date of issuance of the subdivision public report pursuant to the California Business and Professions Code or from the date of the notice, whichever is later, unless the tenant gives prior written notice of the tenant's intention not to exercise such right.

F. **Tenant Assistance Payments.** For all applications for conversion of apartments to condominiums, each eligible tenant household shall be paid tenant assistance payments in compliance with applicable State Law and with the provisions of this Subsection. There shall be no restrictions on the use of any Tenant Assistance Payment, including the use of such assistance to exercise the tenants' right to purchase a unit within project under conversion.

1. An eligible tenant household shall receive an amount equal to two Months' Rent.
2. A special tenant household with one elderly or handicapped resident shall receive an amount equal to three Months' Rent.
3. A low income special tenant household shall receive an amount equal to three Months' Rent.
4. A low income special tenant household with an elderly and handicapped resident or residents shall receive an amount equal to four Months' Rent.

G. **Rent Increases Prohibited.** An Eligible Tenant household's rent shall not be increased during the pendency of an application for a **condominium** conversion measured from the date of the Notice of Intent to Convert to the date of recordation of the final subdivision map or any longer period of time as may be provided by agreement between the subdivider, owner, or applicant with the Eligible Tenant.

H. **Vacation of Units.** Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which the subject unit is occupied, shall have not less than 90 days in the case of an Eligible Tenant and not less than 120 days in the case of a Special Tenant after the date of the tentative map approval by the City or until the expiration of the tenant's lease or the recordation of the final subdivision map, whichever is longer to find substitute housing and to relocate. Tenants shall be permitted to terminate leases or tenancy with one month's notice at any time after the filing of a conversion application. (Ord. 1878 § 5, 2015; Ord. 1620 § 3, 2002; Ord. 1410 § 7, 1992; Ord. 1145 § 1, 1981; Ord. 1125 § 2, 1981)

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EXCERPT OF MINUTES

At the Architectural Advisory Committee meeting held on January 17, 2017 the Architectural Advisory Committee took the following action:

SUNLIGHT PEAK LLC. (DBA "EPIC HOTEL"), FOR A MAJOR ARCHITECTURAL APPLICATION FOR THE RENOVATION OF AN EXISTING APARTMENT BUILDING TO AN EIGHT (8) UNIT BOUTIQUE HOTEL WITH KITCHENS LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3 (CASE NO. 3.2374 MAJ) (GM)

Associate Planner Mlaker presented the project.

JIM CIOFFI, project architect, provided details and was available for questions.

Technical Questions:

Member Fredricks questioned the color/material of interior privacy walls and suggested changing the Ligustrum to a more drought tolerant material.

Member Secoy-Jensen questioned if the windows are metal - (yes) and verified parking requirement.

Member Rotman asked if the front fascia will be maintained the same - (yes).

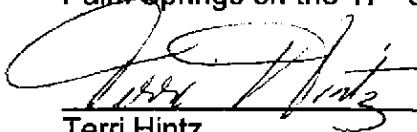
Member Secoy-Jensen spoke in support of the project.

Member Fredricks suggested Thevetia as an alternative to Ligustrum.


ACTION: Approve as presented.

MOTION: Vice-Chair Fredricks, seconded by Member Secoy-Jensen voted 6-0-2 (absent Cassady/Lockyer) to approve as submitted.

I, TERRI HINTZ, Planning Administrative Coordinator for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 17th day of January, 2017, by the following vote:



Terri Hintz
Planning Administrative Coordinator

	Secretary of State Statement of Information (Limited Liability Company)	LLC-12
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FILED
Secretary of State
State of California
DEC 02 2016

IMPORTANT — Read instructions before completing this form.

Filing Fee - \$20.00

Copy Fees – Face Page \$1.00 & .50 for each attachment page;
 Certification Fee - \$5.00

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This Space For Office Use Only

1. Limited Liability Company Name Sunlight Peak, LLC	
2. 12-Digit Secretary of State File Number 200631510310	3. State or Place of Organization (only if formed outside of California) CA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box 1901 Newport Blvd, suite 350	City (no abbreviations) Costa Mesa	State CA	Zip Code 92627
b. Mailing Address of LLC, if different than Item 4a Post Office Box 984	City (no abbreviations) Dana Point	State CA	Zip Code 92629
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box 1901 Newport Blvd, suite 350	City (no abbreviations) Costa Mesa	State CA	Zip Code 92627

6. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b Timothy	Middle Name Stephen	Last Name Braun	Suffix -
b. Entity Name - Do not complete Item 5a			
c. Address Post Office Box 984	City (no abbreviations) Dana Point	State CA	Zip Code 92629

6. Agent for Service of Process

Item 6a and 6b: If the agent is an individual, the agent must reside in California and Item 6a and 6b must be completed with the agent's name and California address. Item 6c: If the agent is a California Registered Corporate Agent, a current agent registration certificate must be on file with the California Secretary of State and Item 6c must be completed (leave Item 6a-6b blank).

a. California Agent's First Name (if agent is not a corporation) Timothy	Middle Name Stephen	Last Name Braun	Suffix -
b. Street Address (if agent is not a corporation) - Do not list a P.O. Box 1901 Newport Blvd, suite 350	City (no abbreviations) Costa Mesa	State CA	Zip Code 92627
c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete item 6a or 6b			

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company
 Real Estate

8. Chief Executive Officer, if elected or appointed

a. First Name Timothy	Middle Name Stephen	Last Name Braun	Suffix -
b. Address Post office Box 984	City (no abbreviations) Dana Point	State CA	Zip Code 92629

9. The information contained herein, including any attachments, is true and correct.

11/29/16 Timothy Stephen Braun CEO/manager *[Signature]*
 Date Type or Print Name of Person Completing the Form Title Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document under the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: []

Company: []

Address: []

City/State/Zip: []