



# Cathedral City

## Legislation Details (With Text)

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**Title:** CASE NO. Design Review No. 15-004

APPLICANT: Narendra Patel, Patel Architecture

LOCATION: The south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street

REQUEST: Consider a Design Review application for a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site located in the MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. DR 15-004 Conditions of Approval, 2. DR 15-004 PC Resolution, 3. Site Plan, 4. Elevations Hotel, 5. Elevations Fitness Center

Date	Ver.	Action By	Action	Result
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***Planning Commission***

**MEETING DATE: 10/19/2016**

**CASE NO.** Design Review No. 15-004

**APPLICANT:** Narendra Patel, Patel Architecture

**LOCATION:** The south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street

**REQUEST:** Consider a Design Review application for a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site located in the MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts.

**STAFF PLANNER:**

Robert Rodriguez, Planning Manager

**RECOMMENDATION:**

**APPROVE** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

(MMRP) for the project.

**APPROVE** Design Review No. 15-004 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

**ADOPT** a resolution to set forth the required parking for a resort hotel pursuant to Section 9.58.040 of the Zoning Ordinance.

**FINDINGS:**

**APPROVAL OF THE MITIGATED NEGATIVE DECLARATION** based on the following findings:

1. The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment with the implementation of mitigation measures;
2. The project is substantially consistent and in compliance with the 2002 EIR prepared for the Downtown Precise Plan Amendment;
3. The Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis;
4. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of Regulations (State CEQA Guidelines), the Mitigation Monitoring and Reporting Program contained in Chapter 3 of the Draft Initial Study and Mitigated Negative Declaration, dated August 18, 2016, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration; and
5. The Cathedral City Planning Department is the custodian of the documents or other material that constitute the record of proceedings upon which this decision is based.

**APPROVAL OF DESIGN REVIEW NO. 15-004** subject to the attached Conditions of Approval and based on the following findings:

1. The construction of a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site is consistent with the DTC (Downtown Commercial) designation of the General Plan, the development standards of the MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts, and the Downtown Design Guidelines;
2. The hotel and fitness center buildings are designed in a contemporary architectural style that is of exception quality, design, and uniqueness that will provide an asset to the community;
3. The landscape plant palette provides screening and shading that also enhances the design of the building; and
4. The project will benefit the community by providing resort hotel accommodations along East

Palm Canyon Drive that will draw additional tourists to the City and encourage additional commercial and residential development within the Downtown area.

**BACKGROUND/PROJECT SUMMARY:**

On July 21, 2015, the applicant, Narendra Patel of Patel Architecture, submitted an application for Design Review No. 15-004 for construction of a 312-room resort hotel with accessory uses, and recreational facilities. The project site is an approximately 14-acre vacant property located on the south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street.

The project site is located within two zoning districts, MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood). The lots fronting East Palm Canyon Drive are located within the MXC zoning district. The remaining portion, which comprises the majority of the site, is located within the DRN zoning district. The entire project site is designated as DTC (Downtown Commercial) on the General Plan land use map. Due to its location within the Downtown area of the City, the project must also be consistent with the Downtown Design Guidelines.

The project consists of a single entitlement, Design Review No. 15-004, for which the Planning Commission will take final action. The applicant is also requesting that a reduction in parking requirements be permitted pursuant to Zoning Code section 9.58.040, which allows the Planning Commission by resolution to establish the required number of parking spaces for uses not specifically mentioned in the code.

The project site borders the East Cathedral Canyon Wash on the southeast, single-family residences on the south, mixed commercial and residential uses to the west, and commercial uses to the north. The site slopes down from the southeast to the north. The East Palm Canyon frontage is interrupted by the presence of an existing two-story commercial building just east of Van Fleet Avenue, which is not a part of the project. The project site is now entirely vacant, but has been developed with both commercial and residential uses in the past. Due to its previous occupancy, the site does contain a number of smaller lots. The separate lots will be required to be merged before development.

The Club Saxony hotel will consist of a five-story hotel building with 312 rooms, accessory uses that include restaurants, meetings rooms, retail, and lounge areas. The hotel will have a separate 27,504-square-foot fitness center and various outdoor recreational areas that include a central pool area, tennis and volleyball courts, and a putting green.

The main lobby area will face East Palm Canyon Drive and will be accessed by a driveway with entrances on Van Fleet Avenue and East Palm Canyon Drive at the intersection of Allen Avenue. A framed canopy will overhang the driveway in front of the hotel entrance. The surface parking area is to be located on the west and south sides of the hotel building. A parking garage with 156 spaces will be located on the first level of the hotel. Access to the garage will be from either the main driveway with access points on East Palm Canyon Drive and Van Fleet Avenue or a third driveway entrance on D Street.

The fitness center will be located on the east side of the hotel. An above ground walkway will connect the hotel's second floor to the upper floor of the fitness center.

The hotel will have five raised reflecting pools radiating out from the lobby entrance and another water feature directly in front of the hotel lobby entrance. Rows of palm trees will line the area in front of the hotel. Other trees and shrubs will also be planted within the front setback area giving it a lush landscaped appearance from East Palm Canyon Drive.

The Architectural Review Subcommittee reviewed the project on August 31, 2016, and recommended that the project move forward to Planning Commission for approval with the incorporation of responses to several comments concerning the landscaping along D Street, planters within the pool area, and the number of palm trees within the pool area. The section on landscaping in this report includes an analysis of the project's consistency with the Architectural Review Subcommittee's comments.

The applicant provided the revised color scheme and entry landscape exhibits to the City on September 13, 2015, addressing the Subcommittee's comments.

## **ANALYSIS:**

### **General Plan Consistency**

The project site is designated Downtown Commercial (DTC) on the City's General Plan land use map. The proposed hotel is consistent with the DTC land use designation which states that uses consistent with the DTC include lodging. The proposed hotel is consistent with Policy 3 in the Land Use Element that states that the Downtown is intended for a mix of civic, tourist and recreational commercial uses along the East Palm Canyon Corridor.

### **Zoning Consistency**

The proposed project site has a split zoning with the lots fronting on East Palm Canyon Drive designated MXC (Mixed Use Commercial) and the remaining lots designated as DRN (Downtown Residential Neighborhood).

Section 9.31.040 of the Zoning Code stipulates that when a site has combination of both the DRN and MXC zones, the provisions of either zone may be applied to the entire project site. The DRN, which is primarily a residential zone, permits hotels with a CUP and the MXC allows them by right. Since the project is not residential, the MXC provisions were applied to the project and no CUP was required. When using the MXC standards, the Zoning Code further stipulates that the Planning Commission must make a finding that the project is in compliance with the EIR that was prepared for the downtown redevelopment project. The project is substantially consistent with the project that was analyzed in the 2002 EIR prepared for the Downtown Precise Plan Amendment. The 2002 EIR was a programmatic EIR that generally analyzed the project as part of the larger Downtown Precise Plan Amendment. Any mitigation measures included in the EIR that pertain to the current project have been updated to reflect current environmental regulations and included as either standard conditions

of approval or as mitigation measures.

### MXC Development Standards Table

Standard	Requirement	Consistency
Setbacks	0' front, rear and side	Yes
Minimum/Maximum Building Height	22'/68' (for buildings above subsurface garages)	46' from grade at D Street*
Parking (hotel)	1.2 spaces per lodging unit 100 sf for assembly and dining 571 total spaces	See parking analysis.

\* Pursuant to Zoning Code Section 9.31.070, the height of buildings on sloped lots is measured from the highest elevation point of the finished grade. The height of the hotel reaches 71' at other locations, but is never over 46' from the highest finished grade.

### Site Plan

The site is roughly triangular in shape with the longest street frontage on East Palm Canyon Drive. The site is adjacent to the East Cathedral Canyon wash on the southeast, and bounded by Van Fleet Avenue on the west, D Street on the south, and East Palm Canyon Drive on the north. The site's East Palm Canyon Drive frontage is interrupted by the existence of a two-story commercial building, which is not part of the project.

The hotel has a roughly "C" shaped plan that partially encloses a central pool area. The main portion of the hotel contains the lobby, retail and dining areas on the first level. The hotel building angles back from East Palm Canyon setback creating a triangular-shaped front yard setback of 60' to 360' feet. The west and south elevations are parallel to Van Fleet Avenue and D Street respectively.

The main on-site driveway connects the primary entrance at the Allen Avenue and East Palm Canyon Drive intersection with a secondary entrance on Van Fleet Avenue. A third driveway located on D Street at the cul-de-sac will lead to the rear of the surface parking area. The current configuration of the D Street cul-de-sac is proposed to be modified with a smaller radius. The fitness center is situated on the east side of the hotel. Outside recreation areas will be located on the east and south sides of the fitness center.

The setback area between East Palm Canyon Drive and the hotel will be lushly landscaped. A series of reflecting pools will radiate out from the lobby area towards the street. There will be surface parking on the west side of the hotel and podium parking on the first level.

### Architecture

The hotel and fitness center buildings display unique and distinctive architectural styles. The hotel's most distinctive feature is the rippling effect on the exterior wall surfaces created by the rectilinear vertical and horizontal projections. Exterior walls will be capped by a flat roof at varying heights depending on the number of stories and the ceiling heights of the penthouse units.

The design of the hotel building works with the natural topography of the site, minimizing the cuts and fills that will be needed. The varying heights of the building respond to the change in slope that drops from approximately 330' in elevation on the southwest to approximately 312' in elevation along East Palm Canyon Drive. In order to work with the slope, the building height is lower at the southeast corner and higher along the East Palm Canyon frontage. The hotel will be built into the slope at the southern portion where the parking garage will be mostly underground with three stories above. This reduces the visual impact of the hotel from the residences on the south side of D Street and lessens the intrusion into the natural slope of the site. The full five-story height of the hotel will be visible from East Palm Canyon Drive. At this point, the parking garage will be completely above grade.

When viewed from East Palm Canyon Drive, the five-story hotel will have a low horizontal massing. The height of the hotel building is made less intrusive by the approximately 650' length of the street-facing elevation. The south elevation will also have a long low massing to reduce visual impacts of the views from D Street. View of the east elevation from East Palm Canyon Drive will be indirect and partially blocked by the fitness center.

The exterior wall surface of the hotel is broken up by many vertical and horizontal projections and recesses. The balconies will project at angles from the exterior walls. The projections give the exterior elevations a rippling appearance. The facade is also broken up by the varying heights of the roof.

The more curvilinear appearance of the interior of the hotel lobby contrasts with the rectilinear appearance of the exterior. Interior surfaces are gleaming and polished with curving stairways and openings, and uniquely designed furnishings. The entrance from the lobby to the pool area will have a gradual progression from interior to exterior. The polished interior floor will gradually flow into the artificial turf in the pool area.

The hotel lobby and main entrance faces East Palm Canyon Drive and has a prominent porte cochere covering the driveway adjacent to the lobby. There are two wings of the hotel that extend from the lobby area east and south that wrap around a center pool area on the west, east and south leaving the southeast corner open to the rear of the property.

The muted colors of browns and tans of the materials and paint colors proposed for the exterior walls of both the fitness center and the hotel will be compatible with the desert environment surrounding the hotel. Exterior walls of the hotel will primarily consist of painted plaster. Steel and marble accents will be placed at the main entrance to the hotel. All balconies will have a clear glass guardrail. The garage openings facing East Palm Canyon Drive will be covered with a steel mesh material.

The fitness center will have a unique architectural style that will complement that of the hotel. It is an ultra-modern design that features angles and different colored and textured wall surfaces. Exterior walls will have projecting and recessed planes that break up the wall surface. The walls will also consist of a variety of materials including travertine, marble, polished stainless steel, glass, and painted plaster. The exterior walls and roof will be painted in the same muted browns and tans as the hotel. The unusual shape of the roof of the fitness center will be its most distinguishing feature.

The architectural design was reviewed by the Architectural Review Subcommittee on August 31, 2016. The subcommittee made several comments that were generally in support of the architectural design. No recommendations on changes or revisions to the architectural design were made during the meeting.

### Landscaping and Hardscape

The applicant has submitted a comprehensive landscape plan using a palette appropriate for the desert environment and consistent with the project's prominent location on East Palm Canyon Drive. Landscape and hardscape for the front of the project site have been carefully designed to enhance the main hotel entrance and to provide lush landscaping reflecting the site's location on East Palm Canyon Drive.

The landscape planter within the right-of-way area along East Palm Canyon Drive features a single row of tall date palms. To complement the street trees, the front setback area will feature multiple rows of date palms. Other types of palm trees and shrubs compatible with the desert environment will also be located within the front setback area. The first level garage openings that are not covered by mesh will be screened by willow acacia trees. The northwest corner of the project site will contain a monument sign and be landscaped with additional date palms and smaller shrubs and trees. Five reflecting pools will emanate from the lobby area towards East Palm Canyon Drive. There will also be another water feature directly in front of the lobby area.

The pool courtyard area will be landscaped with a mixture of trees and shrubs within areas of artificial turf. The setback areas along D Street and Van Fleet Avenue will be planted with tipu trees spaced at 40' on center along the property line. In response to the Architectural Review Subcommittee's recommendations, additional trees were added between the tipu trees along D Street resulting in trees spaced at 20' on center along the rear property line.

The landscaping to be provided within the planters along the D Street and Van Fleet Avenue public right-of-ways will soften the appearance of the hotel. The recreational areas along the southeast section of the site will also be landscaped with desert plants and trees. An area of citrus trees and an herb garden to the north of the tennis courts will be for the hotel guests to enjoy.

The surface parking area will have trees in planters every five parking spaces to enhance the parking lot's appearance and to provide shade. Block walls along the property lines on the west and south sides of the site will help to screen the surface parking area. Additional landscaping will be provided along the public right-of-way on both Van Fleet Avenue and D Street.

At the meeting on August 31, 2016, the Architectural Review Subcommittee made comments on the landscape plans for the project. The subcommittee recommended that the project move forward to Planning Commission for approval with the incorporation of responses to the following comments:

- Change the landscape plans to include medium-size trees on the south side of the hotel to improve view from hotel towards mountains to south.
- Consider expanding size of the 6' by 6' planters located within the parking lot area.

- Consider removal of the palm trees around the pool area to increase the amount of sunlight during the winter.

The applicant has made the following revisions in response to the Subcommittee comments:

- Hybrid mesquite trees added in between tipu trees along the south property line.
- The size of the planters was not increased.
- The majority of the palm trees and the purple orchid trees were removed from the pool area.

### Consistency with the Downtown Design Guidelines

The Downtown Design Guidelines include detailed list of design standards. The Design Guidelines are highly recommended but not mandatory. The project is substantially consistent with the purpose and intent of the Design Guidelines. Design concepts and guidelines applicable to the project include the "Oasis Concept", use of courtyards near buildings, and encouraging the planting of palm trees along East Palm Canyon Drive.

### Architectural Style and Landscaping

The Design Guidelines envision East Palm Canyon Drive as a palm-lined boulevard due to its importance within the Downtown area. Consistent with this goal, additional palms will be planted within the public right-of-way along East Palm Canyon Drive. Rows of date palm trees are also proposed for the front setback area of the site.

The use of courtyards to provide protection from the sun and wind is also encouraged. The hotel will have a large courtyard containing the main swimming pool that will be fully landscaped and protected on three sides by the hotel building.

The oasis concept involves creating lush landscaping, water features and colorful plants in contrast with the starkness of the desert environment and place emphasis on important buildings. The project is consistent with this concept in that landscaping and water features proposed in the front setback area contrast with the surroundings of the desert environment especially the areas to the south and southwest of the project site which contain the stark rocky slopes of the Santa Rosa and San Jacinto Mountains.

The Design Guidelines recommend Southwest style architecture such as Mediterranean and Spanish revivals. However, the hotel will have a more contemporary architectural style. Contemporary architecture is consistent with several other buildings in the City such as the recently constructed mattress store and remodeled carwash building on East Palm Canyon Drive. The hotel's building elevation will have a busy rippling effect created by the protruding balconies, overhangs and vertical wall elements. This treatment of the exterior walls is consistent with design guideline 8.01.04 that encourages wall surfaces that create a 'living wall' from movement and activity.

Use of earth tones in keeping with the traditional desert character is also recommended. Exterior walls are to be painted in muted tones of tan and brown colors. The majority of the wall materials will

be smooth plaster.

The Design Guidelines encourage direct pedestrian access to a building. The project will have sidewalks along East Palm Canyon Drive, Van Fleet Avenue, and D Street and on-site walkways throughout the property. In this way, hotel guests will be encouraged to walk from the hotel to the surrounding areas.

### Parking Analysis

Parking for the hotel will be located within a surface parking lot on the west and south side of the building and within a partially underground garage. A total of 445 spaces will be provided on-site that includes 436 regular spaces and nine motorcycle spaces.

Zoning Code Section 9.58.020 requires that hotels provide 1.2 spaces per unit and one space per 100 square feet of assembly use. The fitness center was not included as assembly space since its use would be restricted to hotel guests. Based on this ratio, a total of 647 spaces are required for the project. Therefore, the project would have a deficit of 202 spaces using the standard "Hotel" parking ratio.

### **Parking Requirements**

<b>Use</b>	<b>Floor area or number of units</b>	<b>Parking ratio</b>	<b>Number of parking spaces required</b>
Hotel rooms	312 rooms	1.2 spaces/room	374.4
Dining: • Deli/coffee shop • Bar 1 • Cafeteria • Restaurant • Bar 2	1,977 sf 1,658 sf 3,816 sf 2,672 sf 425 sf	1 space/100 sf of floor area	19.77 16.58 38.16 26.72 4.25
Assembly: • Meeting rooms • Lounge areas	8,507 sf 8,170	1 space/100 sf of floor area	85.07 81.70
Total required parking			647

Section 9.58.040 of the Zoning Code allows the Planning Commission to establish a ratio of parking for uses not specifically mentioned in the off-street parking section of the code. Resort hotels differ significantly from typical hotels for several reasons. Resort hotels provide extensive on-site amenities such as restaurants, meeting rooms, and extensive recreational opportunities that keep guests on the site. As a result, a resort hotel is more of a travel destination than typical hotels that are used by people traveling through an area. In addition, a resort hotel may have larger rooms for the comfort of guests during long-term stays.

A parking study prepared for the projects also supports a reduction in parking for the project. The study determined that 445 spaces on-site plus 25 spaces in the City garage would satisfy parking demand for the hotel. The study found that 445 parking space would be meet the demand for the resort hotel with the exception of certain times when there are special events taking place in the area.

The study findings were based on the following factors:

- Hotels surveyed within the Coachella Valley have occupancy rates of no more 78.6 percent of total capacity at any one time.
- The hotel parking requirement in the Zoning Code does not take into account that not all guests will travel by car to the hotel. A certain percentage of them will use a taxi or ride sharing service such as Uber or Lyft. Some guests may take a shuttle service from the airport without the need to rent a car. The study estimates approximately 38 percent of guests would use other means of transportation to the hotel.
- The hotel will attract a certain percentage of motorcycle riders based on area statistics.

A reduction in the amount of parking for a resort hotel is also supported by the different parking ratios for restaurant uses found in the Zoning Ordinance. The parking requirements for hotel restaurants is much higher than would be required if the restaurant was calculated as a separate entity. The table below shows a comparison of the differing code requirements for restaurants.

Use	Parking requirement	Project requirement based total dining/bar floor area of 10,548*
Restaurant within a hotel	1/100 sf	106 spaces
Standalone restaurant	1/150 sf for 1st 4,000	71 spaces
Restaurants within a shopping center	1/250 sf for 1st 4,000	43 spaces
Standalone restaurants within MXC	1/333	32 spaces

\*All restaurants and bars proposed for the hotel are less than 4,000 sf in floor area.

Restaurants within shopping centers require less parking than standalones because some patrons are expected to both eat and shop during the same visit. Within the MXC zone, the standalone ratio is lower due to the additional pedestrian activity expected within the Downtown area. Since the resort hotel is located with the MXC zone, and there is an expected amount of guests of the resort hotel and other customers already within the Downtown area to patronize the restaurant, the 1/333 ratio would appear appropriate for the proposed restaurant. This would reduce the total parking requirement to 32 spaces for the hotel dining areas.

The parking study found that most hotels within the Coachella Valley region are unlikely to reach their full capacity at any time. Consequently, resort hotels should not be expected to provide parking based on their total capacity. The City of Indian Wells takes this into account by reducing required parking when the number of rooms exceeds 50. The City of Indian Wells requires 1.2 spaces for the first 50 rooms and .90 spaces for rooms in excess of 50. Other local zoning codes treat accessory uses to hotels differently. Indian Wells only requires additional parking for dining areas (1/200 sf). A brief survey of the hotel parking requirements from surrounding cities is provided below.

City	Room requirement	Requirement for hotel amenities	Different rate for resort hotel
Indian Wells	1.2 spaces for 1 <sup>st</sup> 50 rooms 0.90 spaces for rooms over 50	1/200 sf dining	No
Indio	1.1 space unit	As needed	No
Palm Desert	1.1 space per unit	As determined by Director based on a Precise Plan	Yes
Palm Springs	1 space per unit for 1 <sup>st</sup> 50 rooms 0.75 spaces per additional room	One parking space shall be provided for every 60 square feet of gross floor area of dining room, bar and dancing areas, and places where the public is served.	Yes for accessory uses.

Based on the above analysis and comparisons, resort hotel parking within the Downtown area supports use of the parking ratios in the following table:

Hotel area	Ratio	Number of spaces needed	Explanation
Guest rooms	1.2 spaces for first 50 units then 0.90 space per additional room	295.8	Attempts to take into account occupancy rates as discussed above.
Dining area	1/333 sf	32 spaces	Standalone restaurant ratio in the MXC areas of the Downtown
Meeting room areas	1/100 sf	85 spaces	No change
Lounge areas	None	None	Lounge areas of the hotel are expected to be used by hotel guest as waiting areas. Neither Indian Wells nor Palm Springs includes these areas in their parking calculations.
<b>Total required spaces</b>		<b>412 spaces</b>	

As a result of the above analysis, parking demand for the project would be 412 spaces. An excess of 22 spaces on site would result, if motorcycle spaces are not taken into account. In the event of

onsite parking exceeding peak demand, the applicant shall provide licensed shuttle service to and from the City multi-level parking garage to the applicant's 25 leased parking spaces on an as needed basis.

The parking code does not distinguish resort hotels as a separate use from hotels. However, resort hotels differ significantly from typical hotels in several ways that affect parking needs as described in the preceding analysis. Therefore, a new category for resort hotels located in the Downtown area, pursuant to Section 9.58.040, is proposed.

### **ENVIRONMENTAL ANALYSIS:**

An Initial Study and Mitigated Negative Declaration (IS/MND) were prepared by City Staff. Special studies including air quality, traffic, cultural resources, visual impact, and geotechnical were prepared by outside consultants for the IS/MND. The IS/MND also relied on the EIR prepared for the 2002 update of the General Plan, Precise Plan amendment, and an amendment to the Zoning Map. The 2002 EIR included a general analysis of the hotel. The IS/MND includes mitigation measures that address the following areas: air quality, biology, cultural resources, geology, hydrology/water quality, and noise. The 18 mitigation measures are as follows:

**AQ-1** During all phases of project construction, grading and earthmoving activities shall be limited to a maximum of five acres per day.

**BIO-1** Before issuance of any building permit for the project, a pre-construction survey shall be conducted for the burrowing owl and desert tortoise no more than 14 days before any ground disturbing activities begin using the proper protocols (USFWS and CDFW). The survey shall be conducted as close to the actual construction initiation date as possible. If evidence of the burrowing owl or desert tortoise is found on the site, then the developer shall follow the recommendations of a professional biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities. Evidence of the completed surveys shall be submitted to the Planning Manager before grading permit issuance.

**BIO-2** If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the applicant or City and paid by the applicant, not more than 14 days before the start of ground-disturbing activities. Disturbance that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the Planning Manager before issuance of building permits.

**CR-1** If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the applicant shall immediately notify the Planning Manager. A qualified archaeologist shall be called to the site by, and at the expense of, the applicant to identify the find and propose mitigation if the resource is

culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

**CR-2** If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and

B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC) or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the Most Likely Descendent (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Sec. 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.

**CR-3** A Native American monitor shall be present during all future ground-disturbing activities for the project. If cultural resources are uncovered, work in the vicinity of the find shall be stopped and the resource evaluated by a qualified archeologist. A tribal representative shall also be contacted and consulted regarding the find. If the resource is found to be significant, the archeologist in consultation with the appropriate tribal representative, and City representative shall confer with regard to mitigation.

**CR4** If any tribal cultural resources or archeological resources are uncovered during site disturbing activities, the resources shall be relinquished to appropriate tribe. Work shall not resume until the resource has been fully removed or otherwise mitigated.

**GEO-1** Before issuance of building permits, the project applicant shall submit plans to the City Engineer for review and approval demonstrating project compliance with the most recent California Building Code seismic requirements and the recommendations of the 2008 *Geotechnical Report for the Proposed Hotel Project* and 2015 update. All soil engineering recommendations and structural foundations shall be designed by a licensed professional engineer. The approved plans shall be incorporated into the proposed project. All on-site engineering activities shall be conducted under the supervision of a licensed geotechnical engineer.

**GEO-2** Before start of construction, all remnants from the septic system from the previous residential

occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with the project geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of abandonment shall be submitted to the City before issuance of building permits for the project.

**N-1** Construction equipment and construction-related traffic shall enter and leave the site from the either the East Palm Canyon Drive or Van Fleet Avenue entrances whenever possible.

**N-2** During construction of the project, the construction contractor shall limit all construction-related activities to the following hours, in accordance with the Construction Noise Standards set forth in Chapter 11.96 (Noise Control) of the City of Cathedral City Municipal Code:

October 1 through April 30:

- 7:00 a.m. to 5:30 p.m. on Monday through Friday
- 8:30 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a state holiday.

May 1 through September 30:

- 6:00 a.m. to 7:00 p.m. on Monday through Friday
- 8:00 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a State of California holiday.

**N-3** Construction equipment will use available noise suppression devices and properly maintained mufflers. Construction noise shall be reduced by using quiet or “new technology”, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

**N-4** During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.

**N-5** The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

**N-6** Stationary noise sources shall be located as far from sensitive receptors as possible, and shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be

incorporated to the extent feasible.

**N-7** Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

**T-1** The project applicant/developer shall provide revised site plans showing following on-site roadway improvements shall be implemented for the project and shall be consistent with Figure 5-A in the Traffic Impact Analysis prepared for the project dated 11/30/15:

- a. Construct the appropriate half section improvements along East Palm Canyon Drive between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
- b. Construct the appropriate half section improvements along Van Fleet Street between East Palm Canyon Drive and D Street which includes curb/gutter, sidewalk, landscaping, etc.
- c. Construct the appropriate half section improvements along D Street between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
- d. Provide stop sign control at the project driveways.
- e. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.
- f. Verify that minimum sight distance is provided at the project access points.
- g. Modify the traffic signal at Allen Avenue/ East Palm Canyon Drive to accommodate the southerly leg of the intersection.
- h. The length of the current eastbound right turn pocket (200 feet) and westbound left turn pocket (130) along East Palm Canyon Drive at the project driveway are expected to sufficiently accommodate the proposed queues entering the site.

These Mitigation Measures are included in the Conditions of Approval. Some of the Mitigation Measures may duplicate or be more specific than the standard Conditions of Approvals, since the special studies for the Initial Study document were prepared by outside consultants. Staff has left the City Standard Conditions intact, unless there was an exact duplication, in order to ensure that all issues were covered.

*NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material which constitute the record of proceedings upon which this decision is based.*

**PUBLIC NOTIFICATION:**

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA.

**ATTACHMENTS:**

- Attachment 1: Conditions of Approval
- Attachment 2: Resolution
- Attachment 3: Public Hearing Notice
- Attachment 4: Site Plan
- Attachment 5: Landscape Plan
- Attachment 6: Elevations
- Attachment 7: Mitigated Negative Declaration