



Planning Commission Staff Report

Date: January 13, 2010

Case No.: 3.2952 – MAJ Time Extension (The Privado)

Type: Major Architectural Approval Time Extension

Location: Northeast corner of Amado Road and Avenida Caballeros

APN: 508-580-055, 508-580-069, 508-580-071, 508-580-074,
508-580-075

Applicant: Enterprise California

General Plan: RH Section 14 (High Density Residential)

Zone: R-4, (Multi-Family Residential)

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

Project Planner: Glenn Mlaker, Assistant Planner

PROJECT DESCRIPTION

A request for a one-year time extension for a previously approved project for the construction of 81 condominiums on a 7.11 acre site located at the northeast corner of Amado Road, and Avenida Caballeros.

RECOMMENDATION

That the Planning Commission approve a one-year time extension for Case 3.2952-MAJ from December 13, 2009 to December 12, 2010.

PRIOR ACTION

On December 13, 2006 the Planning Commission adopted the Mitigated Negative Declaration (MND); approved the Major Architectural application (MAJ), and recommended approval of the associated Tentative Tract Map (TTM 35019) to the City Council.

On January 17, 2007 the City Council approved the associated Tentative Tract Map (TTM 35019) application.

On January 14, 2009, the Planning Commission granted a one-year time extension for Case 3.2952 from December 13, 2009 to December 12, 2010.

BACKGROUND

The previously approved project consists of 81 condominiums on a 7.11 acre site. The project also includes internal circulation drives, and common area amenities consisting of a community room, fitness room, kitchen, restrooms and swimming pool. The condominium units will be one to three stories in height, with a maximum height of 30 feet; and will range in size from 2,023 to 3,413 square feet. The units will be arranged in building clusters. The buildings will vary in size, with the largest building containing 22,539 square feet of building area.

ANALYSIS

ZONING ORDINANCE

Architectural Approvals, granted pursuant to Section 94.04.00(H) of the Palm Springs Zoning Code (PSZC), have a time limit for construction which is two years. According to Section 94.04.00 (H) of the PSZC, "*extensions of time may be granted by the Planning Commission upon demonstration of good cause*". In the letter of time extension request, the applicant stated that construction has not commenced due to the poor state of the current real estate market. This project was approved on December 13, 2006; therefore, the original approval expired on December 13, 2008.

The applicant submitted a letter of time extension request on November 18, 2009. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved.

Staff has concluded that since the approval of the original entitlement, there have been no changes in the applicable rules or in the character of the neighborhood that would warrant denial of the time extension.

January 13, 2010

ENVIRONMENTAL DETERMINATION

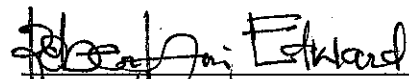
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Mitigated Negative Declaration of environmental impact (MND) was previously adopted by the Planning Commission on December 13, 2006 for the project. Further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects. The time extension would not result in any new environmental impacts beyond those already assessed in the Mitigated Negative Declaration.

CONCLUSION

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one year from December 13, 2009 to December 12, 2010 for case 3.2952 MAJ



Glenn Mlaker
Assistant Planner

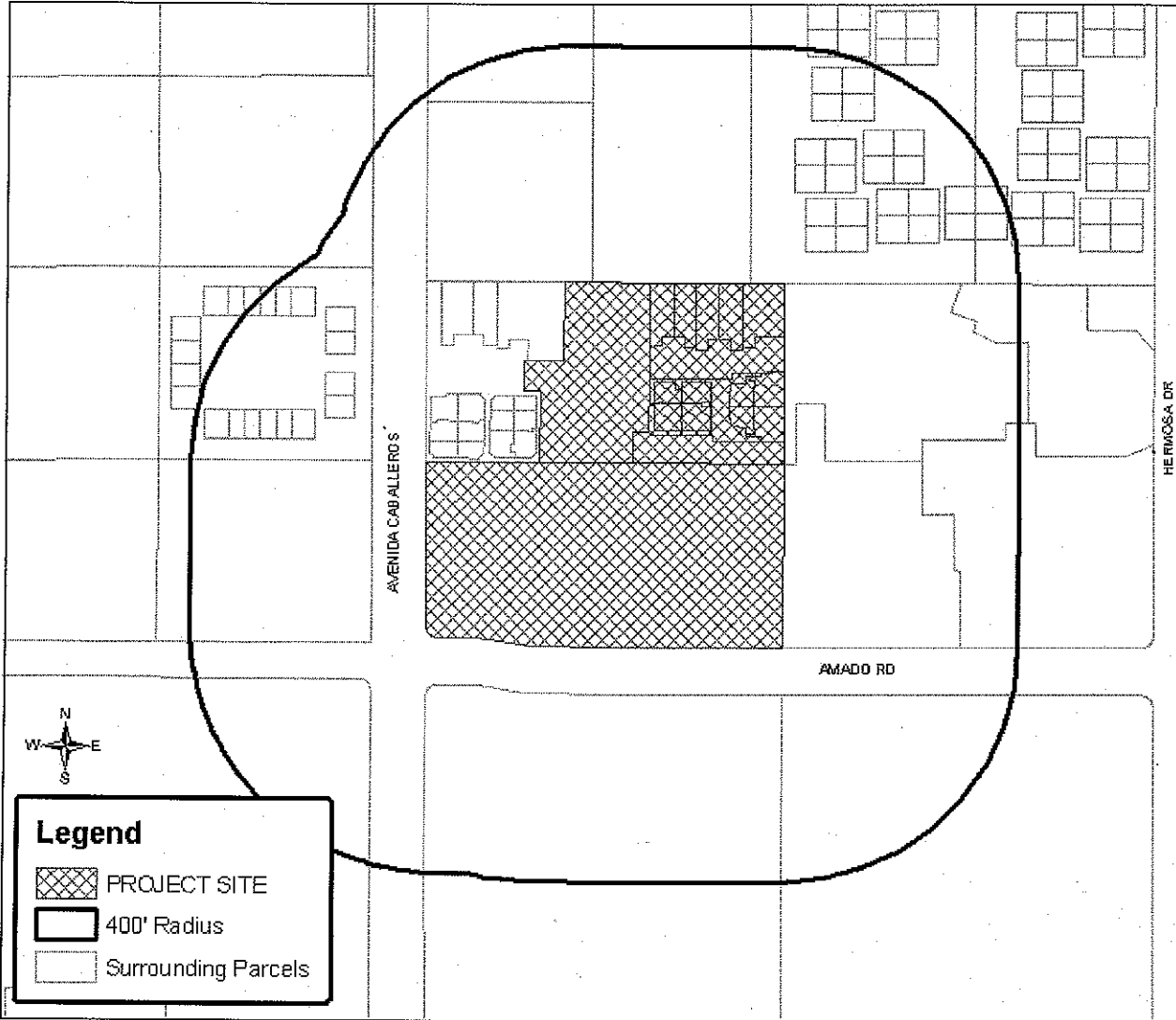
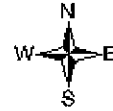
for 
Craig A. Ewing AICP
Director of Planning Services

Attachments:

- 500' Radius Map
- Draft Resolution
- Engineering Dept. Revised Conditions of Approval
- Letter Requesting Time Extension



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 3.2952 MAJ, TTM 35019

APPLICANT: Enterprise California

DESCRIPTION: To consider a one-year time extension request by Enterprise California to construct 81 condominiums on a 7.11 acre site located at the northeast corner of Amado Road and Avenida Caballeros, Zone HR, Section 14. APN: 508-580-055 thru 508-580-069, 508-580-071, 508-580-074, 508-580-075.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FROM DECEMBER 13, 2009 TO DECEMBER 12, 2010 FOR CASE NO. 3.2952-MAJ, A PREVIOUSLY ENTITLED CONDOMINIUM DEVELOPMENT OF 81 UNITS ON 7.11 ACRES AT THE NORTHEAST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS, ZONE R-4, SECTION 14.

WHEREAS, Enterprise California ("Applicant") has filed an application with the City pursuant to Chapter 94.04.0(H) of the Palm Springs Zoning Code for a one-year time extension for Case No. 3.2952 - MAJ for a condominium development of 81 units on 7.11 acres.

WHEREAS, on January 13, 2010, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Mitigated Negative Declaration of environmental impact (MND) was previously adopted by the Planning Commission on December 13, 2006 for the project. Further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects. The time extension would not result in any new environmental impacts beyond those already assessed in the Mitigated Negative Declaration.

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one year time extension from December 13, 2009 to December 12, 2010 for Case No. 3.2952 - MAJ.

ADOPTED this 13th day of January, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig Ewing, AICP
Director of Planning Services

EXHIBIT A

Case No. 3.2952 -- TTM 35019-
PS Del Grano II LLC

Northeast corner of Amado Road and Avenida Caballeros
("Privado")

REVISED CONDITIONS OF APPROVAL

January 13, 2010

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

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

PROJECT SPECIFIC CONDITIONS

Administrative

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.2952, Tentative Tract Map 35019. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or

abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
4. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall be in the form of a money order or cashier's check payable to Riverside County.
5. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
6. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.

Environmental Assessment

7. The mitigation measures of the Initial Study shall apply to the proposed project. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the Initial Study, and hereby incorporated into these conditions by reference.
8. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

CC&R's

9. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.
10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$2000, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

Final Design

11. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
12. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits.

Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

General Conditions/Code Requirements

13. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
14. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
15. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
16. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
17. All materials on the flat portions of the roofs shall be earth tone in color.
18. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
19. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
20. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
21. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.

22. The street address numbering/lettering shall not exceed eight inches in height.
23. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
24. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building.

Engineering Division

STREETS

25. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
26. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
27. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement; overlay, slurry seal, or other repairs, as required by the City Engineer.
28. The project drives may be constructed of pavers or asphalt, at the developer's option.
- 28A. Master planned roadways (Avenida Caballeros and Amado Road) shall be improved to the Final Section 14 Master Development Plan/Specific Plan design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.
29. When public dedications of easements or rights-of-way over Tribal Allottee land are required, the applicant shall be responsible for compliance with all Bureau of

Indian Affairs (B.I.A.) requirements, including payment of any BIA fees, obtaining appraisals and payment of just compensation to the underlying owner. It is the applicant's responsibility to determine what additional costs or other requirements may be necessary to obtain any required public dedications as identified by the City for this development. Required public dedications for easements or rights-of-way are "without limitation as to tenure"; easements granted with a defined term, or made in connection with an underlying Indian Land Lease, shall not be accepted.

30. Upon completion of required improvements by the applicant, and as a condition of acceptance by the City Engineer, the applicant shall prepare for the City Engineer's approval, an Affidavit of Completion in accordance with Section 169.16, Title 25, of the Code of Federal Regulations, for any improvements constructed by the applicant for which an easement was dedicated to the City through the Bureau of Indian Affairs. The Affidavit of Completion shall be provided to and approved by the City Engineer prior to final acceptance of the project, including issuance of a final certificate of occupancy. The applicant shall be responsible for obtaining the necessary form for the Affidavit of Completion from the Palm Springs Agency of the Bureau of Indian Affairs, and for having it completed as necessary by the applicant's Engineer of Record.

AVENIDA CABALLEROS

31. Remove the existing driveway approach and construct curb and gutter to match existing improvements, in accordance with applicable City standards.
32. Construct a meandering 5 feet wide sidewalk and 10 feet wide Class I meandering bicycle path along the entire frontage to match the existing sidewalk and bicycle path.
33. Remove the existing asphalt concrete ramp, and construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Avenida Caballeros and Amado Road in accordance with City of Palm Springs Standard Drawing No. 212.
- 33A In accordance with the Section 14 Final Master Development Plan Specific Plan (dated November 2004), the applicant shall plant palm trees in groups of two at a spacing of approximately 60 feet apart, with shade trees in an informal pattern with drought tolerant plants (in accordance with Figure 5-6 in the Section 14 Specific Plan), as approved by the Director of Planning Services. The applicant shall be responsible for the perpetual maintenance of the new palm trees and other parkway landscaping along the Avenida Caballeros frontage. The specific landscape improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

34. All broken or off grade street improvements shall be repaired or replaced.

AMADO ROAD

35. Construct a 6 inch curb and gutter, 32 feet north of centerline along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 200.
36. ~~Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. In accordance with the Section 14 Final Master Development Plan Specific Plan (dated November 2004), the applicant shall plant shade trees in an informal pattern at a spacing of 30 feet or less, in a 4 feet wide parkway with a 5 feet wide sidewalk north of the parkway (in accordance with Figure 5-16 in the Section 14 Specific Plan), as approved by the Director of Planning Services. Dedicate sidewalk easements as needed. The applicant shall be responsible for the perpetual maintenance of the new shade trees along the Amado Road frontage. The specific street and landscape improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.~~
37. Construct a 48 feet wide new street intersection for the Main Entry with the centerline of the Main Entry located approximately 415 feet east of the centerline of Avenida Caballeros. The Main Entry shall be constructed with 25 feet radius curb returns and spandrels, and a 6 feet wide cross-gutter, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
38. Construct a Type C A curb ramp meeting current California State Accessibility standards on each side of the Main Entry intersection in accordance with City of Palm Springs Standard Drawing No. 244 212.
39. 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 and 325. 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.

ON-SITE PRIVATE STREETS

40. Dedicate easements for public utility purposes, ~~including sewers~~, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.

41. All on-site private streets shall be two-way with a minimum 24 feet wide travelway (as measured from back of curb) where no on-street parking is proposed.
42. All on-site private streets shall be constructed with standard 6 inch curb and gutter, a wedge curb, or other approved curbs, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system.
43. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
44. Parking shall be restricted along both sides of the 24 feet wide on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
45. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
- 45A The gated entry is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements around the entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 50 feet shall be provided between the back of sidewalk on the adjacent street and the gated entry directory/control panel, with an approved maneuvering area provided between the directory/control panel and the entry gates. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gates, meeting the approval of the Fire Marshall.

SANITARY SEWER

46. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
47. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.
48. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

GRADING

49. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading 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 Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving Plan.

- b. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map or Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report, and a copy of the project-specific Water Quality Management Plan.
50. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, ~~Richard Begay (760-883-1940)~~, or the Tribal Archaeologist, ~~Patty Tuck (760-883-1926)~~, at (760) 699-6800 to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- 50A In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- 50B Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- 50C Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- 50D Prior to issuance of grading permit, the applicant shall provide verification to the City that the \$2,731.00 per acre fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
51. A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to issuance of a grading permit. Notice of Intent to comply with the California General Construction Stormwater

Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

- 51A Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
52. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
53. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan. Evaluation of and recommended improvements for the existing asphalt concrete pavement within the secondary emergency access road off of Avenida Caballeros shall be addressed by the Geotechnical/Soils Report prepared for this development.
- 53A The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
54. 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).

WATER QUALITY MANAGEMENT PLAN

- 54A A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- 54B Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association and/or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- 54C Prior to issuance of certificate of occupancy, the applicant shall:
- Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
 - Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions: and,
 - Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners/occupants.

DRAINAGE

55. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff

generated by the development of the property. The Preliminary Hydrology Study, prepared by Sanborn A/E, Inc., dated March 2006, shall be updated to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention system sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.

56. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
57. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site streets into the on-site underground retention system, as described in the Preliminary Hydrology Study, prepared by Sanborn A/E, Inc., dated March 2006. The Preliminary Hydrology Study shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.
58. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
59. The applicant is advised that the proposal for an underground retention system within the landscaped parkway along Amado Road may preclude the ability to install appropriate landscaping as may be required by the Department of Planning Services. The underground retention system shall be designed at a sufficient depth to allow typical landscape planting, including trees, and in a manner that does not interfere with the ability of the system to receive runoff in the future.
60. The proposed underground retention systems shall be installed on-site and not within the public right-of-way. The underground stormwater retention systems shall be sized to have a sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground stormwater retention systems shall be included in Covenants, Conditions, and Restrictions (CC&R's) for the Home Owners Association (HOA), including reference to the fact that maintenance and/or replacement of the systems may require removal of existing landscaping improvements within the Amado Road landscape parkway at the sole expense of the HOA. The CC&R's shall reserve the right of the City to inspect and ensure that the underground

retention systems are operable, and in the event of their failure, shall provide the City the right to advise the HOA and require its repair or replacement to the satisfaction of the City Engineer.

61. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.
62. This project ~~may~~ will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, may be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. ~~If required, such~~ Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

GENERAL

63. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
64. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with

the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, ~~Richard Begay (760-883-1940)~~, or the Tribal Archaeologist, ~~Patty Tuck (760-883-1926)~~ at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

65. All proposed utility lines shall be installed underground.
66. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
67. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
68. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
69. Nothing shall be constructed or planted in the corner cut-off area of any intersection or 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.
70. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.

MAP

71. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval.

A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

72. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of a Final Map.
73. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

74. Submit traffic striping plans for Amado Road, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
75. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Amado Road and the Main Entry and at Avenida Caballeros and the secondary emergency access road, in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
76. If identified by a name, install a street name sign at the intersection of Amado Road and the Main Entry, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625.
77. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks shall be provided by either an additional dedication

of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Avenida Caballeros and Amado Road frontages of the subject property.

78. Construction signing, lighting and barricading shall be provided ~~for on all projects~~ 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 ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996, Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006,~~ or subsequent additions editions in force at the time of construction.
79. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

Waste Disposal

80. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

Police Department

81. Developer shall comply with Article II of Chapter 8.04 of the Palm Springs Municipal Code.

Building Department

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

Fire

83. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

84. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
85. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
86. **Fire Sprinklers Required:** An automatic fire sprinkler system is required by local ordinance for all buildings.
87. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
88. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.
89. The address of the building served shall be clearly indicated on the Fire Department Connection (FDC). A sign with this information shall be placed on or near the FDC. The sign shall be constructed of metal. The sign face, lettering, and attachment shall be made of weather and vandal resistant materials. Sign background will be bright red. Letters will be bright white. Sign format will be substantially as follows:
- F. D. C.
SERVES
425
S. SUNRISE WAY
ALL BLDGS. IN COMPLEX
90. **Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the

number of sprinklers is one hundred or more. (Twenty or more in Group I, Divisions 1.1 and 1.2 occupancies.) All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station. (1003.3.1 CFC)

91. **Fire Hydrant & FDC Location:** A commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
92. **Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
93. **Fire Alarm System:** Fire Alarm System is required and installation shall comply with the requirements of NFPA 72.
94. **Audible Water Flow Alarms:** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
95. **Audible Residential Water Flow Alarms:** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch) to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
96. **Fire Alarm System Plans:** Alterations and modifications to an existing Fire Alarm System require a fire alarm plan.
97. **Added Fire Alarm Components:** Any smoke detectors, heat detectors, or audible and visual devices added to the existing system shall be new, and the same brand, style, and type as those already installed in the building. Exceptions only with advance approval of the Fire Plans Examiner. Contractor to provide

manufacturers cut sheets for all alarm devices used, with documentation of devices existing in the building.

98. **Plan Submittal:** The contractor should submit fire alarm system plans as soon as possible. Submittal shall include manufacturer's data/cut sheets and listings with expiration dates on all equipment and materials used. Include battery calculations with submittal.
99. **Wiring Installation:** The installation of all Fire Alarm Wiring and Equipment shall be in accordance with NFPA 72, 760, NEC. The plans as approved by the City Council have been reviewed by the Fire Department. The plans are consistent with this condition.
100. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

Minimum Access Road Dimensions:

Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. For two-way private streets, a minimum width of **24 feet will be required**. No parking shall be allowed in either side of the roadway.

The plans as approved by the City Council have been reviewed by the Fire Department. The plans are consistent with this condition.

101. **Road Design:** Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet. **The plans as approved by the City Council have been reviewed by the Fire Department. The plans are consistent with this condition.**
102. **Access:** Fire department access roads shall be provided so that no portion of the exterior wall of the first floor of any building will be more than **150'** from such roads. CFC 902.2.1. The plans as approved by the City Council have been reviewed by the Fire Department. The plans are consistent with this condition.
103. **Secondary Access:** A secondary access shall be provided for all developments with 25 or more dwelling units. (Appendix III-D 2.1 CFC)

104. **Reduced Roadway Width:** Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads) that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint. (901.4 CFC).
105. **Access Gates:** Fire/Police/Ambulance access gates shall be at least 24' in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
106. **Access:** Main entrance on Amado Road shall have both left and right turn access into the development.
107. **Turn-Around Requirements:** Dead-end fire apparatus access roads in **excess of 150 feet** in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC) The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
108. **Vertical Fire Apparatus Clearances:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches including trees. (902.2.2.1 CFC)
109. **Emergency Key Box:** A Knox key box is required for access to the fire sprinkler riser. Box shall be mounted at 6 feet above grade, adjacent to the main entrance. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
110. **Key Box Contents:** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex. NOTE: This will apply to the Community Center Building and the Fitness Center Building.
111. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)
112. **Water Supply:** The water supply and location/s of fire hydrants must be approved prior to any work being performed on the job site. (903.1 CFC)

113. **Fire hydrant systems:** Following Fire Department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (901.2.2.2 CFC). All fire hydrants shall be installed in accordance with DWA specifications and standards. No landscape planting, walls, fences, signposts, or aboveground utility facilities are permitted within 3 feet of fire hydrants, or in line with hose connections.
114. **Operational Fire Hydrants:** An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
115. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
116. **Fire Flow:** Fire flow for this project is estimated to be 1500 GPM.
117. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is along the path of exit travel or near an exit door. Extinguishers located outdoors must be installed in weather and vandal resistant cabinets approved for this purpose.

Cooking requirements for the Community Center Building:

118. The residential stove in the Community Building kitchen will only be used to heat water and warm food.
119. The use of cooking oils and deep frying applications will not be used at this facility.
120. A sign will be permanently installed in the kitchen stating how the stove may be used for warming of foods and heating of water only.
121. The fire extinguisher located in the kitchen will be in accordance with NFPA 10, Chapter 5. Class K fire extinguisher will be required.
122. **Fencing Required:** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall

remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)

Agua Caliente Band of Cahuilla Indians

123. Prior to issuance of building permits, the applicant shall pay the \$800.00 per acre Valley Floor Conservation Area fee to the Tribe as required by the THCP.
124. Prior to any ground or habitat disturbance associated with any Covered Project on the Reservation on a site which provides potential burrowing owl habitat, the Covered Project Proponent shall cause a pre-construction survey of the site to be conducted for presence of the species.
 - a. Surveys and relocation, if applicable, shall be conducted between September 1 and January 31 in accordance with the California Department of Fish and Game (CDFG) Staff Report on Burrowing Owl Mitigation (1995) or other then-current protocols as directed by the Tribe.
 - b. Owls should be excluded from burrows in the Development Envelope and within an appropriate buffer zone by installing one-way doors in burrow entrances or other techniques as deemed appropriate. The biological monitor must ensure through appropriate means (e.g. monitoring for owl use, excavating burrows) that the burrows to be impacted are not being used. The Tribe shall determine whether creation of artificial burrows is necessary as part of the relocation effort.
 - c. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that either: (a) the birds have not begun egg laying and incubation; or (b) that juveniles from the occupied burrows are foraging independently and capable of independent survival.
125. Based on the project location within the Tribe's Traditional Use Area, the THPO requests copies of any cultural resource documentation that might be generated in connection with these efforts for permanent inclusion in the Agua Caliente Cultural Register.
126. Experience has shown that there is always a possibility of encountering buried cultural resources during construction related excavations. Given that, the Tribe requests that an Approved Cultural Resource Monitor(s) be present during any survey and/or any ground disturbing activities. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to investigate and, if necessary, prepare a mitigation plan for submission to the THPA. Please contact the Tribal offices for further information about Approved Cultural Resource Monitors.

END OF CONDITIONS

enterprise california

November 18, 2009

Edward Robertson, Principal Planner

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262

Re: Del Grano II (Privado) TM# 35019
Case Number 3.2952

Subject: Project Time Extension of Major Architectural Approval

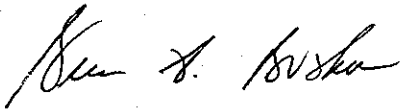
Dear Edward:

This project was originally approved by the City Council in January 2007 for a 2 year period. In December 2008 I asked for an extension of time which was granted. In addition it was my understanding that this tentative tract map was granted an automatic one year extension by Senate Bill 1185 this passed July 2008.

At this point I am not sure what expiration date we are working under. We hereby ask for an additional one year extension of all approvals in hand due the downturn of the economy and the poor state of the current real estate market.

If there are any questions, please feel free to call me.

Sincerely,



Bruce F. Bushore
Project Manager

(760) 285-8380

RECEIVED

Nov. 18 2009

**PLANNING SERVICES
DEPARTMENT**