



Planning Commission Staff Report

Date: March 10, 2010

Case No.: 5.1177 – PD 348

Application Type: Planned Development District Application for a fuel storage and distribution center.

Location: Northeast corner of Halleck Road and 19th Avenue

Applicant: BP West Coast Products, LLC

Zone: E-I (Energy Industrial)

General Plan: E-I (Energy Industrial)

APN: 666-320-006 & 666-320-008

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

PROJECT DESCRIPTION

The project consists of a Planned Development District application by BP West Coast Products, LLC, for the construction and operation of a fuel storage terminal and distribution facility. The new terminal will be located at the northeast corner of Halleck Road and 19th Avenue and includes six above ground fuel storage tanks and related facilities. The proposed pipeline that will supply fuel to the new terminal will extend from the existing Kinder Morgan fuel pipeline located south of Interstate 10 (I-10) Freeway within the Union Pacific Railroad right-of-way. The planned development district application is to seek for a relief from the maximum height of thirty feet (30') allowed within the Energy Industrial (E-I) zoning designation. The proposed maximum height of the fuel tanks will range from approximately 35 feet to 45 feet.

Specifically, the proposed project will consist of the following:

- An administrative building
- A maintenance building
- Six fuel storage tanks, one firewater storage tank (Plus two future tank sites)
- Truck loading rack
- Fencing around the perimeter of the site.
- Pipelines supplying fuel to the storage tanks
- Vapor recovery system
- Fire protection system and drainage systems.

RECOMMENDATION

That the Planning Commission approve the proposed planned development district application by BP West Coast Products, LLC to develop and operate the proposed fuel storage and distribution center by:

- Considering and certifying the Final Environmental Impact Report (FEIR) for Case Nos. 5.1177 PD 348;
- Approving Planned Development District Application 348 in accordance with the findings of Section 94.02.00.B; and
- Recommend certification of the Final EIR and approval of PD 348 to the City Council.

PRIOR ACTIONS

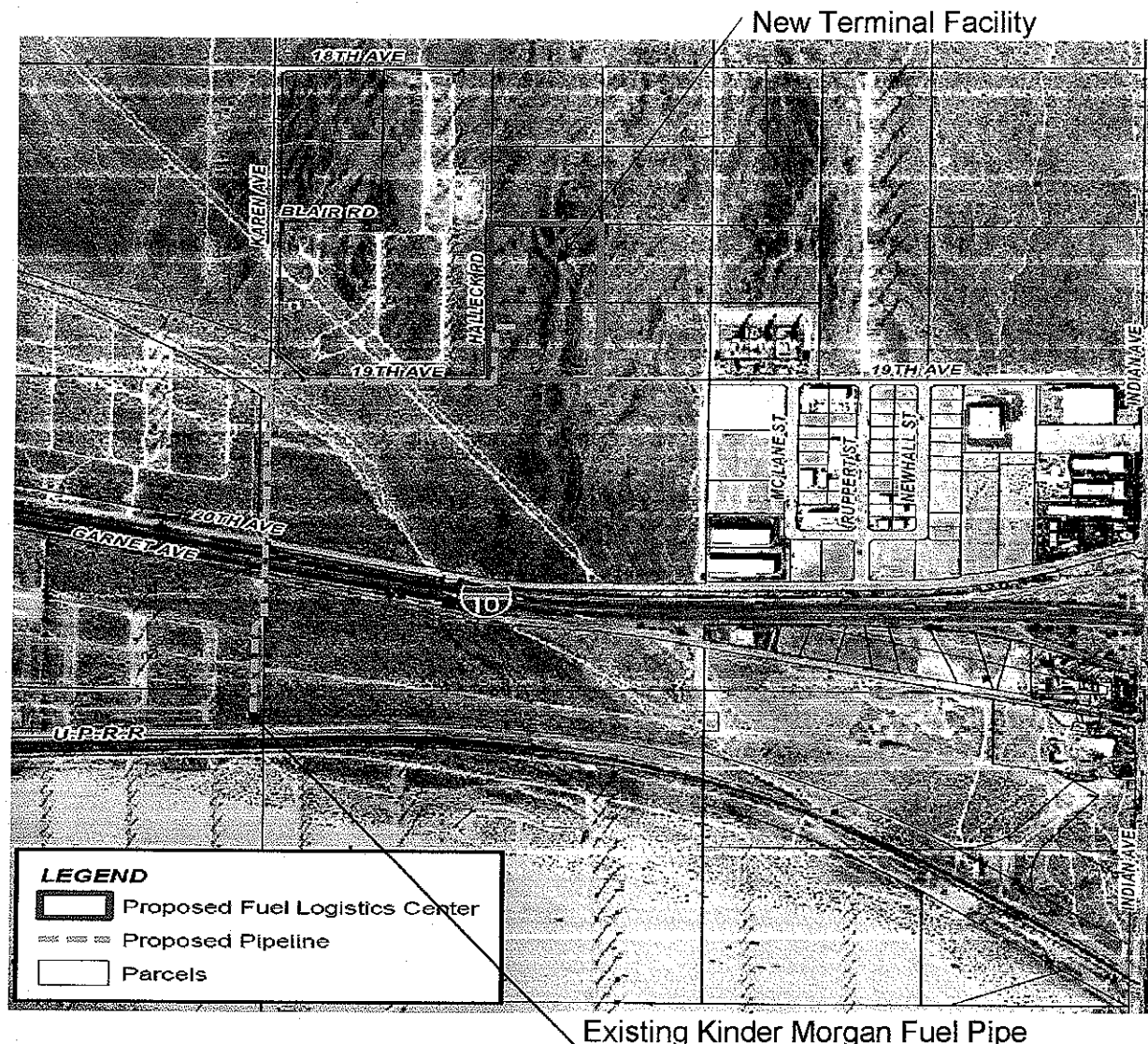
On November 13, 2007, the Architectural Advisory Committee (AAC) reviewed the architectural design of the proposed administration and maintenance buildings. The Committee voted 6-0-1 (Hudson abstained) for a restudy of the buildings with the following comments:

- Reduce the roof slope on buildings (recommended 3:12)
- The overhangs are not in proportion to the buildings. Increase the size of the overhangs and make sure that overhang supports are proportional.
- Solar control needs to be provided on the south portion of the buildings.
- Ensure adequate wind control on north and west portions of the buildings.
- The buildings should reflect the green principles that BP is known for.
- The Committee would like to see something dynamic and technologically inspired.
- Consider use of green building materials, solar panels and wind generators.
- Consider making the buildings more attractive to the public.
- Consider buildings that will allow holding educational seminars for residents and children for discussion of energy and issues.

On April 7, and 21, 2008, the AAC reviewed revisions to the project design and with a vote of 6-0-1 recommended approval to the Planning Commission. The Committee asked that the project be brought back for a final review of the roof design.

BACKGROUND AND SETTING

The proposed project is a new British Petroleum fuel storage terminal and pipeline extension. The proposed fuel line that will supply the new facility will extend from the existing Kinder Morgan pipeline located south of the project site and south of Interstate 10 (I-10) Freeway. The existing pipeline is located within the Union Pacific Railroad (UPRR) right-of-way. The BP fuel line extension is planned to extend across the I-10 Freeway at approximately 6,200 feet west of Indian Avenue off ramp. As planned, the new fuel line will extend from the connection to Kinder Morgan pipeline north along Karen Avenue, then east along 19th Avenue to the new terminal site.



PLANNED DEVELOPMENT DISTRICT

The approximately 20-acre project site is located west of Indian Avenue and north of 19th Avenue. The proposed project site is currently vacant and undeveloped with minimal vegetation. The subject site is adjacent to an energy farm with large wind mills. The visual character of the project area which is adjacent to Interstate-10 is mostly dominated by windmill energy farms.

As proposed, the new BP Terminal will be used as a fuels storage and distribution center. The fuel products will include ethanol, ultra low-sulfur clean diesel, biofuels, and gasoline. The primary components of the project include the pipeline that supplies fuel to the facility, distribution piping to storage tanks, fuel storage tanks, pumps and piping to supply a three-lane truck loading rack. Other major components include a vapor recovery system, fire protection system and drainage systems (stormwater and contact water). Upon completion, the terminal is anticipated to serve as the major fuel distribution hub for Palm Springs, the Inland Empire, and the Coachella Valley areas.

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Wind Farm	E-I (Energy Industrial)	E-I (Energy Industrial)
East	Wind Farm	E-I (Energy Industrial)	E-I (Energy Industrial)
South	Wind Farm	E-I (Energy Industrial)	E-I (Energy Industrial)
West	Wind Farm	E-I (Energy Industrial)	E-I (Energy Industrial)

ANALYSIS

The General Plan designation of the subject site is E-I (Energy Industrial). The zoning designation is also E-I (Energy Industrial). The proposed use is consistent with the General Plan designation; the zoning district also allows the development of petroleum and bulk fuel storage facility above ground with the approval of a conditional use permit.

Pursuant to Section 92.17.2.00 of the Palm Springs Zoning Code, *“The “E-I” energy industrial zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy. Alternative energy development is intended as the principal land use, with the permitted industrial uses serviced directly, and primarily, by alternative energy for electrical needs. The retention of open space is encouraged. No industrial use shall be permitted which, by the nature of its development or operation, will in any way adversely affect the resort environment of the city”* The proposed project site and its surroundings are primarily used for commercial wind energy farms; therefore the proposed fuel storage terminal and distribution center will be an appropriate use at the location.

Development Standards:

Section 92.17.2.03(3), Property development standards, of the Zoning Code states... "No building shall be erected closer than twenty-five (25) feet from the front property line. Not less than twenty-five (25) percent of such yard shall be landscaped and maintained". The Code further states... "Where the E-I zone abuts a street which is a boundary with a residential or open space zone, there shall be a yard abutting such street of not less than one hundred (100) feet. The twenty-five (25) feet nearest the street shall be landscaped and maintained. The remainder may be used for parking". There are no residential developments of any kind in close proximity to the subject site; furthermore, the facility is approximately 500 feet to the property line. All other components of the proposed development are consistent with the development standards of the Energy Industrial Zone. Table 2, below, describes the development standards applicable to the designation, and the standards which the proposed project will implement.

Table 2. Required and Proposed Development Standards:

DEVELOPMENT STANDARDS	REQUIRED STANDARDS	PROPOSED
Permitted Zone	E-I (Energy Industrial)	PDD 348
Lot Area:	Minimum area of 5 acres	20 acres
Lot Dimensions:	250'X250'	Exceeds Requirement
Height Limits:	30 feet	45 feet
Setbacks:	No structures within 50 feet	No buildings within 50'
Walls, Fences:	Not to exceed 8 feet	8 feet high barbed wire
Landscaping:	Not less than 25%	Exceeds Requirement
Coverage:	15% of proposed lot	0.73%
Off-street Parking Required:	18 spaces	32 spaces
Security:	Barbed Wire Fencing May be allowed for security purposes	Fencing provided

Planned Development District

A Planned Development District is needed for this project so that relief from the development standards of the storage tanks in the Energy Industrial zone can be achieved. The proposed storage tanks are approximately 35 feet to 45 feet in height; the maximum height permitted in the zone is 30 feet. Pursuant to Section **94.03.00** (Planned Development District) of the Zoning Ordinance, the Planned Development District is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. It went on to say that "It is the intent of this district to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications" The proposed use is consistent with the intent and designations of both the City's General and zoning ordinance.

PLANNED DEVELOPMENT DISTRICT

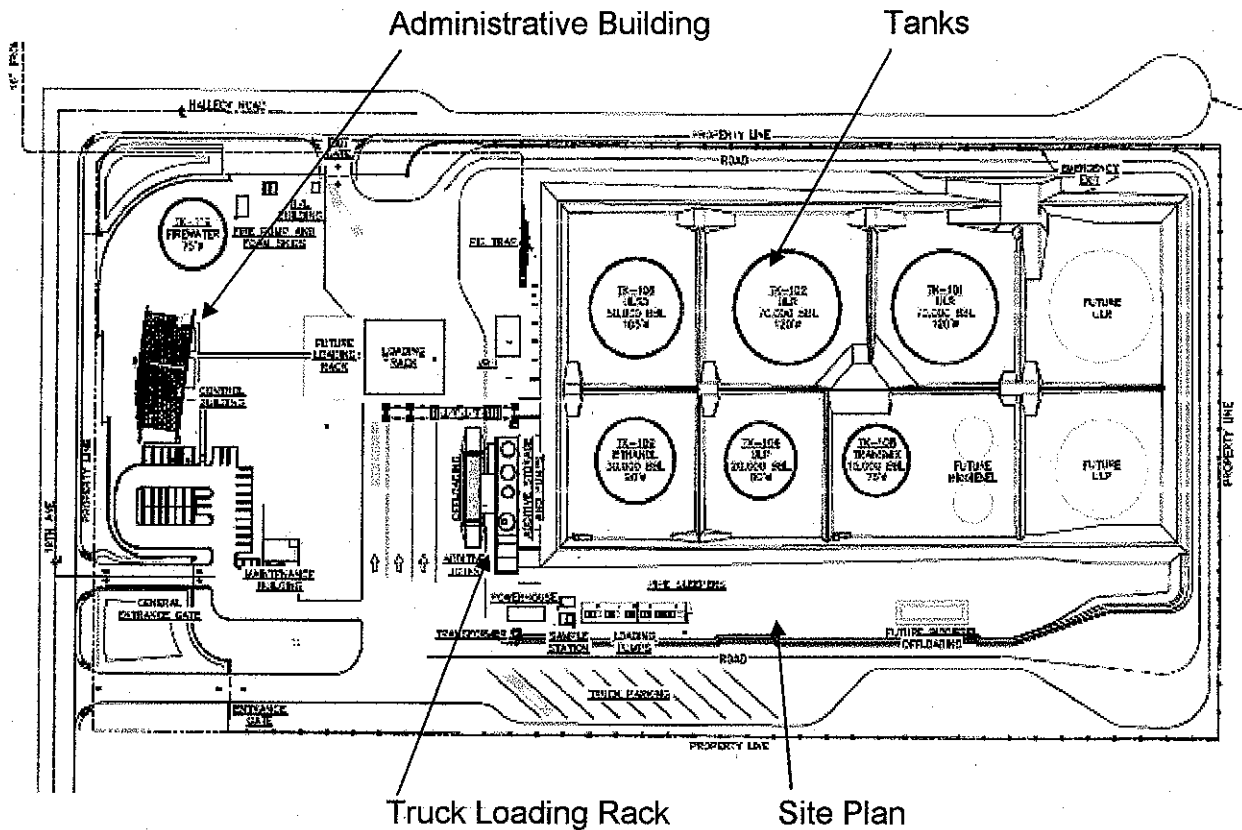
As indicated in Table 2 above, the Planned Development District is required in this case to address variations in required height for the six fuel tanks. As mentioned earlier the maximum height allowed is 30 feet; the proposed heights for the tanks will range from 35 feet to 45 feet maximum. According to Section 94.03.00.C.1 (Property Development Standards) of the zoning code, *"Buildings heights shall conform to the requirements of the underlying zoning district. Structures which exceed permitted heights shall be subject to the requirements of Sections 93.03.00 and 93.04.00"*.

Under the provisions of Section 92.04.03.D.2.C of the Zoning Code, high rise buildings may be permitted pursuant to the provisions of Sections 93.04.00 and 94.02.00 of the Zoning Code. Pursuant to Section 93.04.00.C.2 (High-rise buildings), *"In industrial zones, except for properties which abut a property in a residential zone, a high-rise building shall have a minimum setback of one (1) foot of horizontal setback for each one (1) foot of vertical rise of the building. This setback requirement is to be measured from all property lines"*

The proposed height of the tanks varies from 35 feet to 45 feet maximum; according to the requirement of Section 93.04.00.C.2 of the zoning code stated above; aside from the minimum 50 feet required setback in the E-I zone, an additional 15 feet of horizontal setback areas from all property lines will be required for this project. As proposed, the tanks will be setback a minimum of 720 feet from the property line to the west; approximately 1,250 feet from the property line to the east and approximately 440 feet from the property line to the north. The proposed setbacks are well in excess of the required setbacks based on the provisions of the zoning code. Finally, there are no residential developments of any kind abutting the subject site. The required development criteria in the Sections of the code outlined above have already been incorporated into this project, therefore the variation in height requirement sought for by the planned development application may be granted by the planning commission.

Site Plan and Project Design

The proposed BP Fuel Logistics Center will be located west of Indian Canyon Drive at the northeast corner of Halleck Road and 19th Avenue. The subject site is approximately 20-acre land that is currently vacant. The site is relatively flat with gentle slopes moving southwesterly with elevations ranging from 762 to 790 feet above mean sea level. Currently, the area and its immediate surroundings are undeveloped; the site is covered mostly by sparse and low growing vegetation. As proposed, the site will consist of two buildings; an administrative and maintenance buildings, six fuel storage tanks, plus two future tank sites, a firewater storage tank, three lane truck loading rack, perimeter walls and fencing, covered parking spaces and landscaping. The offload area located adjacent to the storage tank area will be covered by a light canopy and will be remote from the load rack equipment in a contained area. Products will be pumped back to their respective tanks from this area. Additional descriptions of other components of the facility are provided in this report.



Administrative & Maintenance Buildings:

The administrative building is proposed as a single-story structure of approximately 5,400 square feet in size. This structure will be the only permanently occupied building on the property. The building will be a steel or wood frame structure with stucco siding and standing seam sheet metal roof. It will house a kitchen, restrooms, large conference room, five offices, and a storage room. An area set aside from the main office building, via an interior sliding glass window, will house a driver's room with locker room and restrooms. A separate unmanned room will house the terminal's electronic equipment, as well as a small media room and a document storage room. The proposed maintenance building is a single story of approximately 800-square foot in size. Similar to the administration building, this building will be a steel or wood frame structure with stucco siding and standing seam sheet metal roof.

Storage Tanks:

There are a total of eight (8) fuel storage tanks and one firewater storage tank planned to be constructed for this project; only six fuel tanks will be built for now; spaces are allocated for two additional fuel storage tanks to be built in the future. Staff has included a condition of approval that will require the applicant to submit a separate application for the review and approval by the Director of Planning Services for the two additional tanks

in the future. The tanks will range in size from approximately 75 feet in diameter and 35 feet tall (shell height) to approximately 120 feet in diameter and 45 feet tall (shell height). The storage tanks will be used to store regular gasoline, premium gasoline, diesel, ethanol, and transmix in volumes that range from a minimum of 15,000 barrels (transmix) to a maximum of 70,000 barrels (regular gasoline). The tanks will be painted a light desert sand color to blend with the surrounding desert environment. The terminal will also have several smaller tanks to store gasoline additives, diesel additives, and water. Additionally, two biodiesel storage tanks are planned for the future. Storage tank spacing and setbacks are in conformance with California State Fire Code (2001) regulations. The storage tanks and foundation systems are designed in accordance with the latest edition of American Petroleum Institute 650 specification, which requires that site-specific seismic factors be evaluated for the design and construction of the tanks and foundations.

Truck Loading Rack:

The truck loading rack is the area at which the fuel delivery trucks are loaded with fuel. The concept is very similar to that of a regular gas station, although on a much larger scale. The truck rack will be comprised of three truck loading lanes capable of filling three fuel trucks with trailers simultaneously. The entire truck filling process is highly automated and is equipped with integral safety systems from the "*Scully overfill protection and grounding systems*".

Access to the truck loading rack and into the terminal is controlled with the use of card readers. This system requires a valid card to be used to activate the terminal's entry gate; this system also allows trucks to enter the facility. Once the truck arrives at the rack, the card reader is used to authorize and enable the truck loading operation. Volumes of the various types of fuel to be loaded into the truck as well as the "fuel recipes" are automatically controlled through the card reading system. The process of loading a truck with fuel products is less than 15 minutes; any vapors generated during the loading process will be directed to the Vapor Recovery Unit and returned to the tanks. Each loading lane will also be equipped with a diesel dispenser for truck refueling. The truck loading area is covered by a canopy that is designed to protect the drivers and the truck loading equipment.

Walls and Fencing:

The proposed site will be fenced along the west, north and east property lines with eight (8) feet high chain link with three (3) strands of barbed wire along the top of the fence. The perimeter fencing to the south of the terminal will be well set back from the property line with automated access gates. This portion of the fencing will be eight (8) feet high as well and will consist of a combination of split face block and wrought iron and also with automated access gates. Due to the significant amount of water that is required to flow through the site during a 100 year storm event, fencing around most of the site perimeter is required to have a large percentage of open area to facilitate water flow through the fence and across the property.

Fuel Pipeline Information:

Ultra low-sulfur clean diesel and gasoline will be supplied to the Terminal through a 16-inch pipeline that is approximately 5,000 feet long. As mentioned earlier, the pipeline will be connected into the existing Kinder Morgan Energy Partners (KMEP) pipeline system located approximately 4,500 feet south of the terminal and just north of the Union Pacific Railroad. The KMEP pipeline is located within the Union Pacific Railroad (UPRR) right-of-way. The proposed pipeline will be equipped with state of the art communications and control equipment, remote control devices, safety devices, pipeline inspection provisions (scraper launcher and scraper trap), and leak detection equipment (pipeline metering). The connection point will require the installation of some above-ground piping and motor operated valves, as well as communication and control equipment, and a sump tank. These components will all be installed within a fenced area with a maximum size of approximately 90 feet x 140 feet.

Water Pipeline:

The proposed water pipeline is an extension of the Mission Springs Water District's Water System Implementing Facilities and will supply water to the terminal. The segment of the water pipeline that will be constructed in association with this project will be approximately eight thousand (8,000) linear feet. The proposed pipeline would be located along 19th Avenue, from a connection point with an existing pipeline on 19th Avenue to just east of the project site at Halleck Road. An alternative pipeline alignment is proposed from the project site along Halleck Road north to 18th Avenue and east to Indian Canyon Drive.

Landscaping:

Landscaping is proposed to be provided along the south portion of the property along 19th Avenue and to the west of the property along Halleck Road. The proposed plants will be drought tolerant and will be compatible with the desert environment in accordance with City guidelines. Irrigation at the site is required to be designed to conserve water and minimize water use. The applicant is also proposing to cover any area outside of the tank containment area that is not paved or landscaped with a layer of gravel approximately 3 inch thick.

Interstate 10 Freeway Crossing:

The proposed fuel pipeline is planned to cross the Interstate 10 (I-10) at a location approximately 5,300 feet west of the Indian Canyon Avenue off ramp. This crossing will be constructed using a conventional jack and bore procedure to install an oversized pipe casing that will be used as a conduit to slide the product pipe through. This type of installation is typical of almost all pipelines that cross Caltrans rights-of-way. The casing pipe will be 42 inch diameter because of the potential for cobbles and boulders to be encountered during boring operations. The large diameter casing will enable a person to

clear obstacles from the leading edge of the casing. A soils investigation has been conducted at the bore pit and exit pit locations.

Terminal Security:

The terminal will be subject to the Department of Transportation's security regulations that apply to "HAZMAT" employees in 49 CFR 172, Subpart I. A site specific Security Plan will be prepared prior to operating the terminal that addresses personal security, unauthorized access, enroute security, and a stated commitment by the company to implement and adhere to the plan. In addition to these security measures, the facility will be staffed 24 hours per day, 365 days per year with the majority of the staff on site during the day shift. Day shift staff will consist of approximately three employees and the night shift will be staffed by a single operator.

Equipments planned to be installed onsite and procedures planned to be instituted to prevent unauthorized access will be included in the security plan and will include the following measures:

- 8-foot chain-link fencing, topped with 3 strands of barbed wire angled outward at a 45 degrees angle.
- Automatic access and exit gates with only one vehicle allowed entry at a time.
- Closed-circuit TV cameras will be installed at the entrance and exit gates, under the truck rack canopy to observe loading operations, above the truck rack canopy, and the west, east, and north property lines. All cameras are high resolution, will have tilt and pan capabilities and can detect motion or be directed by the operator. Each camera will be connected via fiber optic cable to a large screen monitor located in the operator's office. This system will have 30-day (minimum) capture and record capability.
- Lighting will be sufficient to adequately illuminate exterior gates, work areas, and loading areas. A lighting survey will be conducted prior to installation to not only ensure these areas are adequately illuminated, but also to ensure the lighting does not negatively impact the surroundings.
- Lock and Key systems will be installed throughout the terminal to limit access to the office building and sensitive parts of the terminal such as control rooms, electrical substations, computer room, etc.
- Parking lot is located clear of the perimeter fencing so as to leave a 15-20 foot clear "no parking" zone between any vehicles and the fence. During a High Security Alert State, the "no parking" zone is increased to 30 yards and only essential visitors would be permitted on site.
- 24-hour manned operations, 365 days per year with the majority of staff on site during the day. Checks will be conducted periodically throughout the day to look for unusual or suspicious activities or occurrences.
- Keys are removed from trucks when not in use and have secure key storage.

- Signs will be strategically posted around the Terminal wherever access is restricted to authorized personnel that is of sufficient size, boldness, and is visible at night by lights or iridescent lettering.

Access:

Access into the site will be provided from two main points of vehicular access designed primarily for trucks and employee vehicles. The two points of access are located along 19th Avenue; one will serve as the general entrance gate and the other will serve as ingress for the trucks. An additional point of egress only from the site is located at the westerly portion of the site on Halleck Road.

Parking:

Pursuant to Section **93.06.00(D)** (17), (Off-street Parking Requirements), of the Palm Springs Zoning Code, in the manufacturing and industrial uses including open industrial uses, "one (1) space is required for each five hundred (500) square feet of grass floor area". The two buildings within the proposed terminal totals approximately 6,200 square feet; with this, the applicant is required to provide 13 parking spaces; the applicant has designated 32 parking spaces for the project, and therefore exceeds the parking requirement.

Public Benefit

As a Planned Development, the project is subject to the provision of a "public benefit", as recognized by the Palm Springs General Plan. No specific off-site or on-site public benefits have been offered by the applicant; however, they argue that the project itself will constitute a public benefit with the fuel terminal serving as the major distribution hub for Palm Springs, the Coachella Valley and surrounding areas. Given that the proposal is a major fuel storage and distribution facility with a need for strict security, staff believes that traditional dedications of on-site open space or other public amenities is not appropriate for this project.

Staff believes that the request for a five-foot height increase for the tanks is of a minor nature considering the site's distance from any significant mountain views or other important scenery. Staff recommends that the Commission accept the project itself, including the resulting reduction of vehicle trips for fuel transport and the availability of a local fuel source, as a sufficient public benefit for the relief of the height standards.

Public Utilities and Services

As part of the development, 19th Avenue will be paved from Halleck Avenue to the current end of the pavement located near the west property line of the existing power plant. The street will be paved for two-way traffic with the installation of curb, gutter, and sidewalk on project side of the street and paving from the gutter to a distance of 18 feet

past the centerline of the street. A portion of Halleck Road adjacent to the project site will also be paved. However, only a portion of Halleck is proposed to be paved to accommodate a two-way traffic.

REQUIRED FINDINGS

Findings can be made in support of establishing the proposed Planned Development District as follows:

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

Pursuant to Section 92.17.2.01(6) (D) of the Zoning Code, petroleum and bulk fuel storage above ground may be permitted subject to approval of a conditional use permit. Furthermore, the proposed use at the site is in compliance with the zoning designation; currently, most of the surrounding land uses in the immediate vicinity of the site are energy and manufacturing related; therefore a fuel storage and distribution facility is a proper use at the location.

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

Upon its completion, the proposed fuel storage terminal will be the major fuel distribution hub for the Palm Springs, the Inland Empire and the Coachella Valley areas. The proposed use is necessary and desirable not only in terms of economic growth, but also because of reduced fuel delivery trips from the Los Angeles region to the Coachella Valley. The environment could benefit from the proposed location of the fuel terminal through reduced vehicle trips and emissions. The proposed use will provide short-term construction and stimulate additional future development in the community and the region once the terminal is in operation. A fuel storage and distribution terminal will not be detrimental to existing or future surrounding uses in the zone because the use is a permitted one in the zoning designation, and will complement existing energy related and manufacturing uses within the zone. An environmental analysis that was prepared for the proposed use concluded that with the implementation of determined mitigation measures, the use will not have any adverse effect on existing uses.

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

The subject site is approximately 20-acre land that is currently vacant. The site is relatively flat with gentle slopes moving southwesterly with elevations ranging from 762 to 790 feet above mean sea level. Currently, the area and its immediate surroundings

are undeveloped; the site is covered mostly by sparse and low growing community vegetations. The size of the property is adequate to accommodate the storage and distribution facility including all the required development standards required within the zone. These development standards will include adequate landscaping, required yard setbacks and security fencing. The proposed height of the tanks varies from 35 feet to 45 feet maximum, these exceeds the maximum height of 30 feet allowed in the zone. Pursuant to Section 93.04.00.C.2 of the zoning code, structures which exceed permitted heights shall be subject to the requirements of Sections 93.03.00 and 93.04.00 which requires a minimum setback of one (1) foot of horizontal setback for each one (1) foot of vertical rise of the building.

As a result, the minimum 50 feet required setback in the E-I zone, will require an additional 15 feet of horizontal setback areas from all property lines for this project. As proposed, the tanks will be setback a minimum of 720 feet from the property line to the west; approximately 1,250 feet from the property line to the east and approximately 440 feet from the property line to the north. These proposed setbacks are well in excess of the required setbacks based on the provisions of the zoning code. Finally, there are no residential developments of any kind abutting the subject site.

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

The project description includes the improvement of 19th Avenue from Halleck Avenue to the current end of the pavement located near the west property line of the existing power plant. The street will be paved for two-way traffic with the installation of curb, gutter, and sidewalk on project side of the street and paving from the gutter to a distance of 18 feet past the centerline of the street. Also a portion of Halleck Road adjacent to the project site will also be paved. However, only a portion of Halleck is proposed to be paved for two-way traffic. The new streets will be designed and constructed according to the City's standards. The facility is expected to handle approximately 133 round trips per day for fuel tanker trucks; with this in mind, the proposed road improvements associated with the project will be sufficient to accommodate the type and quantity of traffic that will be produced by the storage and distribution center.

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

In addition to the conditions imposed on the project by Planning, Fire and Public Works/Engineering Departments, the environmental mitigation measures from the Final Environmental Impact Report will be adequate to protect the public health, safety and general welfare. Furthermore, the project is designed such that public health, safety and general welfare will not be compromised.

ENVIRONMENTAL ASSESSMENT

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report was prepared and circulated for this project. The Draft Environmental Impact Report was released in April 2009. Copies of the Draft EIR and Final Environmental Impact Report (FEIR) were previously distributed to the Commission. Notices of the Reports were sent to all applicable agencies and published in accordance with CEQA. The review period ended on June 10, 2009; comments were received by the City, and they were all responded to in the final environmental impact report.

Furthermore, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts. However, the Final EIR concluded that the impacts would not be significant because project modifications and mitigation measures incorporated into the project will reduce impacts to less than significant levels.

Staff has determined that the Final EIR analyzed the issues the City identified as related to potential impacts, including land use policies, safety, aesthetics, biological resources and security effects. In addition to the required mitigation measures, staff has included conditions of approval in support of the PDD.

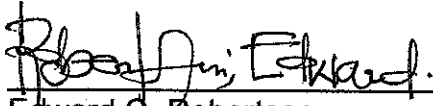
NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has received up to seven phone calls. Most of the comments were in favor of the project, however, questions were asked about the proposed security measures at the site once it is completed and in full operation.

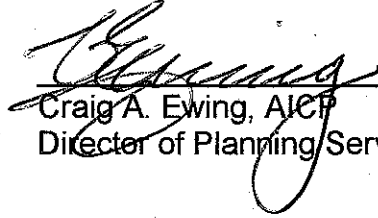
CONCLUSION:

As with most projects of this scale and significance, complete, thorough and adequate reviews are required and were made at the staff levels and the AAC for this project. The project is consistent with the land use and development standards of the "E-1" zone and has received a recommendation of approval from the Architectural Advisory Committee. Staff is recommending the following to the Commission:

- Consider and certify the Final Environmental Impact Report (FEIR) for Case Nos. 5.1177 PD 348;
- Approve Planned Development District Application 348 in accordance with the findings of Section 94.02.00.B subject to the attached conditions of approval; and
- Recommend certification of the Final EIR and approval of PD 348 to the City Council.



Edward O. Robertson
Principal Planner



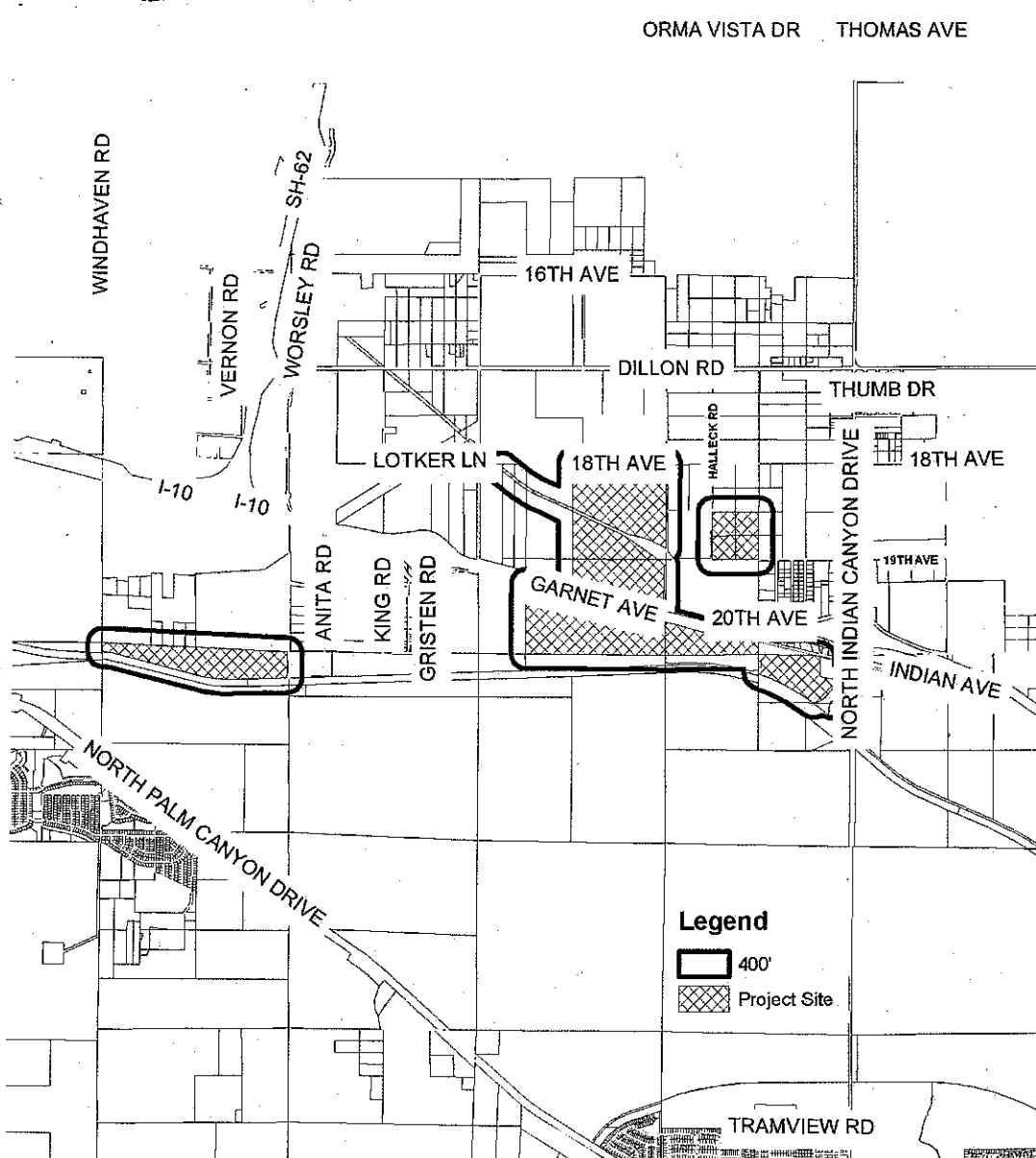
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. Mitigation Measures
5. Site Plans & Elevations
6. Copy of Final EIR



Department of Planning Services Vicinity Map



Legend

- 400'
- Project Site

CITY OF PALM SPRINGS

CASE NO: 5.1177 PD 348

APPLICANT: BP West Coast
Products, LLC

DESCRIPTION: To consider an application for the development of a new fuel storage terminal and distribution center located at the northeast corner of 19th Street and Halleck Road, Zone EI, APNs: 666-320-006, -007, -008, -009, 666-330-007, 668-400-007, -008, -010, 668-411-010, 668-412-002, 669-020-008, & 669-060-004, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), AND APPROVING CASE NO. 5.1177 PLANNED DEVELOPMENT DISTRICT 348, FOR THE DEVELOPMENT OF FUEL STORAGE AND DISTRIBUTION TERMINAL ON AN APPROXIMATELY 20-ACRE SITE LOCATED AT THE INTERSECTION OF 19TH AVENUE AND HALLECK ROAD, ZONE E1, SECTION 15.

WHEREAS, BP West Coast Products, LLC, (the "Applicant") has filed an application with the City pursuant to Section 94.03.00 (E) of the Palm Springs Zoning Code, for the establishment and development of Planned Development District 348; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case Number 5.1177, consisting of Planned Development District 348, was given in accordance with applicable law; and

WHEREAS, on March 10, 2010, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and a Draft Environmental Impact Report (DEIR) has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: A Final Environmental Impact Report (FEIR) has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's CEQA Guidelines. The Planning Commission found that with the incorporation of proposed mitigation measures, potentially significant environmental impacts resulting from this project will be reduced to a level of insignificance. The Planning Commission independently reviewed and considered the information contained in the FEIR prior to its review of this Project and the FEIR reflects the Planning Commission's independent judgment and analysis.

Section 2: Pursuant to Section 94.03.00 (E) and 94.02.00(B) of the Palm Springs Zoning Code, the Planning Commission makes the following findings:

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

Pursuant to Section 92.17.2.01(6) (D) of the Zoning Code, petroleum and bulk fuel storage above ground may be permitted subject to approval of a conditional use permit. Furthermore, the proposed use at the site is in compliance with the zoning designation; currently, most of the surrounding land uses in the immediate vicinity of the site are energy and manufacturing related; therefore a fuel storage and distribution facility is a proper use at the location.

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

Upon its completion, the proposed fuel storage terminal will be the major fuel distribution hub for the Palm Springs, the Inland Empire and the Coachella Valley areas. The proposed use is necessary and desirable not only in terms of economic growth, but also because of reduced fuel delivery trips from the Los Angeles region to the Coachella Valley. The environment could benefit from the proposed location of the fuel terminal through reduced vehicle trips and emissions. The proposed use will provide short-term construction and stimulate additional future development in the community and the region once the terminal is in operation. A fuel storage and distribution terminal will not be detrimental to existing or future surrounding uses in the zone because the use is a permitted one in the zoning designation, and will complement existing energy related and manufacturing uses within the zone. An environmental analysis that was prepared for the proposed use concluded that with the implementation of determined mitigation measures, the use will not have any adverse effect on existing uses.

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

The subject site is approximately 20-acre land that is currently vacant. The site is relatively flat with gentle slopes moving southwesterly with elevations ranging from 762 to 790 feet above mean sea level. Currently, the area and its immediate surroundings are undeveloped; the site is covered mostly by sparse and low

growing community vegetations. The size of the property is adequate to accommodate the storage and distribution facility including all the required development standards required within the zone. These development standards will include adequate landscaping, required yard setbacks and security fencing. The proposed height of the tanks varies from 35 feet to 45 feet maximum, these exceeds the maximum height of 30 feet allowed in the zone. Pursuant to Section 93.04.00.C.2 of the zoning code, structures which exceed permitted heights shall be subject to the requirements of Sections 93.03.00 and 93.04.00 which requires a minimum setback of one (1) foot of horizontal setback for each one (1) foot of vertical rise of the building.

As a result, the minimum 50 feet required setback in the E-I zone, will require an additional 15 feet of horizontal setback areas from all property lines for this project. As proposed, the tanks will be setback a minimum of 720 feet from the property line to the west; approximately 1,250 feet from the property line to the east and approximately 440 feet from the property line to the north. These proposed setbacks are well in excess of the required setbacks based on the provisions of the zoning code. Finally, there are no residential developments of any kind abutting the subject site.

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

The project description includes the improvement of 19th Avenue from Halleck Avenue to the current end of the pavement located near the west property line of the existing power plant. The street will be paved for two-way traffic with the installation of curb, gutter, and sidewalk on project side of the street and paving from the gutter to a distance of 18 feet past the centerline of the street. Also a portion of Halleck Road adjacent to the project site will also be paved. However, only a portion of Halleck is proposed to be paved for two-way traffic. The new streets will be designed and constructed according to the City's standards. The facility is expected to handle approximately 133 round trips per day for fuel tanker trucks; with this in mind, the proposed road improvements associated with the project will be sufficient to accommodate the type and quantity of traffic that will be produced by the storage and distribution center.

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

In addition to the conditions imposed on the project by Planning, Fire and Public Works/Engineering Departments, the environmental mitigation measures from the Final Environmental Impact Report will be adequate to protect the public health, safety and general welfare. Furthermore, the project is designed such that

public health, safety and general welfare will not be compromised.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission certifies the Final EIR for Case Number 5.1177 and approved Planned Development District No. 348 subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 10th day of March, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP

EXHIBIT A

Case No. 5.1177-PD 348
BP Fuel Storage & Distribution Center
Northeast corner of Halleck Road & 19th Avenue

March 10, 2010

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case No. 5.1177-PD 348; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped 3.10.10, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Department.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case No. 5.1177-PD 348. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay

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

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Planned Development District (PDD) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being

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

- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,
- ADM 13. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.
- ADM 14. The applicant shall be required to submit a separate application for review and approval by the Director of Planning Services for the two additional fuel storage tanks in the future.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF).required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. Notice of Determination. An administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the City Council final action on the project. This fee shall be submitted by the City to the County

Clerk with the Notice of Determination. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

- ENV 3. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee of \$2,010.25 as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee of \$64.00 for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 4. Mitigation Measures & Monitoring. All the mitigation measures contained in the environmental impact report (EIR) shall apply to this project. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the EIR will be included in the plans prior to grading permit.
- ENV 5. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 6. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- ENV 7. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record

search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors

such as off-white, beige or tan. Bright white should be avoided where possible.”

- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 12. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 13. Transportation Demand Requirement. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. Refer to Chapter 8.4 of the Municipal Code for specific requirements (projects with 100 or more employees)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

MISSION SPRINGS WATER DISTRICT

- MSWD 1. Please see the attachment to the conditions of approval document

ENGINEERING DEPARTMENT CONDITIONS

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. The applicant shall obtain State permits and approval of plans for all work done within the Interstate 10 right-of-way. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any permits related to the fuel pipeline installation.
- ENG 3. The applicant shall obtain a United Pacific Railroad (UPRR) right-of-way entry permit or Railroad Agreement for all work done within UPRR right-of-way. A copy of an approved UPRR right-of-way entry permit or Railroad Agreement shall be provided to the City Engineer prior to the issuance of any permits related to the fuel pipeline installation.
- ENG 4. The applicant shall obtain all necessary approvals (Encroachment Permit and/or Cooperative Agreement) from the Riverside County Flood Control and Water Conservation District (RCFC) for all construction required within the RCFC properties identified by Assessor's Parcel Number (APN) 666-320-020, 668-400-011, or 668-411-008. A copy of RCFC required approvals shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.
- ENG 5. The applicant shall provide the City Engineer with an executed agreement with Kinder Morgan Energy Partners (KMEP) for connection of the proposed off-site 16 inch fuel pipeline to the KMEP 20 inch fuel pipeline. A copy of the executed agreement shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.
- ENG 6. 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.
- ENG 7. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require additional improvements as may be determined in the course of the review and approval of street improvement plans.

ENG 8. Costs associated with off-site street improvements may be reimbursed, pursuant to a Reimbursement Agreement approved by the City Council, in accordance with the policies established by Resolution 13487, and amended by Resolution 16031. Following completion and acceptance of off-site street improvements by the City Engineer, if reimbursement is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Reimbursement Agreement and a \$5,000 deposit for City staff time associated with the preparation of the Sewer Reimbursement Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Reimbursement Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Reimbursement Agreement. The Reimbursement Agreement is subject to the City Council's review and approval at a Public Hearing, and its approval is not guaranteed nor implied by this condition.

19TH AVENUE

- ENG 9. Dedicate the ultimate half street right-of-way width of 44 feet along the entire project frontage, together with a property line - corner cut back at the northeast corner of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 10. The applicant shall acquire off-site public street right-of-way width of 44 feet for the north half of 19th Avenue adjacent to that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009.
- ENG 11. The applicant shall acquire off-site public street right-of-way width of 15 feet for a portion of the south half of 19th Avenue adjacent to that parcel identified by Assessor's Parcel No. 666-330-001. Additional right-of-way shall be acquired in the event cut or fill slopes to construct the new street improvements extend beyond 15 feet.
- ENG 12. Construct an 8 inch curb and gutter located 32 feet north of centerline extending from Halleck Road across the entire project frontage and that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009, with a 35 feet radius curb return and spandrel at the northwest and northeast corners of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 13. Construct the an 8 feet wide cross gutter across the north side of the intersection of 19th Avenue and Halleck Road with a flow line parallel with and located 32 feet north of the centerline of 19th Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 14. Construct a 30 feet wide and a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerlines of the driveway approaches shall be located approximately 45 feet and 165 feet (respectively) west of the east property line of the project site. The 30 feet wide driveway shall have one northbound lane for ingress only. The 24 feet wide driveway shall have one northbound ingress lane and one southbound shared left turn and right turn lane.
- ENG 15. Construct an 8 feet wide sidewalk behind the curb extending from Halleck Road across the entire project frontage and that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 16. Construct Type A curb ramps meeting current California State Accessibility standards on either side of the two proposed driveway approaches in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 17. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 18. 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 located 30 feet north of centerline to a redwood header located 12 feet south of the centerline, extending from Halleck Road across the entire project frontage and that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009 in accordance with City of Palm Springs Standard Drawing No. 110 and 330. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 19. Install a redwood header along the new edge of pavement located 12 feet south of the centerline of 19th Avenue, as required by the City Engineer.
- ENG 20. Remove the existing end of road sign, traffic markers and barricade and install new end of road signs, traffic markers and barricade at the west side of Halleck Road, as required by the City Engineer.

HALLECK ROAD

- ENG 21. Dedicate the ultimate half street right-of-way width of 30 feet along the entire project frontage, together with a property line - corner cut back at the northeast corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 22. Construct a 6 inch curb and gutter located 20 feet east of centerline along the entire project frontage extending to the north property line with a 35 feet radius curb return and spandrel at the northeast corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 23. Construct a 6 inch curb and gutter located 20 feet west of centerline from 19th Avenue extending 400 feet north with a 35 feet radius curb return and spandrel at the northwest corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 24. Construct a 30 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 315 feet north of the centerline of 19th Avenue. The driveway approach shall have one shared left turn and right turn lane for egress only.
- ENG 25. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the proposed driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 26. Construct a 5 feet wide sidewalk behind the curb along the entire project frontage extending to the north property line, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 27. Construct 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, full width extending from proposed west edge of gutter located 18 feet west of centerline to proposed east edge of gutter located 18 feet east of centerline, from 19th Avenue extending 400 feet north, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

- ENG 28. Construct 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, extending from a redwood header located 12 feet west of centerline to the proposed east edge of gutter located 18 feet east of centerline, from 400 feet north of 19th Avenue extending to the north property line, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 29. Construct a temporary cul-de-sac at the north end of Halleck Road, as approved by the City Engineer and Fire Marshall. The cul-de-sac shall be constructed 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.
- ENG 30. Install a redwood header along the new edge of pavement located 12 feet west of centerline of Halleck Road, as required by the City Engineer.
- ENG 31. Install new end of road signs, traffic markers and barricade at the north end of Halleck Road, as required by the City Engineer.

KAREN AVENUE

- ENG 32. The applicant shall acquire off-site public street right-of-way width of 30 feet for the east half of Karen Avenue adjacent to that parcel identified by Assessor's Parcel No. 666-330-001, extending from 19th Avenue to 20th Avenue.

EMERGENCY VEHICLE ACCESS ROAD

- ENG 33. Construct a secondary emergency vehicle access road extending in 19th Avenue from Karen Avenue to Halleck Road, and extending in Karen Avenue from 19th Avenue to 20th Avenue, as required by the City Engineer and Fire Marshall. The secondary emergency vehicle access road shall be designed and constructed at a minimum width of 24 feet, have approved all-weather surfacing sufficient to support an emergency vehicle weighing 73,000 pounds gross vehicle weight, and as required in accordance with Section 902.2.2.2 of the California Fire Code. The secondary emergency vehicle access road shall be constructed within existing or new public rights-of-way to be acquired as identified in these conditions of approval.

OFF-SITE PIPELINE INSTALLATION

- ENG 34. The alignment of the off-site fuel pipeline extending from south of Interstate 10 to the project site is subject to the review and approval by the City Engineer. The

alignment shall be located within existing and new public rights-of-way to be acquired as identified in these conditions of approval and shall facilitate installation of other public utilities necessary for the future development of adjacent vacant properties. The applicant shall be required to obtain approvals by utility companies (MSWD, SCE, So Cal Gas, etc.) for the alignment and depth of the off-site fuel pipeline to ensure future utility service to the adjacent vacant properties is reasonably maintained.

- ENG 35. Construction of the off-site fuel pipeline located within private properties will require approval by the property owners, as evidenced by an executed agreement, recorded easement, or other legally recognized approvals, subject to the review and approval by the City Engineer and/or the City Attorney. A copy of all necessary approvals shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.
- ENG 36. Construction of the off-site fuel pipeline located within existing and new public rights-of-way to be acquired as identified in these conditions of approval will require an Encroachment License approved by the City Council, which shall be approved prior to issuance of any permit related to the fuel pipeline installation.
- ENG 37. As a condition of any Encroachment License granted to the applicant for the private underground utilities to be installed in public right-of-way, the applicant will be required to become a member of Underground Service Alert (USA) and to comply with applicable state law regarding the marking of underground utilities.

ON-SITE

- ENG 38. 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.
- ENG 39. The gated access points are 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 gated access points, meeting the approval of the Fire Marshall.

SANITARY SEWER

- ENG 40. Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. The record property owner shall enter into a covenant agreeing to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the property. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
- ENG 41. The applicant should contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for commercial uses.
- ENG 42. This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of domestic water and/or sanitary sewer service to the property.
- ENG 43. If required by Mission Springs Water District (MSWD), submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. The plans shall be approved by MSWD prior to issuance of any building permits.
- ENG 44. If required by Mission Springs Water District (MSWD), construct public sewer lines for future operation and maintenance by MSWD along the entire frontage of the project site, or as may be required by MSWD.

GRADING

- ENG 45. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan

shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that 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.

a) The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Water Quality Management Plan.

ENG 46. Prior to approval of a Grading Plan or issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 47. 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.

ENG 48. 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.

ENG 49. 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.

- ENG 50. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 51. 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.
- ENG 52. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). 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.
- ENG 53. 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.
- ENG 54. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 55. 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.
- ENG 56. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food

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

- ENG 57. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 1 relating to burrowing owls. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 1 prior to approval of any grading plans or issuance of any permits.
- ENG 58. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 2 relating to desert tortoise. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 2 prior to approval of any grading plans or issuance of any permits.
- ENG 59. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 3 relating to native and migratory bird species. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 3 prior to approval of any grading plans or issuance of any permits.
- ENG 60. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Cultural 1 relating to paleontological resources. The applicant shall be required to provide an acceptable paleontological monitor to conduct periodic monitoring during site grading or earthmoving activities at a depth of 10-feet or greater within the project site and at a depth of 5 feet or greater along the alignment of the off-site fuel pipeline. Continuous monitoring shall be provided as may be determined by the paleontological monitor. A report certified by an acceptable paleontological monitor shall be submitted to the City Engineer certifying compliance with MM Cultural 1 prior to issuance of any permits.
- ENG 61. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Cultural 2 relating to historical resources. The applicant shall be required to have a field level survey for historical resources completed along that portion of the proposed off-site waterline alignment along Halleck Road between Blair Road and 18th Avenue prior to any ground disturbance within that area. If the alternative proposed off-site waterline alignment within Halleck Road is to be constructed, an historical resources study shall be submitted to the City Engineer

certifying compliance with MM Cultural 2 prior to issuance of any permits related to the off-site waterline. The applicant shall be required to comply with any additional mitigation measures identified in the historical resources study.

WATER QUALITY MANAGEMENT PLAN

- ENG 62. 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.
- ENG 63. 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 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.
- ENG 64. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) 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 (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).
- ENG 65. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

- ENG 66. 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, as described in the Preliminary Hydrology Study for Project Cherry prepared by Albert A. Webb Associates (dated November, 2008), and to determine required stormwater runoff mitigation measures for the proposed development. Final sizing of the on-site retention basins, on-site storm drain lines, catch basins, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study.
- ENG 67. The eight petroleum storage tank containment areas shall be surrounded by berms as described in the Preliminary Hydrology Study for Project Cherry (dated November, 2008); a minimum 12 inch thick soil layer within the storage tank containment areas and adjacent berms shall be treated with a bentonite mixture, with shotcrete applied on the surface to prevent infiltration of contaminated runoff into the ground (or installation of a ClayMax liner or approved equal impervious membrane). In accordance with the Oil Pollution Prevention Regulations 40 Code of Federal Regulations (CFR) 112.7 and 112.8, drainage from the storage tank containment areas shall be restricted by valves. Drainage from within the storage tank containment areas shall be removed by evaporation, and shall not be released downstream except in cases of significant emergency as may be authorized in the project's Spill Prevention Control and Countermeasure (SPCC) Plan. A copy of the SPCC shall be furnished to the City Engineer prior to issuance of building permits.
- ENG 68. Construct on-site private storm drain improvements for drainage of on-site areas to the on-site retention basins. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to 19th Avenue or Halleck Road.
- ENG 69. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such

measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

GENERAL

- ENG 70. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 71. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work or fuel pipeline 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 or the Tribal Archaeologist 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.
- ENG 72. All proposed utility lines shall be installed underground.
- ENG 73. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

- ENG 74. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 75. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 76. 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.
- ENG 77. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 78. The applicant shall contact Mission Springs Water District at (760) 329-6448 to determine the requirements for extending water service to the project site. The applicant may be responsible for the design and construction of off-site water line improvements OR payment of applicable fair-share costs of off-site water line improvements constructed by others.
- ENG 79. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.
- MAP
- ENG 80. The existing parcels identified by Assessor's Parcel Number (APN) 666-320-006 and 666-320-008 shall be merged, or otherwise, a Lot Line Adjustment shall be perfected to relocate the property line common to the two parcels to comply with applicable planning and building codes related to the setback of any structures to the property line. An application for a Parcel Merger (or Lot Line Adjustment) shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application. The application shall be submitted to and approved by the City Engineer prior to issuance of a building permit.

TRAFFIC

- ENG 81. As determined by the Traffic Impact Study for the BP Palm Springs Logistics Center (dated May, 2008) submitted by Albert A. Webb Associates, the following mitigation measure(s) will be required:
- a) Install a 30 inch stop sign, stop bar, and "STOP" legend for southbound traffic at the intersection of Halleck Road and 19th Avenue in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - b) Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Halleck Road and the egress only driveway on Halleck Road in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - c) Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of 19th Avenue and the full access western driveway on 19th Avenue in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - d) Submit traffic striping plans for 19th Avenue and Halleck 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.
 - e) Applicant shall make fair share payment of 5.74 % (\$14,350.00), to the City of Palm Springs, for the installation of a future traffic signal at the intersection of Indian Canyon Drive and 19th Avenue. Payment shall be made prior to issuance of a building permit.
- ENG 82. Install appropriate signage on-site indicating that the eastern driveway on 19th Avenue is for ingress only.
- ENG 83. Install appropriate signage indicating that the Halleck Road driveway is for egress only.
- ENG 84. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 85. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on

Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

ENG 86. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT:

FID1. **Impact Fees:** The Applicant shall participate and contribute in any fee program, assessment district, community facilities district, or any other public financing that includes the Development as a part thereof as the City in its discretion may adopt or establish. This obligation shall be evidenced by a covenant running with the land in a form approved by the City Attorney.

FID2. **Training Impact Fees:** The Applicant shall reimburse the fire department for the costs to train up to eight city firefighters per fiscal year in petroleum firefighting techniques. Reimbursement costs may include overtime, travel, lodging and meals and replacement of PPE's if damaged during recognized training classes.

FID3. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.

FID4. **2007 California Fire Code:** Applicant shall adhere to the 2007 California Fire Code for the design and maintenance of this facility. The following articles shall be adhered to:

- **Chapter 5 – Fire Service Features**
- **Chapter 9 – Fire Protection Systems and Equipment**
- **Chapter 27 – Hazardous Materials**
- **Chapter 34 – Flammable and Combustible Liquids**

National Fire Protection Association Standards: The following nationally recognized standards will be adhered to:

- NFPA 10 Portable Fire Extinguishers
- NFPA 11 Low, Medium, High Expansion Foam
- NFPA 13 Installation of Sprinkler Systems
- NFPA 14 Installation of Standpipe and Hose Systems
- NFPA 15 Standard for Water Spray Fixed Systems for Fire Protection

- NFPA 16 Installation of Foam-water Sprinkler & Foam-water Spray Systems
- NFPA 24 Installation of Private Fire Service Mains
- NFPA 30 Flammable And Combustible Liquids
- NFPA 72 National Fire Alarm
- NFPA 385 Tank Vehicles for Flammable and Combustible Liquids
- NFPA 750: Standard on Water Mist Fire Protection Systems

American Petroleum Institute Standards: The following nationally recognized standards will be adhered to:

- Spec 12P – Specifications for Fiberglass Reinforced Plastic Tanks
- Standard 650 - Welded Steel Tanks for Oil Storage
- Standard 651 – Cathodic Protection of Aboveground Petroleum Storage Tanks
- Standard 653 - Tank Inspection, Repair, Alteration, and Reconstruction
- API RP 752 – Mgt of Hazards Associated with Location of Process Plant Buildings, CMA Managers Guide
- API RP 2350 – Overfill Protection of Storage Tanks in Petroleum Facilities

FID5. Access During Construction (CFC 503): 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.

FID6. Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.

FID7. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

- **Minimum Access Road Dimensions:**

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a

minimum width of 24 feet is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.

FID8. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID9. Additional Access Required (CFC 503.1.2): The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Two (2) separate access roads shall be provided and maintained. Site plan currently shows the main access from 19th street. A second fire department access road shall be required into this property from the west.

FID10. Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

FID11. Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID12. Turning radius (CFC 503.2.4): Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID13. Dead Ends (CFC 503.2.5): Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

FID14. Fire Lane Marking (CFC 503.3): Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

- FID15.Reduced Roadway Width CFC (503.3):** Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads, traffic calming areas) 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.
- FID16.Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5".
- FID17.Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.
- FID18.Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.
- FID19.Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1):**Underground private fire service 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, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).
- FID20.Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID21.Fire Flow (CFC 508.3):** Fire flow requirements for the bulk storage tanks are estimated to be 5,200 GPM at a minimum pressure of 20 PSIG for a duration of approximately 4 hours. This water flow demand is in conjunction with the installed foam system and fixed 1,000 GPM monitors.
- FID22.Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5):** Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow

Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 5,200 gallons per minute (CFC Appendix B). Mission Springs Water Districts 12" water main to the property meets the fire flow demand. (CFC Appendix C)

FID23.Required On Site Water Storage: An on site 840,000 gallon water storage tank is required. The location of the project in relation to the San Andreas Fault demands a redundancy in water availability in the event of an earthquake.

FID24.Diesel Powered Fire Pump Required: An approved diesel powered fire pump with a rated 5,200 GPM meeting NFPA requirements is required to be installed at this site.

FID25.Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

FID26.Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.

FID27.Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1): Underground private fire service 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, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).

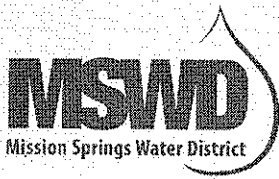
FID28.Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

FID29.NFPA 13 Fire Sprinkler System is Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using Cp of 0.74 and I/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a

completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)

- FID30. Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115- WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID31. Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID32. Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
- FID33. Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID34. Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID35. Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2007 Edition.
- FID36. KMEP 16" Pipeline:** All components of the 16" KMEP pipeline that includes the design, plan approval, construction, inspection and final will be conducted by the California State Fire Marshal's Pipeline Safety Division.

END OF CONDITIONS



January 19, 2010

City of Palm Springs
Engineering Division
Attn: Carol Templeton
P.O. Box 2743
Palm Springs, CA 92263

Re: Conditions of approval – BP Fueling Station

The Project site is located within the boundaries of Mission Springs Water District (MSWD) service area. The project is located along 19th Avenue west of Indian Avenue in North Palm Springs

Water service is available for the proposed project provided the following conditions of service are completed:

1. The developer must comply with all the rules, laws, ordinances, and regulations of the Mission Springs Water District at the time that the service water application is submitted.
2. The developer must apply for water service and submit payment regarding all of the District fees, charges, and deposits. Fees will be based on the Master Meter size i.e. (Domestic 2" - Water Connection fee \$23,201.00 + 2" meter installation fee of \$2,110.00. Irrigation meter ¾" – Water Connection Fee \$ 4,353.00, and meter installation fee \$975.00). All fees are subject to change due to the actual time of application for services from the District.
3. The installation of back flow prevention devices will be required.
4. Water service currently is available for the project just east of the SE corner of the site. This line will need to be extended on 19th to the west across the entire Frontage of the lot.
5. Installation of fire line services will be required per Riverside County Fire Department Standards. A double detector check will be a requirement at the time of installation.
6. The Mission Springs Water District requires to have all of it's facilities within the public right-of-way. Recorded and dedicated easements (per final map dedications and approvals) will also be required per final design approval.

7. The developer must submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by the Riverside County Fire Department.
8. The developer must comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.
9. The developer will be required to bond all infrastructure and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.
10. Some of the infrastructure must be constructed in certain phases and in a manner to serve homes to be occupied. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.

Sewer Service is currently unavailable in this area. Once sewer service is established, the developer will be required to hook up to the sewer system.

1. The developer must comply with all the rules, laws, ordinances, and regulations of The Mission Springs Water District at the time of application of sewer service.
2. The developer must make an application for sewer service with payment of all fees charges and deposits at the time of application. (i.e. multifamily, residential - sewer connection fee per MSWD fee schedules).
3. The developer must hook up to the sewer once it becomes available to the project site.
4. The Developer will be required to build a dry sewer system within the project site and terminate the sewer at a manhole outside the site per MSWD standards and specifications.
5. The developer must comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.
6. The developer will be required to bond all infrastructure and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.

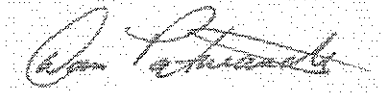
7. Some of the infrastructure must be constructed in certain phases and in a manner to serve homes to be occupied. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.

All new residential and commercial development should comply with *Mission Springs Water District's Water Efficient Landscaping Guidelines*. This policy requires outdoor water conservation practices within MSWD's service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate. For additional details, please contact Brent Gray at 329-5169, ext. 131.

All bonds required for sewer and water service must be presented to the Mission Springs Water District before and final design plans are signed.

If we can be of further assistance, please do not hesitate to call me at (760) 329-6448 ext 151.

Sincerely,



Dan Patneaude
Engineering Manager

Mitigation Monitoring and Reporting Program

Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
Air Quality	<p>Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation.</p> <p>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).</p>	<p>MM Air 1: Prohibit all commercial vehicles from idling in excess of five minutes (except on days with excessive heat or cold for driver comfort and safety).</p> <p>MM Air 2: Pave roads and parking areas.</p> <p>MM Air 3: The project will post contact information outside the terminal for the public to call if a specific air quality issue arises resulting from project operation.</p>	Conditions of Approval prepared by Planning Department.
Biological Resources	<p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.</p>	<p>MM Bio 1: In order to reduce potential impacts to the burrowing owl, the following measures as outlined in the CVMSHCP shall be followed. Prior to development, the construction area (the site and the proposed fuel and water pipeline alignments) and adjacent areas within 500 feet of the development site, or to the edge of the property if less than 500 feet, will be surveyed by an Acceptable Biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.</p> <p>If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the Covered Activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the</p>	Activity report submitted to Riverside County Environmental Programs Department.

Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
		<p>specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.</p> <p>MM Bio 2: In order to reduce potential impacts to the desert tortoise the following measures as outlined in the CVMSHCP shall be followed. Prior to development, an Acceptable Biologist will conduct a presence/absence survey of the development area (the site and the proposed fuel and water pipeline alignments) and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site.</p> <p>If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the <i>Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects</i>, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and</p>	<p>Activity report submitted to Riverside County Environmental Programs Department.</p>

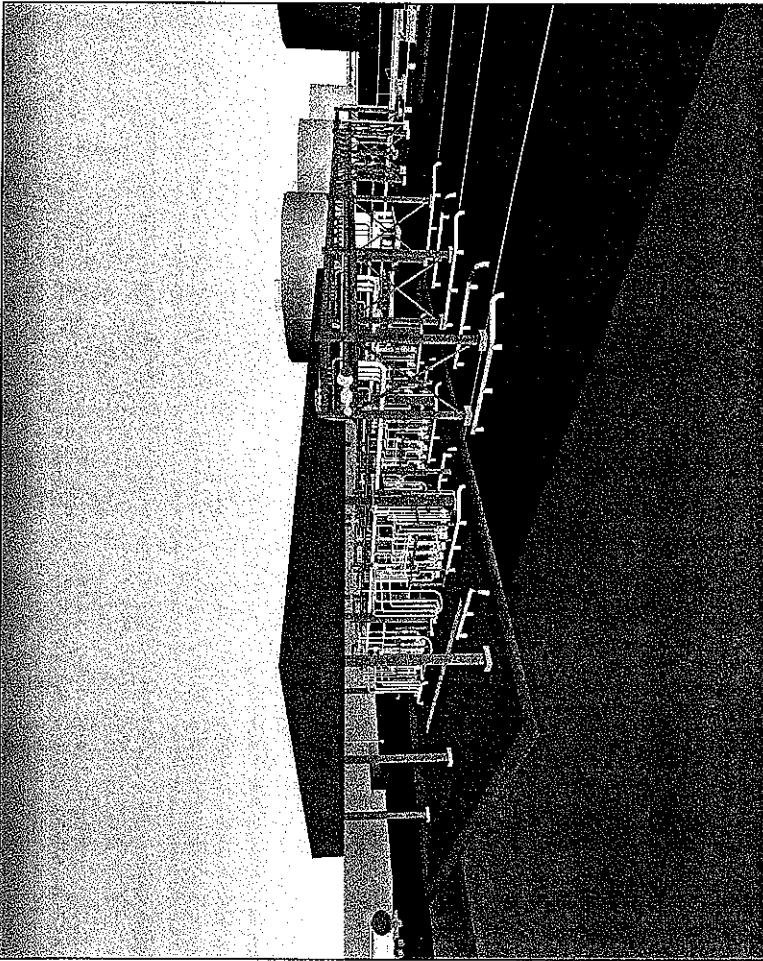
Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
		<p>other information that becomes available.</p> <p>Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, <i>Inactive Season Protocol</i> and <i>Active Season Protocol</i>, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.</p> <p><i>Disposition of Sick, Injured, or Dead Specimens.</i> Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.</p> <p>MM Bio 3: In order to avoid violation of the MBTA and California Fish and Game Code site-preparation activities (removal of trees and vegetation) shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.</p> <p>If site-preparation activities are proposed</p>	<p>Activity report submitted to Riverside County Environmental Programs Department.</p>

Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
		<p>during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone. If active nests are not located within the project area and appropriate buffer, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.</p>	
Cultural Resources	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<p>MM Cultural 1: A paleontological monitor shall conduct periodic monitoring during site grading or earthmoving activities at a depth of 10-feet or greater within the proposed terminal site and at a depth of 5 feet or greater for the fuel pipeline alignment from 19th Avenue south to the KMEP pipeline connection. Continuous monitoring shall be conducted if it is determined by the paleontological monitor that older Pleistocene alluvium would be encountered. If paleontological deposits are unearthed a mitigation program shall be developed and implemented in accordance with the provisions of CEQA as well as with regulations currently implemented by the County of Riverside and the proposed guidelines of the Society of Vertebrate Paleontology.</p>	<p>Activity report submitted to Planning Department</p> <p>Submittal of Final Report Summarizing Results of Paleontological Mitigation.</p>
Cultural Resources	The project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.	<p>MM Cultural 2: The portion of the proposed water alignment along Halleck Road that was not accessible at the time of the survey, will need to be surveyed prior to any clearing, grubbing, or earth-moving activities take place there.</p>	Activity report submitted to Planning Department
Transportation and Traffic	Exceed, either individually or cumulatively, a level of service standard, established by the county congestion management agency for designated roads or highways.	<p>MM Trans 1: Construct partial width improvements on the northerly side of 19th Avenue at its ultimate cross-section as a Secondary Thoroughfare (80' to 88' right-of-way) from Halleck Road to the current end of the pavement located near the west property line of the existing power plant.</p>	Approval of Street Improvement Plans

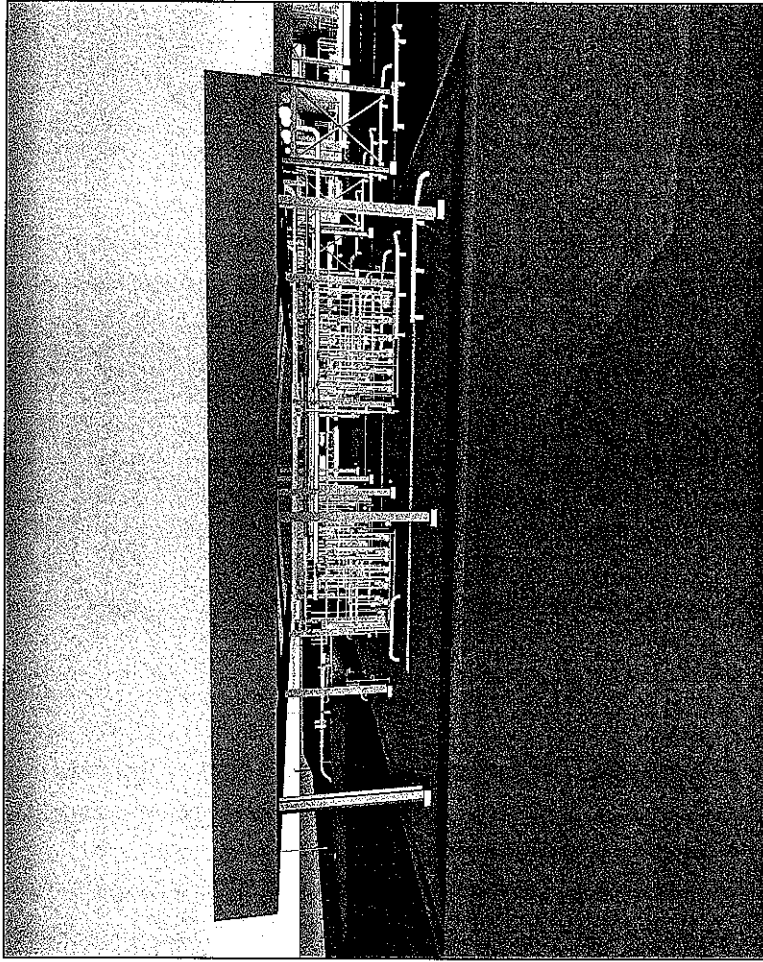
Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections).	<p>MM Trans 2: Construct partial width improvements on the easterly side of Halleck Road at its ultimate cross-section as a Local Street (50' to 60' right-of-way) adjacent to project boundary line.</p>	Approval of Street Improvement Plans
		<p>MM Trans 3: Construct the intersection of Halleck Road and Project Driveway to allow exit-only access from the driveway and to include the following geometrics:</p> <p>Northbound: One through lane.</p> <p>Southbound: One through lane.</p> <p>Eastbound: Not Applicable</p> <p>Westbound: One shared left turn lane and right turn lane. Stop controlled</p>	Approval of Street Improvement Plans
		<p>MM Trans 4: Construct the intersection of Halleck Road and 19th Avenue to include the following geometrics:</p> <p>Northbound: Not Applicable.</p> <p>Southbound: One shared left turn lane and right turn lane. Stop Controlled.</p> <p>Eastbound: One shared left turn lane and through lane (Dirt Roadway).</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans
		<p>MM Trans 5: Construct the intersection Project Driveway West and 19th Avenue to include the following geometrics:</p> <p>Northbound: One Ingress Lane</p> <p>Southbound: One shared left turn and right turn lane. Stop Controlled.</p> <p>Eastbound: One shared left turn and through lane.</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans
		<p>MM Trans 6: Construct the intersection of Project Driveway East and 19th Avenue to allow entrance-only access to the driveway and to include the following geometrics:</p> <p>Northbound: One Ingress Lane</p> <p>Southbound: Not Applicable.</p> <p>Eastbound: One shared left turn and through lane.</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans

Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
		<p>MM Trans 7: Construct the intersection of Halleck Road and Project Driveway to allow exit-only access from the driveway and to include the following geometrics:</p> <p>Northbound: One through lane.</p> <p>Southbound: One through lane.</p> <p>Eastbound: Not Applicable.</p> <p>Westbound: One shared left turn and right turn lane. Stop Controlled.</p>	Approval of Street Improvement Plans
		<p>MM Trans 8: Construct the intersection of Halleck Road and 19th Avenue to include the following geometrics:</p> <p>Northbound: Not Applicable.</p> <p>Southbound: One shared left turn and right turn lane. Stop Controlled.</p> <p>Eastbound: One shared left turn and through lane (Dirt Roadway).</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans
		<p>MM Trans 9: Construct the intersection of Project Driveway West and 19th Avenue to include the following geometrics:</p> <p>Northbound: One Ingress Lane</p> <p>Southbound: One shared left turn and right turn lane. Stop Controlled.</p> <p>Eastbound: One shared left turn and through lane.</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans
		<p>MM Trans 10: Construct the intersection of Project Driveway East and 19th Avenue to allow entrance-only access to the driveway and to include the following geometrics:</p> <p>Northbound: One Ingress Lane</p> <p>Southbound: Not Applicable.</p> <p>Eastbound: One shared left turn and through lane.</p> <p>Westbound: One shared through and right turn lane.</p>	Approval of Street Improvement Plans

Impact Category	Impact	Mitigation Measure	Method of Reporting/ Monitoring
		<p>MM Trans 11: Sight distance at the project entrance roadway should be reviewed with respect to standard County of Riverside sight distance standards at the time of preparation of final grading, landscape and street improvement plans.</p>	<p>Approval of Street Improvement Plans</p>
		<p>MM Trans 12: Signing/striping should be implemented in conjunction with detailed construction plans for the project site.</p>	<p>On-site verification</p>
		<p>MM Trans 13: The project will participate in the cost of off-site improvements through payment of the Mitigation Fair Share Payment of 5.74% for the Traffic Signal at the intersection of Indian Canyon Drive and 19th Avenue at time of construction. This fee should be collected and utilized as needed by the County of Riverside/City of Palm Springs to construct the improvements necessary to maintain the required level of service.</p>	<p>Payment of fees</p>



VIEW-3
LOOKING NORTHWEST




VIEW-4
LOOKING NORTH

5 1 1 7 7


RECEIVED

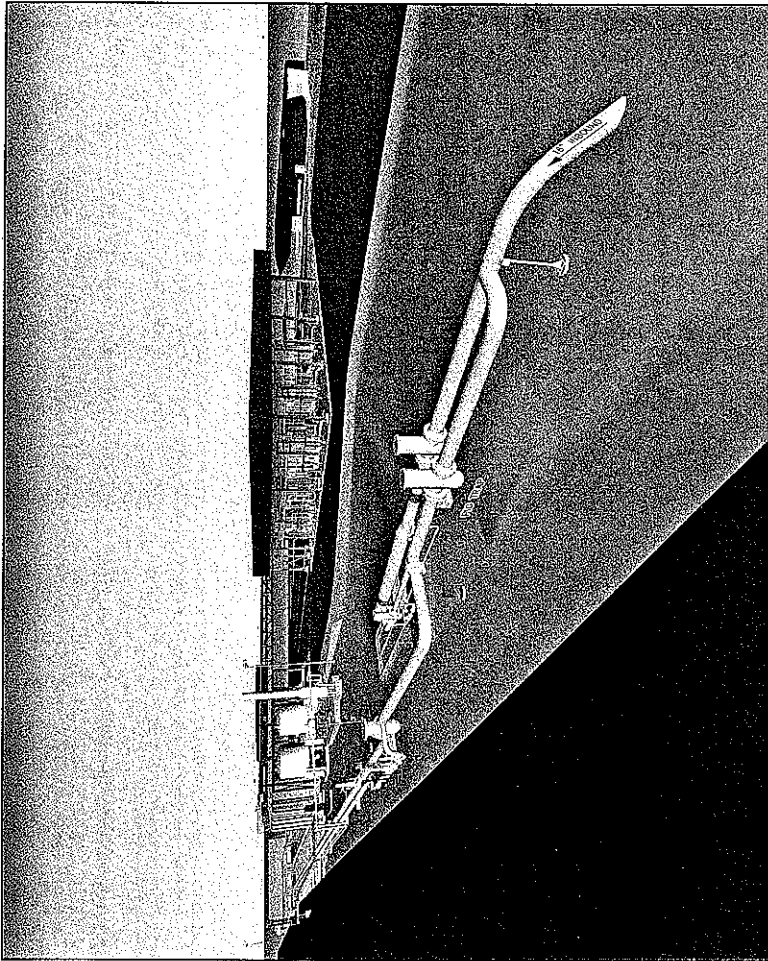
MAR 0 3 2010

PLANNING SERVICES
DEPARTMENT

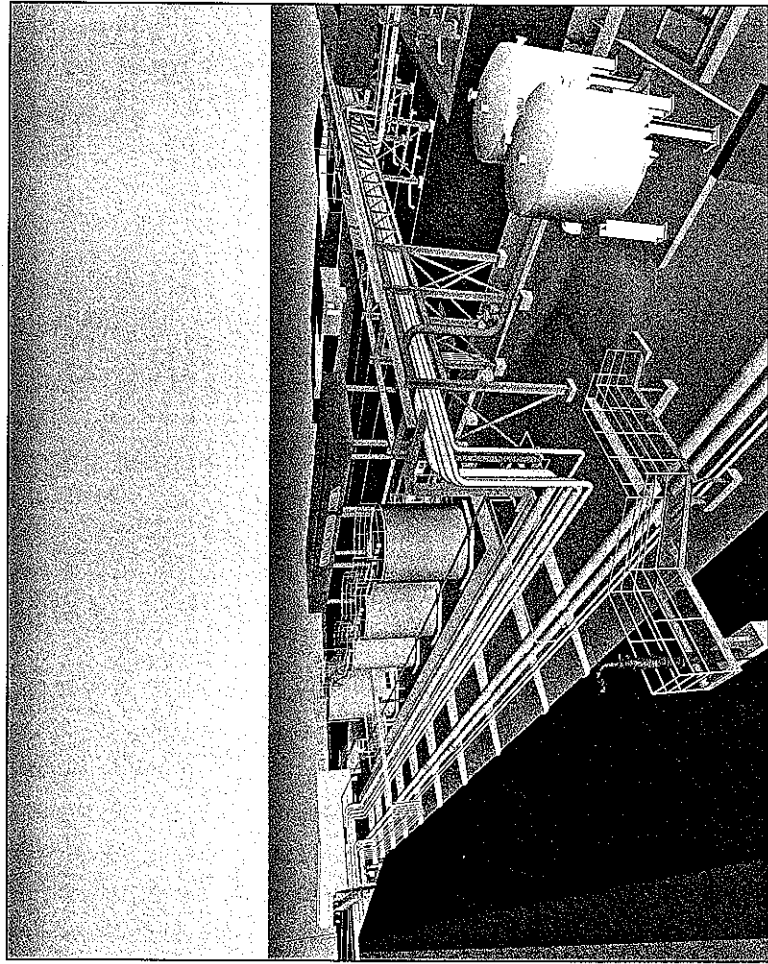
OLD DWG. NO.: N/A
 BP West Coast Products LLC
 U.S. Logistics
 PALM SPRINGS FUEL LOGISTICS CENTER
 INBOUND LINES/PIPERACK
 RENDERED VIEWS
 SCALE: 1"=60'
 DWG NO: 101160015
 SHEET NO: 10

NO.	DATE	BY	DESCRIPTION
1	03/03/10	JMS	ISSUED FOR REVIEW
2	03/03/10	JMS	ISSUED FOR ESTIMATE
3	03/03/10	JMS	CONSTRUCTION

 SPS
 SPS Services, Inc.
 10000 Highway 101
 Fort Worth, TX 76176



VIEW-1
LOOKING SOUTHEAST




VIEW-2
LOOKING SOUTHEAST

5 1177
RECEIVED

MAR 03 2010

PLANNING SERVICES
DEPARTMENT

OLD DWG. NO.: N/A
 BP West Coast Products LLC
 U.S. Logistics
PALM SPRINGS FUEL LOGISTICS CENTER
INBOUND LINES/PIPERACK
 RENDERED VIEWS
 SCALE: 1"=40'
 TYPE: 1D SURVEY, 4S
 DWG NO: PS-1-P-10160914
 SHEET NO: 2

NO.	DATE	BY	CHKD	APP'D	DESCRIPTION
B	01/07/10	EP/0607_0241			ISSUED FOR REVIEW
A	05/23/06	EP/0607_0241			ISSUED FOR ESTIMATE

SPC
 SPIC Services, Inc.
 10000
 North Valley, TX 75708

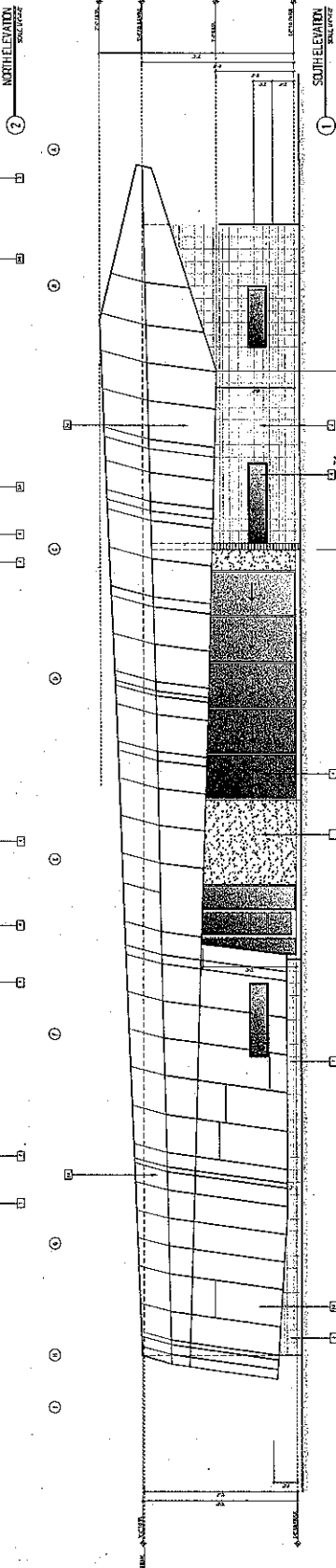
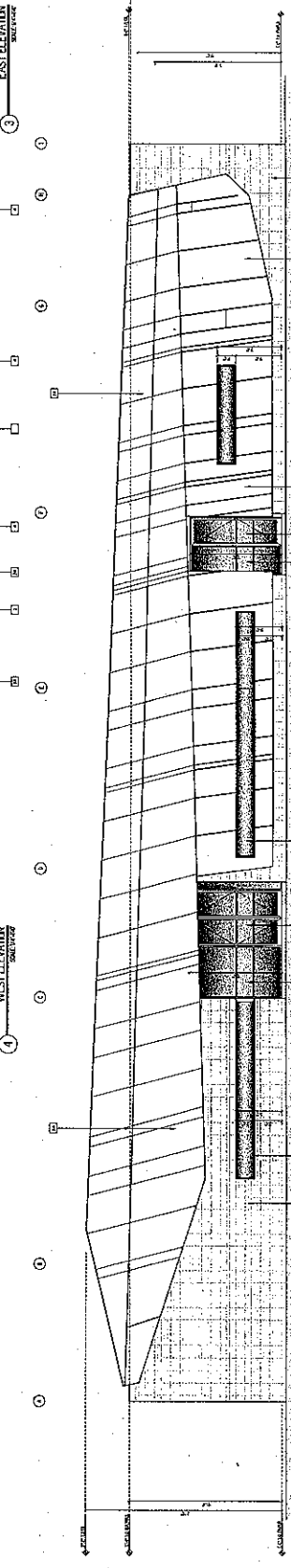
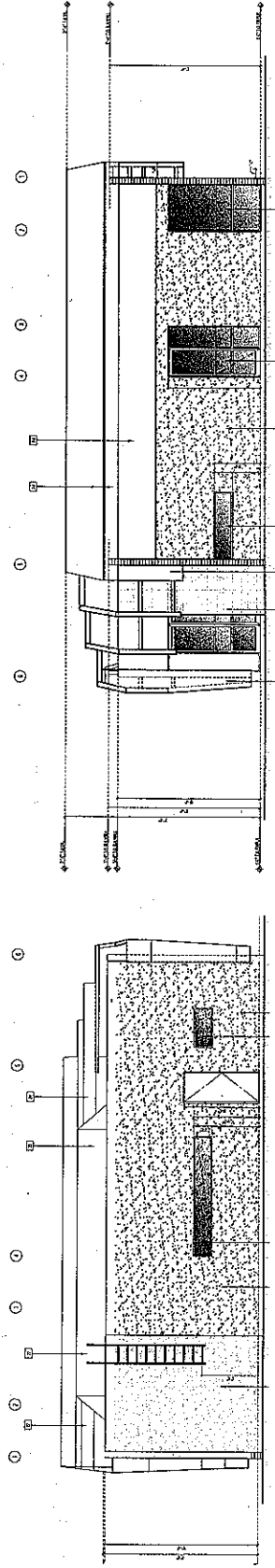
NO.	DATE	BY	CHKD	APP'D	DESCRIPTION

SEAN LOCKYER ARCH

LEGEND

1. FINISHES
 2. MATERIALS
 3. STRUCTURE
 4. MECHANICAL
 5. ELECTRICAL
 6. PLUMBING
 7. PAINTS
 8. GLASS
 9. METALS
 10. WOODS
 11. CERAMICS
 12. FABRICS
 13. LIGHTING
 14. FURNITURE
 15. LANDSCAPE
 16. SIGNAGE
 17. OTHER

1. FINISHES
 2. MATERIALS
 3. STRUCTURE
 4. MECHANICAL
 5. ELECTRICAL
 6. PLUMBING
 7. PAINTS
 8. GLASS
 9. METALS
 10. WOODS
 11. CERAMICS
 12. FABRICS
 13. LIGHTING
 14. FURNITURE
 15. LANDSCAPE
 16. SIGNAGE
 17. OTHER



SYMBOL	DESCRIPTION
[Symbol]	CONCRETE
[Symbol]	INSULATION
[Symbol]	GLASS
[Symbol]	WOOD
[Symbol]	METAL
[Symbol]	PLASTER
[Symbol]	CEILING
[Symbol]	FLOOR
[Symbol]	ROOF
[Symbol]	FOUNDATION
[Symbol]	MECHANICAL
[Symbol]	ELECTRICAL
[Symbol]	PLUMBING
[Symbol]	LANDSCAPE
[Symbol]	SIGNAGE
[Symbol]	OTHER

DATE: 11/15/11
 DRAWING NO: A31
 SHEET NO: 1 OF 1

SEAN LOCKYER
ARCHITECT

LEGEND

[Symbol]	1. FINISHES
[Symbol]	2. WALLS
[Symbol]	3. FLOORS
[Symbol]	4. CEILING
[Symbol]	5. ROOF
[Symbol]	6. MECHANICAL
[Symbol]	7. ELECTRICAL
[Symbol]	8. PLUMBING
[Symbol]	9. STRUCTURE
[Symbol]	10. LANDSCAPE
[Symbol]	11. SITE
[Symbol]	12. OTHER

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT INFORMATION

PROJECT: MAINTENANCE BUILDING
 OWNER: [Name]
 ARCHITECT: SEAN LOCKYER ARCHITECT
 DATE: [Date]

SCALE

1" = 1/8" (1/8" = 1'-0")

