



CITY COUNCIL STAFF REPORT

DATE: April 7, 2010

PUBLIC HEARING

SUBJECT: CASE 5.1082 AMND; PDD-321; TTM 34165 AMND – AN APPLICATION BY NEXUS DEVELOPMENT TO AMEND A PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP. THE PROPOSAL REDUCES THE DENSITY FROM 84 TO 53 RESIDENTIAL UNITS AND REVISES THE TENTATIVE TRACT MAP TO A SUBDIVISION OF 53 LOTS WITH COMMON AREAS AND PRIVATE ROADWAYS. THE SITE IS APPROXIMATELY 8.48 ACRES AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD IN SECTION 14.

FROM: David H. Ready, City Manager

BY: Director of Planning Services

SUMMARY

The City Council will consider a request by Nexus Development representing O & M, LLC, to amend a previously approved Planned Development District (PDD) in lieu of a change of zone and Tentative Tract Map (TTM). The amendment proposes reducing the density from an 84-unit gated condominium complex that included a clubhouse and recreation areas, to 53, single family units in a gated complex with individual yards and pools (no common clubhouse or recreational space), on approximately 369,557 square feet (8.48) acres at the southeast corner of Avenida Caballeros and Alejo Road in Section 14 (IL).

The PDD is submitted in lieu of a change of zone (CZ) to establish unique development standards for the project and to amend the Section 14 Specific Plan to permit single family units on these specific parcels in the MBR and HR land use areas. The project includes a Tentative Tract Map amendment revising the map from a single lot condominium map to a subdivision of 53 individual lots with common areas and private roadways. Both preliminary and final PDD approvals are requested at this time.

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Recertify the previously approved Mitigated Negative Declaration as an adequate environmental analysis and action on the proposed project pursuant to the California Environmental Quality Act (CEQA).

ITEM NO. 1B

PLANNED DEVELOPMENT DISTRICT

3. Waive the reading of the ordinance text in its entirety and read by title only.
4. Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1082 AMND – PDD 321, A PRELIMINARY AND FINAL PDD AMENDMENT, FOR A PDD IN LIEU OF A CHANGE OF ZONE, REVISING THE PROJECT FROM 84 CONDOMINIUM UNITS TO 53 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS WITH UNIQUE DEVELOPMENT STANDARDS AND AN AMENDMENT TO THE SECTION 14 SPECIFIC PLAN TO PERMIT SINGLE FAMILY UNITS IN THE MBR AND HR LAND USE AREAS ON APPROXIMATELY 8.48 ACRES AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL."
5. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE TRACT MAP 34165 REVISING THE MAP FROM A SINGLE LOT MAP FOR CONDOMINIUM PURPOSES TO A SUBDIVISION OF 53 SINGLE FAMILY LOTS WITH COMMON PRIVATE ROADWAYS AND PARKING, SUBJECT TO ATTACHED CONDITIONS OF APPROVAL."

PRIOR ACTIONS:

On January 9, 2006, the Architectural Advisory Committee (AAC) reviewed the project and voted 7-0 recommending approval to the Planning Commission.

On March 8, 2006, the Planning Commission approved the preliminary PDD and recommended approval of the preliminary PDD and TTM by the City Council (by a vote of 6-0-1).

On April 19, 2006, the City Council approved the preliminary PDD and TTM subject to conditions of approval.

On May 21, 2007, the Architectural Advisory Committee recommended approval of the Final PDD to the Planning Commission with a vote of 5-2 (Wexler, Jurasky voted no).

On June 13, 2007 the Planning Commission voted 5-0-1 to approve the final Planned Development District for Case 5.1082.

On March 12, 2008, the Planning Commission voted 5-0-2 to approve a one-year time extension for the Tentative Tract Map 34165.

On March 19, 2008, the City Council voted 4-0-1 to approve a one-year time extension for the Tentative Tract Map 34165

On April 22, 2009, the Planning Commission voted 5-0-1 to approve a one year time

extension for the entitlements related to the final PDD on Case 5.1082.

On February 22, 2010, a PDD amendment application was reviewed by the Architectural Advisory Committee (AAC) which voted 7-0 to recommend restudy of the project

On March 8, 2010, the AAC reviewed the project again and voted 6-1 (Kleindienst opposed) to recommend approval of the project to the Planning Commission as proposed.

On March 24, 2010, the Planning Commission voted 4-2-1 (Caffrey, Hudson opposed, Cohen absent) certifying that the previously adopted Mitigated Negative Declaration is an adequate environmental analysis under the California Environmental Quality Act (CEQA) of the proposed PDD and TTM amendments, approved Case 5.1082 AMND PDD 321 as the preliminary and final PDD, subject to conditions of approval and recommended the City Council approve Case 5.1082 AMND PDD 321, and the amendment request for TTM 34165 AMND, subject to conditions of approval.

BACKGROUND AND ANALYSIS:

In 2006, Planned Development District 321 (PDD 321) was approved in lieu of a change of zone and established new development and design standards for an 84-unit gated condominium project with a clubhouse and common recreational areas. The project as approved was not constructed. Due to changing market demands, the applicant is requesting approval to amend the PDD, reducing the quantity, type and mix of proposed residential units and eliminating the common recreational amenities.

As amended, the project - still a gated community - proposes 53 dwelling units; 24 are single family detached dwelling units, 26 are in 13 duplex buildings (single family attached units), and 3 dwelling units are in a tri-plex building (also single family attached). The tentative tract map, which was originally a one-lot map for condominium purposes, is being revised to propose a subdivision of 53 fee-simple lots. There will be one lot for each dwelling unit with common areas comprised of the interior private roadways and guest parking areas. Each home is provided with its own small pool/spa and private outdoor terrace/yard area. The PDD proposes to establish unique development standards for each lot in terms of setbacks, lot coverage, lot size, etc.

The project is located in Section 14, which is part of the reservation of the Agua Caliente Band of Cahuilla Indians. The Section 14 Specific Plan, adopted in 2004 provides regulations for zoning, development standards and architectural guidelines for all projects within the specific plan area. The ownership status of this parcel is fee simple; thus while it is within the reservation it is no longer within tribal ownership.

General Plan/Specific Plan:

The project lies within the Section 14 Specific Plan (SP) which established unique densities, development, landscape, and architectural standards for development within this part of the City. The parcels that comprise this project area lie upon two different

land use designations with differing densities. The project proposes 53 homes on 8.48 acres, or 6.25 du/acre. This density is within the allowable densities shown on the General Plan and the Specific Plan which are 6 to 15 du/ac for the north half of the site and 15 to 30 du/ac for the south half of the site.

The General Plan notes that *"the lower threshold figure for each category represents a minimum amount of development anticipated, provided that all other required conditions can be met..."* It does not prohibit development densities lower than the lower threshold figure. The project therefore conforms to the density limits of the Specific Plan and the General Plan.

Pursuant to Section 6.1.5 and 6.1.7, the Specific Plan expressly prohibits single family residences in the MBR and HD land use areas. The project proposes 24 single family detached residential units and 29 single family attached units. The PDD proposes to amend the Section 14 Specific Plan to add single family residences as a permitted use on these specific parcels only within the MBR and HR land use areas. Section 9.1.4 *"Specific Plan amendments"* of the Section 14 Specific Plan provides that amendments to the specific plan require review and approval by the Planning Commission and City Council.

The project is consistent with various policies and statements of the Section 14 Specific Plan and General Plan as follows:

Section 3.1 Vision (Page 3-4) *"To facilitate travel within Section 14 to nearby commercial activity, most residential development will be connected to the enhanced walkway/bikeway network that leads to streets of commercial activity"*.

The proposed development has internal private streets with no sidewalks and the project is constructing a portion of the class 1 bikeway along the east side of Avenida Caballeros. Pedestrian and bicycle movement between the development and commercial activities in Downtown and Uptown to the west are provided by an additional perimeter gate, and pedestrian gates from all the back yards that front the streets.

Section 4.1.1 (Page 4-4) *Encourage medium density residential development along Alejo Road... ..as a buffer for existing adjacent lower intensity housing development.*

The project proposes a mix of single family residences at a density of approximately 6.25 du/ac, which is consistent with the MBR land use zone along Alejo Road. This development would provide a buffer between future high density redevelopment to the south of this site and the single family units to the north. (Currently the development south of this site is medium density also).

Section 4.3 Pedestrian/Bikeway/Shuttle Network (Page 4-7) *"Generally following the established street grid, this network would connect resort uses and attractions and help boost Section 14's image as a recreational resort."*

The project proposes meandering sidewalks along the public street-front edges of the development with a Class 1 bikeway along Avenida Caballeros and a Class 2 bikeway along Alejo Road, which is consistent with the Section 14 Specific Plan.

Section 4.4 Streetscape Concepts. (Page 4-10 & 4-11) "Meandering sidewalks and jogging pathways with informally spaced shade treeson Alejo Road." "On Avenida Caballeros, meandering pathways and a Class 1 bikeway on the east side..." "Residential development primarily in heavily landscaped, walled enclaves, with options to allow units to face the streets without a walled-in atmosphere."

The meandering pathways and Class 1 bikeway on Avenida Caballeros are proposed to have landscaping including shade trees and California Fan Palms. The entire development is within a perimeter wall and lots that line the perimeter streets have gates into individual back yards to allow direct access to the public sidewalks.

Section 5.2.13 Paving Materials for Sidewalks and Crosswalks. (Page 5-42) "Crosswalks and intersection paving should incorporate colored, patterned concrete and/or interlocking pavers... creating a mosaic pattern of selected Cahuilla symbols or art forms."

Crosswalks, guest parking areas, private roadway intersections and entry drives are proposed with decorative interlocking pavers. Final pavement patterns can be generated at the time of the final landscape submission and coordinated with the Tribal Historic Preservation Office.

7.2.5 Fences/Walls (Page 7-11) "No wall or fence visible from a street shall extend more than 25 feet horizontally without a visual break created by an articulation and/or architectural detailing in the wall plane facing the street."

Perimeter walls are proposed to be galvanized sheet metal with intermittent panels of painted concrete block. A condition of approval is included for final review and approval of perimeter wall designs by the Director of Planning.

*GP CR7.1 Provide barrier-free accessibility for all handicapped residents, employees and visitors, including special design for rural street profiles to accommodate ADA-required path of travel separation from vehicular lanes.
GP 7.12 Ensure that appropriate pedestrian facilities are provided as a component of new development.*

The project previously proposed sidewalks at the interior private streets. The applicant has elected to remove the sidewalks from the project as part of the amendment. The State Code does not require sidewalks in single family developments.

GP CD 14.6 Prohibit gated community entries and perimeter walls around entire neighborhoods. Instead, provide privacy through design features such as

meandering streets, ample landscaping, and house placement that provides privacy and exclusivity.

The project was approved as a gated community prior to the adoption of the current General Plan which incorporated this policy. Although the project is still proposed as a gated community, it proposes numerous pedestrian gates and access points along both street frontages and landscaping along the perimeter of the project site; thereby providing a degree of connectivity with the adjacent neighborhoods.

In conclusion, staff believes the project is harmonious and generally consistent with the Specific Plan and General Plan.

Zoning and Development Standards:

The development standards that apply to this project are those in the Section 14 Specific Plan Chapter 6 "Land Use Regulations and Development Standards". Pursuant to SP Section 6.3.1 and 6.3.3 the underlying provisions of the PSZC apply with exceptions as noted. The underlying zone is RGA(8), (Garden Apartment/Cluster Residential)

As noted above, the project lies within two Specific Plan land use designations: "Medium Density Residential Buffer" (MBR) on the north and "High Density Residential" (HR) on the south half of the site. A comparison of the underlying development standards against the proposed standards for the amended PDD is shown in the Table below. Also attached are the proposed development standards for each lot.

Table 1: Comparison of development standards to Proposed Amended PDD 321

	Zoning: RGA(8)	Specific Plan HR:	Specific Plan MBR:	Amended PDD 321:
Density	5000 sf of lot area/unit (8du/ac)	Per PSZC, however single family units are prohibited	Per PSZC, however single family units are prohibited	6.25 du/ac (conforms) Lot sizes vary between 4,567 & 7,724 sf. (Avg 5,683 sf)
Building Height	15 feet; but 24 feet if not more than 50% of floor area is such;	30 feet and 2 to 3 stories	Per PSZC	20.5 feet and 2 stories at roughly 50% of the total floor area; (conforms)
SP 6.3.1(a) Open Space at Grade	n/a	Provide a minimum of common open space at grade		All open space is provided at grade; (conforms).
SP 6.3.1 (b) Access to common open space	n/a	Those areas of common open space shall be easily accessible by all residents		Common areas include internal private streets and sidewalks and are accessible to all residents; (conforms)
SP 6.3.1 (c) Architectural character	n/a	Avoid flat planar walls and box-like appearances		The Architecture is modern, with rectilinear forms and accent colors; (conforms)
SP 6.3.3: Open Space	50% minimum open space landscaped for recreation & outdoor living	Per PSZC	Min. 50% of site landscaped as usable open space, recreation & outdoor living	Average 61 percent of open space per lot; (conforms)
SP 6.3.3: Landscape Open Space	n/a	Min. 25% open space shall be landscaped	n/a	Average 41 percent of landscape area per lot; (conforms)

Yards (PSZC 92.02.03)	Bldgs over 15 ft set back equal to the height	Per PSZC	Per PSZC	Reduced setbacks as noted below per PDD
Front Yard (PSZC 92.02.03)	25 feet	Per PSZC	Per PSZC	Vary between 5 ft and 23 ft; per PDD
Side Yard (PSZC 92.02.03)	10% of lot width but not less than 10 feet	Per PSZC	Per PSZC	Vary between zero ft and 10 ft; per PDD
Corner Side Yards (PSZC 92.02.03)	20% of lot width but not less than 20 feet	Per PSZC	Per PSZC	Vary between 3 ft and 20 ft; per PDD
Rear Yard (PSZC 92.02.03)	20 feet	Per PSZC	Per PSZC	Vary between 3 ft and 29 ft; per PDD
Distance bet. Bldgs (PSZC 02.02.03)	15 ft for each 10 ft of bldg height, minimum 15 feet.	Per PSZC	Per PSZC	Average distance is approximately 7 ft; per PDD
Lot coverage (PSZC 02.02.04)	Min. 50% of lot shall be landscaped & irrigated.	Per PSZC	Per PSZC	Between 22% and 47% lot coverage; per PDD
Off-street parking (PSZC 93.06.00)	2 spaces / single family residence; Condos in a PDD: 2.25 spaces per 3 bdrm unit	Per PSZC	Per PSZC	119 spaces required; 106 garage spaces provided: (2 per dwelling unit) plus 13 add'l provided in guest parking areas; (conforms)
Guest Parking:	1 space per ev. 4 dwelling units	Per PSZC	Per PSZC	14 spaces required, 18 provided; (conforms)
Landscape	Shade trees along street edge	Water efficient landscape ordinance; must comply to state ordinance	Water Efficient Landscape Ordinance; must comply to state ordinance	Conforms (COA to require certification of conformance to the State Water Efficient Landscape Ordinance
SP 5.2.2 Landscape – Avenida Caballeros (see fig. 5-6 & 5-7))	Pairs of Palms @ 60ft apart, both sides of street 28 ft landscape corridor w/Class 1 bikeway and pedestrian path, informal shade trees	Water efficient landscape ordinance	Water efficient landscape ordinance	28 ft landscape corridor provided w/Class 1 bikeway and pedestrian walk provided. Shade & Cal. Fan Palm trees provided; (conforms)
SP 5.2.6 Landscape – Alejo (see fig 5-13)	6ft sidewalk w/shade trees & palms, no sidewalks immed. adj. to curb	Water efficient landscape ordinance	Water efficient landscape ordinance	Shade & Cal. Fan Palm trees & 6 foot wide sidewalk provided. (conforms)
Uses permitted	Single Family Resid. (SFR) per R-1-C standard (10,000 sf lots)	SFR's prohibited	SFR's prohibited	SFR's proposed as a permitted use on lots averaging 5,683 sf; per PDD

Pursuant to Section 94.03.00 (A) of the Zoning Code, a planned development district (PDD) may be approved in lieu of a change of zone as specified in Section 94.07.00. The PDD for this project was approved in lieu of change of zone to seek relief from the development standards of the underlying R-G-A zone. The amendment seeks similar relief, as well as the addition of single family residential as a permitted use on the site.

Preliminary and Final PDD approval requested.

The applicant has fully developed the design of the project to the level of detail usually associated with a Final PDD. (Minor items such as perimeter wall review and site lighting can be routinely handled separately by Staff, prior to issuance of building permits). For this reason, staff is recommending review of both the preliminary and final

PDD with this hearing.

Architecture

The project proposes 53, three-bedroom, two-story single family homes with attached two-car garages in a contemporary architectural style. The homes are clad in stucco painted in neutral colors. Window surrounds and other feature elements are proposed in lively accent colors. The homes are designed with large areas of glass facing individual back yards and small pools. Windows on the second floor are designed and arranged to control privacy between adjoining homes while providing views of the mountains to the west.

Site Design, Landscape and Open Space.

The project is proposed with 53 single family homes on individual lots varying in size between approximately 4,567 and 7,724 square feet. (Average lot size is 5,683 square feet). The lots are accessed from a network of five, 24-foot wide private streets. Due to the street width, parking along the streets is prohibited except in designated areas. Enforcement of parking regulations on private streets is the responsibility of the homeowners association. Primary access into the development is taken from Avenida Caballeros and a secondary emergency access is provided on Alejo Road. There is no parking allowed along these street frontages.

Each home is proposed with its own small pool and terrace; water efficient landscaping is found throughout the development. The private streets are proposed with decorative pavement at the intersections, crosswalks and guest parking areas. The project is designed with perimeter walls and walls between each lot, constructed of horizontal corrugated metal with intermittent panels of painted scored concrete block. All of the homes are oriented to face the interior private streets; however, where back yards abut the perimeter of the project site, individual gates allow those residents pedestrian access to the surrounding community. The project also has a pedestrian gate adjacent to the emergency gate at the northeast corner of the development.

Perimeter parkway and street improvements.

The project is conditioned to install parkway improvements along both Avenida Caballeros and Alejo Road in the form of water-efficient landscaping, bikeways, and sidewalks. These improvements are outlined in the General Plan and the Specific Plan.

The entry to the development, located on Avenida Caballeros, is not in alignment with a recently installed landscape median and requires the median to be removed. The traffic flow can be accommodated with a common center turn lane, but the aesthetic goals of the General Plan and Specific Plan will be compromised. The Alejo Vista Homeowners Association (located immediately west of the project site) objected to elimination of the median for aesthetics and safety reasons.

The landscape median is a feature that is also required by the Section 14 Specific Plan (Section 5.2.2). An alternative Section 14 entry feature would be a public art piece on one or both the south corners of the intersection of Avenida Caballeros and Alejo Road. These corners are privately owned, although the southeast corner is on the project site.

Staff has included a draft condition of approval for the construction of this entry feature.

Policy requirement for PDD's to provide Public Benefits

In September 2008, the City Council adopted a policy requiring that PDD's provide a specific "public benefit" proportionate to the nature, type and extent of the relief granted from the development standards and requirements.

The applicant is requesting relief from the following development standards of the PSZC and Section 14 Specific Plan:

- The addition of single family residences as a permitted use in the MBR and HR land use zones of the Section 14 Specific Plan.
- Reduced front, side and rear yard setbacks.
- Reduced setbacks for buildings in excess of 15 feet in height.
- Reduced minimum lot sizes for single family residences from 10,000 square feet to an average of 5,683 square feet.
- Elimination of General Plan and Specific Plan-required landscape median islands along Avenida Caballeros.

The original approval did not include any proposed public benefits because it was approved prior to the adoption of this policy. Staff believes the magnitude of relief being requested with this amendment is "moderate". The applicant is proposing no public benefits as part of this amendment, except that the project would be undertaken when few others are being pursued at this time.

REQUIRED FINDINGS:

Findings for the Planned Development District (PDD).

The provisions of Section 94.03.00(B) "*Planned Development District*" of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 "*Conditional Use Permit*", the General Plan and sound community development. Furthermore, Section 94.03.00 (G) provides that modifications to a PDD may be considered following the same procedure as outlined in 94.02.00 for the initial PDD.

These findings and a discussion of the amended project as it relates to each of these findings are noted below.

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

The project proposes a development of 53 residential single family, detached and attached dwelling units. The PDD application requests revisions in the development standards of the Section 14 Specific Plan and the Zoning Code, including approval of single family residential units on these specific parcels located in the MBR and HR land use areas. The Zoning Code authorizes PDD's for residential uses and therefore the

request is consistent with this finding.

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;

The PDD proposes a development of 53 residential dwelling units on approximately 8.48 acres. The project site is zoned RGA(8), the General Plan and Specific Plan both denote residential land uses for these parcels. The proposed density of the project is less than the maximum permissible in the General Plan, Specific Plan and for the Zone. Providing a variety of residential unit types in walkable distance to downtown is desirable to invigorate and revitalize the downtown and uptown commercial areas. The project is therefore in harmony with the existing and future uses specifically permitted in the zone proposed.

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 site is approximately 8.48 acres in size. The project proposes 53 dwelling units at a density of approximately 6.25 du/ac, which is below the maximum allowable density for this zone. The Specific Plan requires special landscape frontages along Avenida Caballeros and Alejo Road, to which the project design conforms. Although the SP prohibits single family residences (SFR's), the underlying RGA zone allows SFR's to the R-1-C standards (10,000 sf lots). The PDD amendment proposes to amend the SP to allow single family residences on lots averaging 5,683 square feet on these specific parcels in the HD and MBR land use areas. Thus if approved, the proposed amendment would be consistent with this finding.

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 proposes primary vehicular access to the public streets from a gated access drive off Avenida Caballeros. The access drive is provided with a turn-around to prevent cars from backing onto Caballeros. The General Plan requires this segment of Caballeros to be developed with landscape medians to control traffic flow, enhance safety and create an attractive streetscape. The entry to the development is in conflict with a recently installed landscape median and requires the median to be removed to provide an adequate southbound left-turn lane on Caballeros. The City recommended the entry drive be located further south to align with the existing entry drive into the Palomino residential development to the west for better traffic movement. This would allow some of the landscape median to be preserved while providing the necessary left-turn pocket in to the proposed development. This was rejected by the applicant. The traffic flow can be successfully accommodated with removal of the median island but

the aesthetic goals of the General Plan and Specific Plan will not be achieved. A condition of approval is proposed to substitute the landscape medians for Section 14 Gateway elements, which Staff believes provides an acceptable aesthetic alternative.

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

A draft set of conditions of approval are proposed in the attached Exhibit B.

Findings for the Tentative Tract Map Amendment

Additional findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.

The proposed TTM is consistent with the General Plan because the General Plan and Specific Plan propose medium density residential (6 to 15 du/ac) and high density residential development (15 to 30 du/ac) on these parcels. The proposed density is 6.25 dwelling units per acre (du/ac). The proposed project is consistent with the Section 14 Specific Plan in that it proposes a residential use in an area designated for such uses. The General Plan encourages residential uses in the MDR and HDR areas, including single family homes in the MDR land use area. The proposed use is consistent with the General Plan and with the approval of the PDD, the proposed single family uses will be consistent with the Specific Plan.

b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.

The proposed project design and improvements are generally consistent with the Section 14 Specific Plan HR and MBR zones and the underlying R-G-A (8) zone in which the property is located. The PDD proposes a set of development standards and design details with smaller lots and setbacks than would otherwise be required by the underlying zone, however the overall density is less than the maximum allowable for the zone and the average lot size is greater than the minimum site area per dwelling unit of the zone. The improvements proposed include single family homes which are prohibited in the MBR and HR land use areas of the Section 14 Specific Plan, however the PDD amendment seeks approval to amend the Section 14 Specific Plan by permitting single family uses on these specific parcels in the MBR and HR land use areas. With the approval of the PDD amendment, the project will be consistent with this finding.

c. The site is physically suited for this type of development.

The project site is flat, and is located in an area with all urban services and utilities,

including streets. The project proposes 53 single family residential dwelling units. It is surrounded by similar residential uses and the General Plan and Specific Plan propose residential uses for this site.

d. The site is physically suited for the proposed density of development.

The project proposes 53 single family dwelling units on approximately 8.48 acres or roughly 6.25 du/ac which is less than the allowable density under the Specific Plan and General Plan. The site abuts improved public streets with existing utilities and with either existing or proposed right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Initial Study prepared for the project determined that with implementation of proposed mitigation measures, any environmental impacts regarding project construction effects on air quality, and noise will be reduced to a level that is less than significant.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. The residential uses proposed are consistent with those uses permitted by the General Plan, the Specific Plan and the Zoning Code. The subdivision is proposed with no sidewalks on the interior private streets. Pedestrians within the development would have to walk in the streets; however sidewalks are not required by the State Subdivision Map Act. Providing sidewalks would provide a separation of vehicular and pedestrian movement within the development.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

CONCLUSION:

The Planned Development District Amendment proposes a residential project of lower density and different configuration than previously approved. The PDD establishes a unique set of development standards for the project that includes lot size, setbacks, lot coverage, landscape coverage and density. The project is generally consistent and harmonious with the City's General Plan and the Section 14 Specific Plan. The PDD is submitted in lieu of a change of zone, and seeks to amend the Section 14 Specific Plan

to allow single family homes on specific parcels in the MBR and HR land use areas. Findings have been made in support of the proposed PDD amendment and in support of the TTM amendment. The AAC and the Planning Commission have recommended approval of the project subject to conditions of approval.

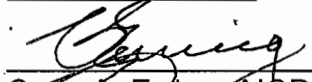
ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration for this project was previously adopted by the City Council on April 19, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the proposed amendment proposes a lower density project. The City has determined that the amendment proposes no additional impacts, and actually reduces potential impacts by proposing 31 fewer units. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

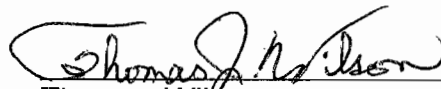
NOTIFICATION:

A public hearing notice was published in The Desert Sun and mailed to all property owners within 400 feet of the subject property. Correspondence from the public has been received and is attached to this staff report.

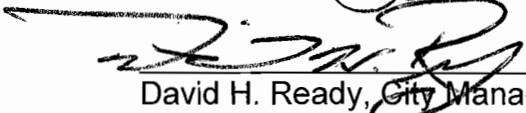
FISCAL IMPACT: no impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson
Assistant City Manager



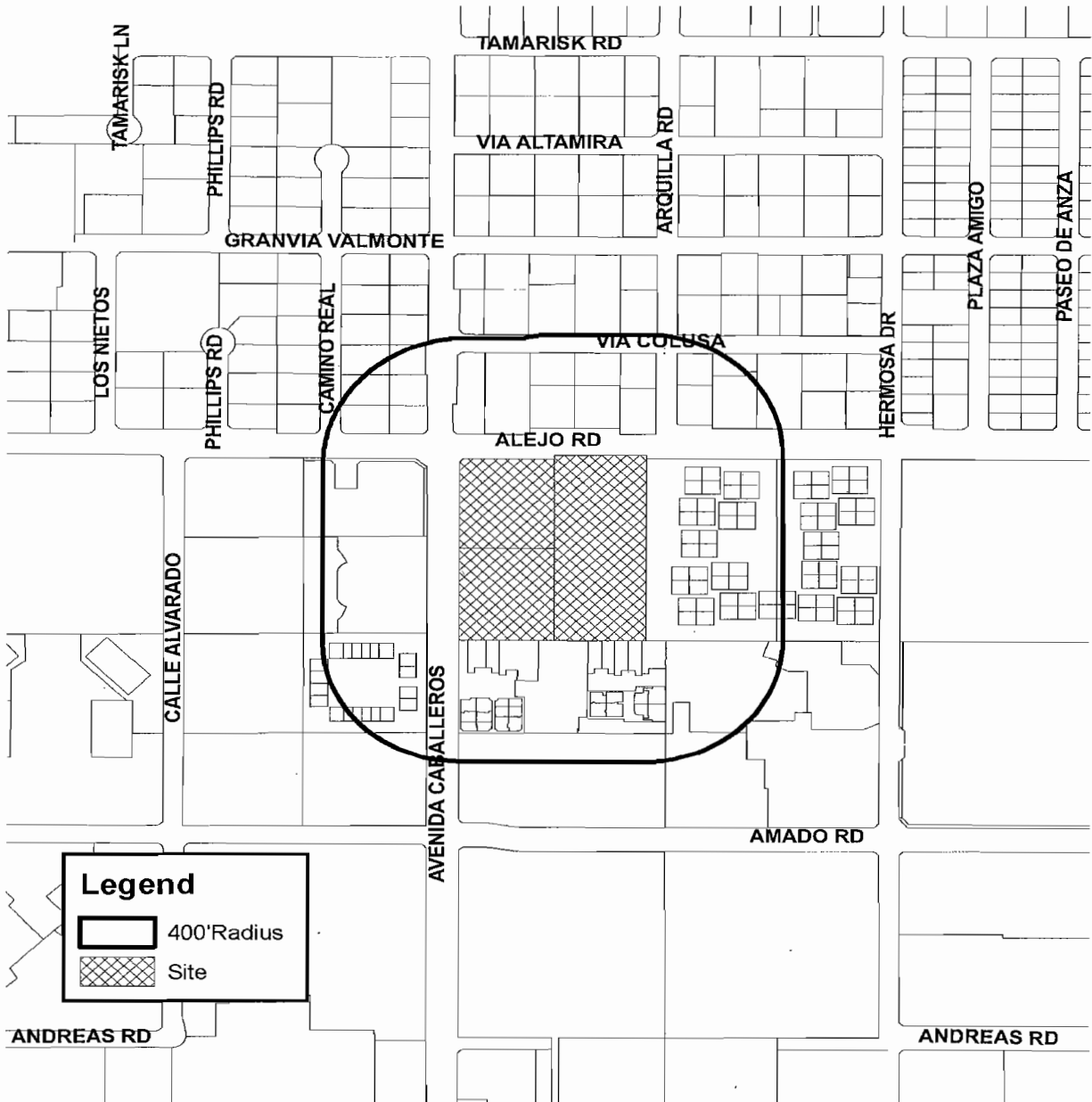
David H. Ready, City Manager

ATTACHMENTS:



1. Vicinity Map
2. Exhibit A: Development Standards for PDD AMND 321/TTM 34165
3. Draft Resolution & Exhibit B: Conditions of Approval
4. Site Plan, floor plans, elevations and graphics.
5. Planning Commission Minutes dated March 24, 2010 (Excerpt)
6. Planning Commission Staff Report dated March 24, 2010
7. Public Correspondence



Department of Planning Services Vicinity Map



Legend

-  400'Radius
-  Site

CITY OF PALM SPRINGS

CASE : 5.1082 AMND - PD 321,
TTM AMND 34165

APPLICANT: Nexus Development
for O & M, LLC

DESCRIPTION: An amendment to a previously approved PDD and TTM changing from 84 condo units to 53 single family attached and detached units and amending the tract map from a single lot condo map to 53 individual lots with common private streets and off-street parking located at the southeast corner of Avenida Caballeros and Alejo Road, Specific Plan MBR & HR, Zone RGA(8), Section 14 (IL).

ORDINANCE NO.

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT AMENDMENT FOR CASE 5.1082 AMND PDD 321, AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, CHANGING THE DEVELOPMENT STANDARDS, DENSITY AND TYPE OF RESIDENTIAL UNITS AT AN APPROXIMATELY 8.5 ACRE PARCEL AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD, AND APPROVING AN AMENDMENT TO THE SECTION 14 SPECIFIC PLAN ALLOWING SINGLE FAMILY RESIDENTIAL UNITS IN THE MBR AND HR LAND USE AREAS ON SPECIFIC PARCELS AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD, SUBJECT TO CONDITIONS OF APPROVAL; ZONE RGA(8), SPECIFIC PLAN MBR AND HR, SECTION 14 (IL)/T4/R4.

WHEREAS, Nexus Development (O & M, LLC), ("Applicant") has filed an application with the City pursuant to Section 94.03.00(G) (*Modification of Final Development Plan for a PDD*) of the Zoning Code requesting approval for an amendment to a previously approved preliminary and final Planned Development District for a residential development on an approximately 8.5 acre parcel at the southeast corner of Avenida Caballeros and Alejo Road; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1082 AMND PDD 321 & TTM 34165 AMND was given in accordance with applicable law; and

WHEREAS, on March 24, 2010, a public hearing on Case 5.1082 AMND PDD 321 & TTM 34165 AMND was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the original preliminary Planned Development District (Case 5.1082 PDD 321, TTM 34165) was reviewed and approved by the Planning Commission on March 8, 2006 and the PDD and TTM was reviewed and approved by the City Council on April 19, 2006, and

WHEREAS, the original PDD 321 was approved with 84 condominium dwelling units with private streets and a common pool and recreation building on an approximately 8.48 acre site at the southeast corner of Avenida Caballeros and Alejo Road, and

WHEREAS, the amendment application for PDD 321 proposes a gated community of 53 single family attached and detached residential units on individual lots and private streets on an approximately 8.48 acre parcel, and

WHEREAS, the amendment proposes to add single family homes as a permitted use in the MBR and HR land use areas in the Section 14 Specific Plan on an approximately 8.48 acre parcel at the southeast corner of Avenida Caballeros and Alejo Road, and

WHEREAS, the original Tentative Tract Map (TTM) 34165 was submitted as a single lot map for condominium purposes, and

WHEREAS, the amended TTM 34165 is submitted as a subdivision map of 53 single family residential lots with common private streets and off-street parking areas, and

WHEREAS, at said hearing on March 24, 2010, the Planning Commission, after carefully reviewing and considering all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented, certified the environmental analysis was an adequate assessment of the project's impacts in accordance with the California Environmental Quality Act (CEQA) and that with the mitigation measures proposed reduced any potentially significant impacts to less than significant and voted 4-2-1 to approve Case 5.1082 AMND PDD 321 subject to conditions of approval, and recommended approval by the City Council of Case 5.1082 AMND PDD 321 and Tentative Tract Map Amendment TTM 34165 AMND subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1082 AMND PDD 321 & TTM 34165 AMND was given in accordance with applicable law; and

WHEREAS, on April 7, 2010, a public hearing on the amendment application was held by the City Council in accordance with applicable law, and

WHEREAS, the City Council 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 CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. A Mitigated Negative Declaration for this project was previously adopted by the City Council on April 19, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the proposed amendment proposes a lower density project. The City has determined that the amendment proposes no additional impacts,

and actually reduces potential impacts by proposing 31 fewer units. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

Section 2: Pursuant to Section 94.03.00 (E) "*Planned Development Districts*" of the Zoning Code, a Planned Development District (PDD) may be established in accordance with the procedures required by Section 94.02.00 "*Conditional Use Permit*". Furthermore, Section 94.03.00 (G) provides that Planned Development Districts may be modified by following the same procedure outlined in 94.02.00. Section 9.1.4 "*Specific Plan Amendments*" of the Section 14 Specific Plan provides that "*Amendments to the Specific Plan require review and approval by the Palm Springs Planning Commission and the City Council; final approval rests with the Tribal Council.*"

Findings are hereby made in support of the requested amendment to the previously approved Planned Development District #321 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;

The project proposes a development of 53 residential single family, detached and attached dwelling units. The PDD application requests revisions in the development standards of the Section 14 Specific Plan and the Zoning Code, including approval of single family residential units on these specific parcels located in the MBR and HR land use areas. The Zoning Code authorizes PDD's for residential uses and therefore the request is consistent with this finding.

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;

The PDD proposes a development of 53 residential dwelling units on approximately 8.48 acres. The project site is zoned RGA(8), the General Plan and Specific Plan both denote residential land uses for these parcels. The proposed density of the project is less than the maximum permissible in the General Plan, Specific Plan and for the Zone. Providing a variety of residential unit types in walkable distance to downtown is desirable to invigorate and revitalize the downtown and uptown commercial areas. The project is therefore in harmony with the existing and future uses specifically permitted in the zone proposed.

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 site is approximately 8.48 acres in size. The project proposes 53 dwelling units at a density of approximately 6.25 du/ac, which is below the maximum allowable density for this zone. The Specific Plan requires special landscape frontages along Avenida Caballeros and Alejo Road, to which the project design conforms. Although the SP prohibits single family residences (SFR's), the underlying RGA zone allows SFR's to the R-1-C standards (10,000 sf lots). The PDD amendment proposes to amend the SP to allow single family residences on lots averaging 5,566 square feet on these specific parcels in the HD and MBR land use areas. Thus if approved, the proposed amendment would be consistent with this finding.

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 proposes primary vehicular access to the public streets from a gated access drive off Avenida Caballeros. The access drive is provided with a turn-around to prevent cars from backing onto Caballeros. The General Plan requires this segment of Caballeros to be developed with landscape medians to control traffic flow, enhance safety and create an attractive streetscape. The entry to the development is in conflict with a recently installed landscape median and requires the median to be removed to provide an adequate southbound left-turn lane on Caballeros. The City recommended the entry drive be located further south to align with the existing entry drive into the Palomino residential development to the west for better traffic movement. This would allow some of the landscape median to be preserved while providing the necessary left-turn pocket in to the proposed development. This was rejected by the applicant. The traffic flow can be successfully accommodated with removal of the median island but the aesthetic goals of the General Plan and Specific Plan will not be achieved. A condition of approval is included to substitute the landscape medians for Section 14 Gateway elements, which provides an acceptable aesthetic alternative.

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

A draft set of conditions of approval are proposed in the attached Exhibit B.

- Section 3: The development standards for the individual lots in PDD AMND 321 are hereby revised and amended to be as shown in the attached Exhibit A
- Section 4: Pursuant to the City Council Policy dated September 17, 2008, there are no recognized "Public Benefits" proposed by the applicant or required by the City.
- Section 5: Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of amended PDD in lieu of a change of zone and a thirty-day waiting period before it is effective allowing the approval of Case 5.1082 AMND PDD 321.
- Section 6: Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.
- Section 7: Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

NOW, THEREFORE, BE IT ORDAINED that, based upon the foregoing, the City Council hereby approves Case 5.1082 AMND PDD 321, as the amended preliminary and final PDD for the subject project, subject to development standards set forth in Exhibit A and conditions set forth in Exhibit B.

ADOPTED this 7th day of April, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A – PDD 321 AMND; TTM 34165 AMND - LOT AREAS, SETBACKS AND COVERAGE

LOT #	AREAS (S.F.)					TABULATED PERCENTAGES				SETBACKS & YARDS			
	Lot Area	Bldg Area	Pool	Drive-way	Patio / Walks	Lot Coverage	Drive-way	Open Space	Land-scap e	N' LY	S'LY	E'LY	W'LY
1	5758	1660	360	177	1627	32%	3%	68%	34%	4	3	7	27
2	5560	1660	360	177	1627	33%	3%	70%	31%	4	5	6	28
3	6163	1660	360	177	1627	30%	3%	73%	38%	4	5	7	27
4	7719	1661	360	177	1627	24%	2%	78%	50%	23	5	6	28
5	6414	1661	360	188	1072	29%	3%	74%	49%	28	6	5	6
6	5882	1661	360	188	1134	31%	3%	72%	43%	28	6	5	0
7	5833	1661	360	188	684	32%	3%	72%	50%	28	6	5	4
8	5852	1661	360	188	1134	32%	3%	72%	43%	28	6	5	0
9	5809	1661	360	188	684	32%	3%	71%	50%	28	6	5	4
10	6120	1661	360	188	1072	30%	3%	73%	46%	27	6	5	0
11	6673	1662	360	71	1198	26%	1%	75%	51%	34	0	20	5
12	4953	1662	360	222	660	38%	4%	66%	41%	0	0	21	8
13	5547	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
14	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
15	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
16	5708	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
17	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
18	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
19	7418	1661	360	263	906	26%	4%	78%	57%	0	20	21	8
20	6362	1661	360	188	1015	29%	3%	74%	49%	7	29	6	0
21	5939	1661	360	188	1015	31%	3%	72%	46%	6	29	0	4
22	5981	1661	360	188	1015	31%	3%	72%	46%	7	29	5	0
23	5907	1661	360	188	1015	31%	3%	72%	45%	6	29	0	5
24	5950	1661	360	188	1015	31%	3%	72%	46%	6	29	5	0
25	6478	1661	360	188	1015	29%	3%	74%	50%	6	28	0	5
26	7724	1660	360	177	1627	24%	2%	79%	50%	0	24	9	26
27	5562	1660	360	177	1627	33%	3%	70%	31%	4	0	7	26
28	6120	1660	360	177	1627	30%	3%	73%	38%	0	5	7	27
29	6352	1660	360	177	1627	29%	3%	74%	40%	9	0	6	28
30	6095	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
31	5126	1660	258	180	743	36%	4%	68%	45%	10	20	5	11
32	5257	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
33	5281	1660	258	288	758	37%	5%	69%	44%	16	17	5	11
34	5109	1660	258	180	743	36%	4%	68%	44%	10	20	5	11
35	5998	1660	258	288	758	32%	5%	72%	51%	16	17	5	11
36	5756	1660	258	353	773	35%	6%	71%	47%	4	20	5	4
37	4746	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
38	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
39	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
40	4745	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
41	5219	1660	258	353	773	39%	7%	68%	42%	4	20	12	9
42	6092	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
43	5125	1660	258	180	743	36%	4%	68%	45%	10	19	5	11
44	5256	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
45	5280	1660	258	288	758	37%	5%	69%	44%	13	20	5	11
46	5089	1660	258	180	743	36%	4%	67%	44%	10	20	5	11
47	5998	1660	258	288	758	32%	5%	72%	51%	16	17	12	11
48	5756	1660	258	407	773	36%	7%	71%	46%	4	19	5	4
49	4747	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
50	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
51	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
52	4765	1660	258	344	765	42%	7%	65%	36%	4	23	5	9
53	5221	1660	258	407	773	40%	8%	68%	41%	4	19	12	9

Avg. 5683
Ttl 301225 88004 16632 13312 50652

RESOLUTION NO.

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING AN AMENDMENT TO TENTATIVE TRACT MAP 34165, CHANGING THE MAP FROM A SINGLE LOT MAP FOR CONDOMINIUM PURPOSES TO A SUBDIVISION OF 53 SINGLE FAMILY RESIDENTIAL LOTS WITH COMMON PRIVATE STREETS AND OFF-STREET PARKING; PDD 321 AMND, ZONE RGA(8), SPECIFIC PLAN MBR AND HR, SECTION 14 (IL)/T4/R4.

WHEREAS, Nexus Development (O & M, LLC), ("Applicant") has filed an application with the City pursuant to Section 66474 of the State of California Subdivision Map Act, and Section 9.64 of the Palm Springs Municipal Code (*Maps*), requesting approval for an amendment to a previously approved Tentative Tract Map for a residential development on an approximately 8.5 acre parcel at the southeast corner of Avenida Caballeros and Alejo Road; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1082 AMND PDD 321 & TTM 34165 AMND was given in accordance with applicable law; and

WHEREAS, on March 24, 2010, a public hearing on Case 5.1082 AMND PDD 321 & TTM 34165 AMND was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the original Tentative Tract Map (Case 5.1082 PDD 321, TTM 34165) was reviewed and recommended for approval by the Planning Commission on March 8, 2006 and the PDD and TTM were reviewed and approved by the City Council on April 19, 2006, and

WHEREAS, the original TTM 34165 was approved as a single lot map for condominium purposes for 84 condominium dwelling units with private streets and a common pool and recreation building on an approximately 8.48 acre site at the southeast corner of Avenida Caballeros and Alejo Road, and

WHEREAS, the amended TTM 34165 is submitted as a subdivision map of 53 single family residential lots with common private streets and off-street parking areas, and

WHEREAS, at said hearing on March 24, 2010, the Planning Commission, after carefully reviewing and considering all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented, certified the environmental analysis was an adequate assessment of the project's impacts in accordance with the California Environmental Quality Act (CEQA) and that with the mitigation measures proposed reduced any potentially significant impacts to less than significant and voted 4-2-1 to approve Case 5.1082 AMND PDD 321 subject to conditions of approval, and recommended approval by the City Council of Case 5.1082 AMND PDD 321 and Tentative Tract Map Amendment TTM 34165 AMND subject to conditions of approval, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1082 AMND PDD 321 & TTM 34165 AMND was given in accordance with applicable law; and

WHEREAS, on April 7, 2010, a public hearing on the TTM amendment application was held by the City Council in accordance with applicable law, and

WHEREAS, the City Council 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 CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. A Mitigated Negative Declaration for this project was previously adopted by the City Council on April 19, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the proposed amendment proposes a lower density project. The City has determined that the amendment proposes no additional impacts, and actually reduces potential impacts by proposing 31 fewer units. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

Section 2: *Tentative Tract Map Amendment*
Pursuant to Section 66474 of the State of California Subdivision Map Act the following findings are hereby made in support of the TTM amendment:

a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.

The proposed TTM is consistent with the General Plan because the General Plan and Specific Plan propose medium density residential (6 to 15 du/ac) and high density residential development (15 to 30 du/ac) on these parcels. The proposed density is 6.25 dwelling units per acre (du/ac). The proposed project is consistent with the Section 14 Specific Plan in that it proposes a residential use in an area designated for such a use.

b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.

The proposed project design and improvements are generally consistent with

the Section 14 Specific Plan HR and MBR zones and the underlying R-G-A (8) zone in which the property is located. The PDD proposes a set of development standards and design details with smaller setbacks than would otherwise be required by the underlying zone, however the overall density is less than the maximum allowable for the zone and the average lot size is greater than the minimum site area per dwelling unit of the zone. The improvements proposed include single family homes which are prohibited in the MBR and HR land use areas of the Section 14 Specific Plan, however the PDD amendment seeks approval to amend the Section 14 Specific Plan by permitting single family uses on these specific parcels in the MBR and HR land use areas. With the approval of the PDD amendment, the project will be consistent with this finding.

c. The site is physically suited for this type of development.

The project site is flat, and is located in an area with all urban services and utilities, including streets. The project proposes 53 single family residential dwelling units. It is surrounded by similar residential uses and the General Plan and Specific Plan propose residential uses for this site.

d. The site is physically suited for the proposed density of development.

The project proposes 53 single family dwelling units on approximately 8.48 acres or roughly 6.25 du/ac which is less than the allowable density under the Specific Plan and General Plan. The site abuts improved public streets with existing utilities and with either existing or proposed right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Initial Study prepared for the project determined that with implementation of proposed mitigation measures, any environmental impacts regarding project construction effects on air quality, and noise will be reduced to a level that is less than significant.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. The residential uses proposed are consistent with those uses permitted by the General Plan, the Specific Plan and the Zoning Code. The subdivision is proposed with no sidewalks on the interior private streets. Pedestrians within the development would have to walk in the streets;

however sidewalks are not required by the State Subdivision Map Act. Providing sidewalks would provide a separation of vehicular and pedestrian movement within the development.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Case TTM 34165 AMND, as the amended Tentative Tract Map 34165 related to Case 5.1082 AMND PDD 321, subject to development standards set forth in Exhibit A and conditions set forth in Exhibit B.

ADOPTED this seventh day of April, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A – PDD 321 AMND; TTM 34165 AMND - LOT AREAS, SETBACKS AND COVERAGE

LOT #	AREAS (S.F.)					TABULATED PERCENTAGES				SETBACKS & YARDS			
	Lot Area	Bldg Area	Pool	Drive-way	Patio / Walks	Lot Coverage	Drive-way	Open Space	Land-scap e	N' LY	S'LY	E'LY	W'LY
1	5758	1660	360	177	1627	32%	3%	68%	34%	4	3	7	27
2	5560	1660	360	177	1627	33%	3%	70%	31%	4	5	6	28
3	6163	1660	360	177	1627	30%	3%	73%	38%	4	5	7	27
4	7719	1661	360	177	1627	24%	2%	78%	50%	23	5	6	28
5	6414	1661	360	188	1072	29%	3%	74%	49%	28	6	5	6
6	5882	1661	360	188	1134	31%	3%	72%	43%	28	6	5	0
7	5833	1661	360	188	684	32%	3%	72%	50%	28	6	5	4
8	5852	1661	360	188	1134	32%	3%	72%	43%	28	6	5	0
9	5809	1661	360	188	684	32%	3%	71%	50%	28	6	5	4
10	6120	1661	360	188	1072	30%	3%	73%	46%	27	6	5	0
11	6673	1662	360	71	1198	26%	1%	75%	51%	34	0	20	5
12	4953	1662	360	222	660	38%	4%	66%	41%	0	0	21	8
13	5547	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
14	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
15	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
16	5708	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
17	5545	1661	360	263	906	35%	5%	70%	42%	0	5	21	8
18	5710	1661	360	222	660	33%	4%	71%	49%	5	0	20	8
19	7418	1661	360	263	906	26%	4%	78%	57%	0	20	21	8
20	6362	1661	360	188	1015	29%	3%	74%	49%	7	29	6	0
21	5939	1661	360	188	1015	31%	3%	72%	46%	6	29	0	4
22	5981	1661	360	188	1015	31%	3%	72%	46%	7	29	5	0
23	5907	1661	360	188	1015	31%	3%	72%	45%	6	29	0	5
24	5950	1661	360	188	1015	31%	3%	72%	46%	6	29	5	0
25	6478	1661	360	188	1015	29%	3%	74%	50%	6	28	0	5
26	7724	1660	360	177	1627	24%	2%	79%	50%	0	24	9	26
27	5562	1660	360	177	1627	33%	3%	70%	31%	4	0	7	26
28	6120	1660	360	177	1627	30%	3%	73%	38%	0	5	7	27
29	6352	1660	360	177	1627	29%	3%	74%	40%	9	0	6	28
30	6095	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
31	5126	1660	258	180	743	36%	4%	68%	45%	10	20	5	11
32	5257	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
33	5281	1660	258	288	758	37%	5%	69%	44%	16	17	5	11
34	5109	1660	258	180	743	36%	4%	68%	44%	10	20	5	11
35	5998	1660	258	288	758	32%	5%	72%	51%	16	17	5	11
36	5756	1660	258	353	773	35%	6%	71%	47%	4	20	5	4
37	4746	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
38	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
39	4567	1660	258	353	773	44%	8%	64%	33%	4	20	5	9
40	4745	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
41	5219	1660	258	353	773	39%	7%	68%	42%	4	20	12	9
42	6092	1660	258	288	758	32%	5%	73%	51%	16	17	5	17
43	5125	1660	258	180	743	36%	4%	68%	45%	10	19	5	11
44	5256	1660	258	288	758	37%	5%	68%	44%	16	17	5	11
45	5280	1660	258	288	758	37%	5%	69%	44%	13	20	5	11
46	5089	1660	258	180	743	36%	4%	67%	44%	10	20	5	11
47	5998	1660	258	288	758	32%	5%	72%	51%	16	17	12	11
48	5756	1660	258	407	773	36%	7%	71%	46%	4	19	5	4
49	4747	1660	258	407	773	44%	9%	65%	35%	4	23	5	4
50	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
51	4568	1660	258	407	773	45%	9%	64%	32%	4	19	5	9
52	4765	1660	258	344	765	42%	7%	65%	36%	4	23	5	9
53	5221	1660	258	407	773	40%	8%	68%	41%	4	19	12	9

Avg. 5683
Ttl 301225 88004 16632 13312 50652

RESOLUTION NO. _____

EXHIBIT B

Case 5.1082 AMND PDD 321 "Delano" a subdivision of 53 single family attached and detached residences, and TTM AMND 34165

April 7, 2010

Southeast corner of Avenida Caballeros and Alejo Road

CONDITIONS OF APPROVAL

(With revisions approved by the Planning Commission from March 24, 2010)

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1082 AMND PDD 321 TTM AMND 34165); 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 (March 17, 2010), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division and TTM 34165 amended dated 3/17/10, except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for an amendment to Tentative Tract Map 34165 located at the southeast corner of Avenida Caballeros and Alejo Road, date stamped 3/17/10. This approval is subject to all applicable regulations of

the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1082 AMND PDD 321 TTM AMND 34165. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 8. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) 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.

Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval

ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code

Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

- ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 12. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

ADM 13. Tribal Fees Required. The project is located on the reservation of the Agua Caliente Band of Cahuilla Indians. Development fees, environmental conservation plan fees and any other fees as required by the Tribal Council shall be paid prior to issuance of a building permit.

ADM 14. 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

ADM 15. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

ADM 16. 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 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 18. Removal of Green Construction Fencing. The applicant/developer shall be required to remove the temporary construction fencing around the perimeter of the subject property subject to the approval of the Director of Public Works and reinstall construction fencing in conformance with the City of Palm Springs requirements at the commencement of construction activities.

- ADM 19. Exterior Lighting Plan. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the project and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized.
- ADM 20. **REVISED BY PLANNING COMMISSION:** Perimeter Wall Design Review. ~~Detailed design drawings indicating materials, colors, height, and dimensional articulation to conform to the Section 14 Specific Plan requirements and Mitigation Monitoring item MMX1-9 for such walls shall be submitted to the Director of Planning Services for review and approval by the Architectural Advisory Committee prior to issuance of Building Permits. The applicant shall submit to the Director of Planning for his approval, the design of the perimeter wall for the subject project for conformance with Section 14 Specific Plan Section 7.2.5; "Fences/Walls" on page 7-11, No wall or fence visible from a street shall extend more than 25 feet horizontally without a visual break created by an articulation and/or architectural detailing in the wall plane facing the street. Include benches and public art on the street-side of the exterior perimeter wall.~~
- ADM 21. Dust Control. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the City Engineer. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- ADM 22. Grading Plan. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- ADM 23. Other Approvals Required. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF). This project is exempt from CVMSHCP LDMF fees.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either

Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. **STAFF CORRECTION (PART 3e): Mitigation Monitoring.** The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the mitigated negative declaration will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:

MM III-1 To the extent feasible, the project contractor shall use the following equipment and methods to reduce construction emissions:

- A. Measures to mitigate for off-road mobile source emissions (Table 11-3 of SCABMD CEQA Handbook):
 - 1. Methane-fueled pile drivers.
 - 2. Use electricity from power poles rather than temporary diesel or gasoline power generators.
 - 3. Use methanol or natural gas on-site mobile equipment instead of diesel.
 - 4. Use propane or butane-powered on-site mobile equipment instead of gasoline.

- B. To mitigate for PM₁₀ Emissions:
 - 1. Grading
 - a. Apply non-toxic soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for ten days or more).
 - b. Replace ground cover in disturbed areas as quickly as possible.
 - c. Enclose, cover, water twice daily or apply non-toxic soils binders according to manufacturers' specifications, to exposed piles (i.e., gravel, sand, dirt) with 5% or greater silt content.
 - d. Water active sites at least twice daily.
 - e. Suspend all excavating and grading operations when

- wind speeds (as instantaneous gusts) exceed 25 mph.
- f. Monitor for particulate emissions according to District-specified procedures. Contact the District for more information at (714) 396-3600.
- 2. Paved Roads
 - a. Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).
 - b. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and equipment leaving the site each trip.
- 3. Unpaved Roads
 - a. Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
 - b. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
 - c. Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment, 150 total daily trips for all vehicles.
 - d. Pave all construction access roads at least 100 feet on to the site from the main road.
 - e. Pave construction roads that have a daily traffic volume of **less more** than 50 vehicle trips.

MM III-2 The following measures from the District's Rule 403, Table 1 Best Available Control Measures shall also be implemented. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source:

- A. Stabilize backfill material during handling and at completion of activity.
- B. Pre-water soils prior to cut and fill activities.
- C. Stabilize wind erodible surfaces to reduce dust.
- D. Stabilize surface soils where support equipment and vehicles will operate.
- E. Stabilize disturbed soils throughout the construction site.
- F. Pre-apply water and re-apply water as necessary to maintain soils

during earth-moving activities. Visible emissions shall not exceed 100 feet in any direction.

- G. Maintain at least six feet of freeboard on haul vehicles.
- H. Stabilize stockpiled soils.
- I. Limit vehicular travel to establish unpaved roads (haul routes) and unpaved parking lots.

The above measures shall be implemented during all grading and construction phases of the project and enforced/monitored by the City of Palm Springs and the SCAQMD. Implementation of these mitigation measures would reduce construction-related emissions in accordance with the reduction efficiencies shown in Tables 11-3 and 11-4 of the SCAQMD CEQA Handbook. These measures are considered adequate by the District to reduce emissions to less than significant.

MM V-1 As there is always a possibility of buried cultural and paleontological resources in a project area, a Native American Monitor(s) shall be present during all round disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted 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 Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a qualified archaeologist to investigate the find. 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. If human remains are discovered they shall be handled consistent with the state law provisions.

To comply with the City 65 dBA CNEL exterior and 45 dBA CNEL interior noise level standards, the following mitigation measures outlined in the noise study (Endo Engineering, 2005) are required:

MM XI-1 During construction phases, the contractor shall ensure that all construction is performed in accordance with the applicable City of Palm Springs noise standards. This measure shall be added to the construction contract.

MM XI-2 Construction activities on-site should take place only during the hours between 7:00 a.m. and 8:00 p.m., as specified by the Palm Springs Noise Ordinance (11.74.041), to reduce noise impacts during more sensitive time periods. The Construction Site Regulations (Chapter 8.04.220) also

identify specific limits on hours of operation for construction equipment as not between 5 p.m. and 8 a.m. if the noise produced is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity.

MM XI-3 All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.

MM XI-4 All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.

MM XI-5 Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.

MM XI-6 Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located as far as practical from existing homes.

MM XI-7 Every effort shall be made during construction activities to create the greatest distance between noise sources and noise-sensitive receptors located in the vicinity of the project site.

MM XI-8 Stationary equipment should be placed such that emitted noise is directed away from noise-sensitive receptors.

MM XI-9 The residential uses proposed adjacent to Avenida Caballeros and Alejo Road shall include a 6.0 foot perimeter wall, or shall be evaluated by a qualified noise consultant at more detailed levels of planning to ensure that adequate noise attenuation measures are incorporated in the project design to meet the City of Palm Springs noise standards (65 CNEL in outside activity areas and 45 CNEL in interior living areas) and the California Noise Insulation Standards. The applicant shall demonstrate to the satisfaction of the City that the required shielding shall be incorporated in the project design, prior to the issuance of building permits.

MM XI-10 All internal combustion-powered equipment shall be equipped with properly operating mufflers and kept properly tuned to alleviate backfires. This measure shall be added to the construction contract.

To comply with City ordinance and policy requirements, the following mitigation measures outlined in the project traffic study (Endo Engineering, 2005) are required.

MM XV-1 The project proponent shall dedicate appropriate right-of-way to accommodate the ultimate improvement of the master planned roadways (Alejo Road and Avenida Caballeros) adjacent to the project site. This shall

include the right-of-way dedication of the property line corner cutback dedication required at the northwest corner of the site to accommodate a curb ramp.

MM XV-2 The master planned roadways (Alejo Road and Avenida Caballeros) shall be improved adjacent to the site, to the design standards identified in the Section 14 Specific Plan, as required by the City of Palm Springs.

MM XV-3 The project proponent will comply with the Section 14 Specific Plan requirements regarding the master planned bikeways adjacent to the site along Avenida Caballeros.

MM XV-4 Sufficient off-street parking shall be provided on-site to meet the requirements of the Palm Springs Municipal Code.

MM XV-5 The project proponent shall contribute traffic impact mitigation fees, by participating in the Traffic Uniform Mitigation Fee (TUMF) program.

The following mitigation measures are recommended to reduce potential circulation and/or site access impacts associated with the proposed project:

MM XV-6 To insure compliance with City access and design standards, the final building and parking layout and site access design shall be subject to the review and approval of the City Traffic Engineer, as part of the development review process.

MM XV-7 Clear unobstructed sight distance shall be provided at the unsignalized site driveway on Avenida Caballeros.

MM XV-8 The project proponent shall be required to contribute 100 percent of the cost of the following circulation improvements in conjunction with the development of the proposed project:

- A. Avenida Caballeros – The Applicant shall modify or remove the raised median on Avenida Caballeros, south of Alejo Road, as required by the City Engineer.
- B. Avenida Caballeros - Since the site has 610 feet of frontage on Avenida Caballeros, the TWLTL may be extended beyond the site access, to function as a median refuge for motorists making westbound left turns out of the project site.
- C. Avenida Caballeros - The southern terminal treatment for introduction of the TWLTL shall be developed by simple northbound through-lane approach taper widening from the basic 2- or 4-lane cross section on Avenida Caballeros. This taper will cause all

vehicles to transition laterally and shall be moderately long (approximately 150 feet long assuming 35 mph) to shift the northbound through lanes laterally 6 feet and provide a full shadowed 12-foot wide TWLTL.

- D. Avenida Caballeros - Construct a single westbound exit lane and a single entry lane at the site access.
- E. Avenida Caballeros - Install a STOP sign facing exiting site traffic.
- F. Avenida Caballeros - Construct a meandering 5-foot pedestrian/jogging path, a 10-foot meandering Class I bikeway within a 28-foot landscaped parkway along the east side of Avenida Caballeros, as specified in the Section 14 Master Development Plan/Specific Plan.
- G. Alejo Road - Construct a 6-foot Class II bikeway and a 6-foot meandering sidewalk within a 20-foot wide parkway on the south side of the Alejo Road adjacent to the project site, as specified in the Section 14 Master Development Plan/Specific Plan.

ENV 4. Reimburse City for Monitoring Expenses. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

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)

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 and the State of California Water Efficient Landscape Ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit that has been certified as conforming to the State Landscape Ordinance. Landscape plans shall also 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. (See Chapter 8.60.020 for exemptions)
- PLN 3. **REVISED BY PLANNING COMMISSION 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 4. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned

- PLN 5. 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 6. **REVISED BY PLANNING COMMISSION; Surface Mounted Downspouts Prohibited**. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent **public** streets or residential and commercial areas.
- PLN 7. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. 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 11. Final Map. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 13 Maintenance Standards. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

- PLN 12. Perimeter Walls. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
- PLN 13. House Numbers. The street address numbering/lettering shall not exceed eight inches in height.
- PLN 14. Decorative Paving. Work with Tribal Historic Preservation Office on the design of patterns for the decorative pavement areas, incorporating mosaic patterns of selected Cahuilla symbols or art forms. (Pursuant Specific Plan Section 5.2.13, p. 5-42)
- PLN 15. Section 14 Entry Feature. The location of the entry drive into the proposed project requires the removal of the General Plan and Specific Plan-required landscape median along Avenida Caballeros. As an aesthetic alternative to the landscape medians, provide an entry feature with landscaping, shade trees, seating, and public art at the southeast and southwest corner of Avenida Caballeros and Alejo Road on the exterior side of the perimeter wall. (See ENG 7 for further details).

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.
- BLD 2. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
- BLD 3. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building.

ENGINEERING DEPARTMENT CONDITIONS

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Street improvement plans have been submitted to and approved by the City Engineer for this project; refer to Drawing Numbers 5043-1, 5043-2 and 5043-3 on file with the Public Works and Engineering Department. The applicant shall make revisions to the approved street improvement plans as necessary in accordance with the amended project.
- ENG 3. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.

AVENIDA CABALLEROS

- ENG 4. Dedicate abutters rights of access to Avenida Caballeros along the entire frontage of the project, excluding the 74 feet wide access point for the Main Entry; vehicular access to Avenida Caballeros, other than from the Main Entry, shall be prohibited.
- ENG 5. The required street improvements for Avenida Caballeros are identified and shown on the approved street improvement plans; refer to Drawing Numbers 5043-1 and 5043-3 on file with the Public Works and Engineering Department.
- ENG 6. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gates on Avenida Caballeros, meeting the approval of the Fire Marshall.
- ENG 7. Remove the existing raised landscaped median located south of Alejo Road and replace with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. The applicant shall install public art at the southwest and southeast corners of the Avenida

Caballeros and Alejo Road intersection. The public art shall be designed as a "Gateway" into Section 14, in accordance with requirements established by the Agua Caliente Band of Cahuilla Indians and the Palm Springs Public Arts Commission. Public art shall be designed in accordance with policies and procedures established by the Palm Springs Public Arts Commission, and shall be subject to approval by the Palm Springs Public Arts Commission prior to its construction and installation. Costs associated with the public art may be credited against any public art fees otherwise due. The applicant shall obtain an easement for the City of Palm Springs for installation and maintenance of the public art to be installed at the southwest corner of the Avenida Caballeros and Alejo Road intersection, if installed outside of existing right-of-way. The applicant shall dedicate an easement to the City of Palm Springs for installation and maintenance of the public art to be installed at the southeast corner of the Avenida Caballeros and Alejo Road intersection, if installed outside of existing right-of-way.

ENG 8. All broken or off grade street improvements shall be repaired or replaced.

ALEJO ROAD

ENG 9. Dedicate abutters rights of access to Alejo Road along the entire frontage of the project, excluding the 60 feet wide access point for the emergency access; vehicular access to Alejo Road shall be prohibited.

ENG 10. The required street improvements for Alejo Road are identified and shown on the approved street improvement plans; refer to Drawing Numbers 5043-1 and 5043-2 on file with the Public Works and Engineering Department.

ENG 11. Access through the gated driveway on Alejo Road shall be limited to emergency access only. The access shall be gated and locked; and lock box key provided to the Fire Department for emergency access.

ENG 12. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

ENG 13. Dedicate easements for public utility purposes, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.

ENG 14. Nothing shall be constructed or planted in the corner cut-off area of any on-site intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance in accordance with City of Palm Springs Zoning Code Section 93.02.00, D.

- ENG 15. All on-site private streets shall be two-way with a minimum 24 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.
- ENG 16. All on-site private streets shall be two-way with a minimum 32 feet wide travelway (as measured from face of curb) where on-street parallel parking is proposed on one-side of the street.
- ENG 17. All on-site streets shall be constructed with an inverted section with gutters to accept and convey on-site stormwater runoff, in accordance with applicable City Standards.
- ENG 18. **DELETED BY PLANNING COMMISSION** ~~All on-site streets shall have a 4 feet wide sidewalk on one side of each street in accordance with City of Palm Springs Standard Drawing No. 210. The sidewalk shall be constructed behind curb, separated from the travel way.~~
- ENG 19. **DELETED BY PLANNING COMMISSION** ~~Construct Type A, B, or C curb ramps meeting current California State Accessibility standards in accordance with City of Palm Springs Standard Drawing No. 212, 213, or 214, where required on-site.~~
- ENG 20. All on-site streets shall be constructed with a minimum pavement section of 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 21. Parking shall be restricted along both sides of the 24 feet wide on-site private streets; and parking shall be restricted along one side of the 32 feet wide on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

SANITARY SEWER

- ENG 22. Any existing on-site sewer improvements shall be removed as required by the City Engineer.

- ENG 23. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 24. The required on-site private sewer improvements for the development are identified and shown on the approved private sewer improvement plans that are on file with the Public Works and Engineering Department. Sewer manhole covers shall be identified as "Private Sewer".
- ENG 25. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

GRADING

- ENG 26. A Precise Grading and Paving Plan, and a Fugitive Dust Control Plan, have been submitted to and approved by the City Engineer for this project. An updated Fugitive Dust Control Plan meeting all current City requirements shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The approved Precise Grading and Paving Plan shall be revised as necessary to incorporate the amended site plan, or otherwise a new Precise Grading and Paving Plan shall be submitted for review and approval by the City Engineer.
- ENG 27. Prior to 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 28. **PLANNING COMMISSION REVISION:** The existing screen fencing shall be removed from the site within ~~60~~ **90** days of approval of the amended Tentative Tract Map 34165 and amended Planned Development District 321, unless construction (rough grading) of the site is otherwise initiated by the applicant prior to that date. The City Engineer may authorize an extension of time related to the removal of the existing fencing if the applicant is demonstrating progress towards plan revisions and permit issuance.
- ENG 29. **PLANNING COMMISSION REVISION:** If the applicant does not initiate construction (rough grading) of the site within ~~60~~ **90** days of approval of the amended Tentative Tract Map 34165 and amended Planned Development

- District 321 (or as may be extended by the City Engineer), the applicant shall re-grade the interior portion of the site where an existing pit is located and shall apply soil stabilizer to all disturbed areas upon completion, as directed by the City Engineer.
- ENG 30. A revised PM-10 Dust Control Plan shall be submitted to and approved by the City Engineer. In accordance with the revised PM-10 Dust Control Plan, the existing green screening shall be removed, and new tan screening shall be installed. Perimeter fencing shall be installed after issuance of a Grading Permit, and immediately prior to commencement of grading operations.
- ENG 31. During active construction, 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 32. 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. In the event construction of structures or other improvements on-site represent a potential hazard to the public, perimeter fencing may be allowed to remain, subject to the approval of the City Engineer. In accordance with this condition, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022, and the existing perimeter fencing shall be removed, until construction activities resume on the project site.
- ENG 33. Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 34. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 35. 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 36. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction

- Activity, and shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 37. 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 38. 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 39. 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 40. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.
- ENG 41. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 42. 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.

- ENG 43. The required private storm drain improvements for the development are identified and shown on the approved private storm drain improvement plans; refer to Drawing Numbers 5048-1, 5048-2, 5048-3, and 5048-4 on file with the Public Works and Engineering Department.
- ENG 44. The applicant may conduct stormwater runoff off-site to the Tachevah Dam Outlet Drain operated and maintained by Riverside County Flood Control and Water Conservation District (RCFC), subject to the review and approval by RCFC. Appropriate post-construction "operational" Best Management Practices (BMP's) shall be incorporated as part of the on-site storm drain system to effectively pre-treat the stormwater runoff prior to its release into the Tachevah Dam Outlet Drain. The applicant shall provide a copy of the encroachment permit issued from RCFC for the storm drain connection, prior to issuance of a construction permit for the on-site private storm drain system.
- ENG 45. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

GENERAL

- ENG 46. 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 47. 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 48. All proposed utility lines shall be installed underground.
- ENG 49. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities extending across the subject property meet the requirement to be installed underground. The overhead utilities shall be installed underground from the nearest off-site pole located north of Alejo Road; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owner(s) of the affected utilities shall be submitted to the Engineering Division prior to approval of any grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 50. 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 51. 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 52. 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 53. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 54. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
- ENG 55. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final (Parcel) Map, or in the absence of a Final (Parcel) Map, shall be submitted and approved by the City Attorney prior to approval of Final Map.
- ENG 56. Upon approval of a final (parcel) map, the final (parcel) map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be

provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 57. The required signing and striping improvements for the development are identified and shown on the approved signing and striping improvement plans; refer to Drawing Number 5074 on file with the Public Works and Engineering Department.
- ENG 58. 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.
- ENG 59. A minimum of 48 inches of clearance shall be provided on public sidewalks for handicap accessibility. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk; or by the relocation of any obstructions within the public sidewalk along the Avenida Caballeros and Alejo Road frontages of the subject property.
- ENG 60. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 61. 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 62. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received and

stamped 1/11/2010. Additional requirements may be required at that time based on revisions to site plans.

- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 4. **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.
- FID 5. **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. Main entrance on Avenida Caballeros will require both left and right turn access into the complex for emergency response vehicles.

- FID 6. **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 is replaced or repaired when necessary to provide adequate visibility.
- FID 7. **Reduced Roadway Width:** Areas with reduced roadway width at 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.
- FID 8. **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 during construction.
- FID 9. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times.

Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.

Residential complexes using secured automated vehicle entry gates or entries shall utilize a combination of a Tomar strobe-activated switch and an approved Knox key electric switch.

Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access.

Approved security gates shall be a minimum of **14 feet** in unobstructed drive width on each side with gate in open position and an unobstructed vertical clearance of not less than 13 feet 6 inches. The entrance gate shown on the 1-11-2010 plans does not meet this requirement and will need to be widened.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

- FID 10. **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. See FID12 for requirements to meet this condition.
- FID 11. **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 to multifamily residential and one or two family dwelling where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. The secondary access at Chelsea Drive and Audrey Drive meets this condition.
- FID 12. **Fences (CFC 503.1.5):** When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall be a minimum four (4) feet in width and be equipped with a key box and/or lock accessible from both sides in accordance with Section 506 herein.
- FID 13. **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.
- FID 14. **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.
- FID 15. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. 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. Main entrance needs modifications for apparatus movements and inter-connectivity so that response efficiency is maintained.
- FID 16. **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 with a minimum stroke width of 0.5".
- FID 17. **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.
- FID 18. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 19. **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.
- FID 20. **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.
- FID 21. **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.
- FID 22. **Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.
- PSFD REVISION (3-24-10): Exception: Units 30 – 53 have are single family detached residence under 3,600 SF and will not require fire sprinklers. Applicant has met with the fire department and stated that the covered patios/carports that connected the dwellings is no longer a design component for these units.***
- FID 23. **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.

- FID 24. **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.
- FID 25. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 26. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.

City of Palm Springs Fire Department

END OF CONDITIONS

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



City Council


Meeting Date: April 7, 2010

Subject: CASE: 5.1082 AMND – PD 321, TTM 34165 AMND
NEXUS DEVELOPMENT (O & M, LLC)
SOUTHEAST CORNER OF AVENIDA CABALLEROS & ALEJO ROAD

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 26, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (150 notices)

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun as a 1/8 page display ad on March 27, 2010,.

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



Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on March 25, 2010.

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



Kathie Hart, CMC
Chief Deputy City Clerk

**NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS**

**CASE: 5.1082 AMND – PD 321, TTM 34165 AMND
NEXUS DEVELOPMENT (O & M, LLC)
SOUTHEAST CORNER OF AVENIDA CABALLEROS & ALEJO ROAD**

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 7, 2010. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by Nexus Development to amend a previously approved Planned Development District 321, changing the density and use from 84 condominium units to 53 single family attached and detached units, and revise the development standards for the project. The project includes an application to amend Tentative Tract Map 34165 from a single lot map for condominium purposes to 53 individual lots with common areas including private streets and guest parking. The project is on approximately 8.5 acres in Section 14 (IL)/T4/R4. It is subject to the development standards of the Section 14 Specific Plan and PSZC Zone RGA(8).

ENVIRONMENTAL DETERMINATION: A Draft Mitigated Negative Declaration (MND) was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA). Since the amendment proposes a project with lower density than previously approved, no new information or adverse impacts are anticipated that would require revision to the previously approved MND for this project. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

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

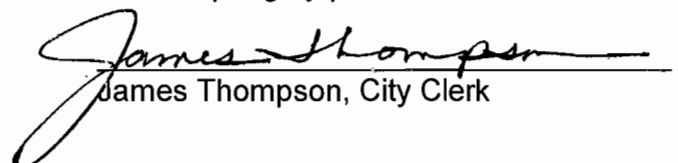
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

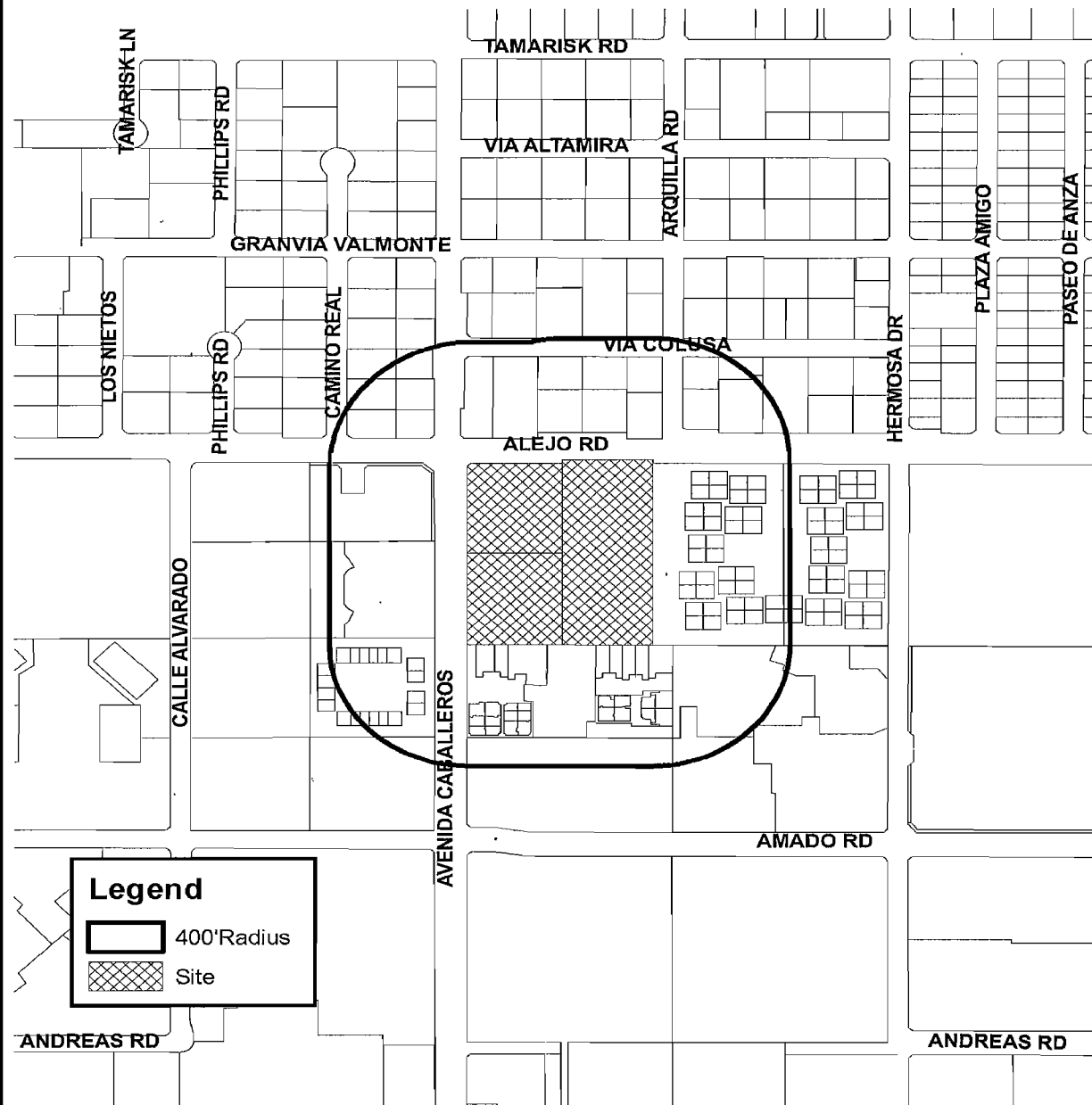
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.




James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  400' Radius
-  Site

CITY OF PALM SPRINGS

CASE: 5.1082 AMND - PD 321,
TTM AMND 34165

APPLICANT: Nexus Development
for
O & M, LLC

DESCRIPTION: An amendment to a previously approved PDD and TTM changing from 84 condo units to 53 single family attached and detached units and amending the tract map from a single lot condo map to 53 individual lots with common private streets and off-street parking located at the southeast corner of Avenida Caballeros and Alejo Road, Specific Plan MBR & HR, Zone RGA(8), Section 14 (IL).



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
 Tel: (760) 323-8204 • Fax: (760) 322-8332 • Web: www.palmspringsca.gov

March 25, 2010

Ms. Claudia Salgado
 Bureau of Indian Affairs
 P. O. Box 2245
 Palm Springs, CA 92263

Dear Ms. Salgado:

RE: City Council Meeting – April 7, 2010
 Allotment Numbers for Public Hearing Notice
 Case 5.1082 AMND – PD 321, TTM 34165
 Nexus Development

The City Council of the City of Palm Springs will be conducting a public hearing to consider an application by Nexus Development to amend a previously approved Planned Development District 321, changing the density and use from 84 condominium units to 53 single family attached and detached units, and revise the development standards for the project. The project includes an application to amend Tentative Tract Map 34165 from a single lot map for condominium purposes to 53 individual lots with common areas including private streets and guest parking. Enclosed are copies of the public hearing notice to be forwarded to the appropriate Indian landowner(s) within the 400 ft. radius of the project location.

The allotment numbers corresponding with the APN numbers are as follows:

APN	APN	APN	APN
508-034-018	508-038-030	508-581-045	508-581-046
508-540-021	508-581-056	508-581-075	508-581-048
508-540-001 thru 508-540-013	508-581-058	508-582-041	508-581-052
508-540-015 thru 508-540-020	508-581-062	508-582-090	508-581-054 thru 508-581-055
508-580-045	508-580-046 thru 508-580-063	508-581-049	508-581-057
508-580-064 thru 508-580-069	508-580-039 thru 508-580-044	508-581-060	508-581-059
508-580-071	508-581-065	508-581-047	508-581-061
508-580-074 thru 508-580-075	508-500-037	508-581-051	508-581-063
508-581-041	508-581-067	508-581-064	508-581-066
508-581-044	508-500-039	508-581-068	
508-581-050	508-581-043	508-581-069 thru 508-581-074	

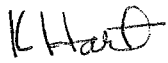
Below you will find the allottee numbers relating to the listed APNs.

Allottee IDs	Allottee IDs	Allottee IDs	Allottee IDs
66B	101B	86B	88A
74A	93B	25B	

I have enclosed these notices for distribution and your file but should you require more notices, please let me know.

Thank you for your continuous help and cooperation. Please feel free to contact me if there are any questions or concerns, 323-8206.

Sincerely,

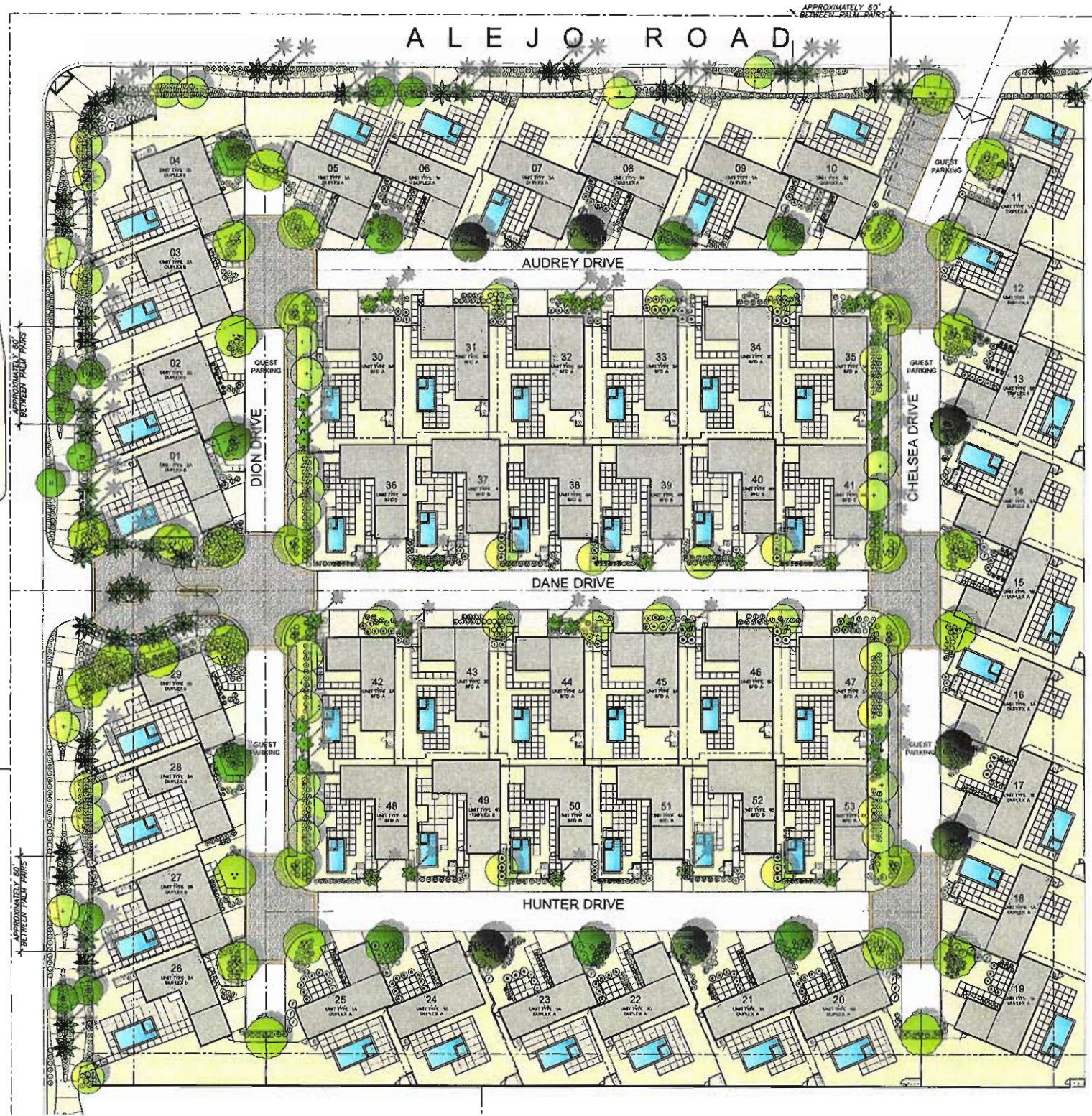


Kathie Hart, CMC
Chief Deputy City Clerk

/kdh

Encl: Public Hearing Notices (15 copies)

AVENIDA CABALLEROS



PROPOSED PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY	COMMENTS
TREES						
	CERCIDIUM FLORIDUM	BLUE PALO VERDE	24" BOX	-	46	DECIDUOUS FLOWERING TREE
	RHUS LANCEA	AFRICAN BURAC	24" BOX	-	9	SMALL EVERGREEN TREE
	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	24" BOX	-	7	LARGE CANOPY TREE
	PROSOPIS HYBRID PHOENIX	PHOENIX MESQUITE	24" BOX	-	33	LARGE EVERGREEN CANOPY
	TIPUANA TIPU	TIPU TREE	24" BOX	-	9	LARGE SEMI-DECIDUOUS CANOPY
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	18" / 24" BTH	-	46	ACCENT PALM
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10" / 16" / 24" BTH	-	39	SKYLINE PALM
SHRUBS AND GROUNDCOVER						
	AGAVE AMERICANA	CENTURY PLANT	15 GAL	60" O.C.	73	ENTRY DRIVE ACCENT-PUBLIC AREA ONLY
	AGAVE ATTENUATA	FOXTAIL AGAVE	5 GAL	48" O.C.	23	SHADE ACCENT
	ALOE BARBADENSIS	BARBADOS ALOE	5 GAL	24" O.C.	25	SHADE ACCENT
	ASPARAGUS DENSIFLORUS MYERS	MYERS ASPARAGUS	1 GAL	24" O.C.	15	SHADE
	BOUGAINVILLEA LAETIFOLIA	RED SHRUB BOUGAINVILLEA	5 GAL	36" O.C.	488	FLOWERING MASS
	CAREX TUMICOLA	BERKELEY SEDG	1 GAL	24" O.C.	92	ORNAMENTAL GRASS
	DASYLIRION WHEELERI	GREY DESERT BOON	5 GAL	48" O.C.	61	DESERT ACCENT
	EREMOPHILA MACULATA	EMU BUSH	1 GAL	36" O.C.	536	MIDGROUND
	FOUQUIERIA SPLENDENS	OCOTILLO	15 GAL	84" O.C.	55	VERTICAL ACCENT
	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	36" O.C.	294	FOREGROUND
	LANTANA MONTEVIDENSIS	LANTANA	5 GAL	36" O.C.	103	FOREGROUND
	LEUCOPRYLLUM LANGGANIBAE	RIO BRAVO BANFER	5 GAL	60" O.C.	40	BACKGROUND
	LIRIOPE MUSCARI	BLUE LILY TURF	1 GAL	24" O.C.	107	SHADE FOREGROUND
	MISCANTHUS TRANSMORGRONICUS	EVERGREEN MISCANTHUS	1 GAL	48" O.C.	63	ORNAMENTAL GRASS
	MUHLENBERGIA RIGIDA	PINK MILLY	1 GAL	36" O.C.	319	ORNAMENTAL GRASS
	NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS	1 GAL	36" O.C.	166	ORNAMENTAL GRASS
	NOLINA MICROCARPA	BEARGRASS	1 GAL	48" O.C.	61	ORNAMENTAL GRASS
	OSMANTHUS FRAGRANS	SWEET OLIVE	5 GAL	48" O.C.	53	BACKGROUND
	PENNISETUM MACROSTACHYUM	RED RIDING HOOD FOUNTAIN GRASS	1 GAL	36" O.C.	15	ORNAMENTAL GRASS
	ROSMARINUS OFFICINALIS	TUSCAN BLUE ROSEMARY	5 GAL	48" O.C.	70	BACKGROUND
	SANSEVIERIA TRIFASCIATA	MOTHER-IN-LAW'S TONGUE	1 GAL	24" O.C.	10	SHADE ACCENT
	VERBENA PERUVIANA	VERBENA	1 GAL	36" O.C.	87	FOREGROUND

⊕ DENOTES SOIL SAMPLE LOCATION - REFER TO NOTE #4 OF PLANTING NOTES, SHEET 10. FOR ALL OTHER PLANTING NOTES, REFER TO SHEET 14.
 ○ DENOTES ROOT BARRIER TO BE INSTALLED AT ALL TREES WITHIN 7' SET OF ANY HARDSCAPE. PAVEMENT OR CURB. ROOT BARRIERS ARE TO BE MANUFACTURED BY TREE-PROTECT CORPORATION (800) 454-7668. INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
 NOTE: ROOT BARRIERS SHALL NOT BE WRAPPED AROUND THE ROOT SW.

MBR RESIDENTIAL
 HR RESIDENTIAL

PLANS PREPARED FOR
NEXUS DEVELOPMENT



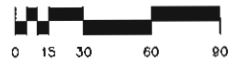
ALEJO MULTI-FAMILY RESIDENTIAL
 PALM SPRINGS, CALIFORNIA

Date	Issued For
12-16-09	CLIENT REVIEW
03-02-10	ACC REVIEW
03-18-10	PG SUBMITTAL

RECEIVED

APR 01 2010

PLANNING SERVICES DEPARTMENT

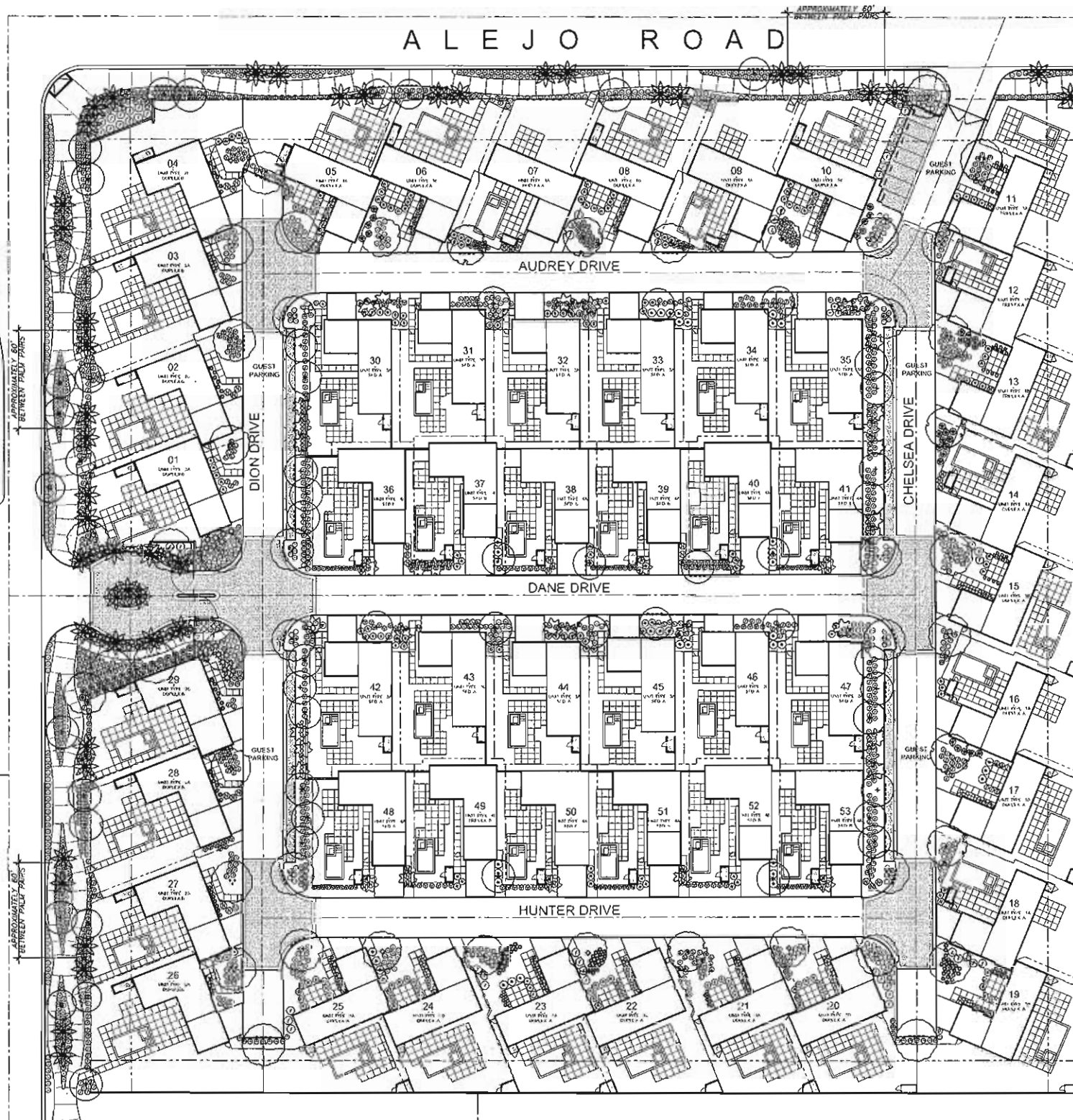


Project Name: ALEJO MULTI-FAMILY RESIDENTIAL
 Drawing Title: OVERALL PRELIMINARY LANDSCAPE PLAN
 Computer File:
 Drawn by: [Signature] Checked by: JR
 Scale: 1" = 30'
 Drawing No.:

L1.1

R-5-1082

AVENIDA CABALLEROS



PROPOSED PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QUANTITY	COMMENTS
TREES						
+	CERCIDIUM FLORIDUM	BLUE PALO VERDE	24" BOX	-	48	DECIDUOUS FLOWERING TREE
#	RHUS LANCEA	AFRICAN SUMAC	24" BOX	-	9	SMALL EVERGREEN TREE
•	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	24" BOX	-	7	LARGE CANOPY TREE
••	PROSOPIS HYBRID PHOENIX	PHOENIX MESQUITE	34" BOX	-	33	LARGE EVERGREEN CANOPY
◇	TIPUANA TIPU	TIPU TREE	24" BOX	-	9	LARGE SEMI-DECIDUOUS CANOPY
✻	WASHINGTONIA F. FERRA	CALIFORNIA FAN PALM	16" / 24" BISH	-	46	ACCENT PALM
✻	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10" / 16" / 24" BISH	-	38	SKYLINE PALM
SHRUBS AND GROUND COVER						
✻	AGAVE AMERICANA	CENTURY PLANT	15 GAL	60" O.C.	73	ENTRY DRIVE ACCENT-PUBLIC AREA ONLY
✻	AGAVE ATTENUATA	FOXTAIL AGAVE	5 GAL	48" O.C.	23	SHADE ACCENT
✻	ALOE BARBENSIS	BARBADOS ALOE	5 GAL	24" O.C.	25	SHADE ACCENT
○	ASPARGACUS DENSIFLORUS MYERS	MYERS ASPIRAGUS	1 GAL	24" O.C.	15	SHADE
⊕	BOUGAINVILLEA LA ZULAI	RED SHRUB BOUGAINVILLEA	5 GAL	36" O.C.	498	FLOWERING MASS
⊕	CAREX TUMUCOLA	BERKELEY SEDGE	1 CM	24" O.C.	92	ORNAMENTAL GRASS
⊕	DASYLIRION WHEELERI	GREY DESERT SPOON	5 GAL	48" O.C.	61	DESERT ACCENT
⊕	EREMOPHILA MUCULATA REE	EMU BUSH	1 GAL	36" O.C.	536	MIDGROUND
⊕	FOUQUIERIA SPLENDENS	OCOTILO	15 GAL	60" O.C.	53	VERTICAL ACCENT
⊕	HESPERALOE PARVIFLORA	RED YUCCA	5 GAL	36" O.C.	294	FOREGROUND
⊕	LANTANA MONTEVICENSIS	LANTANA	5 GAL	30" O.C.	102	FOREGROUND
⊕	LEUCOPHYLLUM LANGSHANE	RIO BRAVO RANGER	5 GAL	60" O.C.	40	BACKGROUND
⊕	LIRIOPE MUSCARI	BLUE LILY TURF	1 GAL	24" O.C.	102	SHADE FOREGROUND
⊕	MISCANTHUS TRANSMORRHONENSIS	EVERGREEN MISCANTHUS	1 GAL	48" O.C.	63	ORNAMENTAL GRASS
⊕	MUREMBERGIA REGAL MIST	PIPK MUMBY	1 GAL	36" O.C.	378	ORNAMENTAL GRASS
⊕	NASSELLA TENUSSIMA	MEXICAN FEATHER GRASS	1 GAL	36" O.C.	166	ORNAMENTAL GRASS
⊕	NOLINA MICROCARPA	BEARGRASS	1 GAL	48" O.C.	61	ORNAMENTAL GRASS
⊕	OSMANTHUS FRAGRANS	SWEET OLIVE	5 GAL	48" O.C.	53	BACKGROUND
⊕	PENISELUM MACROSTACHYUM	RED RIDING HOOD FOUNTAIN GRASS	1 GAL	30" O.C.	96	ORNAMENTAL GRASS
⊕	ROSMARINUS O. 'TUSCAN BLUE	TUSCAN BLUE ROSEMARY	5 GAL	48" O.C.	70	BACKGROUND
⊕	SANSEVIERIA TRIFASCIATA	MOTHER-IN-LAW'S TONGUE	1 GAL	24" O.C.	10	SHADE ACCENT
⊕	VERBENA PERUVIANA	VERBENA	1 GAL	30" O.C.	87	FOREGROUND

⊕ DEMOTES SOIL SAMPLE LOCATION - REFER TO NOTE 11 OF PLANTING NOTES, SHEET 10 FOR ADDITIONAL INFORMATION FOR AGRONOMIC SOILS REPORT - REFER TO SHEET 14.

..... ROOT BARRIER TO BE INSTALLED AT ALL TREES WITHIN FEET OF ALL MASONRY, PAVEMENT OR CURB. ROOT BARRIERS ARE TO BE 48"X3" BY 8' PER FOOT PERMANENT, (800) 454-7666. INSTALLED PER MANUFACTURERS SPECIFICATIONS. NOTE: ROOT BARRIERS SHALL NOT BE VAPORIZED AROUND THE ROOFTOP.

PLANS PREPARED FOR
NEXUS DEVELOPMENT



ALEJO MULTI-FAMILY RESIDENTIAL
PALM SPRINGS, CALIFORNIA

Date	Issued For
12-14-09	CLIENT REVIEW
03-02-10	ACC REVIEW
03-15-10	PC SUBMITTAL

Project Name
ALEJO MULTI-FAMILY RESIDENTIAL

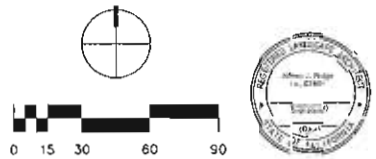
Drawing Title
OVERALL PRELIMINARY LANDSCAPE PLAN

Computer File

Drawn by: ES Checked by: JH

Scale
1" = 30'

Drawing No.



L1.1

AMENDED TENTATIVE TRACT NO. 34165

CITY OF PALM SPRINGS

LEGAL DESCRIPTION:

PARCEL A.
 PARCEL 1 OF PARCEL MAP AS PER MAP RECORDED IN BOOK 18, PAGE 38 OF PARCEL MAPS, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.
 PARCEL B.
 PARCEL 2 OF PARCEL MAP AS PER MAP RECORDED IN BOOK 18, PAGE 38 OF PARCEL MAP IN THE OFFICE OF THE COUNTY OF RECORDER OF SAID COUNTY.
 PARCEL C.
 THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO MERIDIAN IN THE CITY OF PALM SPRINGS COUNTY OF RIVERSIDE STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF.

OWNER:

NEXUS RESIDENTIAL COMMUNITIES
 1 WATKINS PLACE, SUITE 300
 SOUTH COAST VILLAS, CA 92277
 TEL (714) 546-5600
 FAX (714) 546-5666

LAND AREA:

OVERALL AREA: 370,168 SQUARE FEET, 8.5 ACRES

ZONING:

SECTION 14 SPECIFIC PLAN, MEDIUM DENSITY RESIDENTIAL BUFFER (MDR) AND HIGH DENSITY RESIDENTIAL (HDR); UNDERLYING ZONING IS RGA (R) RESIDENTIAL GARDEN APARTMENT / CLUSTER RESIDENTIAL.

FLOOD HAZARD ZONE:

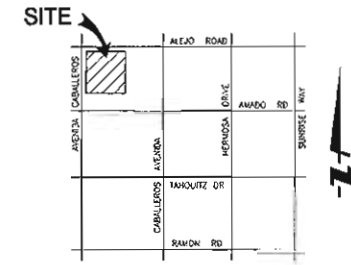
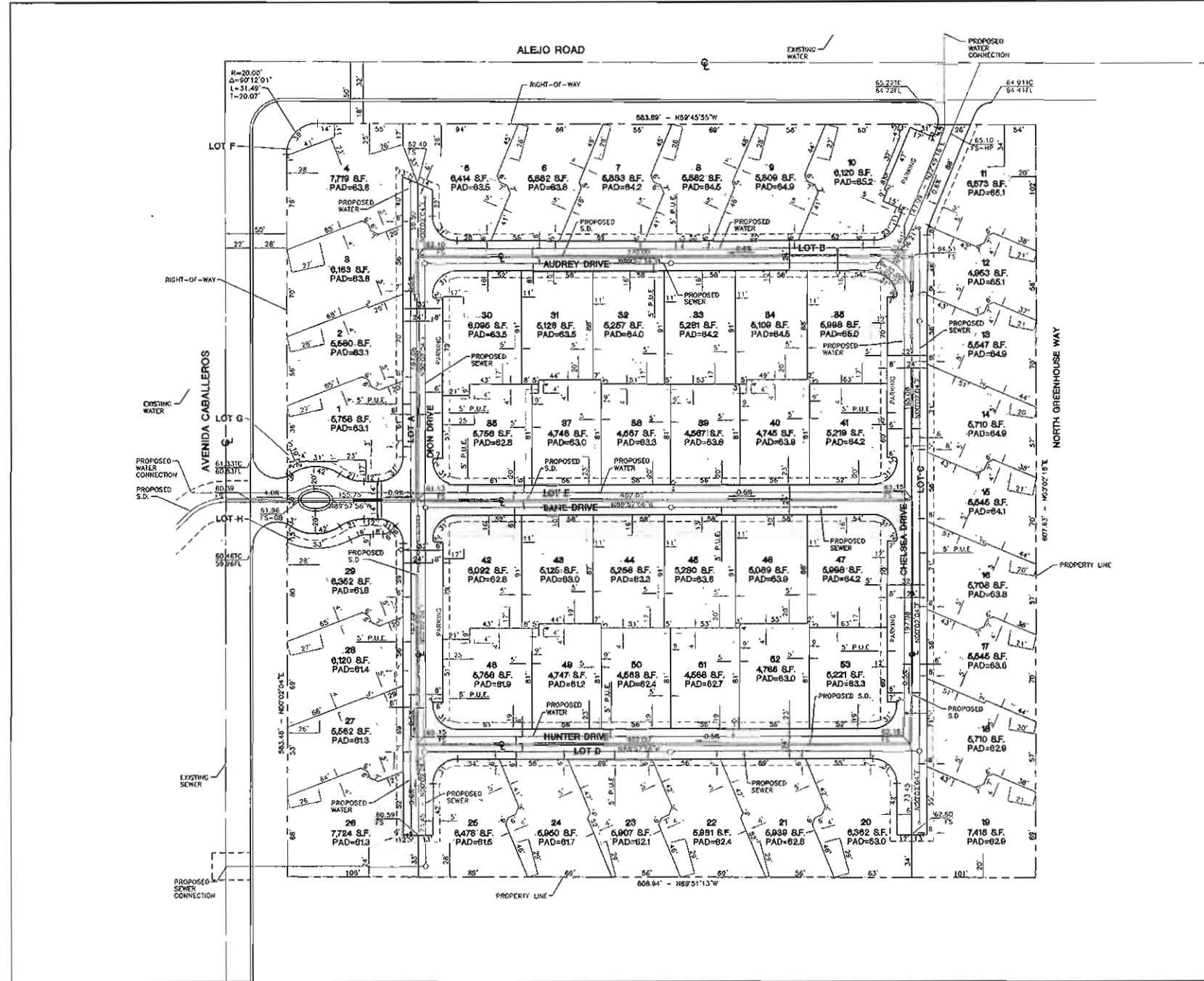
THE PROPERTY SURVEYED IS SHOWN AS BEING IN FLOOD ZONE "C" (AREAS OF MINIMAL FLOODING) ON FEMA MAP PANEL 060757 0006 D, REVISED JULY 7, 1999.

LOT TABLE:

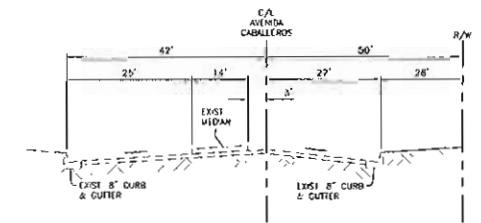
NUMBERED LOTS	ACREAGE	SCHEMATIC	LETTERED LOTS	ACREAGE
LOT 1	5,758 S.F.	4' 2" 7' 27"	LOT A	21,171 S.F.
LOT 2	5,540 S.F.	4' 5' 7' 27"	LOT B	8,450 S.F.
LOT 3	6,163 S.F.	4' 5' 7' 27"	LOT C	20,140 S.F.
LOT 4	7,719 S.F.	23' 5' 6' 20"	LOT D	8,450 S.F.
LOT 5	6,414 S.F.	28' 5' 5' 5"	LOT E	8,450 S.F.
LOT 6	5,882 S.F.	28' 6' 5' 0"	LOT F	582 S.F.
LOT 7	5,333 S.F.	28' 6' 5' 0"	LOT G	628 S.F.
LOT 8	5,852 S.F.	28' 6' 5' 0"	LOT H	1,066 S.F.
LOT 9	5,809 S.F.	28' 6' 5' 0"		
LOT 10	6,130 S.F.	27' 6' 5' 0"		
LOT 11	6,875 S.F.	34' 20' 5"		
LOT 12	4,953 S.F.	0' 0' 21' 8"		
LOT 13	5,547 S.F.	0' 0' 21' 8"		
LOT 14	5,710 S.F.	0' 0' 21' 8"		
LOT 15	5,545 S.F.	0' 0' 21' 8"		
LOT 16	5,708 S.F.	5' 0' 20' 8"		
LOT 17	5,545 S.F.	0' 0' 21' 8"		
LOT 18	5,710 S.F.	5' 0' 20' 8"		
LOT 19	7,418 S.F.	0' 0' 20' 21' 8"		
LOT 20	6,362 S.F.	7' 28' 6' 0"		
LOT 21	5,939 S.F.	6' 28' 0' 4"		
LOT 22	5,881 S.F.	7' 28' 5' 0"		
LOT 23	5,907 S.F.	6' 28' 0' 5"		
LOT 24	5,959 S.F.	6' 28' 5' 0"		
LOT 25	6,478 S.F.	6' 30' 0' 5"		
LOT 26	7,724 S.F.	0' 24' 9' 28"		
LOT 27	5,582 S.F.	4' 0' 7' 28"		
LOT 28	6,120 S.F.	0' 5' 7' 27"		
LOT 29	6,329 S.F.	5' 0' 5' 28"		
LOT 30	6,095 S.F.	16' 17' 5' 17"		
LOT 31	5,175 S.F.	10' 20' 5' 11"		
LOT 32	5,257 S.F.	18' 17' 5' 11"		
LOT 33	5,291 S.F.	18' 17' 5' 11"		
LOT 34	5,109 S.F.	10' 20' 5' 11"		
LOT 35	5,960 S.F.	10' 17' 12' 11"		
LOT 36	5,758 S.F.	4' 20' 5' 4"		
LOT 37	4,745 S.F.	4' 23' 5' 4"		
LOT 38	4,567 S.F.	4' 20' 5' 9"		
LOT 39	4,567 S.F.	4' 20' 5' 9"		
LOT 40	4,745 S.F.	4' 23' 5' 4"		
LOT 41	5,219 S.F.	4' 20' 12' 9"		
LOT 42	6,292 S.F.	16' 17' 5' 17"		
LOT 43	5,125 S.F.	10' 19' 5' 11"		
LOT 44	5,256 S.F.	16' 17' 5' 11"		
LOT 45	5,280 S.F.	13' 20' 5' 11"		
LOT 46	5,089 S.F.	10' 20' 5' 11"		
LOT 47	5,968 S.F.	16' 17' 12' 11"		
LOT 48	5,756 S.F.	4' 19' 5' 4"		
LOT 49	4,747 S.F.	4' 23' 5' 4"		
LOT 50	4,568 S.F.	4' 19' 5' 9"		
LOT 51	4,568 S.F.	4' 19' 5' 9"		
LOT 52	4,765 S.F.	4' 23' 5' 9"		
LOT 53	5,221 S.F.	4' 19' 12' 9"		
TOTAL	301,225 S.F.			

NOTE:

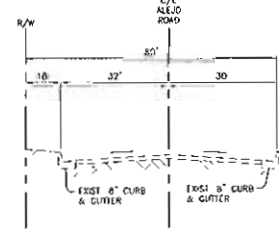
PAD ELEVATIONS MAY VARY +/- 1.0' UPON PRELIMINARY GRADING DESIGN.



VICINITY MAP
 NOT TO SCALE



TYPICAL SECTION AVENIDA CABALLEROS
 NOT TO SCALE



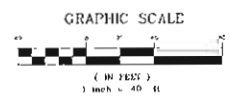
TYPICAL SECTION ALEJO ROAD
 NOT TO SCALE

UTILITIES:

- DESERT WATER AGENCY:**
 DESERT REGIONAL
 1300 S. OCEAN AVENUE
 PALM SPRINGS, CA 92264
 TEL: 323-4971
- VEolia WATER NORTH AMERICA**
 (SOUTHWATER TREATMENT PLANT)
 4375 WINDSOR AVENUE
 PALM SPRINGS, CA 92264
 TEL: 323-8165
- VERIZON:**
 LARRY MOORE
 2015 W. BURBANK WAY
 PALM SPRINGS, CA 92262
 TEL: 778-3603
- SOUTHERN CALIFORNIA EDISON:**
 BERTHA HILMAS
 36-100 CATHEDRAL CANYON WAY
 CATHEDRAL CITY, CA 92234
 TEL: 323-4948
- SOUTHERN CALIFORNIA GAS CO.:**
 TESSIE WATSON
 PALM DESERT, CA 92260
 TEL: 855-847-7200
- TIME WARNER CABLE:**
 DALE SCHUBERT
 75-181 HUNTERBANKWAY
 PALM DESERT, CA 92211
 TEL: 674-5400

OVERALL SITE:

OVERALL AREA: 370,168 SQ. FT. (8.50 ACRES)
 BUILDING FOOTPRINTS: 87,850 SQ. FT.
 DRIVEWAYS: 54,560 SQ. FT.
 DECORATIVE PAVING: 28,498 SQ. FT.
 TOTAL LOT COVERAGE: 168,948 SQ. FT. (45.6%)
 OPEN SPACE: 201,220 SQ. FT. (54.4%)
 LANDSCAPED AREA (PLANTINGS): 160,319 SQ. FT.



LEGEND AND ABBREVIATIONS:

- EXISTING WATER MAIN
- EXISTING SEWER MAIN
- EXISTING MANSION (EOM) (SOM) (EOM)
- EXISTING FIRE MAIN/ALERT
- EXISTING VALVE
- EXISTING STREET LIGHT
- EXISTING CENTERLINE
- STONE BRICK
- S.F.
- SQ. FT.
- P.U.E.

PREPARED BY



777 E. Indigo Canyon Way, Suite 117, Palm Springs, California 92264
 Tel: 760.277.3375 • Fax: 760.277.2112 • www.fuscoe.com
 ARMANDO J. GARCIA-BALDISSONE - R.C.E. 70102 03/16/2010
 Name Date

PREPARED FOR:

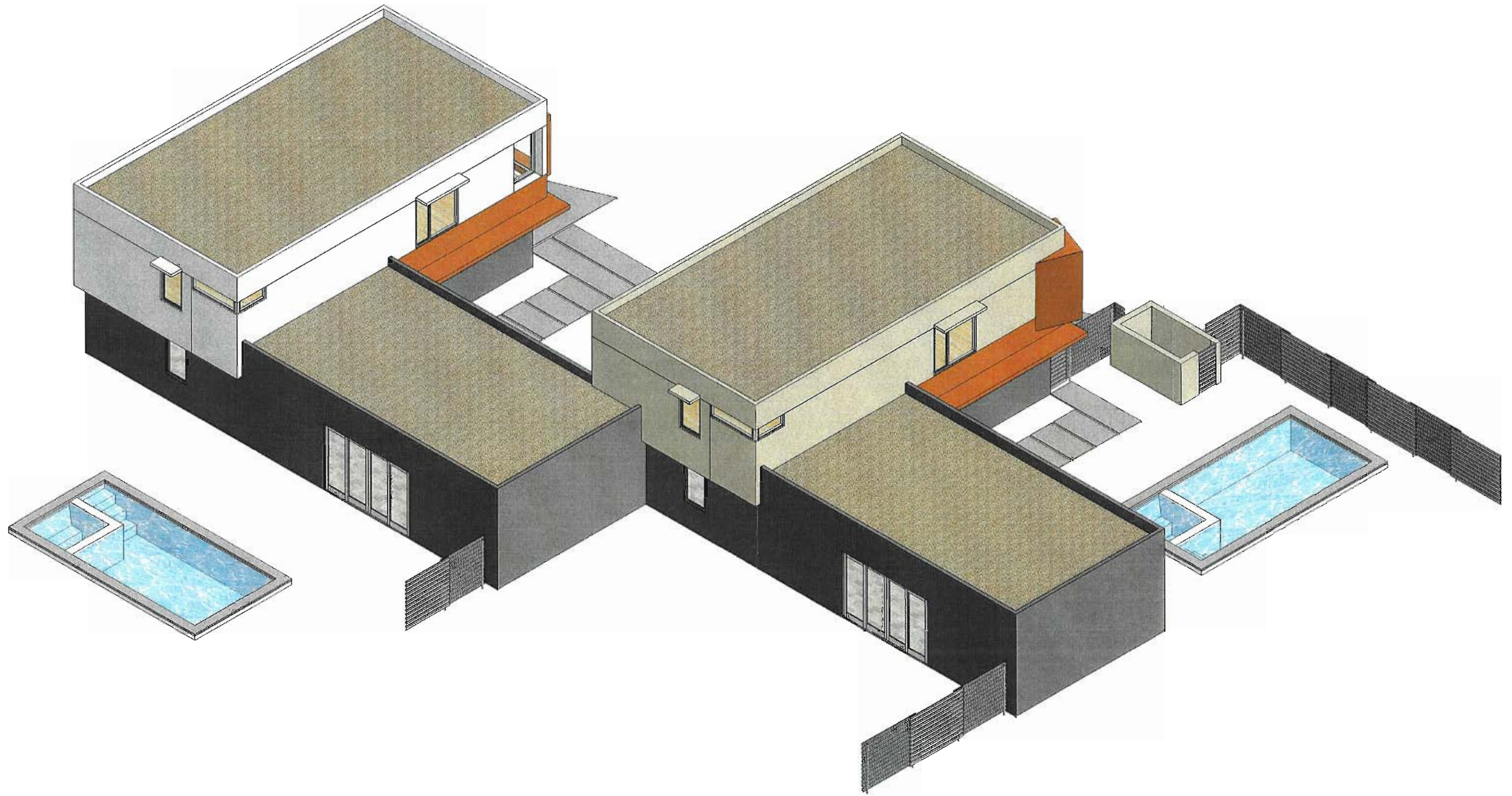
NEXUS RESIDENTIAL COMMUNITIES, INC.

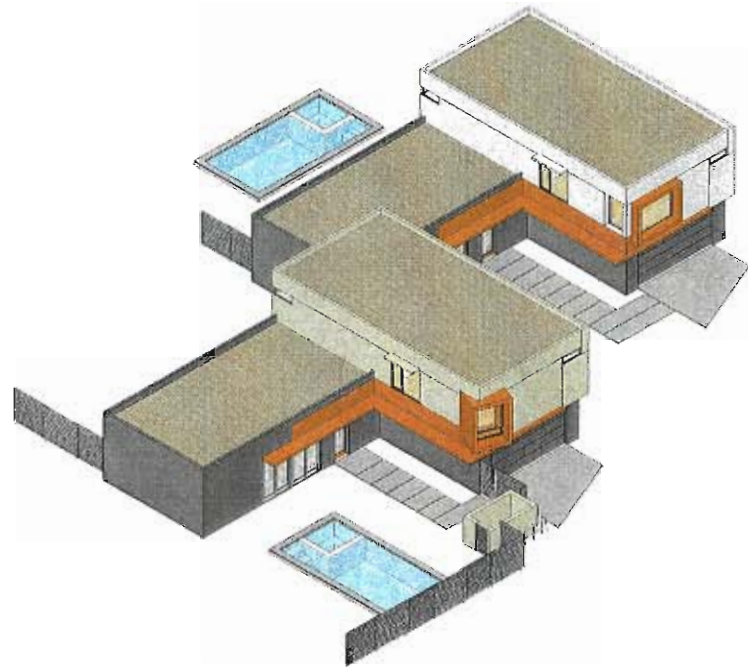
1 WATKINS PLACE, SUITE 300
 SOUTH COAST VILLAS, CA 92277
 TEL: (714) 546-5600
 FAX: (714) 546-5666

TENTATIVE TRACT NO. 34165
 PALM SPRINGS, CALIFORNIA

DATED: 03/16/2010



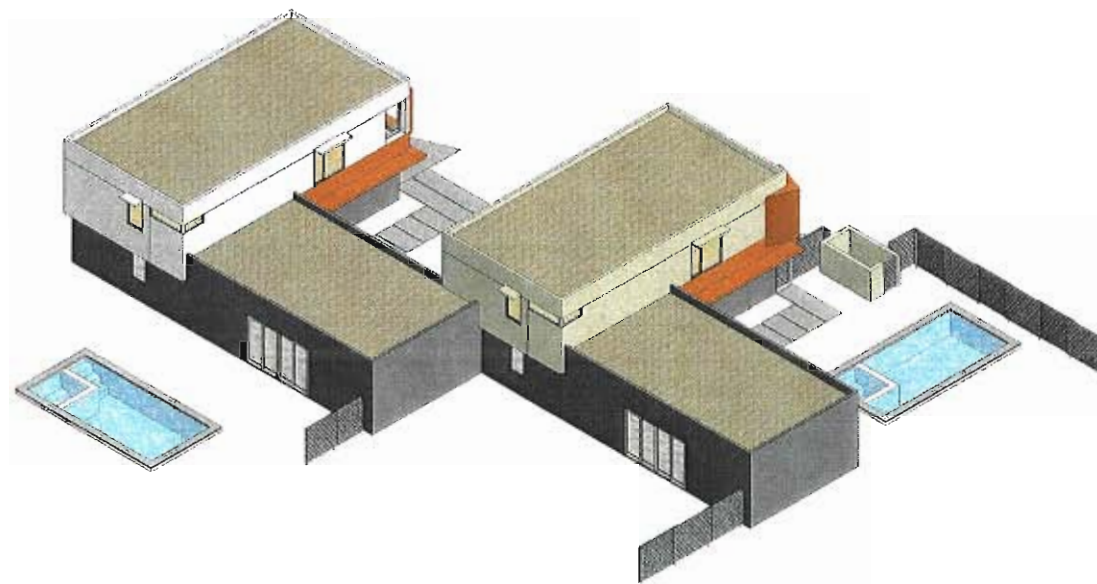




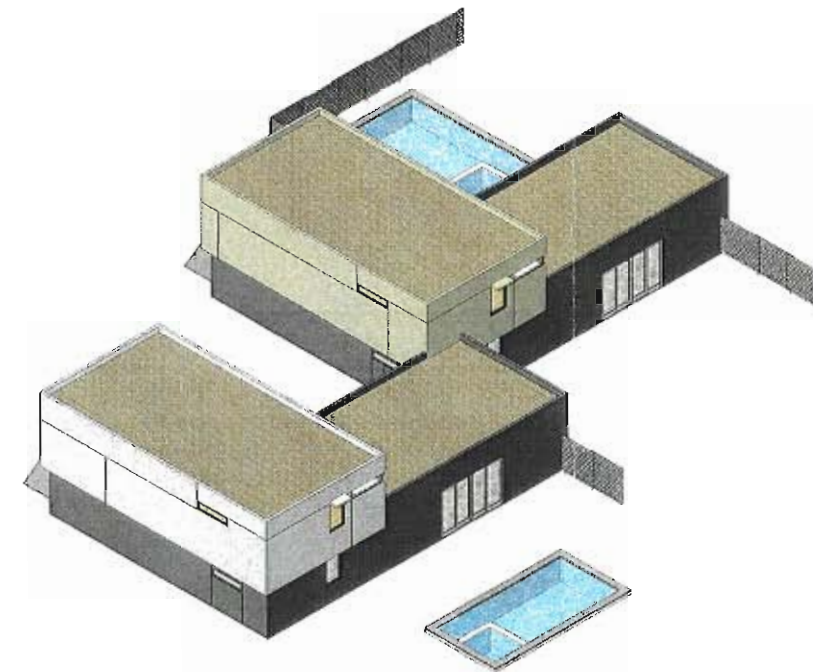
LEFT FRONT VIEW



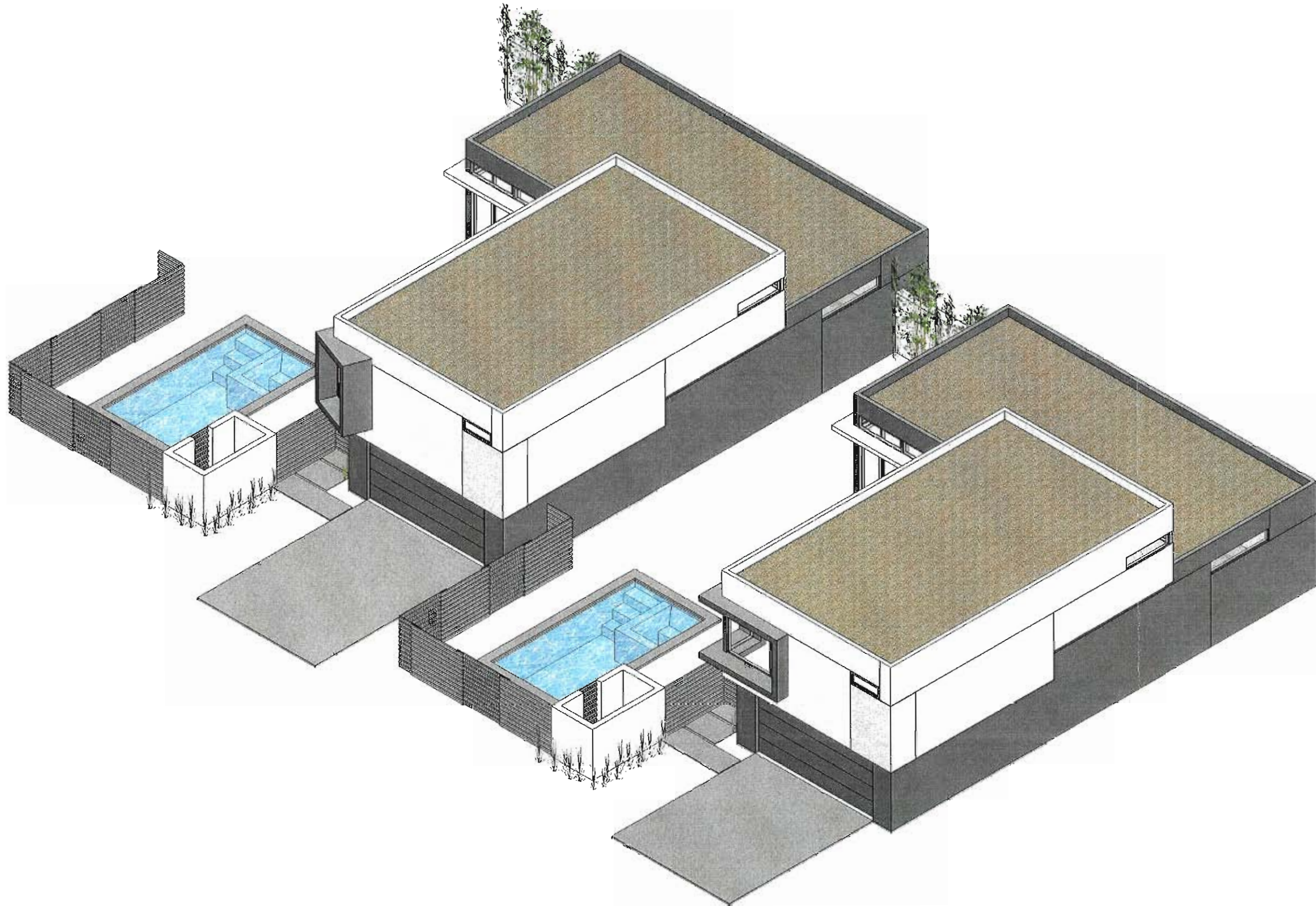
RIGHT FRONT VIEW

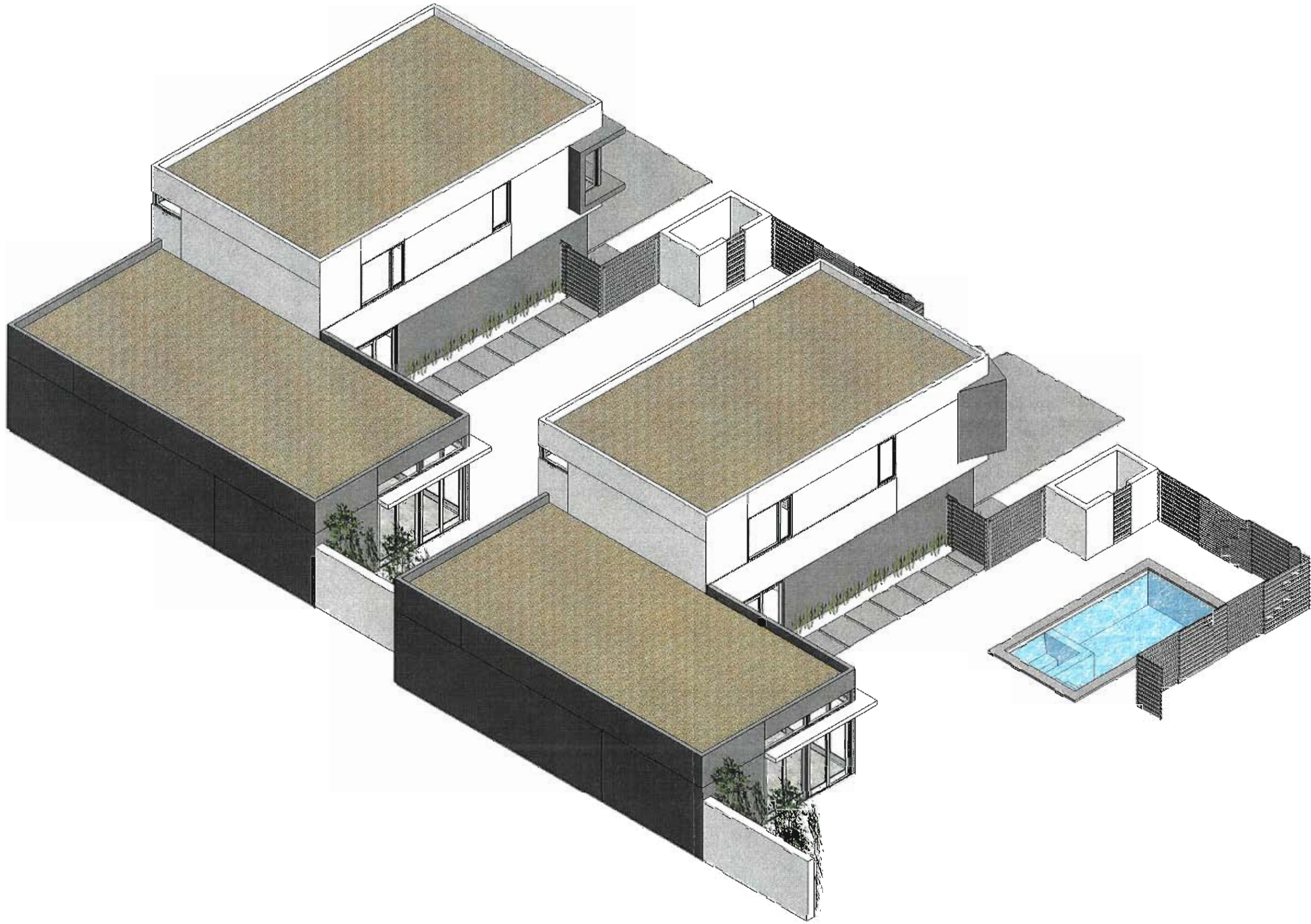


LEFT REAR VIEW



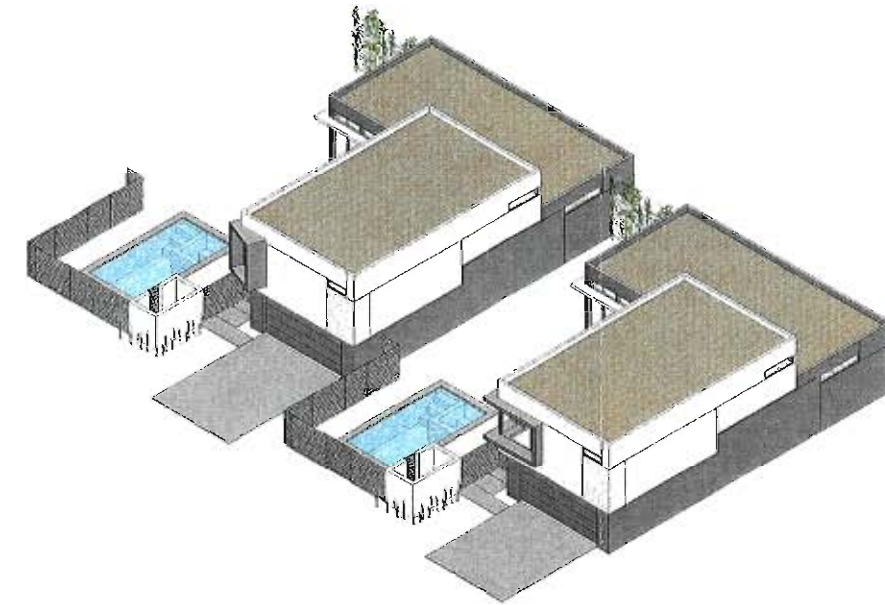
RIGHT REAR VIEW



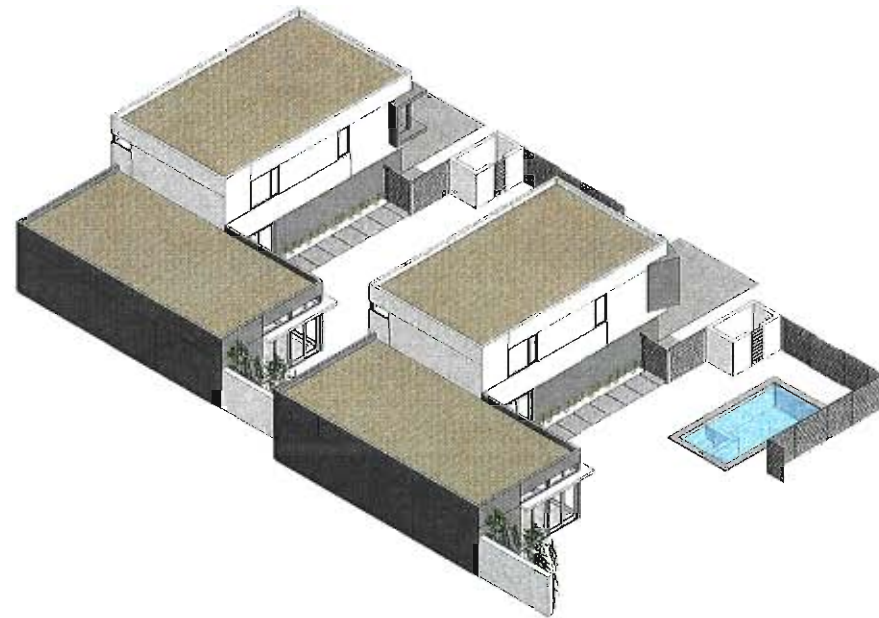




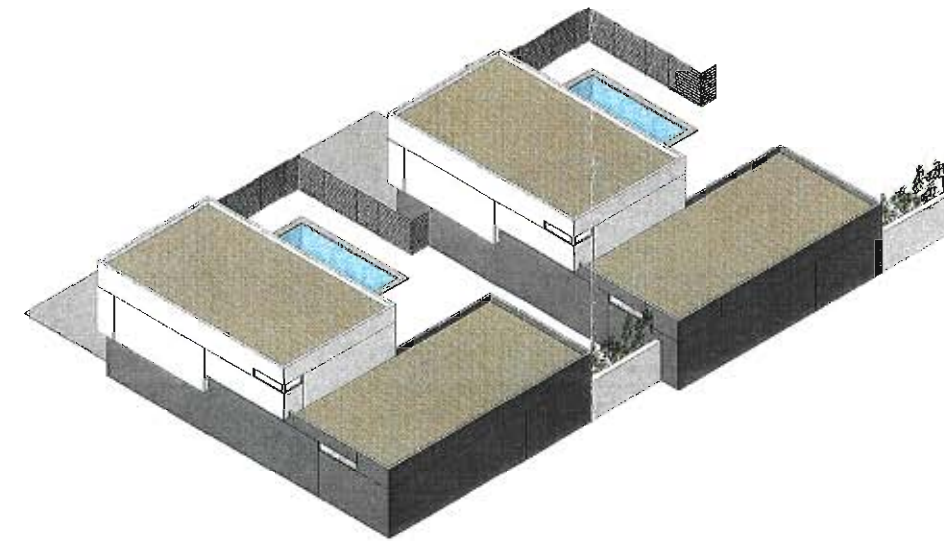
LEFT FRONT VIEW



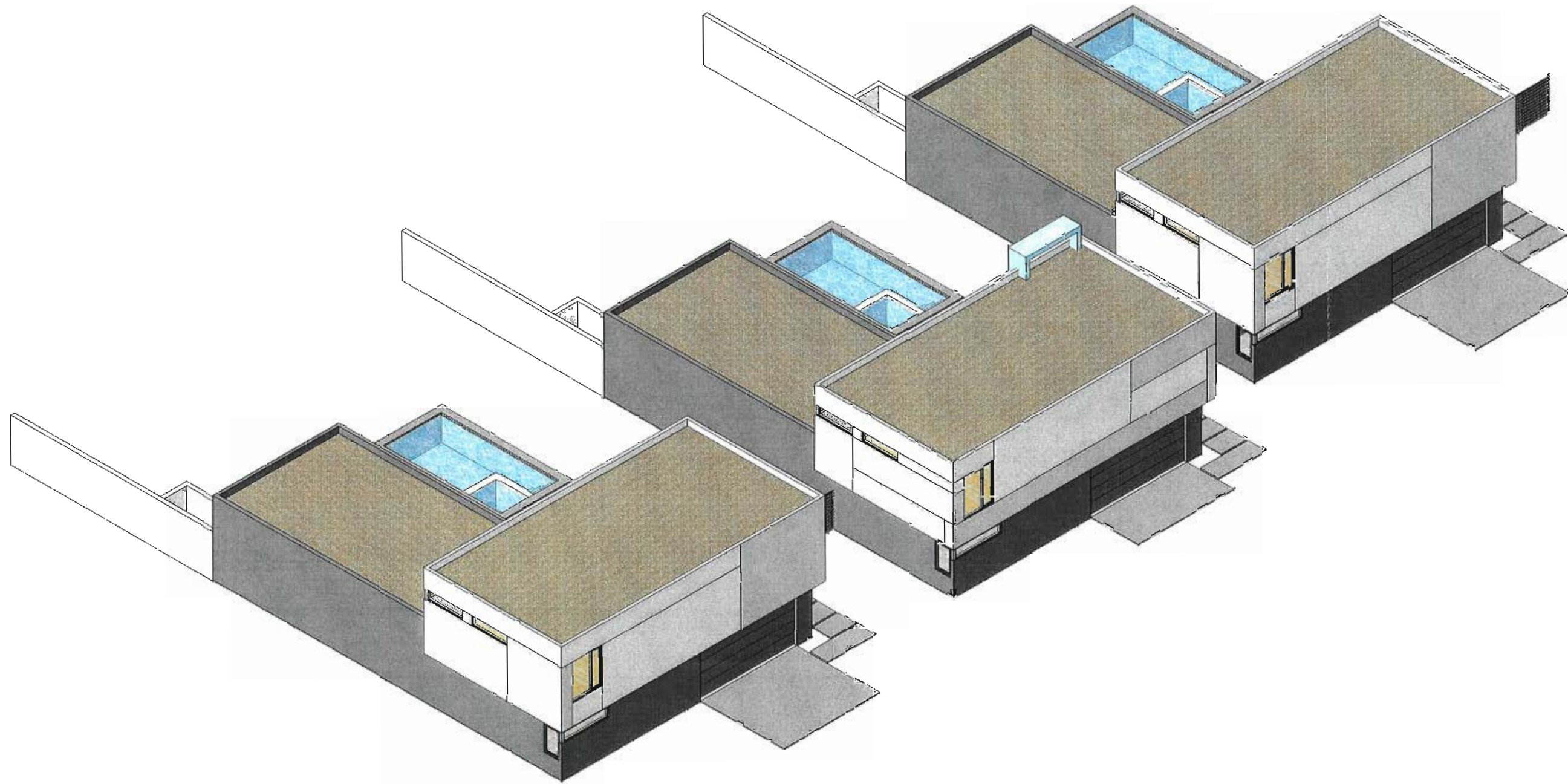
RIGHT FRONT VIEW

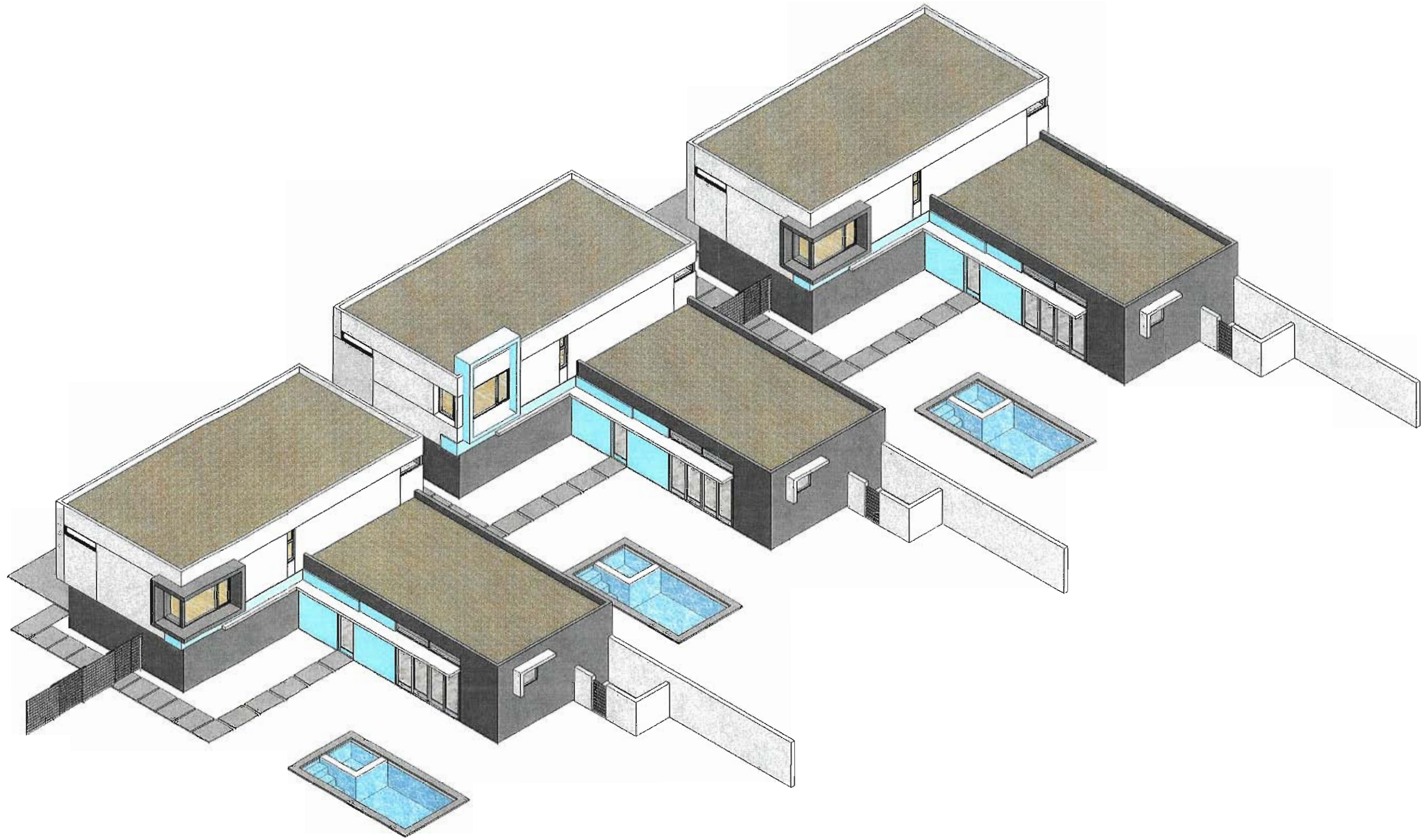


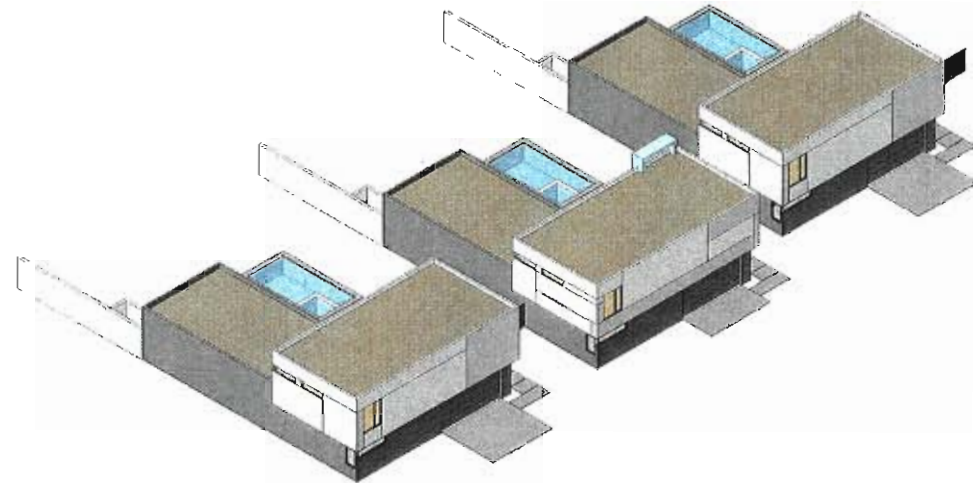
LEFT REAR VIEW



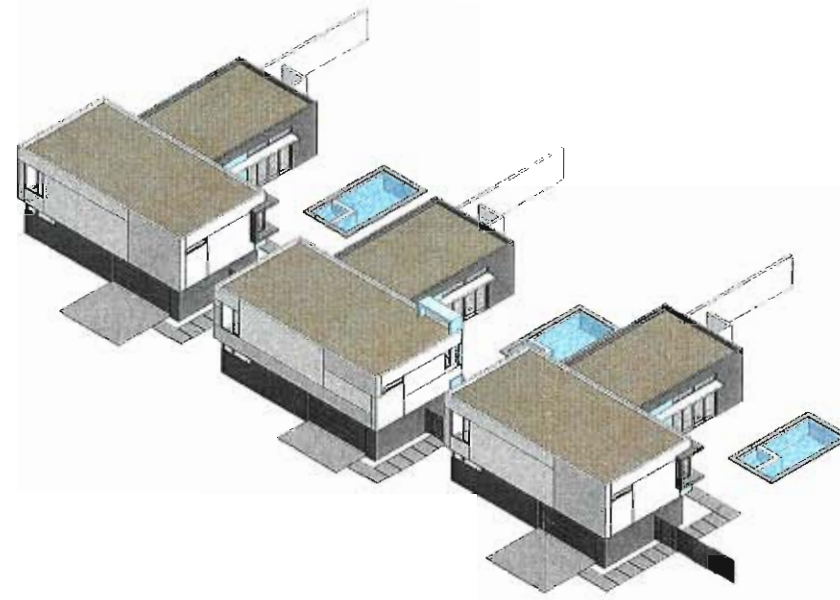
RIGHT REAR VIEW



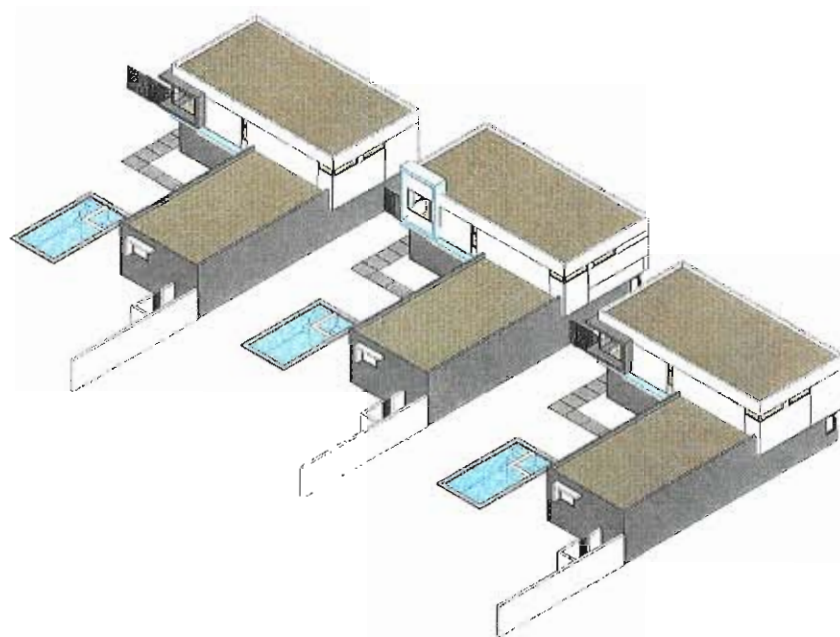




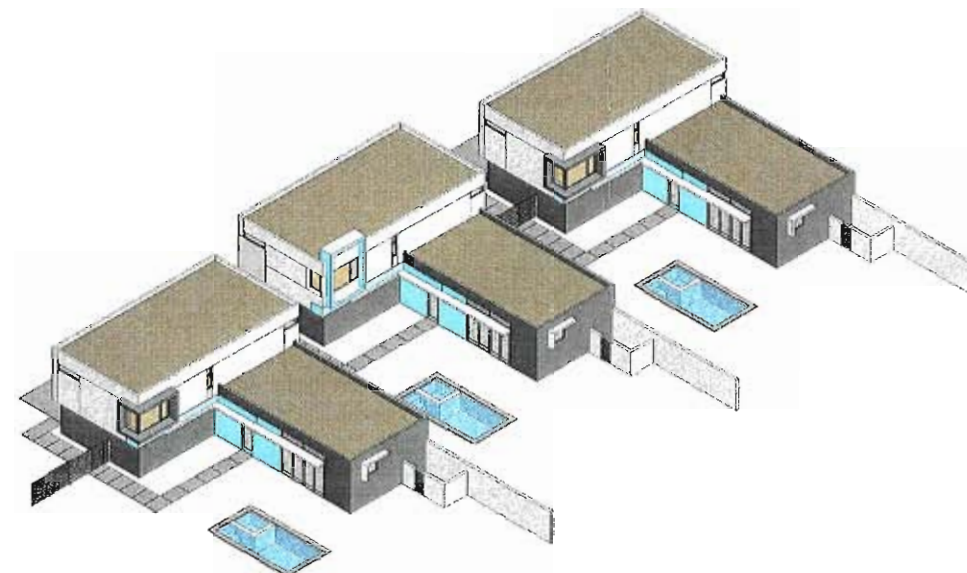
LEFT FRONT VIEW



RIGHT FRONT VIEW



LEFT REAR VIEW



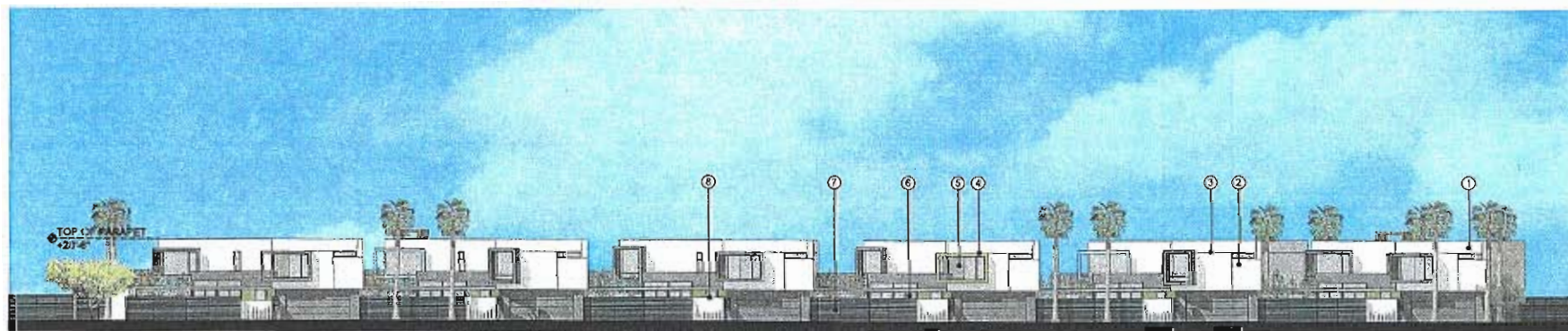
RIGHT REAR VIEW



AVENIDA CABALLEROS ELEVATION (WEST)
1/16" = 1'-0"



AUDREY COURT ELEVATION (SOUTH)
1/16" = 1'-0"



DANE COURT ELEVATION (SOUTH)
1/16" = 1'-0"

MATERIAL LEGEND

- ① PAINTED CEMENT PLASTER WALL FINISH WITH FINE SAND FLOAT FINISH
- ② PAINTED CEMENT PLASTER WALL FINISH WITH HEAVY DASH FINISH
- ③ PAINTED GALVANIZED STEEL PLASTER SCREED
- ④ PAINTED CEMENT PLASTER WINDOW SHADING ELEMENT WITH FINE SAND FLOAT FINISH
- ⑤ CLEAR-ANODIZED ALUMINUM WINDOW WITH DUAL-PANE, LOW-E GLAZING
- ⑥ PAINTED WOOD DOOR WITH DUAL-PANE, LOW-E GLAZING
- ⑦ 6' TALL CORRUGATED GALVANIZED STEEL FENCE
- ⑧ PAINTED CONCRETE BLOCK WALL