



Planning Commission Staff Report

Date: April 14, 2010

Case No.: 3.2826 – MAJ Time Extension (Desert Oasis Industrial Lofts)

Type: Major Architectural Approval Time Extension

Location: 400 West San Rafael Road

APN: 669-430-015, 669-430-016

Applicant: Desert Oasis Industrial Lofts, LLC.

General Plan: Mixed Use/Multi-Use

Zone: M-1 Service – Manufacturing Zone

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

Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION

The applicant is requesting a one year time extension for a previously approved project for the construction of 58 service/manufacturing lofts within seven buildings on approximately 6.55 acres, located at 400 West San Rafael Road.

RECOMMENDATION

That the Planning Commission approve a one year time extension for Case 3.2826-MAJ from March 28, 2010 to March 27, 2011.

PRIOR ACTION

On March 28, 2007 the Planning Commission adopted a Negative Declaration (ND); and approved the Major Architectural application (MAJ).

On February 11, 2009 the Planning Commission approved a one-year time extension for case 3.2826 from March 28, 2009 to March 27, 2010.

BACKGROUND

The previously approved project consists of 58 service/manufacturing lofts in seven buildings to be developed in two phases. Phase One will consist of buildings A,B,C,D and G and Phase Two will consist of buildings E & F. The proposed buildings will be one story plus a loft with a height of 25 feet. The 6.55 acre lot is currently vacant.

ANALYSIS

ZONING ORDINANCE

Architectural Approvals, granted pursuant to Section 94.04.00(H) of the Palm Springs Zoning Code (PSZC), have a time limit for construction which is two years. According to Section 94.04:00 (H) of the PSZC, "*extensions of time may be granted by the Planning Commission upon demonstration of good cause*". In the letter of time extension request, the applicant stated that construction has not commenced due to the poor state of the current real estate market. This project was approved on March 28, 2007; with a one-year time extension granted by the Planning Commission on February 11, 2009 therefore, the approval expired on March 27, 2010.

The applicant submitted a letter of time extension request on January 13, 2010. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved.

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

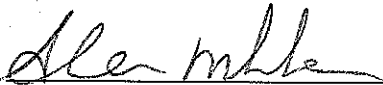
Staff received amended conditions from the Engineering Department in response to changes to applicable Engineering standards and regulations. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Grading: 22, 22A, 22B, 22C, 24, 24A, 26A, 26B; Drainage: 33; General: 37, 39, 40, 44, 46A; Map: 47A, 49, 49A; Traffic: 53.

ENVIRONMENTAL DETERMINATION

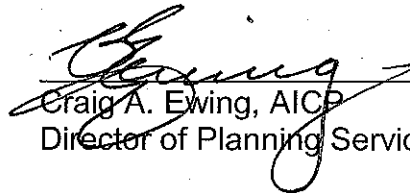
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Negative Declaration (ND) was previously adopted by the Planning Commission on March 28, 2007 for the project. Further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects. The time extension would not result in any new environmental impacts beyond those already assessed in the Mitigated Negative Declaration.

CONCLUSION

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one year from March 28, 2010 to March 27, 2011 for Case 3.2826 MAJ.



Glenn Mlaker, AICP
Assistant Planner



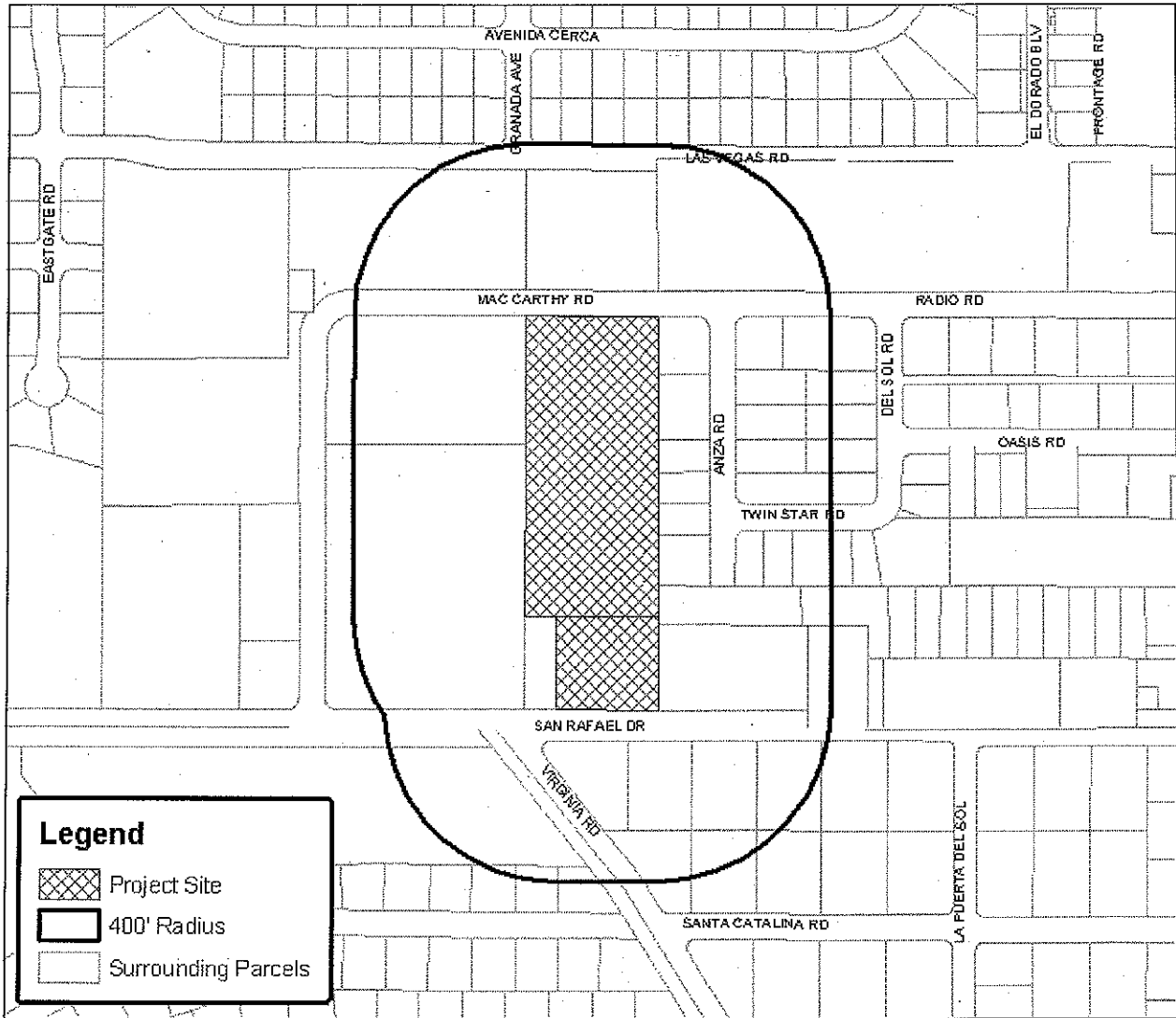
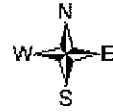
Craig A. Ewing, AICP
Director of Planning Services

Attachments:




- 500' Radius Map
- Draft Resolution
- Revised Conditions of Approval
- Site Plan & Elevation
- Letter Requesting Time Extension



Department of Planning Services Vicinity Map



Legend

-  Project Site
-  400' Radius
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 3.2826 MAJ

APPLICANT: Desert Oasis Industrial
Lofts

DESCRIPTION: To consider a request for a one-year time extension on the project consisting of 58 service/manufacturing lofts and accessory off-street parking and associated landscaping at 400 West San Rafael Road, Zoned M1, Section 34.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FROM MARCH 28, 2010 TO MARCH 27, 2011 FOR CASE NO. 3.2826-MAJ, A PREVIOUSLY ENTITLED INDUSTRIAL DEVELOPMENT OF 58 SERVICE/MAUFACTURING LOFTS WITHIN SEVEN BUILDINGS ON 6.55 ACRES AT 400 WEST SAN RAFAEL ROAD, ZONE M-1, SECTION 34, APN 669-430-016.

WHEREAS, Desert Oasis Industrial Lofts LLC ("Applicant") has filed an application with the City pursuant to Chapter 94.04.0(H) of the Palm Springs Zoning Code for a one-year time extension to Case No. 3.2826 – MAJ for an industrial development of 58 service/manufacturing lofts within seven buildings on 6.55 acres; and,

WHEREAS, on February 11, 2009, a public meeting on the application was held by the Planning Commission in accordance with applicable law approving a one-year time extension; and,

WHEREAS, on March 14, 2010, a public meeting on the application was held by the Planning Commission on accordance with applicable law approving another one-year time extension; and,

WHEREAS, The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Negative Declaration (ND) was previously adopted by the Planning Commission on March 28, 2007 for the project. Further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects. The time extension would not result in any new environmental impacts beyond those already assessed in the Negative Declaration; and,

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one year time extension from March 28, 2010 to March 27, 2011 for Case No. 3.2826 - MAJ.

ADOPTED this 14th day of March, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig Ewing, AICP
Director of Planning Services

RESOLUTION NO.
EXHIBIT A
Case No. 3.2826 - MAJ
400 West San Rafael Road

April 14, 2010
REVISED CONDITIONS OF APPROVAL

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

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

PROJECT SPECIFIC CONDITIONS

- 1. Prior to any grubbing or the issuing of a grading permit the owner/applicant shall conduct a survey using a qualified biologist to determine if the Coachella valley milk-vetch exists on the site. Said survey shall be conducted in accordance with US Fish and Wildlife Protocols. If the plants are present, then no soil shall be disturb or grading permit issued until a seed salvage operation can be implemented. Salvaged seeds shall be provided to Fish and Wildlife Service.**
- 2. Prior to any grubbing or the issuing of a grading permit the owner/applicant shall conduct two migratory bird surveys using a qualified biologist to determine if appropriate nesting habitat occurs on the site – the surveys shall be conducted no more than 30 days prior to any grubbing or grading and again within 7 days of any grubbing or grading. In the event that occupied nests are located on the survey site, no grubbing or other ground disturbance activities shall occur within 250 feet of the nests or after the young birds fledge.**

ADMINISTRATIVE:

The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.

- 1. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.2826 - MAJ. 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.
- 2 That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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.
 - 3 Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
 - 4 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.

CULTURAL RESOURCES

- 5 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.

- 6 Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
 - a). Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, 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 and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, 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 and Zoning Department prior to final inspection.

FINAL DESIGN

- 7 With Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- 8 An exterior lighting plan in accordance landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

GENERAL CONDITIONS/CODE REQUIREMENTS

- 9 Architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- 10 The appeal period for a Major Architectural application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
- 11 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.
- 12 All materials on the flat portions of the roof shall be earth tone in color.
- 13 All awnings shall be maintained and periodically cleaned.
- 14 All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
- 15 No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
- 16 The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
- 17 The street address numbering/lettering shall not exceed eight inches in height.
- 18 Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
- 19 No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- 20 No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- 21 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.
- 22 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. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.

- 23 The applicant shall provide all tenants with Conditions of Approval of this project.
- 24 Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.
- 25 Standard parking spaces shall be 17 feet deep by 9 feet wide; compact sized spaces shall be 15 feet deep by 8 feet wide. Handicap parking spaces shall be 18 feet deep by 9 feet wide plus a 5 foot walkway at the right side of the parking space; two (2) handicap spaces can share a common walkway. One in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an 8 foot walkway on the right side and shall be designated as "van accessible".
- 26 Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
- 27 Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
- 28 Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.
- 29 Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
- 30 Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces. Additional islands may be necessary to comply with shading requirements.
- 31 Shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
34. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
35. **ADA**

SITE PLAN:

- On the plan each building indicates a single disabled parking space. However, the access aisle for each of these disabled parking spaces is located on the driver's side of the vehicle. In order to comply with **CBC 1129B.4.1**, each access aisle will need to be moved to serve the passenger side of the vehicle. Also, each access aisle for these disabled parking spaces will need be 8 feet and designated as "van accessible" to comply with **CBC 1129B.4.2**.
- To comply with **CBC 1129B.5** a warning sign regarding unauthorized use of disabled parking spaces is to be posted conspicuously at each entrance or immediately adjacent to and visible from each disabled parking space.

POLICE DEPARTMENT

1. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT:

1. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
2. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
3. **Automatic Fire Sprinklers:** An approved, automatic Fire Sprinkler System is required.
4. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
5. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Prior to

final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the fire department. (9-2.1 NFPA 24)

6. **Operational Fire Hydrant(s):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
7. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases. A field analysis of existing hydrants has not been conducted to verify hydrant location or availability. This comment is included to make you aware that additional fire hydrants may be required.
8. **Trash Container Protection:** If trash container space is within 5 feet of a building wall provide information on the type and size of trash container to be stored there. If it is a dumpster with a capacity of 1.5 cubic yards or greater, then the container must be protected by an approved automatic fire sprinkler. (1103.2.2 CFC)
9. **Exterior soffits/canopies:** Roofs or canopies must be protected with fire sprinklers if they are more than 4 feet wide unless the entire assembly is non-combustible. (5-13.8 NFPA 13 1999) Any exterior fire sprinklers require approval of the Planning Department.
10. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
11. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.
12. The address of the building served shall be clearly indicated on the Fire Department Connection (FDC). A sign with this information shall be placed on or near the FDC. The sign shall be constructed of metal. The sign face, lettering, and attachment shall be made of weather and vandal resistant materials. Sign

background will be bright red. Letters will be bright white. Sign format will be substantially as follows:

F. D. C.
SERVES
425
S. SUNRISE WAY
ALL BLDGS. IN COMPLEX

13. **Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the number of sprinklers is one hundred or more. (Twenty or more in Group I, Divisions 1.1 and 1.2 occupancies.) (904.3.1 CBC) All control valves must be locked in the open position.
14. **Post Indicator Valves:** Post indicator valves will not be installed. Control of each building fire sprinkler system will be by a monitored valve on the system riser.
15. **Required Signs:** All fire sprinkler valves shall have a permanently affixed sign indicating the valve function and area served. The address of the building served shall be clearly indicated on the Fire Department Connection (FDC).
16. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel near an exit door.
17. **High Piled Storage:** If materials to be stored are anticipated to exceed 12 feet in height, additional requirements will be required. Contact the fire department plans examiner for more detailed requirements.
18. **Fire Hydrant Flow:** The required fire hydrant flow for this project is 1,500 GPM with the installation of fire sprinklers.

19. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

1. **Minimum Access Road Dimensions:** Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 902.1 **however**, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. **The Palm Springs Fire Department requirements** for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

20. Required marking: Required marking of fire apparatus roads and fire-protection equipment shall be in accordance with section 901.4 CFC.

21. Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. (902.2.2.1 CFC)

This will include all landscaping features such as the tree canopies that are called out for providing shade in the parking between the buildings that may interfere with emergency vehicle access.

22. Road Design: Fire apparatus access roads/parking lots shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.

23. Emergency Key Box: Knox key box(es) are required. Box(es) shall be mounted at 6 feet above grade. Show location of box(es) on plan elevation views. Show requirement in plan notes. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)

24. Emergency Key Box: A Knox key box is required for access to the fire sprinkler riser. Box shall be mounted at 6 feet above grade, adjacent to the main entrance. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)

25. Key Box Contents: The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

Construction site Security and Protection:

Fencing

26. Fencing Required: Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall

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

Gates

27. **Access Gate Obstructions:** Entrances to roads, trails or other access ways, which have been closed with gates and barriers, shall be maintained clear at all times. (902.2.4.1 CFC).
28. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)

ENGINEERING DEPARTMENT:

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

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any grading or building permits.
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.

SAN RAFAEL ROAD

4. The applicant shall facilitate construction of street improvements, as identified below, along the San Rafael Road frontage of the property identified by Assessor's Parcel Number (APN) 669-430-018. Appropriate extension to existing street improvements adjacent to the Palm Springs View Apartments located on APN 669-430-017, and improvements within the San Rafael Road and Virginia Road intersection, shall be made as required by the City Engineer.
5. The applicant may enter into a Reimbursement Agreement with the City for validated costs for street improvements constructed adjacent to APN 669-430-018. If reimbursement is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Reimbursement Agreement and a \$2,500 deposit for City staff time associated with the preparation of the Reimbursement Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Reimbursement Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Reimbursement Agreement. The Reimbursement Agreement is subject to the City Council's review and approval at a Public Hearing, and its approval is not guaranteed nor implied by this condition.
6. Construct a 6 inch curb and gutter located 32 feet north of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
7. Construct a 30 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the proposed driveway approach shall be located approximately 35 feet west of the east property line. Gated access shall be prohibited.
8. Construct a 10 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201 (for access to the property identified by APN 669-430-018). The centerline of the proposed driveway approach shall be located approximately 5 feet west of the east property line.
9. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
10. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the proposed driveway approach in accordance with City of Palm Springs Standard Drawing No. 214. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA

Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

11. Construct a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 330. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

RADIO ROAD

12. Dedicate an additional 3 feet to provide the ultimate half street right-of-way width of 33 feet along the entire frontage of the subject property.
13. Dedicate an easement 1 foot wide along the back of the proposed driveway approaches for sidewalk purposes.
14. Remove existing curb and gutter, and construct two 26 feet wide driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. The centerlines of the proposed driveway approaches shall be located approximately 35 feet west of the east property line and 18 feet east of the west property line. Gated access shall be prohibited.
15. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
16. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

17. The minimum pavement section for all on-site pavement for drive aisles and parking spaces shall be 2 ½ 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.

SANITARY SEWER

18. All sanitary facilities shall be connected to the public sewer system. The on-site sewer system shall not connect to any existing sewer manhole, and shall connect to the sewer main with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405.
19. Construct an on-site private sewer system to collect sewage from the development and connect to the existing public sewer system. Sewer plans shall be submitted to the Engineering Division for review and approval. Commercial projects may construct private sewer systems to other approved City standards (i.e. Uniform Plumbing Code) upon approval by the City Engineer. All on-site private sewer systems shall install sewer manhole covers with the words "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.
20. All on-site sewer systems shall be privately maintained. 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

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

Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

- b. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.
22. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, ~~Richard Begay (760-883-1940)~~, or the Tribal Archaeologist, ~~Patty Tuck (760-883-1926)~~, 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.
 - 22A. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
 - 22B. 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.
 - 22C. 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.
 23. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

24. ~~A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to issuance of a grading permit. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.~~
- 24A. 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.
25. 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.
26. 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.
- 26A. 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.
- 26B. 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.
27. 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 Precise Grading and Paving Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

28. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. The Preliminary Hydrology Study for San Rafael Road Business Park, prepared by Madison FCS, Inc., dated April 19, 2006, shall be finalized to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention system sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins.
29. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site drive aisles into the on-site retention basins and the underground retention systems, as described in the Preliminary Hydrology Study for San Rafael Road Business Park, prepared by Madison FCS, Inc., dated April 19, 2006. The hydrology study shall be finalized to include retention basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.
30. All on-site storm drain systems shall be privately maintained. 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.
31. The applicant is advised that the proposal for underground retention systems within the on-site parking areas may preclude the ability to install appropriate landscaping as may be required by the Department of Planning Services. The underground retention system shall be designed at a sufficient depth to allow typical landscape planting, including trees, and in a manner that does not interfere with the ability of the system to receive runoff in the future.
32. The proposed underground retention systems shall be installed on-site and not within the public right-of-way. The underground stormwater retention systems

shall be sized to have sufficient capacities equal to the volume of increased stormwater runoff due to development of the site, less the capacity of the surface retention basins, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground stormwater retention systems shall be included in the Covenants, Conditions, and Restrictions (CC&R's), including reference to the fact that maintenance and/or replacement of the systems may require removal of existing on-site parking, landscaping, and lighting improvements within the property at the sole expense of the property owner(s). The CC&R's shall reserve the right of the City to inspect and ensure that the underground retention systems are operable, and in the event of their failure, shall provide the City the right to advise the property owner(s) and require their repair or replacement to the satisfaction of the City Engineer.

33. This project ~~may~~ will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, ~~may~~ will be required by regulations imposed by the RWQCB. ~~If required, such~~ Such shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. If required, such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
34. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
35. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6,511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

36. 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.

37. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, ~~Richard Begay~~ (760-883-1940) at (760) 699-6800, or the Tribal Archaeologist, Patty Tuck (760-883-1926) 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.
38. All proposed utility lines shall be installed underground.
39. 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 across the east property line, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a 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.

40. The applicant is advised that deferral of utility undergrounding requires specific approval by the Planning Commission and City Council. If utility undergrounding is deferred in accordance with specific direction by the Planning Commission and/or City Council, the record property owner(s) shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner(s) and submitted to the City Engineer prior to issuance of a building permit. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee of \$140 in effect at the time that the covenant is submitted shall be paid by the developer prior to issuance of any grading or building permits.
41. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
42. 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.
43. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering 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.
44. Contact ~~Whitewater Mutual Water Company~~ Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property. Make appropriate arrangements to protect in place or relocate any existing ~~Whitewater Mutual Water Company~~ facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Whitewater Mutual Water Company Desert Water Agency shall be submitted to

the Engineering Division prior to ~~issuance of a grading permit~~ approval of the Grading Plan.

45. 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.
46. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.
- 46A. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

MAP

47. In accordance with Government Code Section 66426 (f), an application for a Tentative Parcel Map shall be submitted to the Planning Department if the subject property is proposed to be subdivided into commercial condominiums for the purpose of sale, lease, or financing.
- 47A. In accordance with Government Code Section 66411.1, the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by a construction agreement in accordance with Government Code Section 66462.
48. The existing parcels shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to the City Engineer for review and approval, and shall be recorded prior to issuance of a building permit.
49. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of a Parcel Map, or in the absence of a Parcel Map, shall be submitted and approved by the City Attorney prior to issuance of a Certificate of Occupancy.
- 49A. 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

50. As determined by the Desert Oasis Industrial Loft Traffic Impact Analysis submitted by Urban Crossroads (as revised November 14, 2006), the following mitigation measures will be required:
- a. Install a 30 inch stop sign, stop bar, and “STOP” legend for traffic exiting the development at each access point onto San Rafael Drive and Radio Road in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - b. On-site signing and striping will be required in accordance with City of Palm Springs standards.
 - c. Pay a fair share contribution determined as 3.15% of the cost of geometric modifications and street improvements (asphalt pavement widening, traffic striping and related improvements) as necessary to widen the west leg of the San Rafael Drive and Indian Canyon Drive intersection, in a manner that improves intersection capacity acceptable to the City Engineer (estimated at \$200,000). The applicant shall pay the fair share contribution of \$6,300 of the approved Engineer’s estimate prior to issuance of a building permit.
 - d. Modify the future median in Indian Canyon Drive at Radio Road to prohibit left turn egress from Radio Road onto Indian Canyon Drive. The applicant shall coordinate with the developer of the Palermo development (Tract Map No. 33561), to participate in the construction of the future median, modify to prohibit left turn egress movement. If already constructed, the applicant shall modify the existing street improvement plan (Drawing No. 4717-2, File No. 35-3-4-86). The median shall be modified and constructed prior to issuance of a certificate of occupancy.
51. Submit traffic striping plans for San Rafael Road, extending west of McCarthy Road and east of the subject property as necessary to re-stripe the street to a secondary thoroughfare, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and

signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

52. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) or widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the San Rafael Road and Radio Road frontages of the subject property.
53. Construction signing, lighting and barricading shall be provided ~~for on all projects~~ during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996~~ Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent additions editions in force at the time of construction.
54. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

Desert Oasis Industrial Lofts, LLC

3060 Adams Ave Ste A
San Diego, Ca. 92116
Tel: 619- 990-4628
Fax: 619-233-3516

City of Palm Springs
Planning Dept
Palm Springs, Ca.

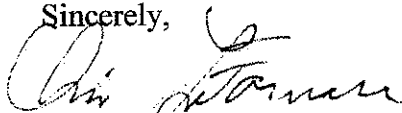
January 13, 2010


To Whom It May Concern:

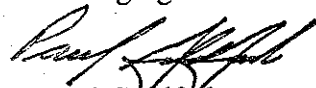
We are requesting an extension on our architect plans on our project entitled Desert Oasis Industrial Lofts TPM 35958 APN 669-430-015/016. As you are aware the economy has not made significant changes from a year ago to warrant this is a time for building such a project. Not only is the time to build not feasible from the standpoint of the consumer who would purchase this product, we also face the challenge of obtaining financing for a project this size when new construction loans are next to impossible to secure in this negative real estate market. We have continued to move forward on bringing this project to completion via a final map and performance bond as well as an approved grading plan. Our intention has been and remains one of bringing this project to fruition when we can guarantee that we will not leave an unfinished unsightly hole on the land due to the economics of the times we are all facing.

It is our request that you grant us an extension of plans that we have invested a great deal of time, effort and money into so that we can continue on the course when both the lender and the consumer are ready for this to move forward. We trust when the Real Estate market proves itself to be feasible and warrants breaking ground we will be able to welcome small business owners to this business park.

Sincerely,


Chris LaFornara
Managing Member


Michelle LaPrise
Managing Member


Paul Goldfarb
Managing Member

3.2826

RECEIVED

JAN 19 2010

**PLANNING SERVICES
DEPARTMENT**