



Planning Commission Staff Report

Date: April 28, 2010

Case No.: 3.3118 – MAJ Time Extension (Desert Son-Shine School)

Type: Major Architectural Approval Time Extension

Location: 2022 Sahara Road

APN: 501-314-014

Applicant: Desert Son-Shine School

General Plan: Office

Zone: Professional (P)

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 a 1-story, 9,863 square foot child care center (pre-school and kindergarten) with a maximum number of 137 children located at 2022 Sahara Road.

RECOMMENDATION

That the Planning Commission approve a one year time extension for Case 3.3118-MAJ from November 28, 2009 to November 27, 2010.

PRIOR ACTION

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

On March 5, 2008 the City Council adopted a resolution overruling the Riverside County Airport Land Use Commission for case 3.3118.

BACKGROUND

The previously approved project consists of a 1-story, 9,863 square foot child care center (pre-school and kindergarten) at a maximum height of 16 feet 8 inches on approximately 1.06 acres. The project includes 12,307 square feet of parking area and 24,196 square feet of landscaping and open space. The building will include 7 classrooms, 2 multi-purpose rooms, and administrative areas and has been designed as a green building. The project can accommodate a maximum of 137 children.

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 November 28, 2007 therefore the approval expired on November 27, 2010. Pursuant to Section 94.04.01(H) of the PSZC, a retroactive time extension submitted within six months of the original expiration date may be granted for good cause.

The applicant submitted a letter of time extension request on March 9, 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.

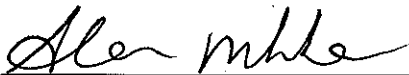
Staff received amended conditions from the Engineering Department in response to changes to applicable Engineering standards and regulations. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Grading: 84A, 84B, 84C, 84D, 85, 85A, 85B, 86A, 86B; General: 100A; Traffic: 104.

ENVIRONMENTAL DETERMINATION

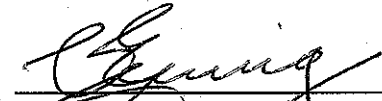
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Mitigated Negative Declaration (MND) was previously adopted by the Planning Commission on November 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 November 28, 2009 to November 27, 2010 for Case 3.3118 MAJ.



Glenn Mlaker, AICP
Assistant Planner



Craig A. Ewing, AICP
Director of Planning Services

Attachments:

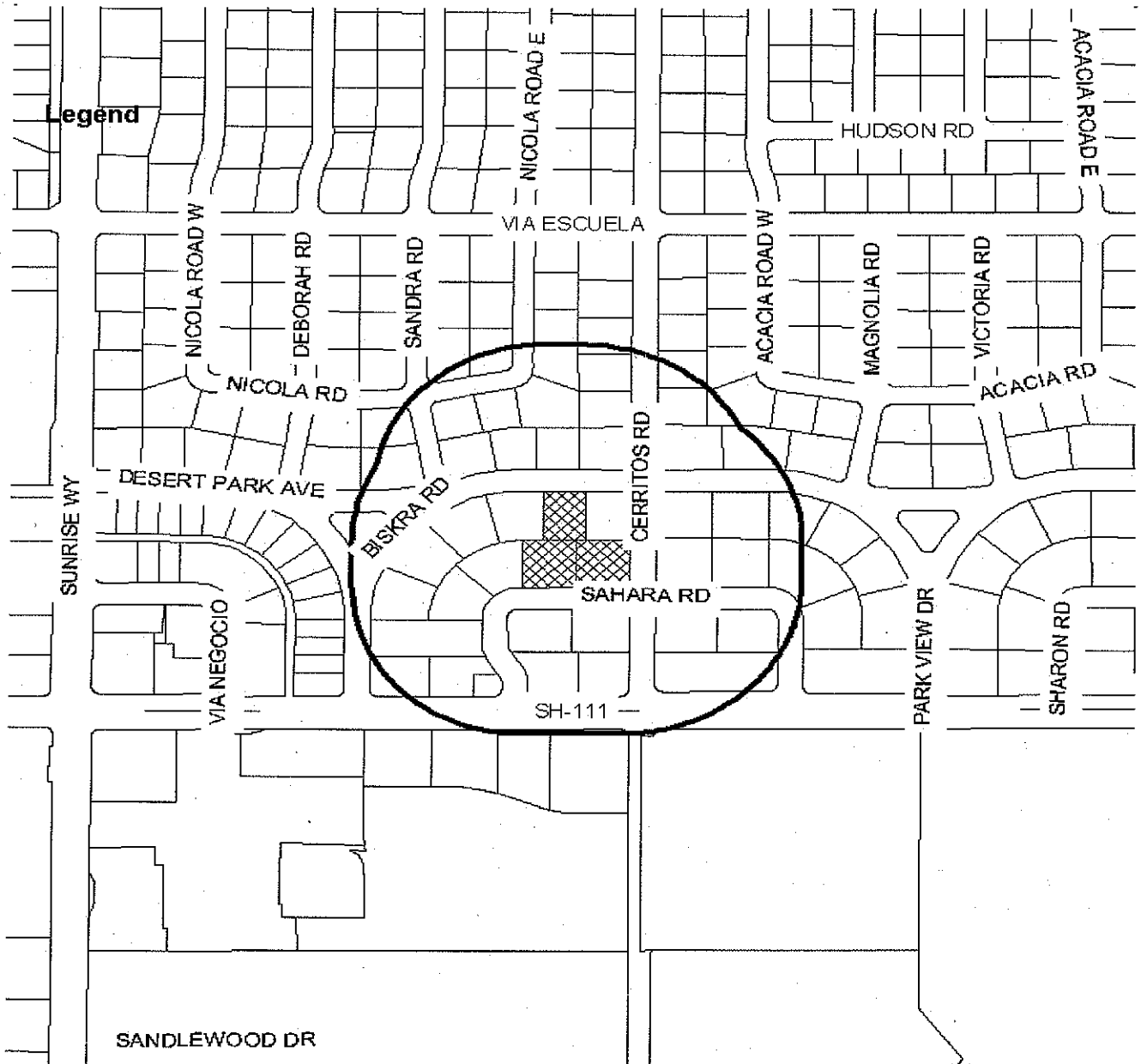
- 500' Radius Map
- Draft Resolution
- Revised Conditions of Approval
- Site Plan & Elevation
- Letter Requesting Time Extension



Department of Planning Services Vicinity Map



Legend



CITY OF PALM SPRINGS

CASE NO: 3.3118 MAJ – TE

APPLICANT: Desert Son-Shine School

DESCRIPTION: A request for a one-year time extension for a previously approved 9,863 sq. ft. 1-story building, Zone P, Section 1.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FROM MARCH 5, 2010 TO MARCH 4, 2011 FOR CASE NO. 3.3118-MAJ, A PREVIOUSLY ENTITLED DEVELOPMENT FOR A 9,863 SQUARE FOOT SCHOOL BUILDING AT 2022 SAHARA DRIVE, ZONE P, SECTION 1, APN 501-314-014.

WHEREAS, Desert Son-Shine School ("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. 3.3118 – MAJ for the development of a 9,863 square foot school; and,

WHEREAS, on April 28, 2010, 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, The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Mitigated Negative Declaration (MND) was previously adopted by the Planning Commission on November 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; 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 November 28, 2009 to November 27, 2010 for Case No. 3.3118 – MAJ, and adopts the attached Revised Conditions of Approval.

ADOPTED this 28th day of April 2010.

AYES:

NOES: None.

ABSENT: None.

ABSTAIN: None.

ATTEST:

CALIFORNIA

CITY OF PALM SPRINGS,

Craig Ewing, AICP
Director of Planning Services

EXHIBIT A

REVISED CONDITIONS OF APPROVAL

3.3118 MAJ
LUP 07-036
7.1266 AMM

Desert Son-Shine Pre-School and Kindergarten
Northwest Corner of Sahara Drive and Cerritos Road

April 28, 2010

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

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

PROJECT SPECIFIC CONDITIONS

1. Prior to issuance of grading permits, the project shall be reviewed Riverside County Airport Land Use Commission (ALUC). The applicant shall notify the City of ALUC's determination regarding the project. Should ALUC find the project inconsistent with the Airport Land Use Compatibility Plan (ALUCP), the project shall be heard by the City Council for overruling or acceptance of the Commission's determination.

ADMINISTRATIVE

2. 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.
3. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case No. 3.3118-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.

4. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
5. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ENVIRONMENTAL ASSESSMENT

6. The Mitigation Measures in the Mitigated Negative Declaration (MND) shall apply. Mitigation Measures shall be included on final development plans and a signed agreement shall be submitted to the Planning Department indicating that the applicant agrees to implement all Mitigation Measures. Mitigation Measures are as follows:

MM III-1 The proposed project will comply with the provisions of Chapter 8.50 of the Palm Springs Municipal Code which establishes

minimum requirements for construction activities to reduce Fugitive dust and PM10 emissions. A Fugitive Dust Control Plan (prepared pursuant to the provisions of the Coachella Valley Fugitive Dust Control Handbook) shall be submitted to the City of Palm Springs for approval in conjunction with the application for grading permits associated with the project and prior to initiating any earth-moving operations on-site.

- MM III-2** The project proponent shall comply with all applicable SCAQMD Rules and Regulations including but not limited to the following:
- **Rule 403** (Fugitive Dust) specifies control measures for use in developing site specific fugitive dust control plans to minimize blowing dust from construction sites and insure the clean up of construction-related dirt on approach routes to the site including: watering measures, chemical stabilizers, wind fencing, covering haul vehicles, bed liners in haul vehicles, wheel washers, and high wind measures;
 - **Rule 403.1** Companion to 403 and is applicable to man-made sources of fugitive dust in the Coachella Valley.
 - **Rule 1108 and 1108.1** prohibits the use of rapid and medium cure cutback asphalts as well as organic compounds in emulsified asphalts used during the construction process.
- MM III-3** As a condition of approval, the project proponent will comply with City requirements regarding master planned bikeways on and/or adjacent to the site.
- MM III-4** No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of air pollution which exceed the requirements of the SCAQMD, the AQMP or the City of Palm Springs General Plan and Municipal Code.
- MM III-5** Earth-moving activities shall be suspended during the first and second stage ozone episodes or when winds exceed 25 mph, per the Coachella Valley PM10 State Implementation Plan and SCAQMD Rule 403.1.
- MM-III-6** Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the

ground surface and then watered again at the end of the day.

- MM-III-7** As part of the construction specifications, any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.
- MM-III-8** Trucks hauling dirt, sand, soil, or other loose dirt material off-site, should be covered and washed off before leaving the site. All trucks should maintain at least two feet of freeboard.
- MM-III-9** Adjacent streets should be swept if silt is carried over to adjacent public thoroughfares.
- MM-III-10** Construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours.
- MM-III-11** Construction equipment shall be properly maintained and serviced to minimize exhaust emissions.
- MM-III-12** Vacuuming shall be utilized in lieu of pneumatic debris removal.
- MM V-1** Should buried or other cultural resources be discovered during any ground disturbing activities, all work in the area shall be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the resources. Should the archaeologist determine the cultural resources to be significant, the following shall occur at the expense of the project proponent.
- Archeologically significant finds shall be appropriately collected and deposited under supervision of an archaeologist certified by the County of Riverside.
 - Any significant findings shall be documented and presented to the State Historic Preservation Office (SHPO), Bureau of Indian Affairs (BIA), the Agua Caliente Band of Cahuilla Indians and the City of Palm springs, and shall be resolved to their satisfaction.
 - Copies of any cultural resources documentation generated in connection with this project shall be given to the Agua Caliente Band of Cahuilla Indians for inclusion in the Agua Caliente

Cultural Register. Copies shall also be presented to the City for inclusion in the project file.

- MM V-2** Pursuant to City policies, should any paleontological resources be uncovered during grading or excavation, operations shall be halted or diverted until the resource is evaluated by a qualified specialist and dealt with accordingly.
- MM V-3** In compliance with Section 7050.5 of the California Health and Safety Code, if any human remains are found on-site, the Riverside County Coroner must be notified immediately. If the coroner determines that the remains are not recent and may be Native American, in accordance with Public Resource Code 5097.94, the coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find. The NAHC will then determine, in consultation with the property owner, the disposition of the human remains.
- MM-VIII-1** The project proponent shall prepare and implement (throughout all construction activities) a Stormwater Pollution Prevention Plan (SWPPP) and a Fugitive Dust (PM10) Control Plan. The SWPPP shall be prepared in accordance with State standards and the Fugitive Dust Control Plan shall be prepared in accordance with City standards. Construction site Best Management Practices are implemented to prevent contamination of water that could occur as a result of construction activities of the proposed project.
- MM-VIII-2** Prior to development, the project proponent shall consult with Desert Water Agency regarding water conservation measures that can be implemented into the design and use of the facility, including landscape maintenance.
- MM-XI-1** The developer shall ensure that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds until completion of construction.
- MM-XI-2** The developer shall ensure that all construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires until completion of construction.
- MM-XI-3** The developer shall ensure that every effort 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 until completion of construction.

- MM-XI-4** The developer shall ensure that stationary equipment will be placed such that emitted noise is directed away from noise-sensitive receptors until completion of construction.
- MM-XI-5** The developer shall ensure that future on-site development complies with all relevant noise policies set forth in the Noise Element of the Palm Springs General Plan throughout the life of the project.
- MM-XI-6** To aid in mitigating the effects of exterior airport noise on the daily operation of the preschool and kindergarten facility, the developer shall ensure that special noise insulation measures are undertaken in the design and construction of the building.

CULTURAL RESOURCES

7. 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.

FINAL DESIGN

8. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
9. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

GENERAL CONDITIONS/CODE REQUIREMENTS

10. 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.
11. 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.
12. Prior to issuance of a building permit, the applicant must provide a standard avigation easement and non-suit covenant in a form prescribed and approved by the City Attorney, with reference to present and future owners of the parcel.
13. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
14. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
15. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
16. Separate architectural approval and permits shall be required for all signs.
17. All awnings shall be maintained and periodically cleaned.
18. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
19. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.

20. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
21. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
22. The street address numbering/lettering shall not exceed eight inches in height.
23. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
24. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
25. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
26. 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.
27. 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.
28. The applicant shall provide all tenants with Conditions of Approval of this project.
29. 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.
30. 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 8 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".

31. 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.
32. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
33. 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.
34. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
35. 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.
36. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.
37. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
38. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
39. Pursuant to Section 6.10.040(d) of the Municipal Code, smoking is prohibited in any room where children are present during operating hours.
40. All employees providing child care services shall be appropriately licensed as required by the State of California and/or Riverside County.
41. Clients of the child care center shall be required to park and drop-off children. Curbside drop-offs are prohibited.

POLICE DEPARTMENT

42. Developer shall comply with Article II of Chapter 8.04 of the Palm Springs

Municipal Code.

BUILDING DEPARTMENT

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

FIRE

44. 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.
45. 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.
46. Road Design: Fire apparatus access driveway 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.
47. Turn-Around Requirements: Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC)
48. Fire Apparatus Access Roads/Driveways: Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads.(CFC 902.2.1)
49. 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)
50. Automatic Fire Sprinklers: An approved, automatic Fire Sprinkler System is required.
51. Fire Alarm System: Fire Alarm System required. Installation shall comply with

the requirements of NFPA 72.

52. Audible Water Flow Alarms: An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
53. 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.
54. 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)
55. 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.
56. Water Systems and Hydrants: Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
57. 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)
58. 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.

59. 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.
60. 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.

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

61. 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.
62. Fire Hydrant Flow: The required fire hydrant flow for this project is 1,500 GPM with the installation of fire sprinklers.

CONSTRUCTION SITE SECURITY AND PROTECTION

63. 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)

64. Fire Apparatus Access Gates: Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock. (8.04.260 PSMC)
65. 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).

ENGINEERING

STREETS

66. Engineering Division recommends deferral of off-site improvement items at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
67. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
68. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits. **Deferred to covenant.**

DESERT PARK AVENUE

69. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
70. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
71. All broken or off grade street improvements shall be repaired or replaced.

CERRITOS ROAD

72. Remove the existing curb located 18 feet west of centerline and replace with a 6 inch curb and gutter located 20 feet west of centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the northwest corner

of the intersection of Cerritos Road and Sahara Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **Deferred to covenant.**

73. Construct the north half of a 6 feet wide cross gutter at the northwest corner of the intersection of Cerritos Road and Sahara Road with a flow line parallel with and located 20 feet west of the centerline of Cerritos Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **Deferred to covenant.**
74. Construct a driveway approach to provide access to trash enclosures in accordance with City of Palm Springs Standard Drawing No. 201.
75. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
76. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest corner of the intersection of Cerritos Road and Sahara Road in accordance with City of Palm Springs Standard Drawing No. 212.
77. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire Cerritos Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. 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. **Deferred to covenant.**
78. All broken or off grade street improvements shall be repaired or replaced.

SAHARA ROAD

79. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
80. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
81. All broken or off grade street improvements shall be repaired or replaced.

SANITARY SEWER

82. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities.

GRADING

83. 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 Grading plan.
 - b. The first submittal of the 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.
84. 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 (760-699-6907), or the Tribal Archaeologist, Patty Tuck (760-699-6907), 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.
- 84A 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.
- 84B 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.
- 84C 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.
- 84D Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
85. A Notice of Intent to Comply with ~~Statewide the California~~ General Construction Stormwater Permit (~~Water Quality Order 99-08-DWQ as modified December 2, 2002~~) (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 number shall be provided to the City Engineer prior to issuance of a grading permit.
- 85A 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.
- 85B 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.
86. 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.

- 86A 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.
- 86B 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.
87. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

88. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Cerritos Road, Sahara Road or Desert Park Avenue. 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.
89. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the

applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

90. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$ 6511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

ON-SITE

91. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

GENERAL

92. 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.
93. 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 (760-699-6907), or the Tribal Archaeologist, Patty Tuck (760-699-6907) 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.

94. All proposed utility lines shall be installed underground.
95. 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 property 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.
96. 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.
97. 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.

98. 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.
99. 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.
100. 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.
- 100A 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

101. The existing parcels identified as Lots 58, 69 and 70 of the Desert Park Estates No.1, Map Book 28, Page 36, 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 and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

102. Pay a fair share payment of 2.0% (or \$5,000.00) of the cost to install a traffic signal at the intersection of Vista Chino and Cerritos Road. Applicant shall pay the fair share payment prior to the issuance of Building Permit.
103. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

104. 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.
105. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

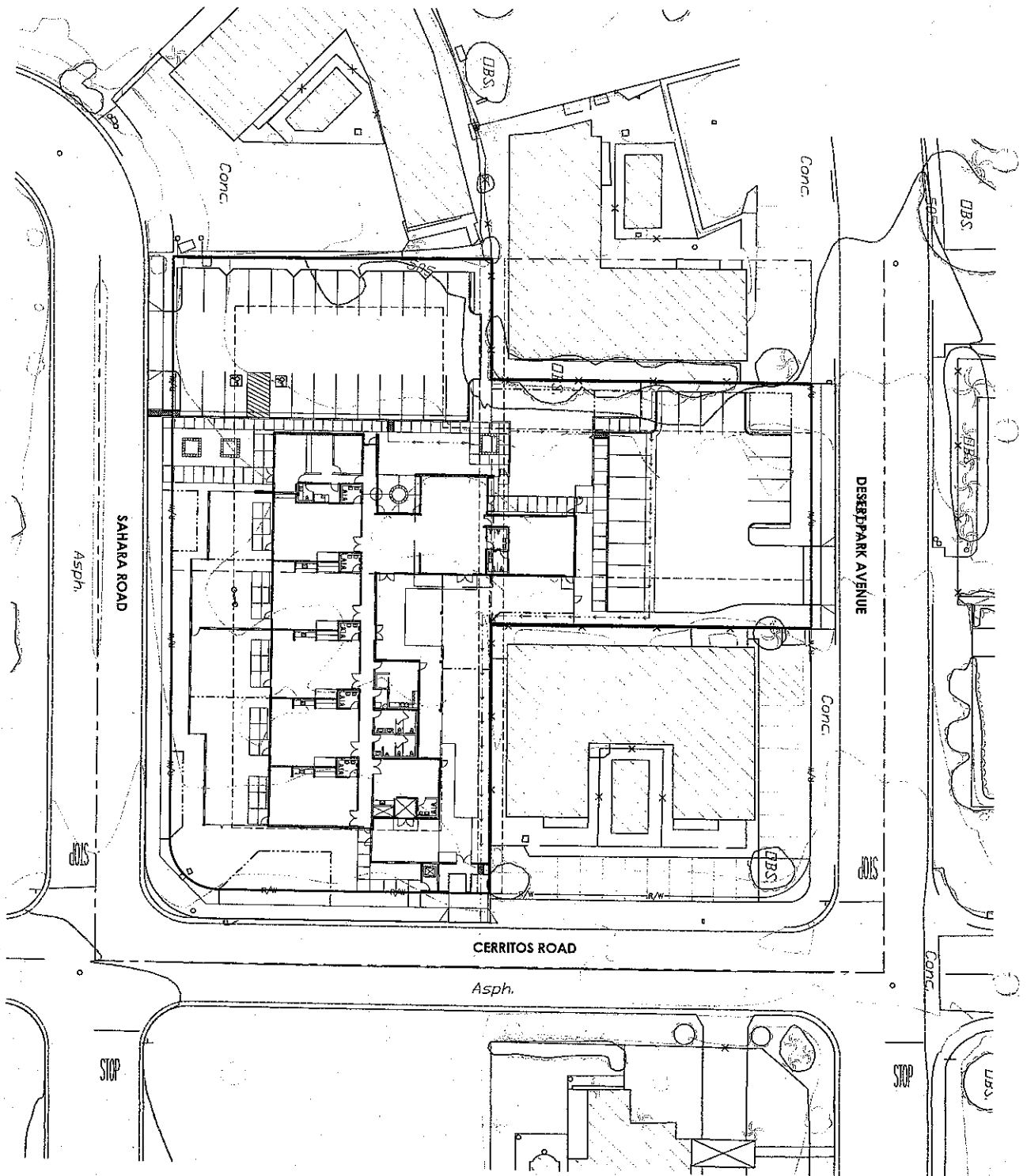


EXHIBIT 3

Date: 07/27/2007



MSA CONSULTING, INC.
 PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
 34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270
 TELEPHONE (760) 320-9811 ■ FAX (760) 323-7893

Illustrative Site Plan
DESERT SON-SHINE PRE-SCHOOL AND KINDERGARTEN
INITIAL STUDY

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

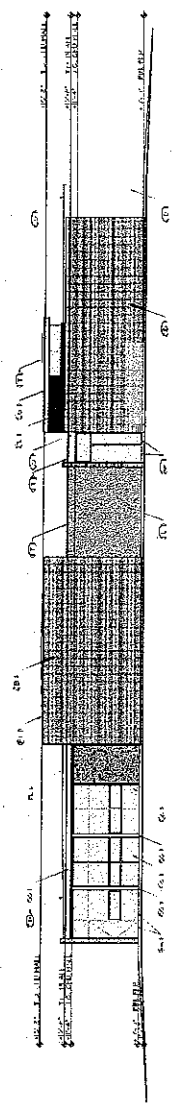
DESIGN: J. COLEMAN
 ARCHITECT: J. COLEMAN
 1215 PULASKI AVENUE, SUITE 100
 PALM SPRINGS, CA 92262
 TEL: 951.329.1111
 FAX: 951.329.1111
 WWW.JCOLEMANARCHITECTS.COM

DESERT SON-SHINE PRESCHOOL & KINDERGARTEN
 PALM SPRINGS, CA 92262

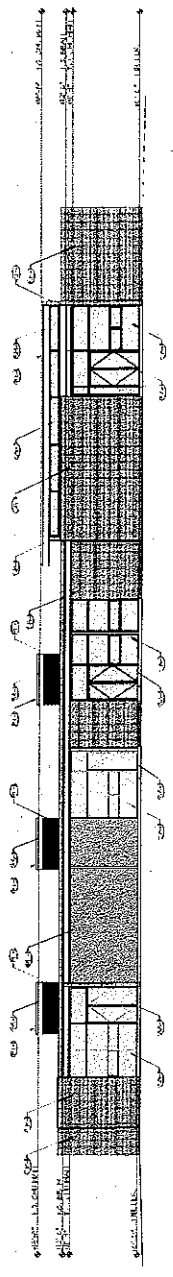
| | | |
|-----|-------------|----------|
| NO. | DESCRIPTION | DATE |
| 1 | PRELIMINARY | 08/15/11 |
| 2 | REVISED | 09/01/11 |
| 3 | REVISED | 09/15/11 |
| 4 | REVISED | 10/01/11 |
| 5 | REVISED | 10/15/11 |
| 6 | REVISED | 11/01/11 |
| 7 | REVISED | 11/15/11 |
| 8 | REVISED | 12/01/11 |
| 9 | REVISED | 12/15/11 |
| 10 | REVISED | 01/01/12 |

DATE: 11/15/11
 SCALE: AS SHOWN

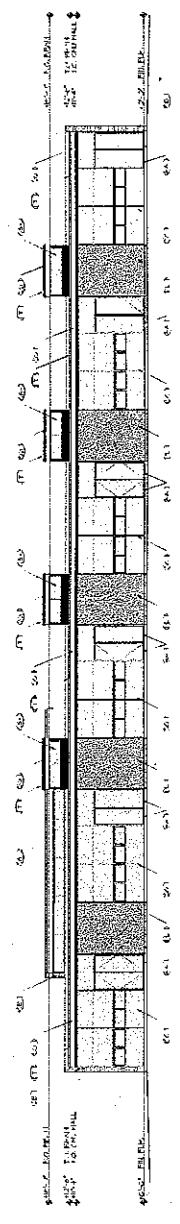
A2.1



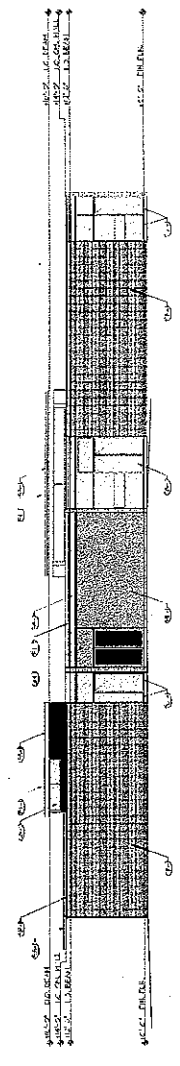
WEST ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

- LEGEND
- ① EXTERIOR FINISH
 - ② INTERIOR FINISH
 - ③ EXTERIOR WALL FINISH
 - ④ EXTERIOR WALL FINISH
 - ⑤ EXTERIOR WALL FINISH
 - ⑥ EXTERIOR WALL FINISH
 - ⑦ EXTERIOR WALL FINISH
 - ⑧ EXTERIOR WALL FINISH
 - ⑨ EXTERIOR WALL FINISH
 - ⑩ EXTERIOR WALL FINISH

LEGEND
 J. COLEMAN ARCHITECTS

Desert Son-Shine

Pre-School • Pre-Kindergarten • Kindergarten

CITY OF PALM SPRINGS

Department of Planning Services
3200 East Tahquitz Canyon Way
Palm Springs, Ca 92262

Attn: Craig Ewing, AICO Director of Planning Services

March 8, 2010

Re: Plan Check #6719 – 2022 Sahara Road

Dear Mr. Ewing:


I would like to take this opportunity to thank Glenn Mlaker of your office, for taking the time to speak to me personally on March 7, 2010 regarding the status of the above-entitled plans.

The goal of Desert Son-Shine is to build the new eco-friendly building on the property that was purchased for that purpose. Plans have been submitted to Planning by the Architect, Ana Escalante. The Board of Directors has been and is currently looking into appropriate funding to allow the permit to be pulled and to possibly begin grading. The Board has not been successful as of this time because of the current economic situation that has hindered many projects as well as ours from moving forward.

The Board has concluded that the only option at this time is to request a consideration from the Planning Department for an extension of one year in order for us to continue work on obtaining funding. As requested by Mr. Mlaker, enclosed is a check to the City of Palm Springs for \$881.00.

Thank you for your consideration in this matter.

Very truly yours,


Fran McNeel
President, Board of Directors

Cc: Ana Escalante/Alex Meyerhoff

501-714-014

3.3118

RECEIVED

MAR 09 2010

PLANNING SERVICES
DEPARTMENT

1800 Via Negocio, Suite 3, Palm Springs, CA 92262

Tel: (760) 320-9533 • Fax: (760) 322-0714