



CITY COUNCIL STAFF REPORT

DATE: May 19, 2010

SUBJECT: A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES AND APPEAL OF PLANNING COMMISSION ACTION TO DENY ARCHITECTURAL REVIEW AND A MINOR MODIFICATION FOR A 51-UNIT MODERATE-INCOME RESIDENTIAL DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF NORTH INDIAN CANYON DRIVE AND SAN RAFAEL ROAD; ZONE R-2 SECTION 2(IL)/T4/R3.

CASE NOS.: TTM 36185, 3.3333 MAJ, AND 7.1231 AMM.
APPLICANT / APPELLANT: COMDYN PS, LLC.

FROM: David H. Ready, City Manager

BY: The Planning Department

SUMMARY

The Council will consider a request for approval of a Tentative Tract Map for condominium purposes (TTM 36185) for a proposed 51-unit moderate-income residential townhome development on approximately 3.6 acres at the southeast corner of North Indian Canyon Drive and San Rafael Road. In addition, the project requires approval of Major Architectural Review and an Administrative Minor Modification (Case Nos. 3.3333 MAJ / 7.1231 AMM).

On April 14, 2010, the Planning Commission (by a vote of 2-4-1) rejected a motion to approve these requests. The applicant as filed an appeal of the Commission's actions. A public hearing is required.

RECOMMENDATION:

1. Open the Public Hearing and take testimony.
2. Close the public hearing and ADOPT RESOLUTION No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING TENTATIVE TRACT MAP 36185 FOR CONDOMINIUM PURPOSES AND UPHOLDING THE APPEAL, REVERSING THE PLANNING COMMISSION AND APPROVING CASE 3.3333 MAJ / 7.1231 AMM; A MAJOR

ITEM NO. 1.A.

ARCHITECTURAL APPLICATION AND MINOR MODIFICATION APPLICATION
TO CONSTRUCT A 51-UNIT MODERATE-INCOME RESIDENTIAL TOWN-
HOME DEVELOPMENT AT THE SOUTHEAST CORNER OF NORTH INDIAN
CANYON DRIVE AND SAN RAFAEL ROAD”.

BACKGROUND:

On April 14, 2010, at a noticed public hearing, the Planning Commission heard Case 3.3333 MAJ / 7.1231 AMM. A motion to deny failed on a vote of 3-3-1 (Munger recused). A second motion to approve the project failed on a vote of 2-4-1, (Cohen, Conrad, Hudson, Donenfeld opposed). The failure to approve this motion is deemed to be the Planning Commission's recommendation to the Council to deny the Tentative Map, and the Commission's denial of the Major Architectural and Minor Modification applications. A copy of the staff report to the Planning Commission and excerpted minutes are attached. No specific findings were established and no resolution of the Commission's action is provided.

On April 26, 2010, the City Clerk received an appeal from ComDyn PS, LLC on the actions taken on April 14, 2010.

PROJECT DESCRIPTION:

The project is a request for a 51-unit moderate-income residential development with off-street parking and landscaping on an approximately 3.6 acre site. The project is comprised of a Major Architectural Application with an accompanying Minor Modification Application to seek reductions in certain development standards consistent with PSZC Section 94.06.01 ("*Minor Modification*"). The project also includes a tract map for condominium purposes (TTM 36185). The site is owned by the Redevelopment Agency and is being provided to the applicant for the purpose of developing moderate-income housing.

STAFF ANALYSIS:

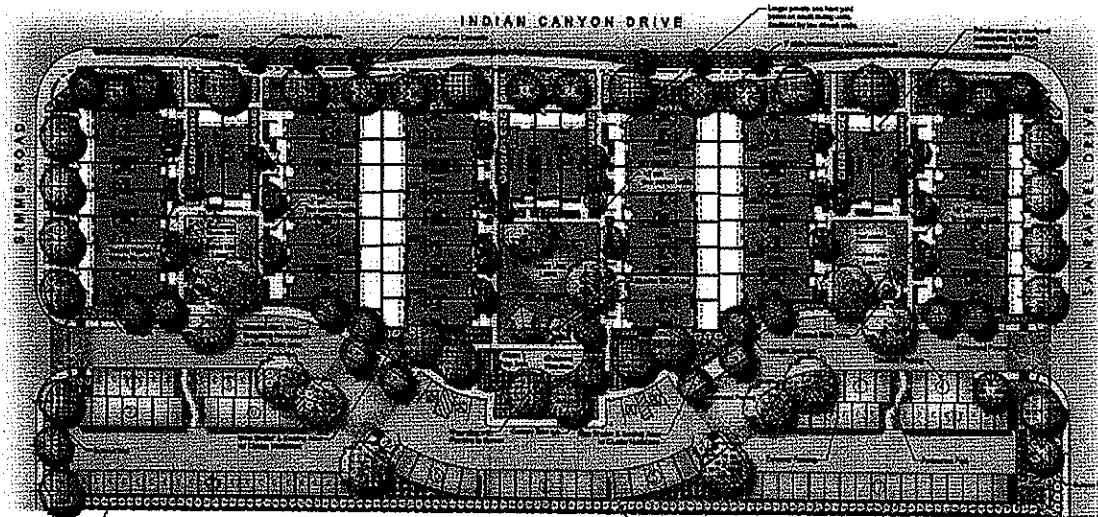
The staff analysis for this hearing is comprised of three parts: Project description, Tentative Tract Map analysis, and analysis of the appellants' grounds for appeal.

Project Description

(The project is fully described and analyzed in the attached Planning Commission staff report dated April 14, 2010.) The proposed project is located on an approximately 3.6 acre vacant parcel of land at the southeast corner of North Indian Canyon Drive and San Rafael Road. The parcel is flat with a variety of scrub vegetation. The site is located in an area of single family and multi-family residences, with commercial/industrial uses northwest of the site.

The proposed project is comprised of 51 residential town-home condominium units within nine buildings. The buildings are configured to create three common-use courtyards and individual outdoor patios for each unit. There are 6, 1-story, 2-bedroom units at approximately 1,000 square feet each; 24, 2-story, 2-bedroom units at

approximately 1,200 square feet each; and 21, 2 story, 3-bedroom units approximately 1,500 square feet.



A 116-car parking lot (102 spaces are provided with carports) is located on the east half of the site and is separated from the courtyards by a meandering drive aisle that is accessed from Simms Road and San Rafael. Two trash/recycling enclosures are provided within the parking area. Open space is provided in three common area courtyards that are created between the rows of town-homes. These contain covered barbeque areas and one water play area for children in the center courtyard.

The architecture of the buildings is comprised of simple volumes using multi-colored muted tones of stucco and brightly colored front doors that differentiate one unit from the other. The back yard patios are enclosed with six foot high masonry walls. The project proposes mostly drought tolerant landscaping that will be conditioned to require proper installed and maintained irrigation. Areas of grass for play areas are included but are limited to the courtyards.

The project is proposed to be constructed in phases. Phase "1" involves construction of all site improvements including underground utilities and structures, private drives, curb & gutter, parking, etc. This will be followed by two phases of vertical construction; 27 townhomes (on the northern part of the site) as Phase "2" and 24 townhomes (on the southern part of the site) as Phase "3".

An Administrative Minor Modification is sought for minor deviations in the underlying development standards: Twenty percent reductions in the setbacks along Indian Canyon Drive, San Rafael Drive, and the setbacks of the carports to the interior side property line. It also seeks to increase the wall height from six feet to seven feet for the patios facing North Indian Canyon Drive in order to mitigate excessive road noise in those outdoor spaces. The findings in support of the AMM are outlined in attached draft Council resolution.

Tentative Tract Map:

Pursuant to Section 66474 of the Subdivision Map Act of the State of California, the following findings relating to the Tentative Tract Map application apply. In order to approve any map, the following findings must be affirmatively made:

- a. *The proposed Tentative Parcel Map is consistent with all applicable general and specific plans.*

The proposed project is consistent with the General Plan designation of Mixed-use/Multi-use, which provides a maximum density maximum of 15 dwelling units per acre (du/ac). There are no Specific Plans related to this site. The project proposes a density of 14 du/acre which is consistent with the General Plan.

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

The subject property is zoned R-2 (Multiple Family Residential), which allows one dwelling unit per 3,000 square feet of lot area. The proposed design and improvements are consistent with the zone. An Administrative Minor Modification (AMM) was submitted to seek approval for minor adjustments in setbacks and wall height. With the approval of the AMM, the project will be consistent with the development standards of the zone.

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

The 3.6 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides outdoor landscaped recreational space and off-street parking. The applicant's design creates three outdoor courtyards and provides usable outdoor space that is required for the zone. In order to create these spaces, the applicant is proposing slightly smaller setbacks, including 20% reduction in front, side and side-front yard setbacks and a slight increase in the patio wall heights in response to noise mitigation requirements along Indian Canyon Drive. The applicant believes adjusting these setbacks via the AMM creates a project with more desirable usable outdoor space for the residents of the project. The site is able to accommodate the necessary access for the off-street parking from the side streets which is consistent with policies of the City's General Plan. The site is physically adequate for provision of the total off-street parking requirements. Therefore staff has concluded that the site is physically suited for this type of development even though the proposed site design requires minor relief from certain development standards.

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

The proposed tract map would create a map for condominium purposes on a site that conforms to the density requirements (15du/acre) for this land use designation in the

Palm Springs General Plan and conforms to the density of the Zoning Ordinance for the R-2 zone. The site is therefore physically suited for the proposed density.

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

The project proposes a residential complex of buildings, parking, landscape, and play areas. It is not within or near a conservation area as designated by the City. Therefore the project conforms to this finding.

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

The subdivision in which this project is located has all the required public utilities and the existing street provides an orderly system of ordinary and emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements.

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

The public easements at the subject property for roadway right of ways are not in conflict with the development because there are no proposed improvements or site modification proposed with this tract map. All utilities are located within and around the existing development. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements for these segments of roadway.

Based on these findings, staff recommends approval of the Tentative Tract Map.

Appeal:

Pursuant to Municipal Code 2.05 (*Appeal to the City Council*), persons aggrieved by an action taken by an administrative officer or agency of the City may appeal that decision to the City Council, stating the grounds for such appeal and the requested remedy sought.

At its meeting of April 14, 2010, the Planning Commission did not adopt a resolution of denial, but merely failed to adopt a motion of approval. Therefore, there are no Commission findings against which to evaluate the grounds for appeal. The applicant / appellant has requested in that the City Council consider the facts of the case and make a determination on the Major Architectural and Minor Modification applications (see attached letter of appeal).

Following are the grounds that the appellant has stated in his appeal letter. Staff has provided a brief response to each of the statements and the City Council may consider these and all other oral and written testimony in making its decision on the appeal.

"The Project is Consistent with the General Plan"

As noted in the staff report dated April 14, 2010, the project is located in the Mixed Use land use designation of the General Plan which allows residential uses up to a density of 15 du/ac. The project proposes 14.1 du/ac and is thus consistent.

"The Project conforms to the findings for the Major Architectural Application and Administrative Minor Modification"

The April 14, 2010 staff report evaluates the project against the findings of Palm Springs Zoning Code (PSZC) Section 94.06.01 ("*Minor Modification*") and Guidelines of Section 94.04.00 ("*Architectural Review*") and finds that the project is consistent with these findings and guidelines.

"The Planning Commission denied the Major Architectural Application and Administrative Minor Modification because of density."

The Planning Commission did not formally adopt a resolution because its motion to approve the project failed for lack of a majority on a vote of 2-4-1 (Cohen, Donenfeld, Conrad, Hudson opposing). Thus, there were no specific findings made by the Planning Commission against which to evaluate this statement. Commissioner comments included concerns about the site design, placement of parking, architectural massing, a desire for greater diversity in unit types (adding one-bedroom units to the mix) and concerns about poor integration of the project into the surrounding community.

"The Project Complies with Underlying Zoning"

The analysis in the April 14, 2010 staff report concluded that with the approval of the Minor Modification Application (7.1231 AMM), the project conforms to the development standards of the underlying R-2 zone.

"California State Law Protects Affordable Housing Projects"

The applicant references State of California Governmental Code Section 65589.5, commonly referred to as "The Housing Accountability Act". The act identifies that the production of affordable housing is a high-level statewide concern. It states that a local government shall not disapprove an affordable housing project, nor impose conditions such that it renders that project infeasible, without making certain written findings in support of that action.

The Planning Commission made no written findings in its action of April 14, 2010. The

motion to approve failed on a vote of 2-4-1. The motion to approve failed for lack of a majority.

CONCLUSION

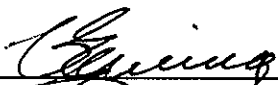
The tentative tract map is consistent with the findings of the State Subdivision Map Act. The Major Architectural Application is consistent with the Guidelines for Architectural Review in the Zoning Code. The Minor Modification (AMM) Request is consistent with the findings of the Zoning Code and the requested modifications are permitted under the Zoning Code. The project is consistent with the General Plan and proposes to provide affordable housing that would count toward the City's share of production of affordable housing under the Regional Housing Needs Assessment (RHNA). Consequently, staff recommends that the Council uphold the appeal and approve the project.

ENVIRONMENTAL DETERMINATION:

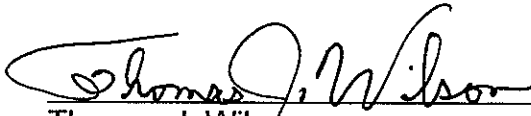
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an initial study was done and the project has been determined to be "Categorically Exempt" from further environmental review pursuant to Section 15332 (Infill development) The City has concluded that project is an infill development and meets all the conditions of Section 15332.

FISCAL IMPACT:

No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson
Assistant City Manager, Dev't Svcs



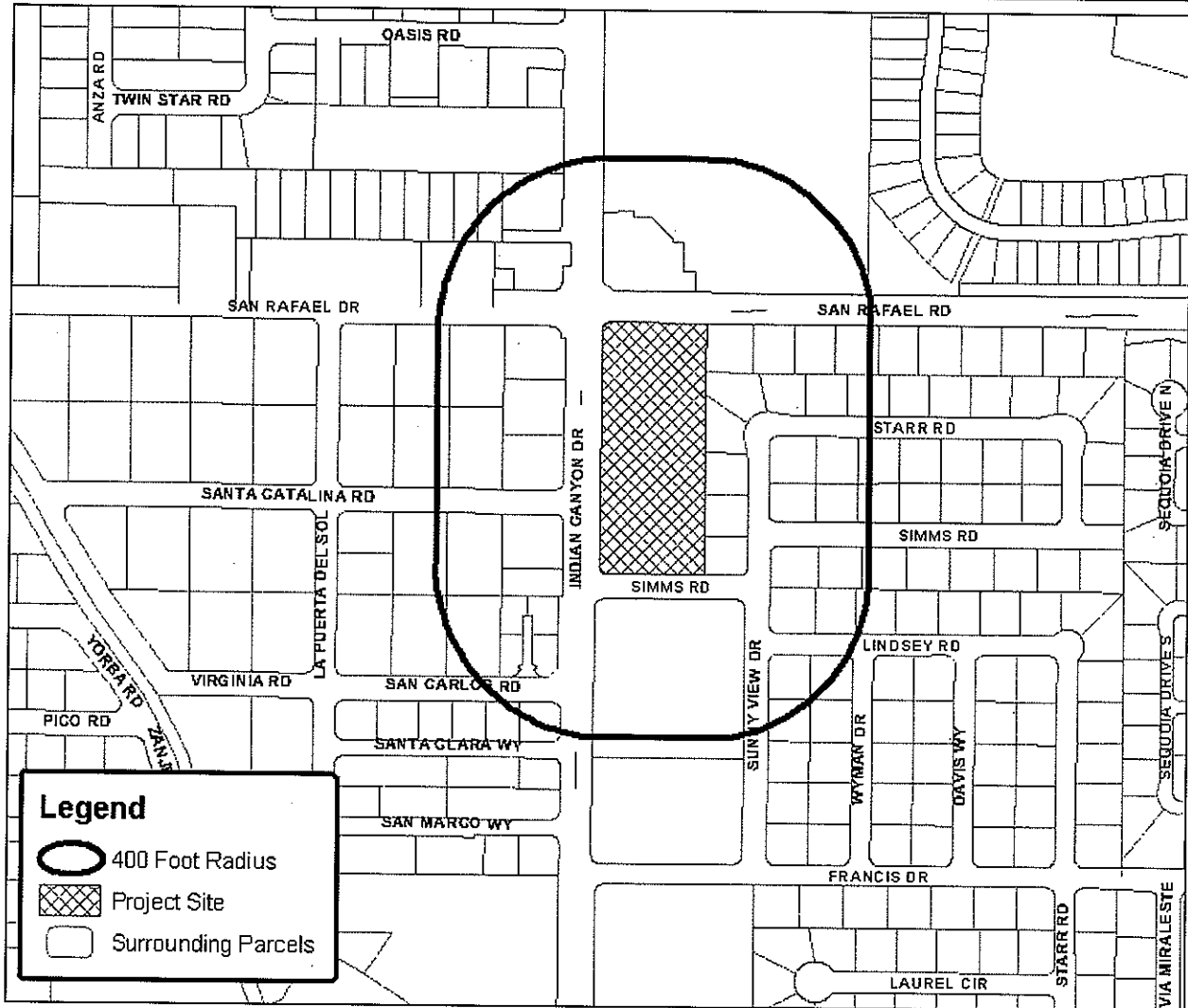
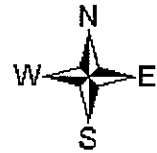
David H. Ready
City Manager

Attachments:

1. Vicinity Map
2. Draft City Council Resolution with conditions
3. Appeal Letter dated April 26, 2010
4. Planning Commission Staff Report with attachments
5. Planning Commission meeting minute excerpts dated April 14, 2010
6. Public Comment Letters



Department of Planning Services Vicinity Map



Legend

- 400 Foot Radius
- Project Site
- Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: TTM 36185
(reference Case 3.3333 MAJ /
7.1230 AMM)

APPLICANT: ComDyn PS, LLC

DESCRIPTION: A Tentative Tract Map application for condominium purposes by Com-Dyn PS, LLC for a 51-unit moderate income residential development on approximately 3.6 acres at 3130 North Indian Canyon Drive; Zone R2, Section 2 (IL)/T4/R3.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 36185 FOR CONDOMINIUM PURPOSES AND UPHOLDING THE APPEAL, REVERSING THE PLANNING COMMISSION AND APPROVING CASE 3.3333 MAJ / 7.1231 AMM; A MAJOR ARCHITECTURAL APPLICATION AND MINOR MODIFICATION APPLICATION TO CONSTRUCT A 51-UNIT MODERATE-INCOME RESIDENTIAL TOWN-HOME DEVELOPMENT AT THE SOUTHEAST CORNER OF NORTH INDIAN CANYON DRIVE AND SAN RAFAEL ROAD

WHEREAS, Com Dyn, PS LLC. ("Applicant"), has filed a Major Architectural Application (MAJ), an Administrative Minor Modification (AMM) and a Tentative Tract Map application (TTM) with the City pursuant to Section 9.62 of the Municipal Code (Maps), Section 94.04.00 of the Zoning Code (Architectural Review) and Section 94.06.01 (Minor Modification), for construction of a 51-unit moderate income condominium complex with off-street parking, and landscaping; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was conducted, the proposed project was evaluated and determined to be Categorically Exempt under CEQA Section 15332 "Infill Development", and

WHEREAS, on July 22, 2009 a noticed public hearing was scheduled by the Planning Commission in accordance with applicable law; and

WHEREAS, said public hearing was continued to a date certain of September 9, 2009, and

WHEREAS, on September 9, 2009, a noticed public hearing was scheduled by the Planning Commission in accordance with applicable law, and

WHEREAS, at said public hearing the subject project was continued to an indefinite date, and

WHEREAS, on October 14, 2009, a noticed public hearing was scheduled by the Planning Commission in accordance with applicable law, and

WHEREAS, at said public hearing, the Planning Commission 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, all written and oral testimony presented and voted 6-1 to continue the project to a date uncertain and directed the applicant to revise the project and reschedule a review with the Architectural Advisory Committee, and

WHEREAS, on January 27, 2010, the Planning Commission at its regularly scheduled meeting heard a Request for Reconsideration by the Applicant, and voted 6-1 to direct staff to notice a public hearing for review of the project on an undetermined date, and

WHEREAS, on April 14, 2010 a noticed public hearing of the Planning Commission was scheduled in accordance with applicable law, and

WHEREAS at said public hearing, the Planning Commission carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented and a motion to approve the project failed on a vote of 2-4-1; thus the Planning Commission action was to deny Case 3.3333 MAJ / 7.1230 AMM and recommend denial of TTM 36185 by the City Council, and

WHEREAS, on April 26, 2010, an appeal of the decision of the Planning Commission action of April 14, 2010 was received by the City Clerk's Office, and

WHEREAS a public hearing of the City Council to consider Tentative Tract Map 36185, a map for condominium purposes related to the subject project and to review the appeal request on Case 3.3333 MAJ / 7.1231 AMM, was scheduled in accordance with applicable law, and

WHEREAS, on May 19, 2010, at said public hearing the City Council carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA Guidelines), the City Council has determined that the proposed project is Categorically Exempt under Section 15332 "Infill Development".

Section 2: Pursuant to Municipal Code Section 2.05 (*appeal to the City Council*) the City Council finds that the proposed project would produce moderate-income residential units for purchase by income-qualified buyers in support of meeting the City's production of affordable housing under the Regional Housing Needs Assessment (RHNA) goals.

Section 3: Pursuant to State of California Governmental Code Section 65589.5 (The Housing Accountability Act), the Planning Commission did not make specific written findings in support of their denial of the project on the basis of density.

Section 4: Pursuant to Section 94.04.00 (Architectural Review) of the Zoning Code, the City Council finds as follows:

There are no specific findings for Major Architectural Applications; however PSZC Section 94.04.00(D) provides guidance for the Planning Commission and the Architectural Advisory Committee in considering applications. *"The planning commission... shall examine the material submitted with the architectural approval application and specific aspects of design shall be examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:"*

- 1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;*

The project proposes 51 residential units in nine buildings located on the western half of the site arranged around three recreational use courtyards. The site is relatively flat. Parking is located in a single lot on the eastern half of the site. A drive aisle with access from Simms Road and San Rafael Road is aligned between the buildings and the parking lot. Pedestrian sidewalks are provided around the perimeter and throughout the site and effectively separate vehicular and pedestrian areas. Small outdoor patios enclosed in six foot high masonry walls are provided at the back of each unit and some units have small outdoor patios enclosed by low two foot high masonry walls at the front of the units. Patios facing Indian Canyon Drive have 7 foot high masonry walls and solid gates to mitigate road noise to levels acceptable by the General Plan Noise Element. The three recreational courtyards will provide common outdoor space for children to play and for the residents of the development to mix in an informal atmosphere. The courtyards will provide an alternative outdoor area for enjoyment by the residents when environmental conditions render some of the patios unusable.

- 2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The architecture of the project is proposed in a simple contemporary style with bold geometrical forms and a subtle use of neutral and accent colors. Materials include painted stucco, scored masonry units and painted steel

(carports). The surrounding development includes a mix of architectural styles including 6 architecturally significant modern homes, conventional tract style single story ranch homes, two story contemporary apartments and condominiums, and custom-designed estate residential homes in more traditional styles. The proposed development is complementary to the existing surrounding development in the vicinity.

3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;

The proposed maximum height of the buildings is 23 feet and two stories. The maximum permissible height for the zone is 24 feet and thus the project conforms. The project proposes lot coverage of 24%. Thirty percent is the maximum allowable lot coverage for the zone, and thus conforms. The project conforms to setbacks along Simms Road, but is seeking 20% relief for setbacks along Indian Canyon, San Rafael, and for the carports along the interior side yard property line. With the approval of the AMM, the project will conform to these setbacks.

Buildings greater than 15 feet in height in an R-2 zone that abuts an R-1 zone must set back an average of 150 feet. The project proposes an average of 155 feet setback for two story buildings from the adjacent R-1 zone and thus conforms to Zoning Code. The project's massing is broken down into nine buildings along the west half of the site. The buildings are arranged to create three recreational courtyards. The east half of the site is comprised of a parking lot, trash enclosures and a drive aisle. Parapets are proposed on the roofs of the buildings to screen future photovoltaic panels and roof-mounted air conditioning condensing units. The parapets are within the overall maximum height limit imposed by the Zoning Code.

4. Building design, materials and colors to be sympathetic with desert surroundings; AND

5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures, which are visible simultaneously; AND

6. Consistency of composition and treatment;

The buildings are designed in a contemporary style with deep inset windows and thin metal shade structures to control heat gain from the sun. The colors are muted neutral tones with subtle accent colors at windows and doors. The nine buildings are handled in a similar architectural style and color palette, but are varied in the application of base color and accent colors to avoid monotony or repetition.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

The landscape design incorporates drought tolerant, low maintenance trees, groundcovers and accent plants in geometric patterns. A minimal use of turf is proposed in the recreational areas. The project will be conditioned to conform to the State's and City's Water Efficient Landscape Ordinances.

Section 5: Pursuant to Section 94.06.01 (Minor Modification) of the Zoning Code, the City Council finds as follows:

Before approval of a minor modification, the following findings shall be made based on evidence presented, that the modification as approved will not have any detrimental effect on neighboring properties. The City Council has evaluated the AMM requests and makes the following findings:

a. The requested minor modification is consistent with the general plan, applicable specific plan(s) and overall objectives of the zoning ordinance;

The General Plan provides goals and policies for the harmonious development of the City. Policy LU-1.5 states, "Allow for flexible development standards provided that the potential benefits and merit of projects can be balanced with potential impacts". Under "New Housing Opportunities" on General Plan page 2-27, it states, "3. Inclusion of open space in excess of the minimum requirements... Design of the open space shall give it distinctive character created through special landscape elements such as ... courtyards and entry elements." The project proposes open space in excess of the minimum amount required. It also proposes slightly reduced perimeter yard setbacks in order to create courtyards for common recreation, outdoor play and for the mixing and relaxation of residents within the development. Back patios facing the perimeter streets are provided with individual entry elements. The size and type of minor modifications requested conform to those permitted in PSZC Section 94.06.01(A5 & A7).

b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification;

Two of the setbacks proposed are along street frontages. Indian Canyon is a major thoroughfare and the lots on the opposite of the street will not

be impacted by the proposed reduced setback on Indian Canyon Drive. The parcels to the north of the parcel on San Rafael are anticipated for future construction of a commercial/retail use and therefore the proposed setbacks on this site will not adversely impact those future uses. The requested setback of the carports will have no adverse impact on the single family residences to the east because the carports are relatively low, below the sitelines to the mountains further to the west and with the proposed landscaping, the carports will be effectively screened from view. Furthermore, the applicant has elected to add vertical panels to the easternmost carports to prevent any light spillage at night onto the adjacent residential parcels. The proposed increased wall height for the patios along Indian Canyon will also not impact any adjoining properties.

c. The approval or conditional approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity;

The requested reductions in setback are all within the allowable reduction permitted with an AMM and do not adversely impact the usability, view sheds or cause any other adverse impacts to the adjoining residents and workers in the vicinity. As noted above, any potential light spillage from the reduced east side carport setbacks will be avoided with the addition of the vertical light shield on those carports. No detrimental impact will occur.

d. The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.

The proposed setback dimensions are consistent with the existing development pattern in the vicinity in which single family homes along San Rafael are set back 25 feet from the front property line. The setbacks along Indian Canyon will be consistent with setbacks of the adjacent existing apartment building. The width of the site, and the required 150 foot setback for structures over 15 feet in height necessitate slight adjustments in the setbacks in order to create the proposed outdoor recreational courtyards and separation of vehicular and pedestrian movement, while still providing adequate yards for landscaping. Total open space for the proposed project is in excess of the minimum required for the zone.

Based on the above analysis, the City Council concludes that the AMM requests are reasonable and in conformance with the required findings for approval of the AMM.

Section 6: Pursuant to Section 66474 of the Subdivision Map Act of the State of California, the City Council makes the following findings relating to Tentative Tract Map 36185:

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

The proposed project is consistent with the General Plan designation of Mixed-use/Multi-use, which provides a maximum density maximum of 15 dwelling units per acre. There are no Specific Plans related to this site. The project proposes a density of 14 du/acre which is consistent with the General Plan.

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

The subject property is zoned R-2 (Multiple Family Residential), which allows one dwelling unit per 3,000 square feet of lot area. The proposed design conditions are consistent with the zone. With the approval of the Administrative Minor Modifications (AMM) the project will be consistent with the development standards of the zone, as revised by the AMM.

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

The 3.6 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides adequate outdoor landscaped recreational space and off-street parking. The applicant's design creates three sizeable outdoor courtyards and provides more usable outdoor space as required for the zone. In order to create these spaces, the applicant is proposing slightly smaller setbacks, including 20% reduction in front, side and side-front yard setbacks and a one-foot increase in perimeter wall height along the North Indian Canyon Side of the project to mitigate road noise in outdoor patios facing this major thoroughfare. The site is able to accommodate the necessary access for the off-street parking from the side streets which is consistent with policies of the City's General Plan. The site is physically adequate for provision of the total off-street parking requirements. Therefore the site is physically suited for this type of development even though the proposed site design requires minor modification from certain development standards to conform.

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

The proposed tract map would create a map for condominium purposes on a site that conforms to the density requirements (15du/acre) for this land use designation in the Palm Springs General Plan and conforms to the density of the Zoning Ordinance for the R-2 zone. The site is therefore physically suited for the proposed density.

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

The project proposes a residential complex of buildings, parking, landscape, and play areas. It is not within or near a conservation area as designated by the City. Therefore the project conforms to this finding.

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

The subdivision in which this project is located has all the required public utilities and the existing street provides an orderly system of ordinary and emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements.

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

The public easements at the subject property for roadway right of ways are not in conflict with the development proposed with this tract map. All utilities are located within and around the existing development. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements for these segments of roadway.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approves Tentative Tract Map 36185 subject to conditions set forth in Exhibit A and approves Case 3.3333 MAJ / 7.1231 AMM, subject to the conditions set forth in Exhibit A

ADOPTED this nineteenth day of May, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

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

RESOLUTION NO. _____

EXHIBIT A

Case 3.3333 MAJ / 7.1230 AMM (formerly 5.1231), TTM 36185
3130 North Indian Canyon Drive
Fifty-one moderate-income for-sale condominium town-homes

May 19, 2010

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM1 Project Description. This approval is for the project described as Case (3.3333 MAJ / 7.1230 AMM, TTM 36185); and delineated in the drawings date stamped April 1, 2010, except as modified by the conditions below;
- ADM2 Reference documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved conditions below.
- ADM3 Conform to all codes and regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM4 Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM5 Tentative Map. This approval is for Tentative Tract Map 36185 located at 3130 North Indian Canyon Drive. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

- ADM6 Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3333 MAJ / 7.1230 AMM, TTM 36185. 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.
- ADM7 Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM8 Time Limit on Approval. Approval of the Tentative Tract Map (TTM) and major architectural application approvals shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.
- ADM9 Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM10 Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide

public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM11 Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM12 Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM13 CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be

amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.

ADM 14. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- e. Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

ADM 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

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

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV1 Tribal Habitat Conservation Plan (THCP) Development Permit Fee. All projects within the City of Palm Springs on lands within the Tribal Reservation of the Agua Caliente Band of Cahuilla Indians are subject to payment of THCP fees prior to the issuance of certificate of occupancy.

ENV2 Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall

not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

- ENV3 California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV4 Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV5 Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the State Water Efficient Landscape Ordinance and the City of Palm Springs Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit along with any applicable review fees. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
1. Provide a pedestrian walkway between the back-to-back patios to afford access to the back patios and kitchens of the units from the parking lot.
- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned
- PLN 6. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.

- PLN 8. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 12. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and owners. Location and design shall be approved by the Director of Planning.
- PLN 13. Documents Required. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 14. Future swimming pool sites. Assure in the site/civil/underground utility development that underground utilities are not located in the areas indicated for the future swimming pools.
- PLN 15. Patio enclosure walls. Utilize stack bond concrete block or 8 inch scored face concrete block to avoid a running bond appearance to the patio walls.
- PLN 16. Roof Mechanical Access. Provide permanent securable means of access to service and maintain the roof top mechanical units (example; lockable roof access ladders) as approved by the Director of Planning.

POLICE DEPARTMENT CONDITIONS

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

ACCESSIBILITY CONDITIONS

- ADA 1. Project shall conform to all codes and regulations relating to accessibility in all aspects of the development.

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. 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. All public street improvements required in accordance with this application shall be completed by the applicant in the first phase of the development.
- ENG 3. The applicant shall be required to construct on-site asphalt concrete paving 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. Install on-site asphalt concrete paving 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 on-site asphalt concrete paving prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to project acceptance, 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.

INDIAN CANYON DRIVE

- ENG 4. Dedicate additional right-of-way for a property line - corner cut-back at the northwest and southwest corners of the site, in accordance with City of Palm Springs Standard Drawing No. 105.

- ENG 5. Construct an 8 inch curb and gutter, 38 feet east of centerline along the entire frontage, with a 35 feet radius curb return (and spandrel) at the northeast corner of the intersection of Indian Canyon Drive and Simms Road, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 6. Remove the existing street improvements as necessary to construct the north half of an 8 feet wide cross gutter and spandrel at the northeast corner of the intersection of Indian Canyon Drive and Simms Road with a flow line parallel with and located 38 feet east of the centerline of Indian Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 7. Construct a meandering 8 feet wide sidewalk along the entire frontage. A sidewalk easement shall be dedicated for those portions of the meandering sidewalk that extend onto private property.
- ENG 8. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Indian Canyon Drive and Simms Road, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 9. If not already constructed by others, construct a 14-foot wide raised landscaped median island across the entire frontage. Provide a 100 feet long northbound left turn pocket at San Rafael Drive with a 90 feet long bay taper. Provide a 50 feet long southbound left turn pocket at Simms Road with a 60 feet long bay taper. The left turn pockets and bay taper lengths may be revised by the City Engineer, and shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual.
- ENG 10. Submit landscaping and irrigation system improvement plans for the median for review and approval by the City Engineer and Director of Parks and Recreation, in conjunction with the associated street improvement plans. The irrigation system shall be separately metered from the parkway landscaping to be maintained by the applicant, for future use by the City upon acceptance of the median landscaping by the City. The plans shall be approved in conjunction with the street improvement plans for the median and prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
- ENG 11. All median landscaping shall be guaranteed for a period of 90 days from the date of acceptance by the City Engineer. Any landscaping that fails during the 90-day landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent 90-day landscape maintenance period.
- ENG 12. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a

minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. 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.

- ENG 13. Construct a minimum 1" asphalt concrete overlay from the future easterly median curb over existing asphalt concrete pavement along the Indian Canyon Drive frontage, or as required by the City Engineer. Final overlay requirements shall be determined by the City Engineer upon review of street improvement plans and proposed cross-sections.

SAN RAFAEL DRIVE

- ENG 14. Remove existing street improvements as necessary to construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 215 feet east of the centerline of Indian Canyon Drive. This driveway access shall not be gated.

- ENG 15. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

- ENG 16. All broken or off grade street improvements shall be repaired or replaced.

SIMMS ROAD

- ENG 17. Remove existing street improvements and construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 215 feet east of the centerline of Indian Canyon Drive. This driveway access shall not be gated.

- ENG 18. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an

appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

- ENG 19. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 20. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

- ENG 21. All on-site drive aisles shall be two-way with a minimum 24 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.
- ENG 22. All on-site private drive aisles shall be two-way with a minimum 32 feet wide travelway (as measured from face of curb) where on-street parallel parking is proposed on one-side of the street.
- ENG 23. The on-site parking lot shall be constructed with curbs and cross gutters as necessary to accept and convey surface drainage, in accordance with applicable City standards.
- ENG 24. Parking shall be restricted as necessary to maintain a 24 feet wide clear two-way travelway. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisles as necessary to enforce parking restrictions. The Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.
- ENG 25. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
- ENG 26. 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.

SANITARY SEWER

- ENG 27. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 28. The on-site private sewer system shall connect to the existing public sewer main with standard sewer lateral connections in accordance with City of Palm Springs Standard Drawing No. 405.
- ENG 29. On-site private sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.
- ENG 30. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

GRADING

- ENG 31. 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 <http://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 approved Tentative Tract Map or Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the Final Project-Specific Water Quality Management Plan.

- ENG 32. 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 or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 33. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 34. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 35A. Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 35. 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. If there is a gap in the project phasing of more than 30 days, the disturbed

areas on-site shall be permanently stabilized and the perimeter fencing removed.

- ENG 36. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 37. Notice of Intent to comply with 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 (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 38. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 39. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 40. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 41. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

- ENG 41A. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.
- ENG 42. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 43. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 44. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 45. Prior to issuance of certificate of occupancy, the applicant shall:
- a) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
 - b) Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions: and,

- c) Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners/occupants.

DRAINAGE

- ENG 46. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for Palm Springs – Indian Canyon, Tentative Tract No. 36185, prepared by MSA Consulting, Inc., (dated April 17, 2009), and to determine required stormwater runoff mitigation measures for the proposed development. Final retention system sizing and other stormwater runoff mitigation measures, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study.
- ENG 47. The proposed underground retention system shall be installed on-site. The underground stormwater retention system shall be sized to have a sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Provisions for maintenance of the underground stormwater retention system shall be included in Covenants, Conditions, and Restrictions (CC&R's) for the Home Owners Association (HOA), including reference to the fact that maintenance and/or replacement of the system may require removal of existing landscaping improvements at the sole expense of the HOA. The CC&R's shall reserve the right of the City to inspect and ensure that the underground retention system is operable, and in the event of its failure, shall provide the City the right to advise the HOA and require its repair or replacement to the satisfaction of the City Engineer.
- ENG 48. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Indian Canyon Drive, San Rafael Drive, or Simms Road. 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.

- ENG 49. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
- ENG 50. Construct storm drain improvements, including but not limited to catch basins and storm drain lines for on-site drainage into the underground retention system, as described in the Preliminary Hydrology Study for Palm Springs – Indian Canyon, Tentative Tract No. 36185, prepared by MSA Consulting, Inc., (dated April 17, 2009). The hydrology study for Tentative Tract No. 36185 shall be amended to include catch basin sizing, storm drain pipe sizing, and underground retention system sizing calculations and other specifications for construction of required on-site storm drainage improvements.
- ENG 51. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 52. 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.
- ENG 53. 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

- ENG 54. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies

for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 55. 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 or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
- ENG 56. All proposed utility lines shall be installed underground.
- ENG 57. 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 west and north property lines 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.

- ENG 58. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 59. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 60. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to acceptance of the project by the City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 61. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 62. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 63. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
- ENG 64. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map.

ENG 65. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 66. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the two driveway access points into the development in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
- ENG 67. Submit traffic striping plans for Indian Canyon Drive, 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.
- ENG 68. The applicant shall provide and install a 9500 lumen high pressure sodium vapor safety street light with glare shield on a marbelite pole on the northeast corner of Indian Canyon Drive and Simms Road with the mast arm over Indian Canyon Drive. The pole and luminaire shall be furnished by the developer. The developer shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light.
- ENG 69. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 70. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 71. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the

City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

- ENG 72. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 3/17/09. The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 4. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 5. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

Minimum Access Road Dimensions:

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a **minimum width of 24 feet** is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway. **The private driveway from Simms Road to San Rafael Road is designated at a fire lane.**
- FID 6. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.
- FID 7. **Reduced Roadway Width:** Areas with reduced roadway width at entry and exit gates, entry and exit approach roads, traffic calming areas that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint.
- FID 8. **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.
- FID 9. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 10. **Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- FID 11. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 12. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire

access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

- FID 13. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 14. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 15. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 16. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 17. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID 18. **Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 19. **NFPA 13R Sprinkler System Required (903.3.1.2).** Group R Occupancies, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R.
- FID 20. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.

- FID 21. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 22. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 23. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.

END OF CONDITIONS

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



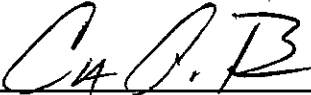
CITY CLERKS DEPARTMENT
James Thompson, City Clerk

City Council
Meeting Date: May 19, 2010
Subject ComDyn PS, LLC, TTM 36185, Case 3.3333 Appeal

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on May 6, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (67 notices mailed).

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




Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on May 6, 2010.

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

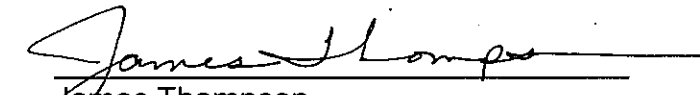


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, James Thompson, City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on May 8, 2010.

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



James Thompson
City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES (TTM 36185), AND CONSIDERATION OF AN APPEAL OF A DENIAL BY THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FOR CASE 3.3333 MAJ / 7.1230 AMM; A MAJOR ARCHITECTURAL AND ADMINISTRATIVE MINOR MODIFICATION APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF 51 MODERATE-INCOME TOWNHOME CONDOMINIUMS AT 3130 NORTH INDIAN CANYON DRIVE; AT THE SOUTHEAST CORNER OF INDIAN CANYON DRIVE AND SAN RAFAEL ROAD; ZONE R-2.

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 19, 2010. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, CA

The purpose of the hearing is to consider a Tentative Tract Map (TTM 36185) for condominium purposes and an appeal by ComDyn PS, LLC, of the Planning Commission's action of April 14, 2010, to deny the major architectural application. The City Council will consider both the appeal and the Tentative Tract Map application related to the project.

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be categorically exempt from further environmental review pursuant to CEQA Section 15332 (Infill development).

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

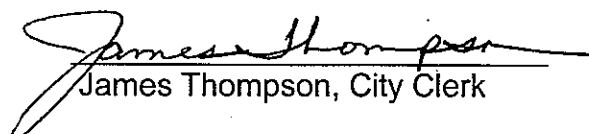
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

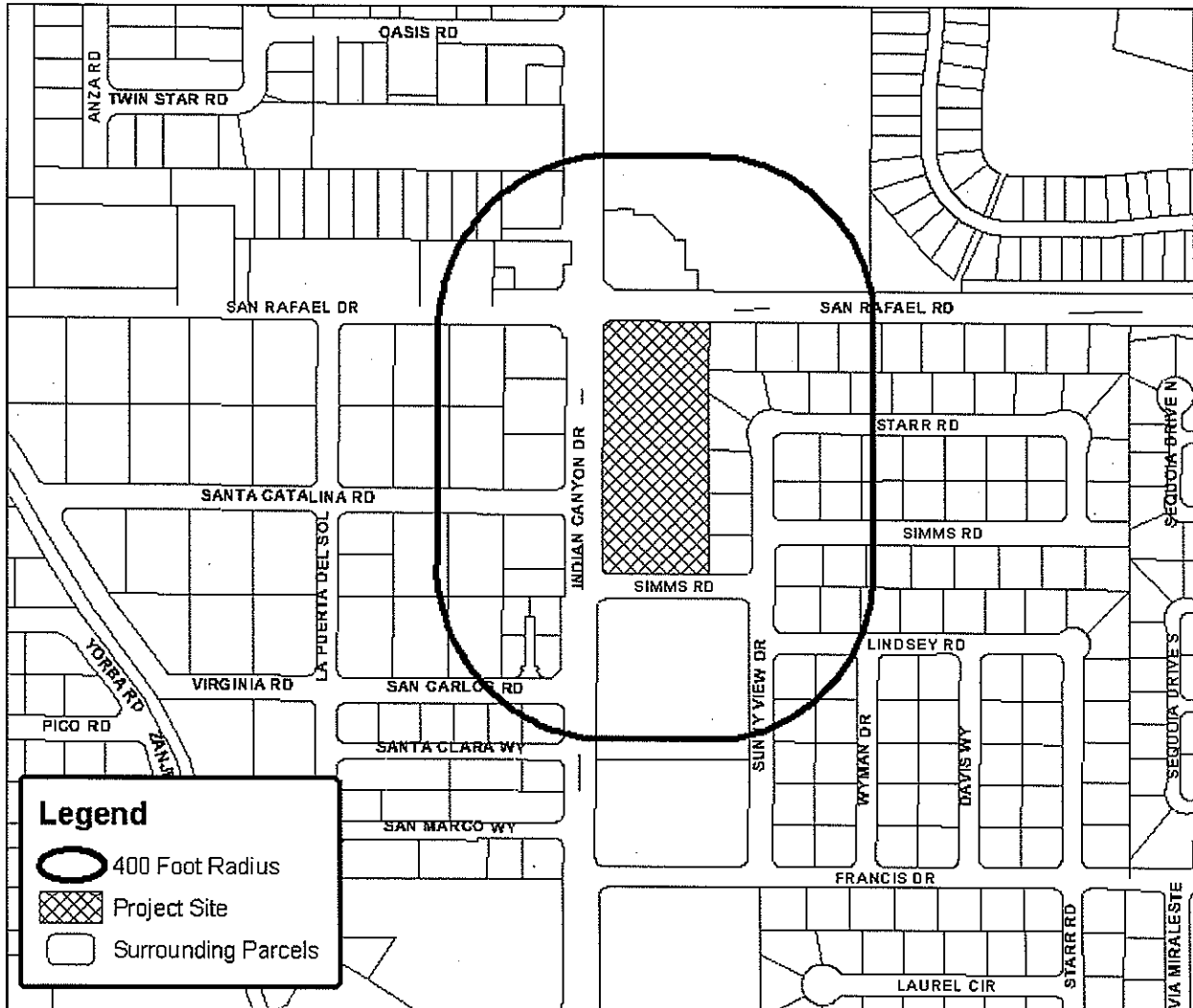
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, Planning Services Department at (760) 323-8245.

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


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

- 400 Foot Radius
- Project Site
- Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 3.3333 MAJ /
7.1230 AMM /
TTM 36185

APPLICANT: ComDyn PS, LLC

DESCRIPTION: To consider a Tentative Tract Map (TTM 36185) for condominium purposes and an appeal by ComDyn PS, LLC, of the Planning Commission's action of April 14, 2010 to deny the major architectural application. The City Council will consider both the appeal and the Tentative Tract Map application related to the project.

LETTER OF TRANSMITTAL

ATTENTION: Cindy Berardi
Deputy City Clerk
Office of the City Clerk
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262
Phone: (760) 323-8204
Fax: (760) 322-8332

2800 TWENTY-EIGHTH STREET
SUITE 206
SANTA MONICA
CALIFORNIA 90405

310:399-9555 Office
310:399-9777 Fax

www.com-dyn.com

FROM: Stephen Roberts
ComDyn PS, LLC
2800 28th Street, Suite 206
Santa Monica, CA 90405
(310) 399-9555 x204 phone
(310) 399-9777 fax

DATE: Friday, April 23, 2010

REFERENCE: Fee for Appeal to City Council

REMARKS:

Cindy:

Enclosed is a check in the amount of \$546 payable to the City of Palm Springs for our appeal to the Palm Springs City Council. Also enclosed is e-mail correspondence with Ken Lyon, our case planner, verifying the appeal fee.

Our written request for appeal will be delivered to the Office of the City Clerk via fax and e-mail on Monday, 4.26.10.

Please contact me if you have any questions. Thank you.

RECEIVED
CITY OF PALM SPRINGS
2010 APR 26 AM 10:45
JAMES J. HOFFMAN
CITY CLERK

45th day from 4.26.10 = June 10, 2010

City of Palm Springs

COMDYN PS LLC
SANTA MONICA, CA 90405

1114

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE	
4-19-10	041910	City Council appeal	546.00		546.00	
CHECK DATE	4-19-10	CHECK NUMBER	1114	TOTALS	546.00	546.00

RECEIVED
 CITY OF PALM SPRINGS
 2010 APR 26 AM 10:50
 JAMES THORNTON
 CITY CLERK

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS.

CITY OF PALM SPRINGS

RECVD BY: CR 01000034394
 PAYOR: COMDYN PS LLC
 TODAY'S DATE: 04/26/10
 REGISTER DATE: 04/26/10 TIME: 12:36

DESCRIPTION	AMOUNT
OTHER CHARGES SVCS	\$546.00
CUST ID: APPEAL FEE	
TOTAL DUE:	\$546.00

CHECK PAID: \$546.00
 CHECK NO: 1114
 TENDERED: \$546.00
 CHANGE: \$0.00



APPEAL OF CASES 3.3333 MAJ, 7.1320 AMM

April 26, 2010

RECEIVED
CITY OF PALM SPRINGS
2010 APR 26 PM 4:38
JAMES THOMPSON
CITY CLERK

2800 TWENTY-EIGHTH STREET
SUITE 206
SANTA MONICA
CALIFORNIA 90405

Via Electronic and First Class Mail

Palm Springs City Council
c/o Palm Springs City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

310/399-9555 Office
310/399-9777 Fax

Re: Appeal of Case No. 3.3333 MAJ
Appeal of Case No. 7.1320 AMM
TTM 36185
Location: 3130 North Indian Canyon Drive

www.com-dyn.com

Dear Mayor Pougnet and Members of the City Council,

ComDyn PS, LLC, the applicant in the cases and tentative tract map application referenced above, hereby appeals the Planning Commission's disapproval of Case Nos. 3.3333 MAJ and 7.1320 AMM, and requests for the Council's approval of TTM 36185. Our project is a 51-unit moderate income for-sale townhome development, featuring off-street parking and landscaping, on a 3.6 acre parcel owned by the City's Redevelopment Agency which is designated for affordable housing use. We have been in the design and development process on this project for over two years, and have made numerous design changes and modifications through extensive and exhaustive community outreach.

We are appealing because, as stated in the Planning Commission Staff Report, the project is consistent with the policies of the General Plan and finding can be made for granting the Major Architectural Application and Administrative Minor Modification. More specifically, the Planning Commission denied the project on the basis of its density. The project both conforms to the Palm Springs Zoning Code and is especially protected by the California Government Code.

The Project is Consistent with the General Plan

The Planning Commission Staff Report systematically explains how our project meets the policies of the General Plan, particularly those relating to maximum density and the importance of providing affordable housing. In terms of density, the project proposes 51 units on 3.6 acres, or roughly 14.1 dwelling units ("du") per acre, and thus conforms to the General Plan density limit of 15 du/acre. The Redevelopment Agency specifically purchased the parcel and entered into an EAN with our company for the express purpose of (1) developing affordable housing and (2) providing home ownership assistance for moderate income households, which are both General Plan policy goals. The project is also designed to reduce high noise levels along a major neighboring thoroughfare, North Indian Canyon Drive, so that it meets General Plan noise mitigation requirements. Overall, Palm Springs' planning staff concluded that the project is consistent with the General Plan.

The Project conforms to the finding for the Major Architectural Application and Administrative Minor Modification

The Draft Planning Commission Resolution attached to the Staff Report provides draft findings for approving the Major Architectural Application and Administrative Minor Modification. For the Major Architectural Application, the draft findings state that the architecture of the project is in a "contemporary style with bold geometrical forms and a subtle use of neutral and accent colors." It adds that the "proposed development is complementary to the existing surrounding development in the vicinity," and notes its conformance to height limits, FAR limit, setbacks (with the Minor Modification), and transitional height setbacks.

In our application for the Administrative Minor Modification, ComDyn PS, LLC is making four modest requests:

1. A reduction in front-yard setbacks from 30 feet to 24 feet along San Rafael Drive;
2. A reduction in side-yard setbacks from 30 to 24 feet along North Indian Canyon Drive;
3. A reduction in interior side-yard setbacks from 10 to 8 feet for the carport structures along the east side of the site; and
4. An increase in height of masonry walls around the patios facing Indian Canyon Drive from 6 to 7 feet to mitigate road noise impacts on the patios.

As elsewhere noted in the draft findings and Staff Report, the project complies with all other Code requirements as to height, FAR, setbacks, and transitional height. The setback reductions requested are consistent with existing development patterns in the vicinity, where nearby single-family homes are set back 25 feet. The slight setback reductions also ensure compliance with the 150-foot transitional setback, and it helps preserve required open space which, as the draft findings state, meets the zoning requirements.

As the Staff Report and draft findings make abundantly clear, our project is consistent with the General Plan, and conforms to the finding for the Major Architectural Application and Administrative Minor Modification.

The Planning Commission Denied the Major Architectural Application and Administrative Minor Modification Because of Density

A reading of the transcript from the Planning Commission's April 14, 2010 meeting where our applications were denied shows that the applications were denied because of density. Commissioner Conrad stated that it does a "disservice to the potential future homeowners because it is too dense...if density were lower, you could incorporate better open space for those prospective homeowners" (emphasis added). This is despite our project meeting both maximum density and open space requirements.

Commissioner Donenfeld stated that "you simply cannot make this work given the density levels that the Redevelopment Agency granted to you as the developer and that's my problem... You just have some bad rules to start out with and it's just too dense...I just don't think that this project, given the number of units, is a feasible project for our City" (emphasis added).

These statements demonstrate that the Planning Commission was primarily concerned about the number of dwelling units in the project. However, our project's density complies with our property's underlying zoning. In addition, state law specifically protects affordable housing project applications from denial or reductions in density.

Project Complies with Underlying Zoning

As noted in the Staff Report in multiple locations, our property is zoned R-2. R-2 zones allow one dwelling unit for each 3,000 square feet of lot area. Our lot is 158,058 square feet. This yields a maximum density of 53 units. Our project proposes 51 units. Thus, despite the density concerns of the Planning Commission, our proposed project complies with Palm Springs' Zoning Code density requirements.

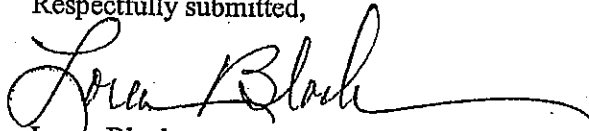
California State Law Protects Affordable Housing Projects

California state law specifically protects affordable housing projects. Government Code Section 65589.5 prevents local agencies from disapproving an affordable housing project without a thorough analysis showing compliance with this Code Section. Specifically, Section 65589.5(d) outlines special findings a local government must make when disapproving an affordable housing project and Section 65589.5(j) sets forth specific findings that must be made with substantial evidence if a project is disapproved based on its density. These findings were not made and, since the project is consistent with the City's general plan and zoning ordinance, such specific findings could not be made.

Conclusion

Our design team has worked diligently to balance this development's economic requirements for density, with a desire to deliver a community that respectfully engaged its surrounding environs and offered moderate income families a safe, functional and pleasant place in which to raise their kids. After a two-year process of developing this project with extensive community input, ComDyn PS, LLC has done everything possible to comply with the general plan and zoning standards, create a modern, attractive design, and serve the community's original goal of increasing the stock of affordable housing. After this drawn-out process where we have worked in good faith with the City and Redevelopment Agency staff, the AAC, Planning Commission, and our neighbors for two years, it is neither equitable nor legal for the Planning Commission to deny our project because of its density. We request that the City Council reverse the Planning Commission's disapproval of Cases 3.3333 MAJ and 7.1320 AMM, and approve Tentative Tract 36185.

Respectfully submitted,



Loren Bloch
ComDyn PS, LLC
2800 28th Street, Suite 206
Santa Monica, CA 90405

cc: Craig Ewing
Ken Lyon
David Ready
Tom Wilson

April 7, 2010

RECEIVED
CITY OF PALM SPRINGS
2010 APR -7 PM 12: 54

VIA EMAIL

Palm Springs Planning Commission
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262

JAMES THOMPSON
CITY CLERK

Re: Case 3.3333 MAJ

Dear Planning Commission:

This letter is in support of Case 3.3333 MAJ. I am the current home owner and resident at 427 East Simms Road, which is within close proximity to the proposed development at Indian Canyon and San Rafael.

After reviewing the revised plans, the developers attentively addressed a multitude of issues, from the number of allowable units to views and visibility, that has been brought up by the homeowners of the Wexler steel homes and other concerned homeowners in the neighborhood. As one of those homeowners, I am delighted to see a project that has the potential to reenergize our neighborhood with new development, bring increased safety with a much needed street median and lighting, beautify the neighborhood with desert landscaping, and possibly increase our property values.

I know I am not alone with my thoughts, as all of my close surrounding neighbors are also in favor of this project and like myself, are hoping that we will have the opportunity to welcome this new development to our neighborhood. It would be a shame for this project to not go forward due to a few naysayers who do not have the vision to see that this development would be an immense asset to our neighborhood, to the prospective homeowners in the development, and to the City of Palm Springs.

Sincerely,

Robert D. Perry

cc: Ken Lyon

Cindy Berardi

From: MCLEConsul@aol.com
Sent: Tuesday, April 06, 2010 4:44 PM
To: jimisermann@earthlink.net; Jay Thompson; CityClerk
Cc: GHeyman@ReedSmith.com; Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; Lee Weigel; jpigott@kernowpartners.com; carnase@carnase.com; cvictor@dc.rr.com; bmcguire98443@roadrunner.com; mawebster1984@sbcglobal.net; dkeeve@mac.com; Jim_Moore@condenast.com; Ken Lyon; Craig Ewing; PalmSpringsJoy@aol.com; rick@rickvila.com; billy@musicourmgmt.com; amyg@dishcommunications.com
Subject: Re: Correspondence for Palm Springs Planning Commission Re Case No. 3.3333 an...

Everyone,

I am progressing so well with my new hip that I plan to attend the planning commission hearing on April 14 and will present my public comment (the one I e-mailed to The City Clerk on March 20, 2010, which was 2 days before my surgery). If this agenda item or meeting is cancelled for any reason whatsoever, I would appreciate being notified so that I do not make an unnecessary trip, as I have to arrange for transportation. Thanks very much.

Donna Chaban
(760) 560-3140 or 218-4230

In a message dated 4/6/2010 03:34:15 Pacific Daylight Time, jimisermann@earthlink.net writes:

Dear Mr. Thompson.

Please provide a copy of the attached letter below to the members of the Planning Commission and the City Council. . Please confirm your receipt and that you will distribute and make a part of the public record for this file and available for the upcoming hearing for this case.

Thank you for your assistance.

Best,
Jim Isermann

Cindy Berardi

From: mawebster [mawebster1984@sbcglobal.net]
Sent: Tuesday, April 06, 2010 5:26 PM
To: CityClerk; Jay Thompson
Cc: Gary Wexler; Tom Carnase; Christopher Dailey; Ginger Heyman; Jim Isermann; Doug Keeve; Ken Lyon; Ron and Barbara Marshall; Jim Moore; James Pigott; Claire Victor; lbloch@com-dyn.com; Craig Ewing; mawebster1984@sbcglobal.net; b Mcguire; Peter Moruzzi; Ginny Foat; rick villa
Subject: Re: Letter to Architectural Advisory Committee and Planning Commission

April 6, 2010

To: Palm Springs Planning Commission and Architectural Advisory Committee c/o Jay Thompson, City Clerk, City of Palm Springs 3200 Tahquitz Canyon Way, Palm Springs, CA 92263
Re: Case 3.3333 MAJ / 7.1230 AMM / TTM 36185 (April 14, 2010 rehearing).

Please distribute this letter to the Planning Commission and City Council and make it part of the public comment.

Dear Palm Springs Planning Commission & Architectural Advisory Committee:

We are property owners of an all-steel HistoricWexler home in North Palm Springs. After studying the flawed redesign from Community Dynamics, we oppose their application that will be brought before you on the Planning Commission. Very few of the problems in design, livability, environmental impacts and quality of life issues have been substantially addressed and improved.

Major concerns include:

1. The density has not been reduced. Building 51 units is unacceptable.
2. Parking for 116 vehicles and the impacts of the parking location will create light, noise, pollution and privacy infringement.
3. The two story buildings within 150' feet of the R1 property line will generate detrimental effects in the neighborhood and obliterate the viewsheds from the Wexler homes.
4. Lastly, an EIR study is essential. It would assess the environmental impacts of the project and the impacts to the historic resource Wexler Steel houses and to the adjoining neighborhoods. In accordance with the regulations of CEQA, as we interpret them, this project should not be exempt from such scrutiny. We again urge an EIR be initiated.

We would support a redesign that features only single-story structures, less density, more open space and less invasive parking areas.

We ask that the Planning Commission deny this application in its present form and design.

Cordially, Mary Ann Webster and Douglas Keeve, 3165 N. Sunny View Drive, Palm Springs mailing address: 9950 Farragut Drive, Culver City, CA 90232



Planning Commission Staff Report

Date: April 14, 2010

Case No.: 3.3333 MAJ, 7.1320 AMM and TTM 36185

Application Type: Major Architectural Application, Administrative Minor Modification, and Tentative Tract Map

Location: 3130 North Indian Canyon Drive

Applicant: Community Dynamics Inc.

Zone: R-2 Multi-Family Residential

General Plan: Mixed Use/Multi-Use

APN: 501-031-028

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

Project Planner: Ken Lyon , Associate Planner

PROJECT DESCRIPTION

An application by Community Dynamics, Inc. requesting approval of a Major Architectural Application, an Administrative Minor Modification and a Tentative Tract Map for condominium purposes to construct a 51-unit moderate income for-sale condominium town-home development. The project features off-street parking and landscaping on an approximately 3.6 acre parcel owned by the City's Redevelopment Agency at the southeast corner of San Rafael Drive and North Indian Canyon Drive. The project, which was previously submitted as Planned Development District (PDD) 5.1231, has been revised and is no longer required to be submitted as a PDD.

RECOMMENDATION

That the Planning Commission approves Case 3.3333 MAJ, 7.1230 AMM, subject to the attached Conditions of Approval and recommends approval of Tentative Tract Map 36185 by the City Council subject to Conditions of Approval.