



## Planning Commission Staff Report

Date: June 9, 2010

Case No.: 5.1237 GPA, PDD 357

Application Type: General Plan Amendment and Planned Development District in lieu of a Change of Zone.

Location: 1000 North Palm Canyon Drive

Applicant: Tappan Enterprises, LLC

Zone: R-3 & C-1 Section 10 T4/R4, Resort Combining Zone, Redevelopment Area 1

General Plan: NCC (Neighborhood Community Commercial)

APN: 505-265-004, -005, -006, -013, -014, -015, -016

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Ken Lyon, Associate Planner

---

### **PROJECT DESCRIPTION:**

The proposed project is a 108-bed assisted living facility, with off-street subterranean parking and landscaping on an approximately 1.43 acre parcel at 1000 North Palm Canyon Drive. The project is comprised of:

1. A General Plan Amendment (GPA), amending the 2007 General Plan, (which was adopted by Resolution 22077), requesting a change in the land use designation for the subject parcel from Neighborhood Community Commercial (NCC) to High Density Residential (HDR), and text revisions in the methodology for calculating density impacts for assisted living facilities.
2. A Planned Development District (PDD) application in lieu of a change of zone. The PDD proposes a set of specific uses and seeks relief from the underlying development standards of the C-1 and R-3 zones. The PDD is being used to

engage the high-rise ordinance (PSZC 94.03.00), however it is also seeking relief from certain development standards of the high-rise ordinance.

### **RECOMMENDATION:**

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration as an adequate environmental analysis under the California Environmental Quality Act (CEQA).
2. Recommend approval of the General Plan Amendment to the City Council.
3. Approve the preliminary PDD in lieu of a change of zone and recommend its approval by the City Council subject to the attached Conditions of Approval (COA's).

### **PRIOR ACTIONS:**

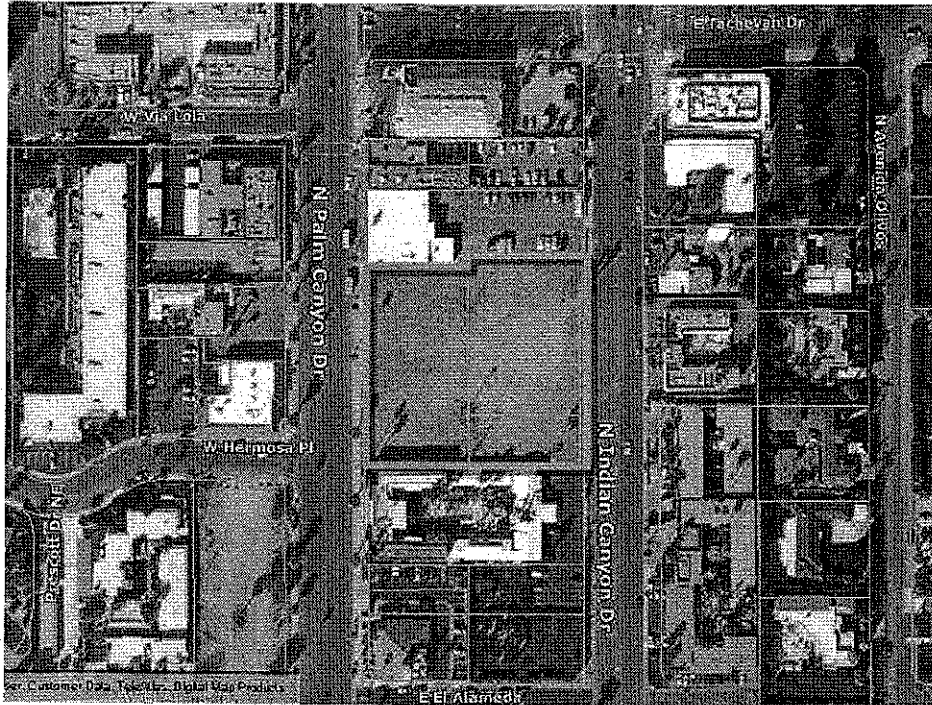
On March 22, 2010, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted 3-1-1-2 (Kleindienst opposed, Parker absent, O'Donnell and Sahlin recused) to recommend the Planning Commission approve the project. The following summarizes the Committee's comments:

1. Allow the added building height to enable generous floor to ceiling heights in the occupied spaces.
2. Enhance the streetscape along North Indian Canyon Drive to give the building pedestrian-oriented interest; reduce the "back-of-house" look of the Indian Canyon façade.
3. Building height and numerous non-conforming conditions are a concern especially as it relates to privacy issues into the adjacent hotel courtyard/pool area.
4. Code-required limitation in the openings between bars on the balcony railings may reduce the open appearance shown on the renderings; avoid these becoming "enclosed" looking balcony railings or high balcony 'walls'.
5. Planting of trees to address privacy between existing adjacent hotel and the proposed use may be difficult to achieve. Avoid palms on patios with "barbs"; Robustas grow too quickly and don't hold their dead fronds; Filliferas grow slowly, hold their fronds, may help with screening, but are expensive.

### **BACKGROUND AND SETTING:**

The project is located on an approximately 1.43 acre (roughly 62,411 net square feet) site comprised of seven vacant parcels located on the east side of North Palm Canyon

Drive, south of Tachevah Road, in the Uptown neighborhood. The site is essentially flat and was cleared of previous development approximately three years ago<sup>1</sup>. The project fronts Palm Canyon Drive which is a major thoroughfare and its secondary frontage faces Indian Canyon Drive which is also a major thoroughfare.



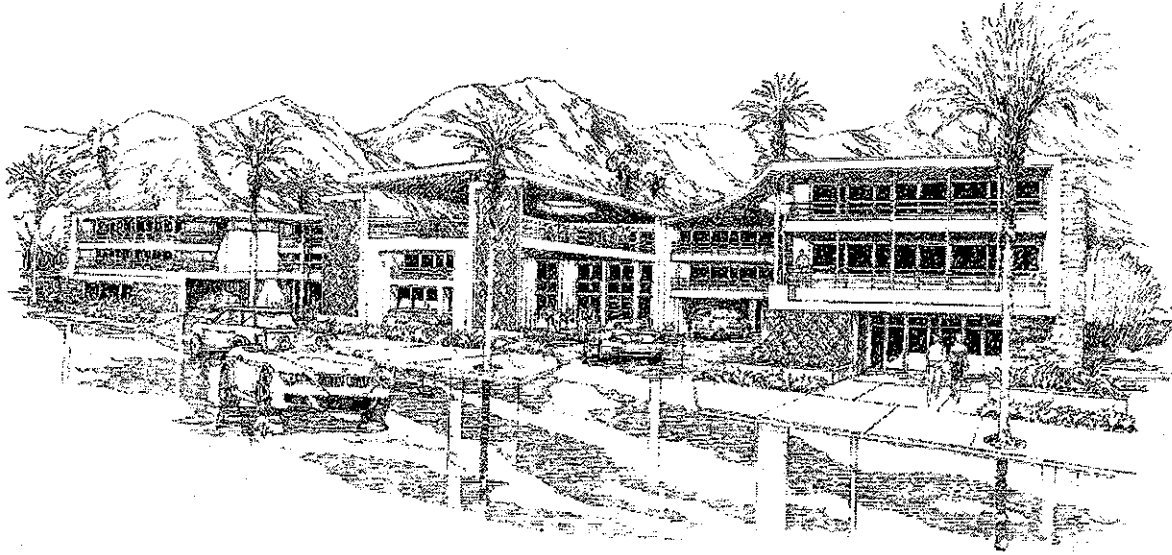
Aerial photo showing site and vicinity

The surrounding land uses, General Plan and Zone designations are summarized in Table 1 below.

**Table 1: Surrounding land uses, General Plan, Zoning**

	Land Use	General Plan	Zoning
North	Commercial	Neighborhood Community Commercial	C-1/R-3
East	Commercial/residential uses (hotel/apartments)	Office, Tourist Resort Commercial, High Density Residential.	R-3
South	Small hotel/resort	Neighborhood Community Commercial	C-1/R-3
West	Commercial	Neighborhood Community Commercial	C-1

<sup>1</sup> 1000 North Palm Canyon Drive was the site of the E. Stewart Williams-designed Potter Clinic, which was designated a Class 2 historic site by the Palm Springs City Council on September 5, 2007, and subsequently demolished later that year.



RENDERING OF THE PROPOSED WEST FAÇADE (PALM CANYON FRONTAGE)

## PROJECT DESCRIPTION:

The project is a proposal to construct an approximately 89,000 square foot, three-story development comprised of a 108-bed assisted living facility, roughly 1,200 square feet of commercial retail uses on the first floor, and a subterranean parking garage with 68 off-street parking spaces. Vehicular access to the site would be from both North Palm Canyon Drive and North Indian Canyon Drive.

### Architecture

The proposed building is contemporary in design. It is configured in a U-shaped arrangement with two east-west wings flanking a center courtyard. Along the west side of the site, the three-story building contains a lobby and common gathering areas that connect the two wings. On the upper floors is a library and guest rooms. The design incorporates balconies for the individual rooms. These balconies face an inner courtyard, as well as the street frontages. A large open terrace at the third floor above the lobby provides common outdoor gathering space with views toward the mountains. Decorative painted steel screens are proposed on both facades for visual interest and to provide shade control from the morning and afternoon sun.

### Site Design, Landscape and Open Space.

The site is configured with vehicular drop-off turn-arounds on both North Indian Canyon and North Palm Canyon Drives. The Palm Canyon side is the main "front" entry. The Indian Canyon side is the service/delivery back-of-house entry. Landscaped yards are proposed along the north and south property lines and a center courtyard with dining terraces and fountains is proposed in the center of the site.

Vehicular entry to the subterranean parking garage is provided off both street frontages, however the egress (or exit) ramp out of the garage is only provided on the Indian

Canyon side.

## **ANALYSIS FOR THE GENERAL PLAN AMENDMENT:**

### General Plan Amendment

The proposed project site has a General Plan designation of Neighborhood Community Commercial (NCC). Residential uses are not listed in the NCC land use category. It is intended for commercial uses that serve and support adjacent residential neighborhoods. Thus, the project is not consistent with the General Plan land use element and requires a General Plan amendment.

The applicant has submitted a General Plan Amendment (GPA) requesting a change in the land use designation from NCC to HDR (high density residential). The HDR land use designation encourages residential uses, including apartments, townhomes and duplexes at a density of 15.1 to 30 dwelling units per acre. The General Plan Amendment also includes text amendments describing alternative methodology for calculating density for assisted living facilities based on equivalent traffic impacts.

The GP description for residential uses states,

*"Each of the residential land use designations includes a range of allowable densities. The maximum density signifies the maximum number of dwelling units per gross acre that are allowed in each residential area. For example, the Very Low Density Residential designation allows a range of 2.1-4.0 dwelling units per gross acre.*

*The lower threshold figure for each of these categories represents a minimum amount of development anticipated, provided that all other required conditions can be met, and the higher figure represents a potential maximum that could be located in each area if the proposed development demonstrates qualities above the minimum development standards to achieve a higher density. The purpose of this concept is to ensure that the City continues to achieve the high-quality development for which it is known. Criteria used to determine the applicability of the higher densities can be found in the New Housing Opportunities section of this element".*

The GPA proposes to amend this by adding the following statement to the paragraph above:

*"Assisted Living Facility uses are permitted in residential land use areas. Maximum permitted number of beds for assisted living facilities (density) shall be based upon calculation of equivalent traffic impacts for assisted living facilities as compared to that of the maximum number of standard dwelling units per acre for each land use area, provided they do not*

*create significant design, parking, traffic or other impacts to the surrounding neighborhood. This comparison shall be in accordance with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generator Handbook."*

*Discussion of comparative traffic impacts for evaluating density.*

Traffic impacts are quantitatively evaluated and compiled based on national research in a volume known as the *Trip Generation Manual* of the Institute of Traffic Engineers (ITE). Based on this data, it is known that assisted living facilities generate significantly less traffic (or "trips") than a typical residential dwelling unit. Establishing the equivalent traffic (trips) generated by bed count in an assisted living facility as compared to the trips generated by the maximum permitted density of standard dwelling units per acre is the basis of the proposed General Plan Amendment. By determining equivalent traffic impacts, the number of beds in an assisted living facility (which is the method of defining density in assisted living facilities) can be greater than the number of dwelling units permitted under the present density calculation in the General Plan, without adversely affecting the traffic impacts for the parcel.

The HDR land use designation permits up to 30 "standard dwelling units" per acre. Based on HDR, a maximum of 43 standard dwelling units could be built on the subject 1.43 acre parcel (30du/ac x 1.43 acres). The ITE estimates 43 apartments would generate approximately 289 daily trips.

The proposed assisted living facility with 108 beds is estimated in the ITE to generate 287 daily trips - roughly the equivalent as 43 standard apartment dwelling units. Therefore, staff has concluded that the project at the proposed density would produce the equivalent amount of traffic impacts as the maximum permitted number of standard dwelling units, and thus comparatively, the proposed assisted living facility with a density of 108 beds is equivalent to 43 standard dwelling units - the maximum allowed for HDR by the General Plan.

By comparison, a "Specialty Retail Center" of 22,000 square feet (the maximum which could occur in the NCC commercial land use that currently applies to the property), would generate 975 daily trips, or more than twice the number of trips as the proposed project. Thus Staff has concluded that the proposed use and density is less intense than the type of development that might occur on this site under its existing land use designation.

## **FINDINGS FOR THE GENERAL PLAN AMENDMENT**

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the requested GPA based upon the following:

- Compatibility of the proposed use with adjacent land uses
- Development patterns of the neighborhood.
- Potential adverse impacts to existing or future development in the vicinity.

*Findings of Compatibility of the proposed land use designation with existing adjacent land uses.*

As identified in Table 1 of this report, the project site is surrounded by a variety of existing land uses that are generally harmonious with the proposed high-density residential land use designation and the proposed assisted living facility. The project would create a high-density specialized form of residential units in close proximity to retail, commercial, and medical office uses. This complementary set of uses would enhance one another, potentially invigorate the pedestrian quality of this neighborhood and reduce the dependency on passenger vehicles for residents in the vicinity.

*Findings of consistency with development patterns in the neighborhood.*

The requested change in land use from NCC to HDR is consistent with development patterns, goals and policies of the General Plan for the City's vision for the Uptown neighborhood as a vibrant, pedestrian-oriented retail, commercial and residential mix of uses. Of particular significance is the site's proximity to the Desert Regional Hospital and the various medical offices that surround that facility. Residents of an assisted living facility will likely have certain basic levels of on-site medical and health-related care-givers and services; however, a facility of this type in close proximity to the full-service health care facilities of Desert Regional would be particularly beneficial for both residents and health care providers who provide offices and professional medical services in this area.

*Potential adverse impacts to existing or future development in the area.*

The General Plan Amendment proposes an alternative methodology for calculating density for assisted living facilities based on equivalent traffic impacts compared to standard residential dwelling units. As noted in the discussion above, assisted living facilities generate significantly less traffic impacts per bed or per dwelling unit, than conventional residential dwelling units. Furthermore, residential units generate fewer trips and lesser traffic impacts than special retail or commercial uses that might occur on the site under its present General Plan designation of NCC. As such, staff believes the proposed alternative methodology for evaluating density based on equivalent traffic impacts is a sound and reasonable proposal. By changing the land use designation from NCC to HDR and using a density calculation that assures traffic impacts will remain at or below levels already accepted in the General Plan EIR, staff believes the proposed amendment does not create potential adverse impacts to existing or future development in the area.

In summary, staff has concluded that the requested General Plan Amendment, changing the land use designation from NCC to HDR and amending the methodology for calculating density for assisted living facilities is reasonable, harmonious with the goals and vision of the General Plan, and poses no detrimental impacts to existing or

future development in the vicinity.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

### ANALYSIS FOR THE PLANNED DEVELOPMENT DISTRICT APPLICATION

Planned Development District:

A Planned Development District (PDD) in lieu of change of zone is included in the application to seek relief from the development standards of the zone and the standards of the high-rise ordinance. PDD's are evaluated Section 94.03.00 of the Zoning Ordinance that states that:

*"The Planned Development District is designed to provide various types of land use, which can be combined in compatible relationships with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practice while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages, which are intended to result from the application of the planned development district, are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction."*

*Development Standards for which the PDD seeks relief.*

Following are the development standards for which the PDD seeks relief from the standards of the Zoning Code.

- Reduced off-street parking
- Reduced side yard setbacks and usable open space under the high-rise ordinance
- Application of the high-rise ordinance for building height.
- Increased density
- Establishment of specific permitted uses

Table 2 below, summarizes the development standards for the C-1 and R-3 zone and the standards proposed by the PDD.

**Table 2:  
 Comparison of Development Standards by Zone & Proposed PDD**

	C-1 Zone	R-3 Zone	Proposed PD- 357
Lot Area	20,000	20,000 sf Minimum	1.43 acres 62,411 square feet - Conforms
Density	Building Coverage (FAR) = 1	2,000sf of net site area per dwelling unit (21.78 du/ac); Assisted Lvg Fac: 2.05 persons per household x 21.78 du/ac x 1.43 acres = 64	108 assisted living facility beds; <b>Requires PDD and GPA to conform</b>

**PLANNED DEVELOPMENT DISTRICT**



		beds.	
Height	30 feet except high-rise; max 60 feet	30 feet except high rise bldgs. Max. 60 feet.	40 feet – <b>Requires high-rise ordinance to conform.</b>
Lot width	100 feet	130 feet	245 Conforms
Lot depth	150 feet	190 feet	255 Conforms
Front yard	Average 5 feet	30 feet. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW (135ft)	Varies from 9 feet to approximately 30 feet – Conforms to high-rise ord. <b>Requires PDD to conform to zone.</b>
Street Side/Rear yard	Average 5 feet	30 Ft. Hi-rise code: 3ft for ev 1 ft of height from opposite side of street ROW (135 ft)	Varies from 2 feet to 22 feet – Conforms to high-rise ord. <b>Requires PDD to conform to zone.</b>
Int. side yard	None, 10 feet when C-1 abuts res. Zone at an alley.	10ft min, 1:1 for hts over 12 feet. Hi-rise code: 3ft for ev 1 ft of height (135 ft)	Varies from 0 to 30 ft– <b>Does not conform to zone or high-rise ordinance; requires PDD</b>
Open Space	None	45% per R-3 zone; Hi-rise code requires 60% open space	Roughly 48% open space including balconies, 36% at grade – <b>Does not conform to zone or high-rise ordinance; requires PDD</b>
Distance between bldgs.	None	15 feet; 30 feet at a courtyard	60 feet at courtyard – conforms
Parking required	Per 93.06.00	Per 93.06.00, 107 spaces required	68 Provided – <b>Does not conform – Requires PDD</b>

Details of the Zoning Analysis:

The subject project is located in the C-1 and R-3 zones and the Resort Overlay. Section 92.04.00 provides regulations for the R-3 zone and 92.12.00 provides regulations for the C-1 zone and Section 92.25.00 provides guidance for review of the Resort Overlay. A wide range of commercial uses and high-density residential uses are permitted in these zones. Assisted Living Facilities are permitted with a Conditional Use Permit in the R-3 zone, but are not permitted in the C-1 zone. The PDD application is in lieu of a Change of Zone and thus, is requested to establish proposed specific uses within the PDD area. Retail-commercial uses are permitted in the C-1 zone and commercial uses incidental to a primary residential use are permitted in the R-3 zone. Thus with the approval of the PDD, both the assisted living facility uses and the incidental commercial-retail uses would be permitted on this project. (A full set of proposed uses specific to this PDD are included later in this staff report.)

Section 94.03.00(B)(1) of the Zoning Code states,

*“Planned residential development districts may include a multiplicity of housing types; provided, the density does not exceed the general plan requirements.”*

In this case, the PDD is proposing a density greater than the underlying zone, but, with the approval of the GPA, basing density for assisted living facilities on comparable traffic

impacts, the PDD could be found to be consistent with the General Plan, as amended.

*Lot Area, Dimensions and Orientation.*

The 7-lot parcel conforms to the minimum requirements for area, width and depth pursuant to the zones in which it is located. The site is considered a "through lot" with its primary frontage on North Palm Canyon Drive.

*Building Height*

Section 91.00.10 of the PSZO provides the definition and methodology for determining building height as follows:

*"The building height for parcels in excess of thirty thousand (30,000) square feet shall be measured from adjacent natural grade unless otherwise established by the planning commission."*

The maximum building height for the C-1 zone is thirty (30) feet and for the R-3 zone is twenty-four (24) feet. High-rise buildings are permitted in both zones subject to the provisions of the high-rise ordinance Section 93.04.00. The proposed building is 40 feet from the lowest point of the site to the roof of the main lobby/library portion of the building. It is approximately 47 feet to the top of the tallest stair tower and approximately 43 feet to the top of the rooftop mechanical screen walls. Thus, the building is subject to the regulations of the high-rise ordinance. Buildings that conform to the high-rise standards (Section 93.04.00) are permitted to a maximum of sixty (60) feet. Further discussion of the projects conformity with building height is included in the analysis of the high-rise standards that follows.

*High-rise Building Standards*

*Open Space.*

Pursuant to 93.04.00(A) (high-rise ordinance) sixty percent (60%) of a site for a high-rise building shall be usable outdoor open space, landscape and recreation area as follows:

*"Sixty (60) percent of a site area for high-rise building shall be developed as usable landscaped open space and outdoor living and recreation area and shall be so designated on the site plan. The remaining forty (40) percent of a site area may be used for buildings and parking. Required landscaping for surface parking areas shall not be included in the sixty (60) percent open space requirement..."*

The building footprint is 29,499 square feet, or roughly 47% of the total net site area. There is approximately 22,622 square feet of usable open space at grade including landscape areas and patios (roughly 36% of the site area). Driveways, loading, and parking areas account for roughly 10,290 square feet of the site. In addition, there is approximately 7,452 square feet of open space comprised of balconies, and upper floor

outdoor space.<sup>2</sup> Thus, the total open space comprises about 30,074 square feet or roughly 48% of the net site area. Thus, the project does not conform to the minimum requirements for usable open space pursuant to the high-rise ordinance. The PDD seeks relief from this development standard.

### *Setbacks*

Setbacks for high-rises are regulated in PSZO Section 93.04.00(C) which states:

*A high-rise building shall have a minimum setback of three (3) feet of horizontal setback for each one (1) foot of vertical rise of the building. This setback requirement is to be measured from property lines except when a site in question abuts a street. Then it shall be measured from the right-of-way line on the opposite side of the abutting street. The city's general plan street plan shall be used to determine the right-of-way line, and in no case shall more than one hundred (100) feet of street right-of-way be used in determining a setback distance. The minimum setback for any structure, regardless of height, shall be as prescribed by the underlying zone.*

The proposed building is approximately 102 feet from the right-of-way line on the opposite side of Palm Canyon Drive to the front of the porte cochere and third floor covered terrace structure (2 feet from the front property line of the subject parcel). It is approximately 34 feet high at this element from the adjacent grade. The high-rise ordinance requires a 34 foot tall building to be set back 102 feet from the right-of-way line on the opposite side of the street, thus the building conforms to the required front-yard setback requirements.

The proposed building is approximately 122 feet from the right-of-way line on the opposite side of Indian Canyon Drive. (22 feet from the property line of the subject parcel) The structure is approximately 37 feet tall at the tallest point at the southeast corner of the site. The high-rise ordinance requires a 37 foot tall building to be set back 111 feet from the right-of-way line on the opposite side of the street, thus the building also conforms to the code-required 1:3 setback along this frontage.

Along the south property line, the western part of the building is on the property line (zero setback). Behind the western part of the building, the southern wing of the building sets back approximately 30 feet from the south property line. The building is approximately 36 feet in height along this side. Applying the 1:3 setback rule, the structure would need to be approximately 108 feet back from this property line. Along the north property line, the building is approximately at the property line with no setback. The building is approximately 32 feet in height and would require a 96 foot setback to

<sup>2</sup> PSZO Section 91.00.10 notes that "...any portion of a structure that is open on at least one side and is an extension of the exterior open space shall not constitute a building..." thus Staff has concluded that balconies, terraces and patios that are open on at least one side may be included in the calculation of open space.

conform. Thus, the project's setbacks on the side property lines do not conform.

Given the overall lot dimensions of 245 feet by 255 feet, strict application of the high-rise ordinance setbacks would virtually eliminate the ability to develop a high-rise building at this location. Thus, setbacks of the high-rise ordinance are one of the development standards for which the PDD is seeking relief.

#### *Density and Dwelling Units per Acre (du/ac)*

Residential uses in the C-1 zone must conform to the R-3 standard. Residential uses in the R-3 zone require 2,000 square feet of site area per dwelling unit (21.78 du/ac). Density for assisted living facility uses is based on *PSZC Section 94.04.00 (H)(7a) "Assisted Living Facilities"* which regulates density as follows:

*The number of beds permitted in a facility shall be determined by multiplying the number of units permitted under the applicable zoning/general plan standards by the average household size for the city of Palm Springs according to the latest census figures.*

The 2000 census records the average household size at 2.05 persons per household. Thus the maximum number of beds permitted on this site by the Zoning Code would be 2.05 persons per household x 21.78 du/ac x 1.43 acres = 64 beds. The project proposes 108 beds. The PDD would establish this density as the proposed zoning density for an assisted living facility for this site and would not exceed the allowed density of the General Plan under the proposed General Plan Amendment.

#### *Off-street Parking*

Off-street parking requirements are regulated by PSZO Section 93.06.00 "*Off-street Parking*". The Code requires one parking space per two beds or 1 space/1,000 sf of facility, whichever is greater. The building is comprised of 89,707 gross square feet. Subtracting 1,200 for retail spaces (calculated separately) yields 89 spaces required for residents. Staff parking for the living facility is parked at a ratio of 1 to 3; with 40 staff persons estimated, fourteen (14) spaces are required. The retail/commercial space is parked at 1 per 300 square feet, hence 4 spaces are required. Total parking required is 107 spaces. The project proposes 68 spaces and therefore is non-conforming.

Parking is one of the development standards for which the PDD seeks relief. There are 58 standard size spaces and 10 compact size spaces. There are 3 handicap spaces (2 of which will be demarked as van accessible). The parking is provided at a rate of 1 space per every two beds for residents, or 54 spaces, 14 for staff, none for the retail spaces. This totals 68 spaces and there are 68 spaces proposed. Of the total roughly 89,700 gross square feet approximately 51,400 square feet are actual living suites. The remaining roughly 38,300 square feet are support spaces, activity spaces, dining, kitchen, office, and other program spaces, as well as the aforementioned 1,200 square feet of retail uses. Thus, although the parking provided is less than the maximum required, it appears reasonable given the actual capacity of residential units and

estimated employees at the facility. The developer assumes the roughly 1,200 square feet of retail will be primarily used by the residents of the building. The parking garage also accommodates bicycle parking.

Staff has also evaluated the design details of the proposed parking area and concluded that it is substantially in conformance with the design standards of the Zoning Code.

#### *Off-Street Loading and Trash Enclosures*

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Pursuant to 93.07.01(A), every commercial building shall have and maintain loading spaces. The subject project has a loading/delivery bay on the Indian Canyon side of the development. Garbage and recycling for the project is collected and stored in trash and recycling enclosures at street level accessible from Indian Canyon Drive.

#### *Signage*

Section 93.20.00 of the PSZO regulates signs. Because there are multiple tenants (the assisted living facility and two small retail/commercial tenants), the project will require a sign application in the form of a sign program to be submitted under a separate application.

#### *Proposed Uses*

As a PDD in lieu of change of zone, this PDD proposes a specific list of permitted uses as follows.

##### A. Uses Permitted.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in PSZO Section 92.04.03 except as modified by the subject PDD.

1. Multiple-family dwelling, and hotel facilities (provided that no more than ten (10) percent of the guest rooms contain kitchen facilities);
  - a. Resort hotels (provided that no more than ten (10) percent of the guest rooms contain kitchen facilities), including incidental or accessory commercial uses operated primarily for the convenience of the guests. Such commercial uses shall not cause an increase in traffic impacts on the site or the surrounding roadways.
2. Home occupations subject to the provisions of Chapter 5.22 of the Palm Springs Municipal Code;
3. Private clubs as an accessory to a hotel; provided, at least fifty (50) percent of the total gross floor area of such private club be developed as guest rooms and causes no increase in traffic impacts on the site or the surrounding roadways.

##### B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and not more obnoxious or detrimental to the public health, safety and welfare or to other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.04.03.

**C. Uses Permitted by Conditional Use Permit.**

The following uses may be permitted subject to approval of a conditional use permit, as provided in Section 94.02.00:

1. Assisted living facilities;
2. Hotels and resort hotels (subject to the provisions of subsection (A)(2) of Section 92.04.01) in which more than ten (10) percent of the guest rooms contain kitchen facilities;
3. Incidental or accessory commercial uses, located within hotels and assisted living facilities, operated primarily for the convenience of the guests; providing, such total commercial uses shall occupy not more than twenty (20) percent of the gross floor area of the buildings;
4. Spas as an accessory use to a hotel subject to the following standards:
  - a. For hotels with under fifty (50) rooms, the facility is to serve hotel guests only.
  - b. Staff shall be licensed and trained in the particular programs provided in accordance with Chapter 5.34 of the Municipal Code,
  - c. Such facility shall comply with Chapter 5.34 of the Municipal Code;
5. Time-share projects subject to the provisions of Section 93.15.00;

Public Benefit of the Planned Development District:

The City Council adopted the policy, "Planned Development Districts and Public Benefits" on September 17, 2008. Consequently, the Commission will review the PDD with regard to the public benefit that would be derived from the granting of relief from the development standards requested therein.

One of the primary factors in the public benefits policy is "proportionality", which is stated, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

As noted above, the project is seeking relief from the following development standards of the Zoning Code.

1. Increased density
2. Reduced number of off-street parking spaces provided.
3. Reductions in setbacks and reductions in usable open space required by the High-rise ordinance.

4. Increased building height (application of the High-Rise Ordinance)
5. Establishment of specific uses (Change of Zone)

In considering the proportionality of the requested relief from the development standards against the public benefit created by those deviations, staff believes that the requested deviations are "moderate to significant" in terms of the magnitude of the relief sought from the underlying development standards. The Commission may consider among the approved set of options: (see attached policy):

- The project as Public Benefit (bringing a residential project to the Uptown area),
- Sustainability features.
- Off-site Improvements (Any other public improvements off the project site.)

The applicant has denoted the following aspects of the project as the proposed public benefit that would be received by the City as a result of granting the PDD approval:

- The project as a Public Benefit. The proposed project provides substantial community beautification. Currently, it is a unattractive vacant lot in an area the city is trying to increase economic activity. It would also provide more pedestrian traffic to surrounding business, spurring economic development and enhance the street presence along this segment of Palm Canyon.
- Key Features. The project contains several common amenities that would be ideal for use by local businesses, not-for-profit and service organizations. These facilities will be made available as a resource to local community groups that need meeting or event space indoors or exterior patio for occasional special events. (Staff notes that there is no provision for on-site parking for these areas of the proposed building).

Staff will incorporate the Commissions' recommendations to the City Council on Public Benefit into the proposed draft resolution of approval.

Redevelopment Area.

The project is located in Redevelopment Area One. Redevelopment of this parcel will provide the RDA with incremental tax funding in the future based on the increased valuation of the property if the requested development is constructed.

The Resort Combining zone:

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*"all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit. Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not*

*appropriate for other uses allowed by right within the underlying zone."*

The Resort overlay is intended to provide for accommodations and services for visitors to the city while guarding against the intrusion of competing land uses. The Resort Overlay finding is analyzed below.

#### **REQUIRED FINDINGS FOR THE PDD:**

##### General Plan Findings:

The proposed PDD, with the approval of the proposed GPA, is harmonious with various goals and policies of the General Plan as follows;

*Goal HS1: Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.*

The project proposes an assisted living facility that will provide housing for seniors and people with special needs in an area of the City that presently has limited housing resources of this type. The facility provides numerous in-house amenities and activity programs structured for its residents.

*Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.*

The project proposes assisted living residential uses in the Uptown neighborhood, a high-density mixed use neighborhood with numerous retail and commercial opportunities within a walkable distance of the proposed project site.

*Policy HS3.1: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.*

The project proposes high-quality residential units for seniors needing the services of an assisted living facility, and who may not otherwise be able to live alone in their own homes.

*Policy HS3.3: Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disability to maintain and improve their homes.*

The project proposes a 108-bed assisted living facility with a full complement of in-house activities and programming for its residents. The facility is fully accessible for people with disabilities and a special suite of rooms is devoted to individuals needing



assistance with "memory impairment" challenges.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

Zoning Code Findings.

The provisions of Section 94.03.00(B) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development.

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

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

The project site has an existing zone designation of C-1/R-3. Assisted living facilities are a permitted use with a CUP in the R-3 zone. Residential uses are permitted in the C-1 zone subject to the R-3 standards. Therefore the project conforms to this finding.

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

The project proposes a 108-bed assisted living facility that will provide an extensive array of services and programming for its residents that will be unique to this type of facility. The project will provide a residential use in easy walking distance to shops and restaurants in the downtown and Uptown districts. With the approval of the PDD and GPA, the project will be harmonious with the General Plan policies and the Zoning Code and will not be detrimental to existing or future uses in this zone.

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

The project proposes deviations in the underlying development standards for the zone and in the high-rise ordinance. It also proposes a specific set of permitted uses within the PDD. With the approval of the proposed PDD, the project will be consistent with this finding.

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

The primary streets that relate to the project is Palm Canyon Drive and Indian Canyon Drive both of which are major thoroughfares and the traffic study in the associated environmental analysis indicates the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use because the use is less intense than the existing NCC land use designation. Therefore Staff has concluded that the site adequately and properly relates to the street network surrounding the project.

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

A set of proposed Conditions of Approval proposed by staff are attached to this report as Exhibit A.

*Findings for the Resort Combining Zone*

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*"...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."*

The project is located in an area of the Uptown neighborhood in which existing hotel and commercial uses are located. The project proposes residential assisted living facility uses in walkable proximity to stores, restaurants, the Desert Regional Hospital and related medical offices and other commercial amenities that would enhance the vitality of the neighborhood, would be compatible with its surroundings and benefit the residents of the proposed project. The neighborhood is already served by an adequate number of existing commercial-retail uses and several vintage/boutique hotels and resorts. While other "by-right" uses would be possible, there are none that Staff believes is of particularly greater benefit or appropriateness for this parcel.

**CONCLUSION:**

The General Plan Amendment proposes a change in the land use designation and a methodology for calculating density for assisted living facilities that are harmonious to the existing and future development in the neighborhood, are supportive of related goals and policies of the General Plan and with the findings proposed for analyzing this

amendment.

The project is consistent with the findings necessary for the approval of a Planned Development District in lieu of a change of zone. The Planned Development District application proposes deviations in the development standards of the C-1/R-3 zones and the high-rise ordinance that are moderate to significant in terms of the magnitude of the deviations. The Planning Commission's recommendations for Public Benefits will be incorporated into the City Council Staff Report.

The proposed project is consistent with the findings for the Resort Combining Zone.

Based on acceptance of the findings, the Planning Commission may recommend approval of the General Plan Amendment to City Council, and may approve the preliminary Planned Development application and recommend its approval, along with the proposed public benefits to the City Council, subject to conditions of approval as attached.

#### **ENVIRONMENTAL ASSESSMENT:**

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, an Environmental Initial Study was prepared and a Notice of Intent to adopt a Mitigated Negative Declaration was sent to applicable agencies, interested parties and published in the Desert Sun for a 20-day review period. The Mitigated Negative Declaration was also distributed to the Planning Commissioners. The applicant has agreed to the mitigation measures proposed in the environmental analysis.

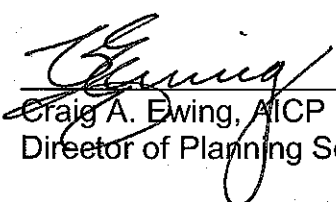
The Environmental Initial Study determined that the proposed new development will not have a significant impact on the environment with the incorporation of mitigation measures; a Mitigated Negative Declaration is recommended. The initial study, notice, comments and response to comments, and the Mitigated Negative Declaration are attached to this staff report.

#### **NOTIFICATION:**

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.

Tribal consultation and noticing in accordance with SB 18 was also conducted. As of this writing, no notices or requests for consultation have been received.

  
\_\_\_\_\_  
Ken Lyon  
Associate Planner

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

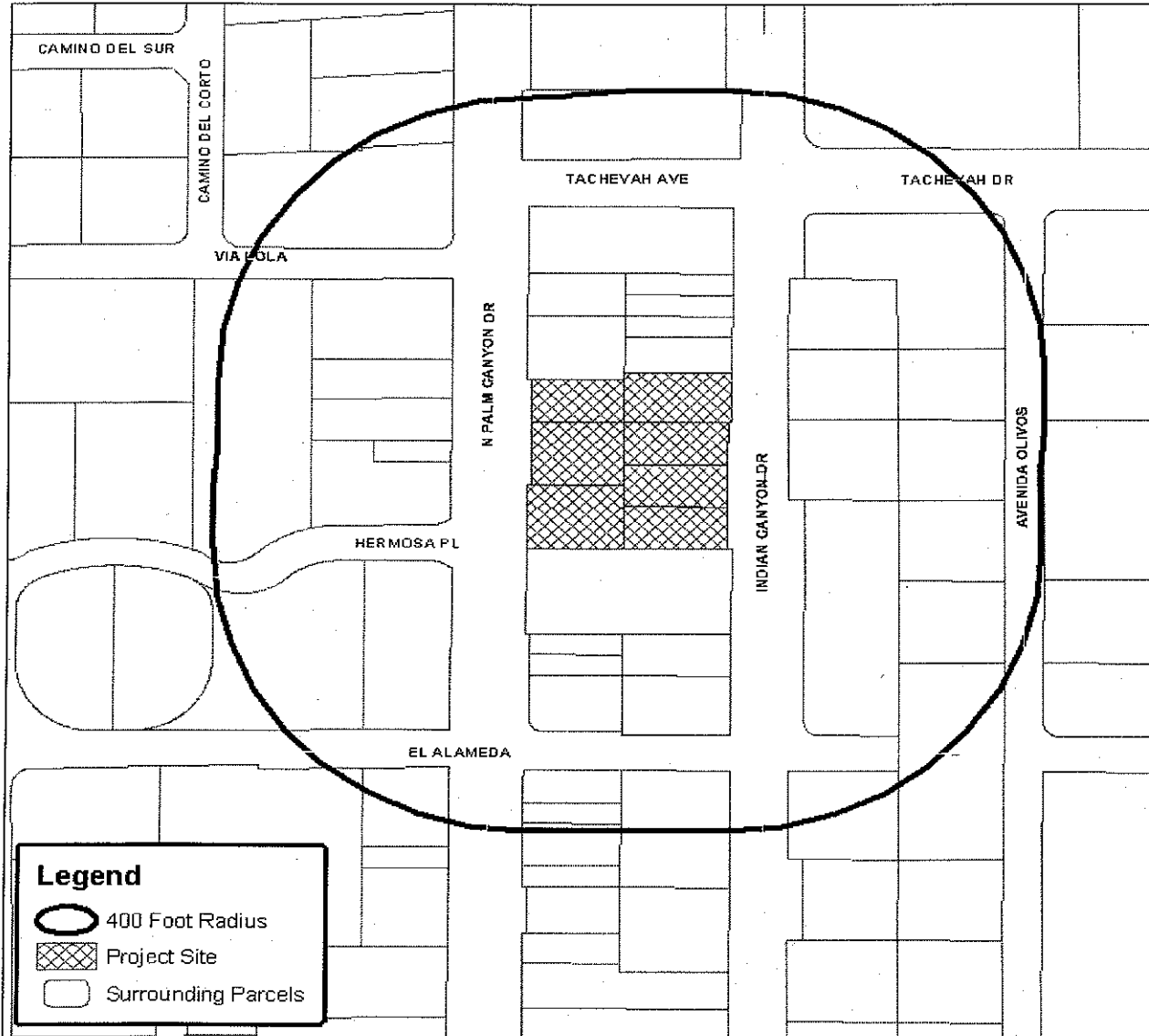
PLANNED DEVELOPMENT DISTRICT

**ATTACHMENTS:**

1. Vicinity Map.
2. Draft Resolution / Conditions of Approval.
3. Initial Study and Notice of Intent to adopt a Mitigated Negative Declaration.
4. PDD Public Benefit Policy Statement
5. Site Plans & Elevations.



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE:** 5.1237 GPA PDD  
357

**APPLICANT:** Tappan Enterprises,  
LLC

**DESCRIPTION:** To consider an application for a General Plan Amendment (GPA) and a Planned Development District in lieu of a change of zone (PDD) for a proposed assisted living facility with 108 beds, on approximately 1.43 acres at 1000 North Palm Canyon Drive, Zone C1 and R3, Resort Overlay. Section 10(IL)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1237 GPA, PDD 357; A GENERAL PLAN AMENDMENT AND A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE TO THE 2007 PALM SPRINGS GENERAL PLAN AS ADOPTED BY RESOLUTION 22077, REQUESTING A CHANGE IN THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (NCC) TO HIGH-DENSITY RESIDENTIAL (HDR) INCLUDING A GENERAL PLAN TEXT AMENDMENT MODIFYING THE METHODOLOGY FOR CALCULATING DENSITY FOR ASSISTED LIVING FACILITIES, TO DEVELOP A 108-BED ASSISTED LIVING FACILITY WITH LANDSCAPING AND SUBTERRANEAN OFF-STREET PARKING ON AN APPROXIMATELY 1.43 ACRE SITE AT 1000 NORTH PALM CANYON DRIVE, SECTION 10, ZONE C-1/R-3.

WHEREAS, Tappan Enterprises, ("Applicant") has filed an application with the City on pursuant to Section 94.03.00 (Planned Development District) of the Zoning Code and State of California Governmental Code Sections 65350 – 65362 (General Plan amendment), for a 108-bed assisted living facility at 1000 North Palm Canyon Drive, Zone C-1/R-3, Section 10; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1237 GPA, PDD 357 was given in accordance with applicable law; and

WHEREAS, on June 9 2010, a public hearing to consider Case. 5.1237 GPA, PDD 357 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"); and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an Initial Study has been conducted and the City has concluded that potential significant impacts may occur as a result of the proposed project, however with the implementation of mitigation measures as outlined,

those impacts will be reduced to less than significant. A Mitigated Negative Declaration has been proposed.

Section 2: Pursuant to State of California Governmental Code Sections 65350 – 65362, the Planning Commission finds as follows: Although there are no specific findings for a General Plan Amendment. The Planning Commission has evaluated the requested GPA based upon the following:

- Compatibility of the proposed use with adjacent land uses
- Development patterns of the neighborhood.
- Potential adverse impacts to existing or future development in the vicinity.

And finds as follows:

*Compatibility of the proposed land use designation with existing adjacent land uses.*

The project site is surrounded by a variety of existing land uses that are generally harmonious with the proposed high-density residential land use designation and the proposed assisted living facility. The project would create a high-density specialized form of residential units in close proximity to retail, commercial, and medical office uses. This complementary set of uses would enhance one another, potentially invigorate the pedestrian quality of this neighborhood and reduce the dependency on passenger vehicles for residents in the vicinity.

*Consistency with development patterns in the neighborhood.*

The requested change in land use from NCC to HDR is consistent with development patterns, goals and policies of the General Plan for the City's vision for the Uptown neighborhood as a vibrant, pedestrian-oriented retail, commercial and residential mix of uses. Of particular significance is the site's proximity to the Desert Regional Hospital and the various medical offices that surround that facility. Residents of an assisted living facility will likely have certain basic levels of on-site medical and health-related care-givers and services, however, a facility of this type in close proximity to the full-service health care facilities of Desert Regional would be particularly beneficial for both residents and health care providers who provide offices and professional medical services in this area.

*Potential adverse impacts to existing or future development in the area.*

The General Plan Amendment proposes an alternative methodology for calculating density for assisted living facilities based on equivalent traffic impacts compared to standard residential dwelling units. As noted in the discussion above, assisted living facilities generate significantly less traffic impacts per bed or per dwelling unit, than

conventional residential dwelling units. Furthermore, residential units general fewer trips and lesser traffic impacts than special retail or commercial uses that might occur on the site under its present General Plan designation of NCC. As such, the proposed alternative methodology for evaluating density based on equivalent traffic impacts is a sound and reasonable proposal. By changing the land use designation from NCC to HDR and using a density calculation that assures traffic impacts will remain at or below levels already accepted in the General Plan EIR, the Planning Commission believes the proposed amendment does not create potential adverse impacts to existing or future development in the area.

In summary, the Planning Commission has concluded that the requested General Plan Amendment, changing the land use designation from NCC to HDR and amending the methodology for calculating density for assisted living facilities is reasonable, harmonious with the goals and vision of the General Plan, and poses no detrimental impacts to existing or future development in the vicinity.

Section 3: Pursuant to the requirements of the Section 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Ordinance, the Planning Commission finds:

The provisions of Section 94.03.00(B) of the Palm Springs Zoning Code states that the Planning Commission and City Council shall find that the proposed uses as shown on the development plan for the PDD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (Conditional Use Permit), the General Plan and sound community development.

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

General Plan Findings:

The proposed PDD, with the approval of the proposed GPA, is harmonious with various goals and policies of the General Plan as follows;

*Goal HS1: Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community.*

The project proposes an assisted living facility that will provide housing for seniors and people with special needs in an area of the City that presently has limited housing resources of this type. The facility provides numerous in-house amenities and activity programs structured for its residents.

*Policy HS1.5: Direct higher density residential uses near major activity centers and along corridors consistent with adopted architectural and design guidelines.*



The project proposes assisted living residential uses in the Uptown neighborhood, a high-density mixed use neighborhood with numerous retail and commercial opportunities within a walkable distance of the proposed project site.

*Policy HS3.1: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.*

The project proposes high-quality residential units for seniors needing the services of an assisted living facility, and who may not otherwise be able to live alone in their own homes.

*Policy HS3.3: Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disability to maintain and improve their homes.*

The project proposes a 108-bed assisted living facility with a full complement of in-house activities and programming for its residents. The facility is fully accessible for people with disabilities and a special suite of rooms is devoted to individuals needing assistance with "memory impairment" challenges.

Based on the above analysis, with the approval of the GPA, the proposed project would be deemed consistent with the General Plan.

Zoning Code Findings:

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

The project site has an existing zone designation of C-1/R-3. Assisted living facilities are a permitted use with a CUP in the R-3 zone. Residential uses are permitted in the C-1 zone subject to the R-3 standards. Therefore the project conforms to this finding.

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

The project proposes a 108 bed assisted living facility that will provide an extensive array of services and programming for its residents that will be unique to this type of facility. The project will provide a residential use in easy walking distance to shops and restaurants in the downtown and Uptown districts. With the approval of the PDD and GPA, the project will be harmonious with the General Plan policies and the Zoning Code and will not be detrimental to existing or future uses in this zone.

*c. That the site for the intended use is adequate in size and shape to*

*accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project proposes deviations in the underlying development standards for the zone and in the high-rise ordinance. It also proposes a specific set of permitted uses within the PDD. With the approval of the proposed PDD, the project will be consistent with this finding.

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

The primary streets that relate to the project is Palm Canyon Drive and Indian Canyon Drive both of which are major thoroughfares and the traffic study in the associated environmental analysis indicates the roadway network in the vicinity of the project is capable of handling the density and volume of traffic generated by this type of use because the use is less intense than the existing NCC land use designation. Therefore Staff has concluded that the site adequately and properly relates to the street network surrounding the project.

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

A set of proposed Conditions of Approval proposed by staff are attached to this report as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1237 GPA, PDD 357, a preliminary Planned Development District in lieu of a change of zone and recommends approval by the City Council of the preliminary Planned Development District and the GPA, a General Plan Amendment, changing the land use designation from NCC to HDR and amending text on the methodology for calculating density for assisted living facilities in the 2007 Palm Springs General Plan, as adopted by Resolution No. 22077, for a 108-bed assisted living facility at 1000 North Palm Canyon Drive, subject to Conditions of approval listed in Exhibit "A".

ADOPTED this 9<sup>th</sup> day of June, 2010.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO. \_\_\_\_\_

**EXHIBIT A**

Case 5.1237 GPA, PDD 357  
Assisted Living Facility at  
1000 North Palm Canyon Drive

June 9, 2010

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1237 PDD 357 GPA; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (date), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1237 PDD 357 GPA. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM 13. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

## **ENVIRONMENTAL ASSESSMENT CONDITIONS**

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) not required. The site is a previously improved and developed site and is therefore exempt from payment of the CVMSHCP LDMF.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and

Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 5. 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.
- a. A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
  - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

## PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and any state water efficiency ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant *Washingtonia Fillifera* (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. (for projects on Palm Canyon or Tahquitz Canyon Way).
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.



- PLN 6. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. 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 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. 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 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 15. (add any additional conditions imposed by the Planning Commission or City Council here)

#### **POLICE DEPARTMENT CONDITIONS**

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

## **BUILDING DEPARTMENT CONDITIONS**

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

## **ENGINEERING DEPARTMENT CONDITIONS**

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

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

### **STREETS**

ENG 1. The Engineering Division recommends deferral of off-site improvement items (identified as "*Deferred*") at this time due to lack of full improvements in the immediate area. The owner(s) shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner(s) prior to approval of the Grading Plan or issuance of grading or building permits. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

ENG 2. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

### **N. PALM CANYON DRIVE**

ENG 3. Dedicate additional right-of-way as needed to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.

ENG 4. Remove the existing driveway approaches and construct new street improvements (curb, gutter and sidewalk) to match existing, in accordance with applicable City standards.

ENG 5. Remove existing street improvements as necessary to construct driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. The driveway approaches shall be appropriately signed to indicate allowable vehicular movements.

- ENG 6. Remove the existing sidewalk and construct an 8 feet wide sidewalk behind the existing curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 7. The existing *Washingtonia filifera* (California fan palm) palm tree (located approximately 40 feet north of the southerly property line) shall be protected in place. The two existing *Washingtonia robusta* (Mexican fan palm) palm trees shall be removed. New mature *Washingtonia filifera* (California fan palm) palm trees at 50 feet spacing along the frontage shall be installed (exact number to be determined by the City Engineer based upon final site layout). The minimum trunk diameter and tree height shall be consistent with palm trees along Palm Canyon Drive; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The existing irrigation and lighting system shall be modified as necessary to provide irrigation to and lighting of all palm trees, as required by the City Engineer.
- ENG 8. New palm trees shall be subject to a one-year plant establishment period. The applicant shall ensure that adequate irrigation of new palm trees is provided during the plant establishment period, until such time as the existing irrigation system is sufficient to irrigate the palm trees.
- ENG 9. All new concrete construction (driveway approaches and sidewalk) shall be constructed with colored Portland cement concrete. The admixture shall be Palm Springs Tan, Desert Sand, or equal color approved by the City Engineer.
- ENG 10. All broken or off grade street improvements shall be repaired or replaced.

#### N. INDIAN CANYON DRIVE

- ENG 11. Dedicate additional right-of-way as needed to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.
- ENG 12. Remove existing street improvements and construct ultimate half-street improvements required for a 100 feet wide, 4-lane divided major arterial, in accordance with City standards. **Deferred**
- ENG 13. Remove the existing driveway approaches and construct new street improvements (curb, gutter and sidewalk) to match existing, in accordance with applicable City standards.
- ENG 14. Remove existing street improvements as necessary to construct driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. The driveway approaches shall be appropriately signed to indicate allowable vehicular movements.

ENG 15. Remove the existing sidewalk and construct an 8 feet wide sidewalk behind the existing curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 16. The two existing *Washingtonia robusta* (Mexican fan palm) palm trees shall be removed. New mature *Washingtonia filifera* (California fan palm) palm trees at 50 feet spacing along the frontage shall be installed (exact number to be determined by the City Engineer based upon final site layout). The minimum trunk diameter and tree height shall be consistent with palm trees along Palm Canyon Drive; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The applicant shall design and install an irrigation system for palm trees planted along Indian Canyon Drive, and shall be responsible for their maintenance as part of the parkway landscaping along the frontage of the property.

ENG 17. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

ENG 18. The on-site layout of the proposed loading area and driveway access on Indian Canyon Drive is subject to further review and approval by the City Engineer. The applicant shall verify that the geometrics proposed at the loading area entry and exit can accommodate anticipated service and delivery vehicles, and conflicting traffic ingress and egress from the underground parking garage. The applicant shall prepare an exhibit in accordance with Caltrans Highway Design Manual truck turning templates that demonstrates safe access for service and delivery vehicles, subject to the review and approval by the City Engineer. In the event the loading area and driveway access on Indian Canyon Drive does not meet Caltrans standards, the site plan shall be revised as necessary to comply with required standards.

ENG 19. The minimum pavement section 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 20. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

#### GRADING

- ENG 21. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <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 Site Plan; a copy of current Title Report; and a copy of Soils Report.
- ENG 22. Prior to approval of the Precise Grading and Paving 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 23. 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 24. 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 25. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 26. Contact Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property if any. Make appropriate arrangements to protect in place or relocate any facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Desert Water Agency shall be submitted to the Engineering Division prior to approval of the Grading Plan.
- ENG 27. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 28. A Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 29. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 30. 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/blow sand relating to this property and development.
- ENG 31. 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 32. 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 33. The applicant shall provide pad (or finish floor) 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 34. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

- ENG 35. 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. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.
- ENG 36. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be

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

ENG 37. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### GENERAL

ENG 38. 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 39. All proposed utility lines shall be installed underground.

ENG 40. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities extending across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan,



informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

- ENG 41. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 42. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 43. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 44. Nothing shall be constructed or planted in the corner cut-off area of any 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 45. 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 46. The existing parcels identified as portions of Lots 9, 10, 11, 12, 13, 14, 15, 16, 55, 56, 57, 58, and 59 in Block A of the Palm Springs Estates 2 map, Map Book 16, Page 45, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.
- ENG 47. 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 submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

- ENG 48. Easements for the existing overhead utility lines extending across the site shall be quit-claimed by the owners thereof as necessary to facilitate development of the subject property. Issuance of a building permit shall be withheld until all easements extending across the property are quit-claimed, and a copy of the recorded documents is provided to the City Engineer.

#### TRAFFIC

- ENG 49. 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 50. 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 51. 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 52. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

#### FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received and stamped 1/25/2010. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code

Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

FID 4. **Radio Communications:** Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications as stated in the Palm Springs Municipal Code Chapter 11.03.

FID 5. **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 6. **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 7. **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.

FID 8. **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 9. **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 10. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- 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. **Aerial Fire Access Roads (CFC 503.2.8):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 13. **Aerial Fire Access Road Width (CFC 503.2.8.1):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 14. **Aerial Access Proximity to Building (CFC 503.2.8.2):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 15. **Subterranean Parking:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 8 feet 6 inches for all both subterranean parking structures as well as above ground parking structures.
- FID 16. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their

background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".

- FID 17. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box **shall be flush mount type** and shall contain keys to gain necessary access as required by the fire code official.
- Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.
- FID 18. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 19. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 20. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.
- FID 21. **Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1):** Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).
- FID 22. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 2,000 GPM with the installation of fire sprinklers based on Appendix B of the 2007 CFC. Approximate square footage of the three story and subterranean parking area is 124,075 SF.
- FID 23. **Elevator Stretcher Requirement (CBC 3002.4):** Elevator shall be designed to accommodate medical emergency service in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors.

The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position. The assisted living use of this facility combined with the subterranean parking level in addition to the three story residential levels meet the intent of this requirement.

- FID 24. **Elevator Recall Required (CFC 607.1):** New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- FID 25. **Interior Finish, Decorative Materials and Furnishings (CFC 801.1):** The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Section 803 shall be applicable to existing buildings. Sections 804 through 808 shall be applicable to new and existing buildings.
- FID 26. **Decorative Materials:** In occupancies Groups A, E, I and R-I and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 806.2 or be noncombustible.
- FID 27. **Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.
- FID 28. **Balconies and Decks (903.3.1.2.1).** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.
- FID 29. **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 30. **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 31. **Audible Residential 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. The horn/strobe shall be outdoor rated.
- FID 32. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate.
- FID 33. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 34. **Standpipe Systems Required (CFC 905.3):** Class 1 Standpipe system is required in addition to the automatic sprinkler system.
- FID 35. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 36. **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.
- FID 37. **Posting of Occupant Load (CFC 1004.3):** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

#### **Requirements for Commercial Kitchen**

- FID 38. **Ventilating Hood & Duct System (CFC 904.11 & CMC 507.1):** A Type I ventilating hood and duct system shall be provided for commercial-type food heat-processing equipment that produces smoke or grease-laden vapors.
- FID 39. **Listed Duct Fire Wrap:** The listed duct fire wrap shall provide a two-hour rating.

- FID 40. **Fire Suppression Systems Testing (CFC 904.4 & NFPA 17A: 6.4.1):** The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.
- FID 41. **Fire Extinguishing System Required (CFC 904.11):** Approved UL 300 automatic fire-extinguishing systems shall be provided for the protection of commercial type-cooking equipment.
- FID 42. **Automatic Power and Fuel Shutoffs (CFC 904.11.2 & CMC 513.4.1):** The automatic fire extinguishing system shall be interconnected to the fuel or current supply for cooking equipment. The interconnection shall shut off all cooking equipment and electrical receptacles which are located under the hood when the system is actuated. Shutoff valves or switches shall be of a type that requires manual operation to reset.
- FID 43. **Portable Fire Extinguishers for Food Processing Equipment (CFC 906.1 & 4):** In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.
- FID 44. **Cooking Hood System Clearances (CMC 507.2.1):** Where enclosures are not required, hoods, grease removal devices, exhaust fans, and ducts shall have a clearance of at least 18 in. to combustible material, 3 in. to limited-combustible material, and 0 in. to noncombustible material. (4.2.1 NFPA 96) Where a hood, duct, or grease removal device is listed for clearances less than those required above the listing requirements shall be permitted.
- FID 45. **Type I Cooking Hoods (CMC 508.1.1):** Type I cooking hoods shall be constructed of and be supported by steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness or stainless steel not less than 0.94 mm (0.037 in.) (No. 20 MSG) in thickness.
- FID 46. **Type I Cooking Hood Enclosure (CMC 508.2):** All seams, joints, and penetrations of Type I cooking hood enclosure that direct and capture grease-laden vapors and exhaust gases shall have a liquid tight continuous external weld to the hood's lower outermost perimeter.
- FID 47. **Grease Ducts (CMC 510.5.1):** Grease ducts shall be constructed of and supported by carbon steel not less than 1.37 mm (0.054 in.) (No. 16 MSG) in thickness or stainless steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness.
- FID 48. **Grease Duct Construction (CMC 510.5.2.1):** All seams, joints, penetrations, and duct-to-hood collar connections of grease ducts shall have a liquid tight continuous external weld.



- FID 49. **Air Balance/Performance Test (CMC 511.2.2):** Upon completion and before final approval of the installation of a ventilation system serving commercial food heat-processing equipment, a performance test shall be required to verify the rate of airflow and proper operation. Replacement air quantity shall be adequate to prevent negative pressures in the commercial cooking area(s) from exceeding 0.02 in. water column.
- FID 50. **Exhaust Fan Operation (CMC 511.2.3):** A hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated.
- FID 51. **Exhaust/Makeup Air Operation (CMC 511.3):** The exhaust and makeup air systems shall be connected by an electrical interlocking switch.
- FID 52. **Fire Extinguishing System Annunciation (CMC 513.6.2):** Where a fire alarm signaling system is serving the occupancy where the extinguishing system is located, the activation of the automatic fire-extinguishing system shall activate the fire alarm signaling system.
- FID 53. **Listed Appliance Installation (CMC 515.1.2.1):** All listed appliances shall be installed in accordance with the terms of their listings and the manufacturer's instructions.
- FID 54. **Listed Equipment Installation:** All listed equipment shall be installed in accordance with the terms of their listings and the manufacturer's instructions.

**END OF CONDITIONS**