

ATTACHMENT 1

Ken Lyon

From: EPHEMPHILL@aol.com
Sent: Wednesday, July 21, 2010 2:16 PM
To: Ken Lyon
Cc: mroos@msaconsultinginc.com; edfreeman3175@aol.com
Subject: Desert Palisades - case 5.1154--response to claims for easements

Ken--Attached is a letter wherein we provide our responses to the claims for easements being made by the adjacent property owner, Mr. Kluszczynski. I would ask that this be provided to the Planning Commissioners and be made a part of the record in this matter.

LAW OFFICES OF

EALY, HEMPHILL & BLASDEL, LLP

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July 21, 2010

Ken Lyon
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Desert Palisades Project

Dear Mr. Lyon:

This office represents the Desert Palisades project, and the purpose of this letter is to respond to claims of easements being made by the neighboring property owner, Richard Kluszczynski. After reviewing the documents related to these claims of easement and the correspondence related thereto, there is still no evidence that any such easements exist.

1. The alleged road easement claimed by Mr. Kluszczynski was never granted.

With regard to Mr. Kluszczynski's claim that an access easement exists, I have attached the only document which has been provided in an effort to prove the existence of this easement. This document shows a map and a legal description for a proposed road right of way, and a surveyor's certification of the survey, but it does not provide any language wherein the property owner ever actually grants the easement or offers to dedicate the road right of way. The document then contains a paragraph signed by Leon J. Welmas--as the applicant seeking the easement. In this paragraph, Mr. Welmas certifies that the named surveyor was hired by him and that the survey represents the "proposed Road Right-of-way". The paragraph signed by Mr. Welmas wherein he references the surveyed area as a "proposed" road right of way is an acknowledgement that the document is simply proposing a route for a future right of way. The paragraph signed by Mr. Welmas then states:

"the map has to be filed for approval of the Secretary of Interior in order that the applicant may obtain benefits of the Act of Congress approved February 5, 1948 (62 Statutes 17) entitled "An Act to

Empower the Secretary of the Interior to Grant Rights-of-Way for various Purposes Across Lands of Individual Indians or Indian Tribes, Communities, Bands or Native" (hereinafter, the "Act").

Importantly, the document does not say that the BIA approval of the survey is a grant of easement under the Act, it merely provides that approval of the survey allows BIA to grant an easement pursuant to the Act.

I have attached a copy of that act ("Act") to this letter. Section 2 of that Act provides that:

"Rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners if (1) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (2) the whereabouts of the owner of the land or an interest therein are unknown and the owners or owner of any interests therein whose whereabouts are known or a majority thereof consent to the grant; (3) the heirs of devisees of a deceased owner of the land or an interest therein have not been determined and the Secretary of the Interior finds that the grant will cause no substantial injury to the land or any owner thereof; or (4) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof."

Aside from failing to contain any language granting an easement, the document which was provided to prove the alleged easement does not contain the individual Indian owner's consent nor does it comply with the alternative methods of obtaining consent as set forth in the Act, Section 2.

An express easement, as the alleged easement in this case purports to be, is created by a writing wherein a property owner grants to another a right to use some portion of the owner's property. The key to making it an easement as opposed to simply a record of survey is that an easement must contain a grant of the right to use of the property. The document provided in this case is a record of the survey, however, there being no language granting any right to use the land of another, the document is just a record of survey, not an easement. By doing the survey and getting BIA to approve it, Mr. Welmas had the right, pursuant to the Act, to request an easement upon payment of compensation for the easement (See section 3 of the Act which requires compensation before an easement

can be granted) and provided the consent of the individual Indian is obtained or Section 2 of the Act is otherwise satisfied.

In this case, there is no document that contains a grant of easement, there is no document that shows that the individual Indian owner consented to an easement, nor are there any findings of record showing that the requirements under section 2 of the Act have otherwise been met, and there is no document that shows that just compensation was paid for the easement, as required by Section 3 of the Act.

I contacted Calvin Ray at the BIA this week to discuss this and he indicated that the BIA was also having trouble finding the easement claimed by Mr. Kluszczynski because they too were looking for the actual grant of easement and were not finding it. Without an actual grant of easement, the document produced to "prove" the existence of the easement can not be anything other than a record of survey which has no grant of use rights.

2. The demands being made by the adjacent property owner are in excess of any rights which could have been obtained under the alleged easement.

In his correspondence, Mr. Kluszczynski and his representatives have not only attempted to claim the above easement is valid, but have also suggested that it be used to provide utilities to Mr. Kluszczynski's property, and that my client should construct the roadway on the easement for his benefit. Each of these claims is overreaching, even if there were a valid easement.

The document provided to claim this easement makes clear that the survey was intended to identify a proposed road right of way. It does not contain any language indicating it is an easement for utilities or for any purpose other than a roadway. Mr. Kluszczynski's demand that he be provided utilities through this alleged roadway easement is therefore impermissible as the use of an easement must be confined strictly to the purposes for which it was granted. [*National City v. California Water and Telephone Company*, 204 Cal.App.3d 540, 548; *Kere v. Brede*, 180 Cal.App.2d 149, 151.]

Mr. Kluszczynski has also suggested that the City should require my client not only to honor this alleged easement, but to also build the easement to the benefit of Mr. Kluszczynski, at a significant detriment to my client's project. There is simply no basis for this demand as there is nothing in the law that requires a burdened party to also construct the easement improvements. To the contrary, an easement owner such as Mr. Kluszczynski claims to be, is responsible for maintaining his own easement [Civil Code §845.] To date, neither Mr. Kluszczynski nor any of his predecessors in interest have performed any form of improvements or maintenance on the alleged easement area.

3. The recent claim of an additional utility easement is invalid.

In an e-mail dated July 20, 2010, Mr. Kluszczynski is now claiming that he also has a utility easement over my client's property. This claim came with absolutely no documentation or proof that such an easement exists. Our project engineer has reviewed our client's title report and finds no such easement. Our engineer did note utility easements over land to the east of my client's property, however that easement does not burden my client's land and Mr. Kluszczynski is again mistaken.

4. Even if the easement were validly granted, which it is not, it is extinguished.

At the time of creation of the purported easement, the properties involved were owned by Indian allottees and were therefore subject to federal laws related to such easements, including provisions which provide for the extinguishment of road rights of way. Mr. Kluszczynski's engineer suggests that the extinguishment provisions in the federal code apply only railroad lines, however reading the relevant code sections demonstrates that this is not the case. Chapter 8 of Title 25 of the US Code is entitled "Rights-of-Way Through Indian Lands". Its first section provides specific authorization for the BIA to grant rights of way for the opening of public highways (25 USC 311). This section makes no mention of railroads. The next section, 25 USC 312, gives authority for granting rights of way for railway, telegraph and telephone lines. The extinguishment provision found in 25 USC 315, therefore, apply to rights of way granted under this entire section, whether they be roads pursuant to Section 311 or railroad, telephone or telegraph lines pursuant to Section 312.

Mr. Kluszczynski's engineer attempts to suggest that when the statute says that failure to complete the "road" within 3 years extinguishes the easement, it really means "railroad". This suggestion can be given no merit. Section 312 grants authority for easements for railroad, telegraph and telephone lines, and Section 315 says that one tenth of those lines must be completed within one year or the easement is extinguished. Section 311 grants authority for easements for roads, and section 315 said that such a "road" must be completed within 3 years.

In this case, the alleged easement was purportedly granted in 1968, more than 40 years ago, and has never been used, improved or maintained by the purported easement holder. Since the roadway was not built within three years of the map's filing, the purported easement, if it was indeed ever granted, became void under 25 USC 315.

5. Mr. Kluszczynski's property can take access over his own property without need for the purported easement.

When my client originally assembled the land for the Desert Palisades project, he attempted to work with Mr. Kluszczynski to purchase his 5.11 acres and make it a part of the project. No mutually agreeable price could be achieved, and my client was forced to plan his project without that land. My client has expended significant sums of money and time in planning the project and will be spending significant sums to build the project. Ultimately, the lot owners will pay those costs in their purchase prices, and ultimately, the lot owners will pay the cost of maintaining the improvements through their homeowners dues. Mr. Kluszczynski's demands would mean that his land would have the benefit of those improvements without contributing to their construction or maintenance. Essentially the homeowners of Desert Palisades would be forced to pay for Mr. Kluszczynski's access in perpetuity. Such a result is unfair and unreasonable in light of the fact that adjacent to and immediately east of his 5.11 acres, Mr. Kluszczynski also owns a parcel of property which does have access to a public street. Mr. Kluszczynski could therefore easily give access to his 5.11 acres across his own property to the east.

6. The existence of the purported road right of way is a question of fact which can only be decided by a court.

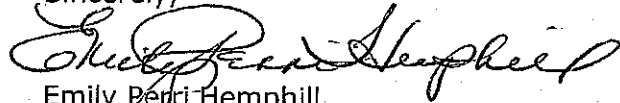
As is evident by this letter and the correspondence from Mr. Kluszczynski and his representatives, whether there is a valid road right of way is a question of fact which must be adjudicated by the proper authority, the Court. It is not the City's role to adjudicate private disputes such as this. Should this City impose a condition on the project that it must give Mr. Kluszczynski the access he claims, the City is essentially placing itself in the position of the Court adjudicating a private matter. There is no legal necessity for the City to impose such a condition as Mr. Kluszczynski's land is not land locked. It currently does not have access to a public street, but it can achieve such access over Mr. Kluszczynski's own adjacent property. It is therefore not appropriate that a condition be imposed on Desert Palisades that would require that we give access to property outside project limits, except to the extent already identified in the project application. That application indicated that our project would provide emergency access to Mr. Kluszczynski's 5.11 acres, and we remain prepared to do so.

Should Mr. Kluszczynski wish to discuss other forms of access or utilities which can benefit his project, my client is willing to discuss such issues with him, however, the resolution of this matter must be fair and reasonable to all concerned. Thus far, the only suggestion we have received from Mr. Kluszczynski is that we give him access easements, utility easements, build all the improvements to get those facilities to his land and pay for the cost of

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construction and maintenance ourselves with no participation on his part. Obviously, in fairness to my client and our future lot purchasers, such a proposal is totally one sided. Should Mr. Kluszczynski wish to make a proposal where easements could be provided without damaging my client's project and Mr. Kluszczynski would pay his fair share of the cost of building and maintaining the easements, my client would be happy to discuss such an approach. In the interim, however, we request that no conditions be imposed on the Desert Palisades project which would burden it with an invalid easement and the costs that go along with it.

Sincerely,



Emily Perri Hemphill
Ealy, Hemphill & Blasdel, LLP

cc: Ed Freeman

Ken Lyon

ATTACHMENT 2

From: Roos, Marv [MRoos@msaconsultinginc.com]
Sent: Wednesday, July 21, 2010 11:32 AM
To: Ken Lyon
Cc: Craig Ewing; lance@o2arch.com; EdFreeman3175@aol.com; Witherspoon, Michelle
Subject: 1774-5.1154 Desert Palisades Post Planning Commission response--Part 1

Ken: Attached is the first of a couple of transmittal that I am forwarding to you as our response to the multiple comments received both at the meeting and in follow up emails and correspondence.

The revised guidelines have not been reorganized per your many comments about standards vs. guidelines. At this point, there still could be additional comments either from the PC of the CC. I'm hoping that if such a reorganization is necessary that it can be handled as a condition of approval. We do not feel that it is absolutely necessary however and would like to keep the document in its current form with whatever changes happen.

As to the matter of design review for each of the homes, it is still our desire to have the city review be handled by the planning, building and engineering staff and not have to require a design review process for each home. Our basic thinking on this is that the other areas in PS that have design review for single-family homes is in hillside areas that have no internal review process and the home under review will impact the surrounding lots. In our case, that review will be handled internally, essentially by those same neighbors. If the staff were to see an unusual or problematic condition, that might make sense to run that up the flagpole to the PC.

X On the matter of building height, we did some site specific analysis and decided to opt for a height envelope (what Lance refers to as an 18 foot "pillow" that would conform to the topography of the site. We took out the two story language but left in the overall height of 25 feet top to bottom. With our extra wide side and rear yard setback conditions, we feel this will allow the homes to conform to the site without impinging on the neighbors. Lance has some graphics that he will forward to you showing how this might work.

I will be forwarding responses to your various emails to assist in responding to all of the PC and public comments.

Marvin D. Roos, AICP
Director of Design Development

MSA Consulting, Inc.

Desert Palisades Specific Plan

Page 19 recommended edit from applicant:

7-28-10


All homes will be constructed at either one or two stories, with a maximum height of 25 feet (when homes are stepping with terrain in a split-level design, otherwise 15 feet) as outlined in the ESA-SP Zoning Ordinance. Homes will be constructed with an emphasis on the incorporation of the natural terrain into building form and massing. Building footprints for all structures within the project will not exceed 6,000 square feet unless multiple lots are combined in which case the footprint may increase to the amount allowed on each lot. Each home site will be minimally graded individually to create adequate surfaces for home building, lessening overall site disturbance.

Page 22 recommended edit by Applicant:

This Specific Plan for Desert Palisades, which is required per the ESA-SP Zone to address the entire Planning Area, does not provide a development plan for this parcel, excluding it from the Specific Plan and Tentative Tract Map at this time. Any future development proposed by the owner of this 5+/- acre property will be subject to further City review and approval, including as a possible amendment to this Specific Plan. The proposed private road for Desert Palisades passes close enough to this parcel to provide for future emergency access to that parcel if necessary.

RECREATION

The proposed project includes on-site recreational amenities for residents to use, consisting of hiking trails accented with low intensity native landscaping, providing access to Tram Way and into Chino Canyon. While no sidewalks are proposed, the on-site street design includes a parkway consisting of decomposed granite that will be shared between pedestrians and occasional guest parking. As is typical throughout Palm Springs, pedestrians will use the private street as well for walking around the community. Pedestrian gates¹ will be available to provide access through the site for those hiking from the Little Tuscany and Chino Canyon residential communities including using the historic Chino Canyon Road trail alignment that connects with westerly terminus of Chino Canyon Road and Tram Way just westerly of Desert Palisades as well as trails connecting to Racquet Club Road, Tram Way and the internal street system. The proximity of the project to the trail system already existing within the foothills to the west provides for convenient access to area recreational uses.


¹ Staff recommends removal of any reference to, and a prohibition of, gates at pedestrian entries. The ESA-SP Section 92.21.1.05 Design standards, notes: "21. *Project gates, if proposed, shall be limited to vehicular access control only.*" Staff believes pedestrian gates, even if maintained in an unlocked condition discourage the free passage and the visual perception of open pedestrian access.

OVERVIEW

The uses and development standards will generally be in accordance with the provisions of the City of Palm Springs Zoning and General Plan regulations. Should conflict occur between the regulations and the Specific Plan, the provisions of the Specific Plan and supporting text shall prevail.

Following adoption of this Specific Plan, the following permitted uses, prohibited uses, and development standards will become the Zoning regulations that govern land use on Planning Area 4 of the ESA-SP Zone; and are meant to augment the provisions set forth within the Section 9.21.1.00 of the City's Zoning Ordinance. These standards are also intended to be consistent with the City's General Plan goals, policies and objectives. Other provisions not included herein will be guided by existing City of Palm Springs regulations, and/or recommendations from the City's Planning staff.

PERMITTED LAND USES – ESA-SP PLANNING AREA 4

1. Single-family detached dwelling units.
2. Hiking and biking trails
3. Common, undisturbed or re-naturalized open space, but not to include large places of assembly.
4. Accessory uses customarily incidental to the above uses, located on the same lot therewith, and designed as an integral part of any low density residential neighborhood, including:
 - Unlighted tennis courts (subject to the design guidelines outlined in Section VII of this Specific Plan). This use is also subject to approval of a Conditional Use Permit
 - Swimming pools (subject to the design guidelines outlined in Section VII of this Specific Plan).
 - Detached garages.
 - Second units.
 - home occupations

PROHIBITED LAND USES – ESA-SP PLANNING AREA 4

All uses and structures not listed above are deemed to be specifically prohibited. The following classifications of uses shall not be permitted in the zone by Planning Commission determination:

1. Commercial uses.
2. Industrial uses.
3. Institutional uses.
4. Mobile home parks.
5. Equestrian facilities.
6. Recreational vehicle parks.

LAND USE DEVELOPMENT STANDARDS – ESA-SP PLANNING AREA 4

A. Density and Open Space.

1. The maximum allowable density shall be 2 dwelling units per acre.
2. The minimum required open space (in all forms) shall be 74% of the entire Planning Area boundary (which has been slightly modified within this Specific Plan). The 74% shall include undeveloped/undisturbed/renaturalized portions of individual lots, common areas between lots, and land within Planning Area 4 not proposed for development within this Specific Plan such as the slopes to the south and the portion of the Planning Area located on the north side of Tram Way.
3. Remaining open space may include roads and other paved or unpaved access ways, recreational facilities, tennis courts, landscaping, water features, and other uncovered features.
4. The maximum allowable gross floor area per residential lot shall be 6,000 square feet. If lots are merged, the floor area can be increased up to the maximum allowed on each lot.

- Floor area shall include all enclosed and covered structures, including all habitable space, garages and carports, solid roofed patios, porte cocheres and other solid roofed accessory buildings and structures. Open, uncovered patios, driveways, walkways, water and landscaping features shall not be included in the calculation.

STAFF
DOES NOT
RECOMMEND

B. Building Height.

1. All residential dwellings shall be constructed at a maximum of ~~two (2)~~ ~~stories~~ one story or split level and contained within a building envelope established at a level 18 feet above the natural grade of the lot. Chimneys and other architectural projections may extend past the envelope if approved by the HOA.
2. The maximum height of building, measured from the approved finished grade immediately adjacent to the lowest point of the structure to the highest point of the structure shall not exceed twenty-five (25) feet.
3. The maximum allowable height of all detached accessory structures (garages, second units, etc) shall be twelve (12) feet from finished floor elevation.

C. Residential Lot Area, Lot Dimensions, Yards, and Distance Between Buildings.

1. The minimum allowable net lot size shall be 14,000 square feet.
2. The minimum allowable lot frontage shall be twenty-five (25) feet, as measured at the setback line.
4. The minimum allowable lot frontage on hammerhead streets shall be twenty-five (25) feet.
5. The maximum allowable driveway width at the street-front property line of each residential lot shall be fourteen (14) feet.
6. The minimum allowable lot depth shall be 110 feet, as measured from the street.
7. The minimum front yard setback shall be twenty-five (25) feet.
8. The minimum rear yard setback shall be fifteen (15) feet as measured from the buffer easement. Pool pavilion structures open on three (3) sides, may be set back to 10'.
9. The minimum interior side yard setback shall be ten (10) feet as measured from the buffer easement.
10. The minimum corner setback shall be fifteen (15) feet.
11. The minimum allowable structural setback from Tram Way shall be 110 feet.

12. The minimum allowable structural setback from adjacent residential uses to the east of Planning Area 4 shall be 110 feet.
13. The minimum allowable distance between dwelling units shall be twenty (20) feet.

D. Architectural Projections and Mechanical Equipment.

1. Architectural projections such as eaves or solar control features shall not exceed four (4) feet into the required setback zone.
2. The use of rooftop mounted mechanical equipment including HVAC units is prohibited.
3. All mechanical equipment including HVAC units shall be appropriately screened from view. Appropriate methods for equipment screening are outlined within Section VII of this Specific Plan.
4. Solar panels may be roof mounted if incorporated into the design of the residence. Solar panels installed following completion of a structure shall be subject to design review and approval by the HOA. ~~and the City.~~

E. Walls, Fences, and Landscaping.

1. No fencing or walls shall be permitted on property lines or between lots, except as needed to enclose swimming pools.
2. ^{OR} Unless otherwise stated herein, the provisions of Sections 93.02.00 and 92.21.1.06 (D) (3) of the Palm Springs Zoning Ordinance shall apply. In addition, any proposed walls or fences on lots within the Planning Area will be subject to individual architecture and design review.
3. The maximum allowable height of all walls/fences shall be five (5) feet. Appropriate materials for walls and fences are outlined within Section VII of this Specific Plan. Where a swimming pool fence or wall built on top of a retaining wall must exceed an overall height of 5 feet, the wall shall be stepped back.
4. All retaining walls exposed more than three (3) ft. ^{IN HEIGHT} shall be appropriately screened.
5. The maximum uninterrupted length of all retaining walls shall be twenty-five (25) feet.

6. All landscaping within the Planning Area shall be designed to comply with the Landscaping Guidelines outlined in Section VI of this Specific Plan.

F. Access.

1. The provisions of Section 93.05.00 of the Palm Springs Zoning Ordinance shall apply.

G. Off-Street Parking.

1. The provisions of Section 93.06.00 of the Palm Springs Zoning Ordinance shall apply.

H. Design Standards.

1. All development shall be designed to comply with the Architecture and Site Design standards outlined in Section VII of this Specific Plan.
2. For any design standards not addressed within Section VII of this Specific Plan, the provisions of Section 92.21.1.05 of the Palm Springs Zoning Ordinance shall apply.

I. Grading.

1. Each home site shall be disturbed as minimally as possible. This includes working around or incorporating into the design natural geological features, such as large boulders and historic drainage courses, as well as the use of non-invasive structural foundation systems.
2. Appropriate foundation systems must be site specific, but may include: pile systems (where a series of holes are drilled to support columns for elevated floors); stem wall system (where a perimeter trench is dug to support walls for elevated floors); slab on grade with perimeter footings (where site is prepared for a level slab and includes over-excavation, cut and fill).
3. All individual lot grading and construction plans shall be reviewed first by the Homeowner's Association, followed by appropriate City review to ensure compliance with the Desert Palisades Specific Plan and any other applicable Ordinances or Regulations.

REVIEW PROCESS

All new proposed structures, walls, landscaping, and any other changes to property within the subdivision must be approved first by the community's established Homeowner's Association (HOA). After HOA approval, the City's review process requires the proposal be reviewed by ^{The} ~~City~~ staff for compliance with the Specific Plan and applicable Ordinances and Regulations.

The Specific Plan sets forth the land uses and development standards and review procedures. The City's architectural review process (Section 94.04.00) will be used to evaluate the individual site development proposals for conformance with the Specific Plan and City codes.

AMENDMENTS TO THE SPECIFIC PLAN

The Planning Director and Planning Commission shall have the authority to determine substantial conformance with the provisions of this Specific Plan. Minor amendments/modifications to the content of the Specific Plan may be made administratively by the Planning Director or Planning Commission when such interpretation does not result in substantive alterations. Major amendments to the Specific Plan shall be processed through the standard amendment process with approvals final with the Planning Commission and City Council.

SECTION IV SITE CIRCULATION

VEHICULAR

As discussed in the project description, the project will include three points of vehicular access. There will be one main entry into the project at the current westerly terminus of Racquet Club Road that will include monument signage, desert entry features and landscaping. A second access point is located south of the main entry, at Sanborn Way, which currently dead-ends at the subject property's eastern boundary. This entry will be a locked gate used for emergency access only. A third access is proposed as an emergency only access from Tram Way at this time. If future residents desire a direct path to the Tram or other potential attractions in the area, such as golf, spas, and resorts, conversion to a full access is possible with minimal disturbance on the landscape; however this conversion will be subject to later review by the City and the San Jacinto Winter Park Authority (Exhibit 15).

The proposed vehicular circulation plan will utilize the adjacent street system in a manner consistent with the City of Palm Springs' General Plan Circulation Plan. In terms of public circulation, the property is bounded by the extension of Racquet Club Road to the north, and Tram Way transverses the property in the northwest corner.

The 2007 General Plan Update shows Racquet Club Rd. as a collector (60-66 foot r/w). As recommended by the 2007 General Plan Update, Racquet Club Road will not connect to Tram Way, but will terminate at the project's proposed entry with adequate turn-around space provided. Within the 2007 General Plan Update, Tram Way is designated as a local street (50-60 foot r/w) northeast of the project site, near the intersection with N. Palm Canyon Drive. This roadway is private and under jurisdiction of the Mt. San Jacinto Winter Park Authority. Internal streets are proposed to be constructed at a 40 foot ultimate right-of-way.

This right-of-way includes a 24 foot inverted pavement section as the driving surface with a concrete valley gutter at the centerline.

With the exception of the center gutters, these roadways will be constructed of decorative interlocking concrete pavers (with an edge band) to blend into the existing landscape. An 8 foot gravel or decomposed granite shoulder is proposed for both sides of these private streets. Parking for the project will be on-site within garages, driveways, and on the decomposed granite shoulders. These shoulder areas will also contain occasional outcroppings of boulders to break up the uniformity. A traffic control plan for adjacent roads will be provided for all phases of construction.

PEDESTRIAN

The Desert Palisades pedestrian circulation plan is illustrated in Exhibit 16. In designing the overall site plan for Desert Palisades, every effort was made to provide unobstructed public access to pedestrian oriented pathways and open space. An internal trail system is proposed to link the residential units to Tram Way, the old Chino Canyon Road (the alignment to be preserved as a trail into Chino Canyon, and Little Tuscany neighborhood to the east). Access for pedestrians will also be provided to the external trail system within the Chino Cone, via these internal pathways. The pedestrian trails proposed within the project can be used for recreational hiking along with basic access to different areas of the project. Landscaping will use primarily native species, and will be minimal, to allow for the blending of these pathways with the natural desert landscape which will not be disturbed. Conceptual landscape designs for the project's internal trail system are illustrated in Exhibit 18, under Section V of this document (Landscaping and Architectural Guidelines).

The Conceptual Master Plan of Trails for the Chino Cone (previously displayed in Exhibit 12) was developed through feedback from neighboring property owners, as well as the City, and is also incorporated into the EIR prepared for the Desert

Palisades. This exhibit outlines the pedestrian connectivity between the project and the surrounding recreational opportunities within Chino Canyon.

Exhibit 15
Vehicular Circulation Plan

Exhibit 16
Pedestrian Circulation Plan

SECTION V ARCHITECTURE AND SITE DESIGN GUIDELINES

DESIGN INTENT FOR DESERT PALISADES

As previously stated, Desert Palisades is located within the eastern extents of the Chino Canyon alluvial fan. The site is a sloping incline directly at the base of a background of rocky desert mountains, leading to Mount San Jacinto peak. The project is organized to respect, maintain and enhance the natural site features. The homes will be designed to appear cohesive with their natural setting as they blend and recede into the environment. Homes should exhibit innovative construction and green building principles. The dwellings are simply defined as resting as lightly as possible on the land with flat expansive roof overhangs and a proportional mix of glazing and wall. The natural terrain should remain as intact as possible, using creative landscaping methods such as boulder groupings to blend the buildings into the natural setting.

PURPOSE OF THE DESIGN GUIDELINES

The Design Guidelines for Desert Palisades neighborhood are intended to assist residents in the design of the homes and home sites to achieve the objectives and vision for the area as set forth in this Specific Plan. The guidelines and images within these documents are intended to set a general direction for land and building development, but are not meant to prescribe a specific design response. There is adequate latitude in the document to allow individual expression of homeowners, while maintaining consistent aesthetics and achieving sustainable goals and priorities.

GOALS AND OBJECTIVES OF THE DESIGN GUIDELINES

Maintain Views of Mountains and the Valley Floor

Mountain and valley views should be considered during the planning of every site, by building orientation, adjusting heights and the integration of view corridors. Night lighting should remain minimal so as not to cause obstruction or glare in the skyline or alter the mountainscape. Walls and planted trees should be strategically selected and placed so neighboring sight lines are available. A professional design review process will contribute to maximizing valuable view corridors, both on- and off-site. The HOA, through the CCRs, will create and maintain a design review committee that will include at least one licensed architect and one licensed landscape architect along with community members.

Preservation of the Natural Landscape

The site should remain as natural as possible in its grading and overall development. Buildings should blend and recede into the environment. Rocks and plants can be incorporated into the site by way of pathways, screens, short walls and building elements. Homes, pools, driveways and other built features should be located to minimize site disturbances and maximize the use of natural resources on site. In keeping with the environmental intent of the overall site design, edge landscaping should be native and drought tolerant. View and privacy controls should be native boulders or other natural material as well as the building architecture itself. Pedestrian access from individual sites to natural features such as trails and arroyos is strongly discouraged. Natural drainage channels shall be incorporated and maintained where feasible including accepting natural sheet flows from neighboring uphill properties.

Building Design

The architecture is rooted in desert modernism and regional vernacular. In principal, this work is best exemplified by the work of architects William Cody,

John Lautner, Richard Neutra, Donald Wexler, Ken Kellogg and Stewart Williams. Current examples of appropriate desert architecture are exemplified by the work of Antoine Predock, Will Bruder, Rick Joy, David Hovey and Wendell Burnette.

The goal is to create innovative structures rich in interest and high aesthetic quality using the same inspiration and creativity as the rich, diverse, and celebrated architecture that made Palm Springs renowned and unique, from the middle of the 20th Century to the present. There should be a sense of timelessness, transparency, mass, texture, and a color palette derived from the local desert setting.

GENERAL SITE GUIDELINES

The following sections set forth guidelines and standards to guide the community's general pattern of development as well as lot-specific issues such as the locations of accessory structures, garages, patios, etc.

Driveways and Parking

Each site shall have one driveway entrance from the street limited to 14 feet in width. Circular drives may be discretionally permitted with access easements, but must be limited to 9 foot maximum width at street connection. All sites will maintain a buffer zone of 20 feet property frontage.

The use of permeable surfaces and paving is encouraged to minimize concentrated runoff and water retention.

Allowed surfacing materials include:

- Decomposed granite (parking areas only);
- pervious concrete;
- gravel pavers (grass pavers without the grass);
- colored, sand finished or exposed aggregate concrete;
- and

NO DG
PER ENDS

- colored pre-cast concrete pavers or stone.

Asphalt is not permitted. Parking shall be screened, to the degree possible, from street and adjacent home sites. Large vehicles (i.e. motor homes and commercial vehicles) may not be kept on any single family dwelling site except for loading and unloading for a maximum period of 24 hours in any two week period. ~~unless they are completely screened from view of adjacent lots as well as the street.~~

Individual property gates, if used, must be located in driveways and as recessive as possible.

Auto Courts

The integration of an auto court within the front yard is allowed. This may accommodate a turn around area and additional site parking. Allowed surfacing materials are the same as for driveways, but must have pervious joints for every 150 sq. ft. of impervious surface.

Garages and Carports

In order to enhance the streetscape and maintain a domestic scale to the entry zone, garage doors and/or carport openings should be oriented away from the street and open to an auto court.

The area of a garage or carport is not limited. However, garage and carport must be proportional to home and counts toward maximum building coverage.

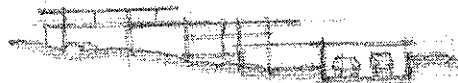
The height of a garage is limited to 12 feet and is to be used as a single story space.

While garages may be freestanding, it is strongly recommended that these be connected to the main residence by means of architectural projections such as

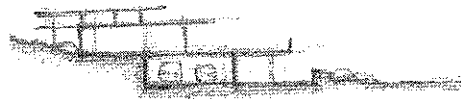
breezeways, trellises, site walls (no taller than 6 feet high), fascia elements, or split levels with garage below. The desired result is a cohesive whole with low horizontal lines. The maximum garage width shall be two cars (22 foot maximum opening).



Attached garage with deck above



Freestanding garage w/ projection



Attached garage with deck above

Patios and Terraces

The intention in developing patios and terraces is to create spaces that provide an extension of interior living spaces.

Patios and terraces are to be located and designed in such a manner that they will become both natural extensions of living patterns within the building and a transition zone to the natural landscape beyond. Patios and terraces will be most comfortable if they have the feel of an outdoor room that implies shelter. Informal human-scaled spaces, such as building recesses and overhangs, trellises, and seating walls are encouraged to define edges. Planting and other focal elements should be utilized to define and enrich these spaces, but must be foremost in compliance with the conditions set forth in Section VI (Landscaping Guidelines).

Exterior patio/terrace materials should be unified with building materials and are most elegant when naturally extending from indoors to outdoors. Allowed materials include:

- Colored, sand finished or exposed aggregate concrete; and
- Colored pre-cast concrete pavers and native stone.

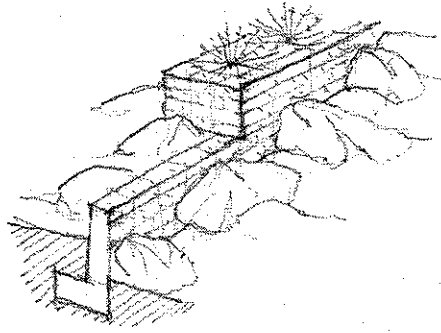
Permeability is encouraged, or else drainage design should minimize concentration of runoff. All paved areas larger than 150 sq. ft. must have permeable joints.

Fences, Planters and Retaining Walls

Generally, fences are discouraged. Low architectural walls or planters integrated with the architecture are encouraged for privacy barriers.

Existing rocks and boulders on site should be kept and placed to the best advantage, as a feature, screen or directing views.

The use of perimeter property line fences is prohibited. Raised planters and/or retaining walls are more appropriate using varying heights, separations and plants for screening. Where fences are necessary, minimize their use and visibility to within the site. If fences are used they should relate to the building and surrounding patios and terraces and not to the property or set back lines. Fence heights should be kept as low as possible unless it is utilized to protect and conceal a pool or hot tub where it may extend to 60 inches immediately adjacent the pool and surrounding patio. Exposed retaining wall heights shall be kept to a minimum. Where retaining walls are exposed more than 36" they must be screened. Stepping retaining walls are recommended where there is a steep change in grading conditions. Pursuant to the ESA-SP Zoning Ordinance, retaining walls shall only be permitted in maximum lengths of 25 feet.



Retaining Wall Screening Concept

Appropriate fence and planter materials include:

- Open precast concrete fences (not solid);
- stone or concrete walls and wing walls that are extensions of the building; and
- weathering metal and hedges, if informal.

Inappropriate fence and planter materials include:

- Chain link;
- brick;
- wood;
- shiny or corrugated metal; and
- formal hedges

Exterior Structures and Site Furnishings

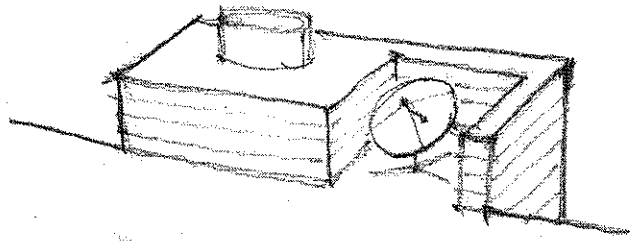
The objective for the character and placement of ancillary structures and site furnishings is that they should appear as extensions to the main home and its immediately surrounding outdoor spaces, rather than as separate and detached elements. The basis for their location and design should be their contribution to the overall composition of outdoor space. Materials should complement those utilized on the patio, terrace surfaces, and of the home.

Site furnishings such as outdoor art, deck/patio furniture, arbors, trellises, and greenhouses are allowed provided that they are located within the outdoor spaces immediately surrounding the home. Exceptions are minor elements used to identify the home site that may be located at the entrance to a driveway. Pedestrian entry gates shall be integrated into the landscaped area immediately surrounding the main dwelling.

Play structures are to be constructed of materials and colors blending with the environment.

Tennis and other paved or deck play courts are permitted, but must be demonstrated to have minimal visual site impact. Courts shall not be illuminated and fencing shall not exceed 6 feet.

Satellite dishes and antennas are to be integrally designed into the roof structure and to be as visually shielded as possible from off-site areas.



Satellite Dish Screening Concept

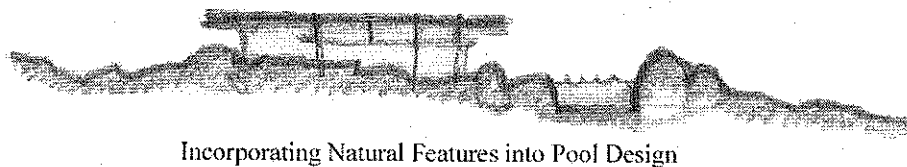
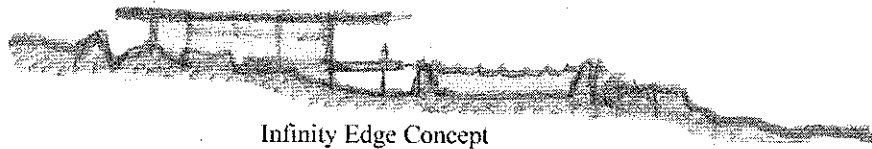
Flag pole height must not exceed the height of the residence.

Spas, Water Features and Pools

The installation of in-ground pools and/or spas is allowed. The style and treatment of the pool deck area is to be consistent with the primary residence and other exterior terraces. It is strongly recommended that pools interconnect with the main residence by means of landscape treatments, outdoor living areas, and/or architectural projections such as breezeways, canopies, colonnades, and pergolas. Size of pools is not limited, but both pools and spas must be fenced according to State and local codes as well as according to these guidelines. ~~located within the building setbacks.~~

Pools and spas shall be of concrete and plaster (or *pebble-tec*) construction and multi level interconnecting pools are encouraged. Plastic-liner pools are not permitted. Where the topography permits, infinity edges are encouraged.

Heating for pool water, if desired, should be via solar water heating system, rather than gas or electric heater. Salt or ozone-based water filtration is highly recommended for swimming pools, but chlorine is also permitted. Pool equipment should be situated in such a way as to minimize on and off site noise.



Exterior Lighting

The objective is to use exterior lighting sparingly to avoid spilling glare into the sky or onto mountainsides and adjacent spaces and homes. Lighting should be used to provide essential illumination for safety and security reasons and should not spill into adjoining areas nor disrupt others enjoyment of the dark sky natural to the area.

The project shall utilize low intensity, high efficacy, LED and fluorescent indirect light sources to light paths, patios and entries.

Subtle accent lighting on trees or other structural elements must have light source shielded from view with appropriate fixture housing and baffling. Pole mounted and wall lighting must be screened off from site view. The maximum allowable height for any pole lighting shall be the height set by the nearest adjacent roofline. Wattage shall not exceed 65 watts on a fully recessed downward facing home light, 40 watts on other home lights and 25 watts on landscape lights. Fixture design should complement the home and be consistent with the architectural guidelines set forth in the paragraphs that follow.

ARCHITECTURAL GUIDELINES

The objective is to develop an architectural character that reflects the timeless qualities of desert modernism and regional vernacular, spirit of the site, and the extreme climate. First and foremost, the building form and structure must be designed in response to the site terrain and climate. The use of time-tested inorganic materials that withstand the extreme climate are encouraged. Site planning must take advantage of the topography in order to enhance view potential and also respond to the site's natural boulder setting. The design aesthetic should reinforce and complement the contrasting horizontal desert floor and vertical mountains and canyons with clear horizontal and vertical lines.

Building Location/Foundation Systems and Terrain

Due to the individual grading and design of each home site, mass grading will not occur on site. Further, each lot within the Desert Palisades community is unique, thus demanding a site specific response. In general, all sites are underlain with varying size boulders (3' to >18' diameter) and cobble (<3' in diameter), with gravel and sand filling the voids in-between.

Due to this reality any site work will expose and/or generate rock. This rock must be re-incorporated, ~~crushed~~ or removed. ~~Rock crushing or removal have broad environmental impacts and should be avoided.~~ Therefore, each site should be disturbed as minimally as possible.

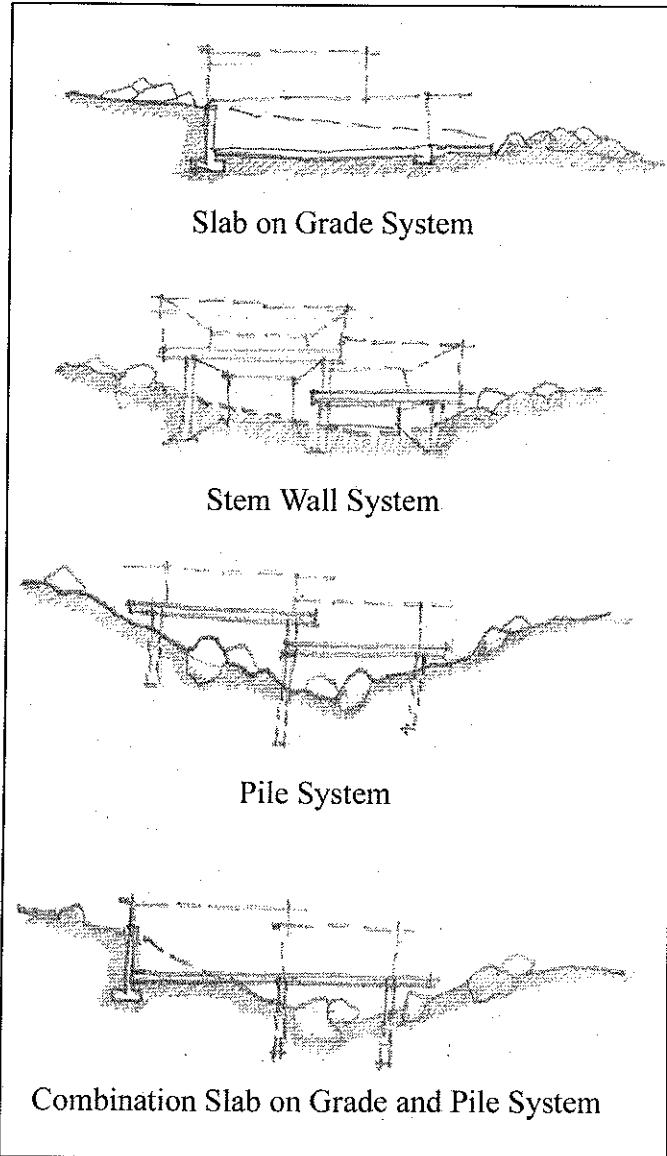
The phrase "minimal site disturbance" means working around or incorporating into the design natural geological features, such as large boulders and arroyos, as well as the use of non-invasive foundation systems. Appropriate foundation systems must be site specific, but may include: pile systems (where a series of holes are drilled to support columns for elevated floors); stem wall system (where a perimeter trench is dug to support walls for elevated floors); slab on grade with

perimeter footings (where site is prepared for a level slab and includes over-excavation, cut and fill).

Most building sites will be a combination of the aforementioned systems. For example, an elevated portion of a site may require cut and the installation of retaining walls prior to slab on grade installation. Adjacent building areas that are depressed may require bridging over with a raised floor on a pile system. Most any combination of systems may be employed with the goal of minimizing site disturbance. Foundation systems that require extensive site material to be removed and/or imported fill are to be avoided.

To this end, the use of modular building systems is encouraged. The goal of these systems is the same for sit built construction, reflect the timeless qualities of

desert architecture, spirit of the site, and the extreme climate—while minimizing on site construction time and building waste and off site noise, dust and other environmental impacts.

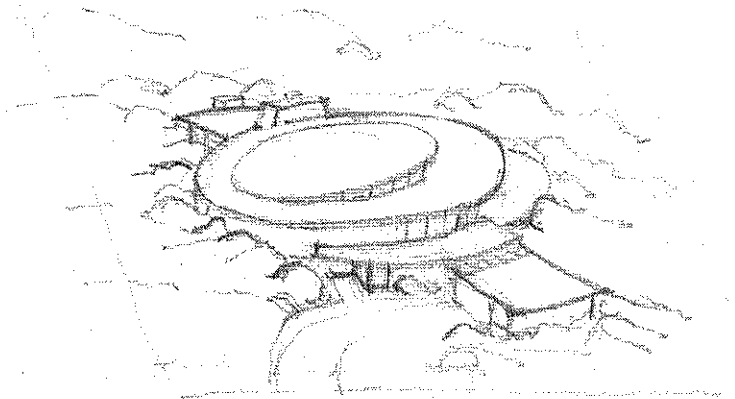
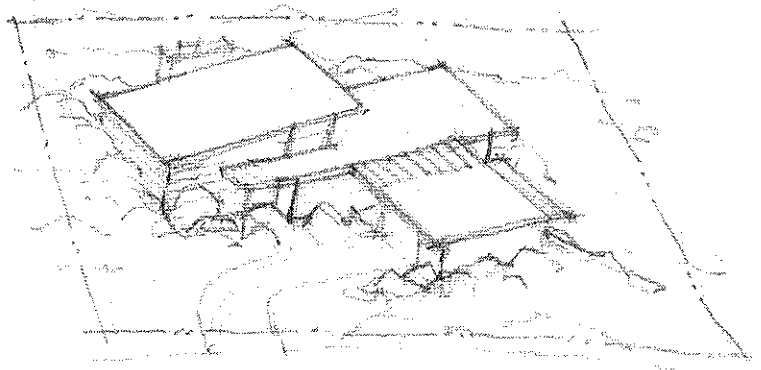


Building Mass, Scale and Form

The building mass should integrate the indoor living and outdoor living spaces with the natural topography. The plan layout should be configured to define exterior space and create opportunities for natural breezes, daylight, and outdoor living spaces.

In order to strengthen indoor-outdoor relationships and to avoid large bulky masses, detached garages should utilize trellises or breezeways to connect with the main residence where possible.

Residential dwelling types shall be a maximum of one story, but if stepping with the terrain may have multiple levels. When designing with multiple levels, adjacent grade shall be no more than 15 feet below the roof. Building masses should employ a simple rectilinear/box geometry or curvilinear "organic" massing (see images below), composing large planes. Generally, built form should be articulated into 2 to 3 volumes and unified with horizontal roof planes. Volumes should be additive in nature, with one volume being clearly dominant. Lesser forms, such as smaller horizontal planes, vertical elements, may play off larger volumes.



Masses should be composed to ground the building form in the landscape, yet focus the sequence of arrival and proportion between larger and smaller spaces within the house.

Solar control strategies appropriate for their orientation must be integral to the design. Tack-on awnings are not permitted.

No part of the building shall encroach on established building setbacks, with the exception of roof overhangs, trellis overhangs, or solar control features, which may extend up to 4 feet into the setback zones.

In order to soften and articulate a long or expansive building face, offsets and projections may be added using full planes of wall surface, or building elements such as stone vertical elements, steel horizontal elements and plants, but the composition of the elevations should be considered as a whole and related to its site, primarily.

Orientation of the building to emphasize southern exposure will, with the appropriate overhangs, passively heat and minimize required cooling. Maximizing these seasonal benefits is strongly encouraged.

Structural Expression

Buildings should reflect the desert character of Palm Springs by using naturally expressed inorganic materials (concrete, stone, masonry block, steel and glass). Concrete, masonry or natural stone may provide a proportional anchor to the ground surface. Steel and engineered timber may be used as exposed supporting elements with appropriate treatment such as metal capping or cladding and surface paint or sealant. Untreated wood products are often best utilized when not exposed to direct sunlight.

A clear and simple structural arrangement is encouraged, and the design will be enhanced by exposing or expressing the structural elements as they contribute to the order of the house plan and appearance.

Roof and Building Height

Due to overall site and view concerns, roofscapes and building volumes must be considered for their impact in the general and visible environment. Roof material should be responsive to the climatic effects of sun, wind and rain typically occurring on the site.

Horizontal and low slope roofs are preferred to maintain uninterrupted views. Low flat planes, reinforcing the horizontal desert floor, are encouraged. Large roof overhangs are encouraged in order to reduce undesirable solar gain and glass reflectivity, as well as to shelter outdoor patios, terraces and provide shade.

Roofs are to be non-flammable, code rated, non-reflective and utilize subdued earth colors drawn from a palette based on the desert rocks, sand, and dry flora. Class B roof coverings or roof assembly is required in High Fire Severity Zones, in which the project site is located. A Class B roof covering is one that is effective against a moderate fire exposure, affords a moderate degree of fire protection to the roof deck, does not slip from position, and does not present a flying brand hazard.

Appropriate roof materials may include:

- Single-ply membranes;
- built-up roofs with ballast surfaces using local desert colored stones;
- flat concrete tile; and
- matte finished seamed metal.

Inappropriate roof materials include:

- Wood shakes;
- roman tile;
- Spanish tile;
- exposed foam; and
- shiny metal

Roof materials requiring special consideration by the HOA, include:

- Bermuda roofs
- Spanish tile and
- sloping exposed foam

If Spanish tile roofs are used, any openings or gaps must be 'fire-stopped' (e.g., cement patch or other filler material) to limit embers (and other debris) from getting under the roof covering in the event of wildfire.

Broad sheltering roofs having clean, simple lines are encouraged. The primary roof forms allowable are flat, low sloped, or shed. Secondary roofs may be any of these. Unusual forms such as "A-Frame" and Mansard roofs are not permitted. Roof planes may be stepped with several planes following the terrain. The maximum allowable roof pitch shall be 3:1.

The dimensions and scale of roofs, walls, windows, and structural elements shall be proportioned to each other, with an emphasis on the horizontal incorporation of the house into the site.

Overhangs are to be a minimum of 3'-0" with a minimal fascia/structural depth to be structurally sound.

Where possible, roof edges at eaves and rakes may include exposed structural elements such as purlins and rafter tails. These are to be detailed simply and in proportion with the architecture of the roof and building.

Eaves shall meet the requirement of SFM 12-7A-3 or shall be protected by ignition resistant material or noncombustible on the exposed underside.

Ceilings that transition seamlessly from indoors to outdoors are encouraged. Rooftop air conditioning and heating equipment is prohibited.

Solar electric and/or hot water systems are encouraged, and should be designed to minimize visual impact or shall be incorporated into the roof design.

Provisions for their future solar electric installation must be considered when not incorporated in the initial design. Any subsequent installation of solar systems shall require architectural review by the HOA and the City.

Downspouts, gutters, and flashings are to be minimized. Where required, these are to be of durable quality, a natural or patina finish, and shall be provided with the means to prevent the accumulation of debris. All roof stacks, crickets and other related elements are to be painted to match the adjacent roof color. Roof vents are to be concealed and designed to resist the intrusion of flame.

Exterior Doors/Windows

By design, windows and glass door openings should take advantage of views, minimize reflectivity, solar absorption, glare and nighttime light emission and minimize overlook between residences. Large panes of glass are preferred.

In order to reinforce the connection to the outdoors, large windows with edges at or near the floor and/or ceiling, and sliding glass doors opening from main living areas, are recommended.

Square or rectangular window shapes are to be emphasized. Arches, circular, triangular, octagonal, or trapezoidal windows or doors are discouraged as they suggest other building types and histories not associated with "desert"

architecture. One exception is trapezoidal clearstory windows that take their shape from the adjacent sloping ceiling and roof.

Passive solar design strategies which locate the windows to enhance daylight and useful solar heat gain, as well as gathering natural ventilation, are strongly encouraged.

The use of metal-clad or aluminum window frames are encouraged. Window elements should be integral. Removable or 'snap-in' mullions are not permitted. Windows are to be generally rectangular in form, vertically or horizontally oriented, with larger undivided panes.

Appropriate window types include:

- Awnings;
- hopper;
- casement; and
- fixed glass.

Window frames are to be consistent in material, color, and proportion with the surrounding structure.

Exterior windows shall be insulating-glass units with a minimum of one tempered pane (*either inner or outer pane*), or have a fire resistant rating of not less than 20 minutes with tested in accordance with ASTM E-2010, or conform to the performance requirements of State Fire Marshal building code 12-7A-2 (Exterior Windows).

All windows shall be at least double glazed to maximize energy conservation. Glass may be coated to control solar heat gain ("low E"), but a reflective, tinted or mirrored appearance is not acceptable. Operable windows are to be placed to maximize cross ventilation.

Exterior Walls

Only those building materials that appear natural and indigenous are appropriate. Color, texture, and form shall be combined to help buildings recede and blend into the landscape.

Exterior walls shall be composed of approved noncombustible or ignition resistant material, or shall provide protection from the intrusion of flames and embers in accordance with State Fire Marshal Building Code 12-7A-1.

Appropriate wall materials may include:

- Natural stone having the appearance of indigenous material and color;
- smooth faced, sand blasted, board formed and bush hammered architectural concrete;
- smooth trowel finish and sand finish stucco, where used in defined planes;
- architectural smooth faced, sand blasted, split faced and colored precision concrete block;
- architecturally composed fiber cement;
- copper or neutral-toned finish metal; and
- Cor-ten steel.

Inappropriate wall materials include:

- brick and other veneer masonry;
- cultured stone;
- highly reflective or shiny metal;
- log construction;
- decorative patterned stucco; and
- surface-applied stone tile.

Of the inappropriate materials listed above, those requiring special consideration by the HOA for approval, include:

- brick and veneer masonry;
- cultured stone;
- wood siding and
- decorative patterned stucco

Exterior walls are to be simple, refined compositions that firmly ground the building to the site. A minimum of two and a maximum of three exterior wall materials are to be used with one material clearly dominant. Stone masonry shall be of 4" minimum thickness. Wood is not recommended without significant overhang. If used it should be from a certified "green" and managed source. Additionally, it must be selected for its ability to withstand the dry/hot environment without excessive maintenance. Wood composition is to be placed vertically or horizontally only. Accompanying accent trim is to be proportional in scale to the built form and to be painted/stained to match or complement adjacent surface color and texture.

Large unbroken wall planes comprised of a single material should be used judiciously. Changes in wall materials should coincide with a clear break in massing, ground plane and/or surface plane. Materials are to be composed and consistently applied to all building elevations.

Decks and Patios

Decks, patios and terraces should be designed to encourage a connection between indoor and outdoor spaces. These elements should be designed using natural materials that are both consistent with the exterior finishes and integral to the architectural style of the residence.

Balconies, decks, and patios are to be designed with consideration given to the climatic influences of sun, shade, wind and rain. Trellis and/or overhead canopies may provide a shady transition from indoors to poolside and terraces.

Decking and/or patio surfaces shall be constructed with ignition resistant material and pass performance requirements of State Fire Marshal Building Code 12-7A-4 (Parts A and B).

Appropriate materials for decks, patios, and terraces are:

- Native sand;
- stone; and
- exposed aggregate or architectural concrete, provided these are consistent with the architectural style and exterior finishes of the house.

As a means of integrating built form with site, ground oriented terraces are strongly preferred over decks for outdoor living areas. If not feasible, decks are acceptable only if constructed low to the ground or otherwise integrated into the site.

In order to provide weather protection, balconies or decks may be covered by trellis or canopies. Alternatively, overhead elements are encouraged in order to integrate building mass with decks and balconies. In addition to providing shade from the sun, trellis forms may also create poolside pavilion character.

Guard rail designs are to be consistent with the material, detailing and architectural style of the dwelling. Glass or metal cable guard rails are encouraged for their transparency and least obstruction for views to and from the house. Highly decorative ornate railing styles and heavy wood or metal pickets are inappropriate.

Chimney, Skylights and Roof Projections

Roof elements are to be designed expressing horizontal planes. The body of the building volume may remain below the projections or protrude through them. Verticals should suggest a strong perpendicular connection to the desert floor. Horizontals should suggest a light structure floating above the desert floor. Projections can be expressed up to allowable building code requirements, as well as allowable State Fire Marshal building code requirements for homes in high fire severity zones.

Chimneys are to be mass elements anchored to the finished grade. Concrete, concrete block, natural stone, brick masonry, neutral-finish metal or steel plate or other approved exterior wall materials are acceptable. Wood is not acceptable. All visible metals are to be of finished color or patina so as to complement or blend with roof color and minimize reflectivity. Spark arrestors must be custom designed to complement the architecture. See Section 3.3 regarding rooftop equipment.

A significant aspect of the desert environment is the nighttime quality of darkness. In order to preserve this quality, skylights are to be minimized. Clerestory and roof monitor designs are encouraged and provide less direct light spill impact, while allowing for the introduction of light into interior spaces. Further, interior light sources must not be positioned so as to direct light upwards through skylights.

Where skylights are used they shall comply with the following: low profile, clear glazed, non-reflective skylight units and light tubes are acceptable. Bubble and/or domed skylights are not acceptable. Every effort should be made to visually shield skylights from direct view of adjacent dwelling. Flashings and frames shall be painted or pre-finished to match roof color.

Accessory Structures

The design of accessory structures is to be consistent to the style and architectural characteristics of the main building. The permitted use of accessory structures is limited to detached garages, second units, and pool/garden pavilions. Accessory structures shall not exceed 12 feet in height and are subject to review by the HOA and the City. The maximum floor area of accessory structures is not limited, but counts toward the maximum allowable building coverage per lot (6,000 sq. ft.)

Pool and garden pavilions are to be located in the rear yard with a minimum setback of 10 feet to the rear and side property lines. The intent is that the pavilion be constructed primarily as a shade structure with open walls on a minimum of two sides.

CONFLICTS w/ SETBACKS ON
PART C DEV. STDS.

Details

Details should be minimalist and essential in use. Simple forms provide interest in the way they are crafted and complement adjacent materials. Details should reflect the selected materials' natural qualities and reinforce the design of the complete building. Decoration and ornamentation must be used sparingly and should be limited to the small scale or hand sized objects where human scale and interaction is focused, such as custom door handles.

Detail elements to consider include window and door hardware, metal over exposed rafter and beam tails, structural connections, brackets, exposed truss connections, fenestrations, trellises, exterior cladding patterns, saw cuts in concrete slabs, patios, drives and decks as well as other strategies consistent with modern desert architecture.

Colors and Materials

Exterior materials should have colors that are integral to their natural properties or draw from the indigenous desert color palette. These local colors should recede and blend into the landscape.

The desert palette is most observed through the architectural shell of the building. Smaller inward items such as indoor/outdoor planes can begin to reflect the more vibrant desert colors, such as those found on rocks (lichen) and blooming cacti.

In general, colors of exterior elements, including roofs, walls, trims, and landscape structures, are to be subdued, recessive and complementary of the colors found in the surrounding landscape.

Sustainability

Just as this unique community is carefully sited to protect and sustain its natural environment, the products and processes which create these homes should respect natural resources and the long-term health of the environment.

Environmentally responsible and safe materials and treatments are encouraged, to provide comfortable interior spaces and healthy indoor air quality. Low-flow shower heads, faucets, and dual-flush toilets and tankless water heaters are strongly encouraged, beyond the requirements of building codes.

Optimized energy performance via energy-efficient heating and cooling equipment, solar, yard lighting, and appliances, as well as a well insulated exterior building envelope, insulated and internally located ductwork, and high performance windows are also recommended where not already required by building codes.

Graywater reuse (from lavatory sinks, showers, dishwashers, and washing machines) for landscape irrigation is an excellent way of reducing the demand for potable treated water, and is encouraged within code guidelines.

City services are in place to facilitate community recycling. A screened enclosure is required for each residence to accommodate trash cans and recycling containers for recyclables and green waste.

Construction waste management strategies should incorporate sorting, recycling and reuse to minimize landfill impact and encourage community-wide benefits and responsibility of the construction industry.

As all individual sites will have to retain incremental increases in storm water run off, each site will evaluate the use of basins (percolation) or cisterns (reuse in landscape areas).

Ken Lyon

ATTACHMENT 3a

From: Roos, Marv [MRoos@msaconsultinginc.com]
Sent: Wednesday, July 21, 2010 1:55 PM
To: Ken Lyon
Cc: Craig Ewing; EdFreeman3175@aol.com; lance@o2arch.com; ephemphill@aol.com; Witherspoon, Michelle; Vann, Nicole; Rob Parker
Subject: FW: 1774--FW: Desert Palisades - case 5.1154 Planning Commission additional comments and staff direction to applicant

Ken: Our responses to the issues raised in this email. A separate email(s) forthcoming on Commissioner Donenfeld's questions..

From: Ken Lyon [mailto:Ken.Lyon@palmsprings-ca.gov]
Sent: Thursday, July 15, 2010 4:01 PM
To: Roos, Marv
Subject: FW: Desert Palisades - case 5.1154 Planning Commission additional comments and staff direction to applicant

Marvin,
 Subsequent to the last PC meeting, commissioners were asked to submit any additional comments to staff for forwarding to the applicant for review/response. Below are the inquiries and I have put forth proposed action for each. Please take a look at these and let's discuss next week how to format your responses or if you feel some other response is warranted.
 Ken

Hudson:

Questions/Comments on the analysis of view impacts of the project. Give more of an idea of the extent of visibility of the project, i.e., ~~at one shading~~ should be added to the photos showing the views of the site, indicating the area that would be covered by homesites. Specifically, it is mentioned that the project will not be visible from points 19 and 20 along 111. In fact, because landscaping is proposed along Tram Way (the road has such a strong, straight uphill "horizon") the project will likely have an impact on this viewshed. Another example is the close-in view of the project, View 11 on Exhibit 3.1-2b, indicates with an arrow saying site not visible, when - if one were to look from Chino Canyon Rd., the project will be visible. The aerial on 3.1-2 shows this.

Proposed action: Applicant to incorporate requested shading of some kind to indicate homesites on the photos of the site. Review concerns about Tram Way view impacts and revise analysis/verbiage accordingly.

Response: Since we do not have any specific house designs, anything that would be shown would be essentially a guess as to what the homes would look like. The visual simulations in the EIR depict the conceptual build out of the project from 10 different perspectives. View 11 is an existing condition where a majority of the site is obscured by the existing water tanks and landscape. It appears that directly up Chino Canyon Road, that a home site would be visible. This is shown in Visual Simulation 3.1-12 which is slightly further down the road but does show portions of the proposed Palisades project.

The proposed treatment of Tram Way that is designed to comply with the Chino Cone Ordinance would include building up an irregular berm of boulders with intermittent plantings to closely mimic the natural boulder and landscape background. The final design of this berm feature will be subject to AAC/PC approval of size, shape and landscape materials.

Munger:

1. The "guidelines" for construction were very general and should be more specific.

Proposed action: revise the review process description to require PC review of all subsequent development applications and retain the discretionary/interpretative language for PC flexibility in evaluating applications.

Response: The design guidelines need flexibility to avoid a sense of sameness that often results in tightly worded

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guidelines and ordinances. These homes will largely be unseen by the general public and the HOA will review and approve every design. The neighboring properties within the development have considerable control over every home design. The publically viewable perimeter and common areas will be reviewed and approved by the Planning Commission.

2. Carports should not be allowed. (views of cars and stored items)

Proposed action: Applicant to provide evaluation of impacts of views into carports and include language in the design standards that carports be oriented to minimize direct line of sight into them from the roadways where feasible. Consider ~~tight specific~~ language in the CC&R's to prohibit open storage of items in carports (closets or other means of enclosing storage areas in carports would be required). Consider prohibiting carports.

Response: The aesthetics of carports (particularly storage) is an HOA issue. The modern architectural styles do very well with carports vs. garages. Language in the guidelines requires a careful orientation of the carports away from the internal streets. No carports will be visible from any public streets.

3. RV's should not be allowed to be parked in the development.

Proposed action: Applicant to consider prohibiting parking/storing of motor homes or commercial vehicles in CC&R's for anything longer than, say, 72 hours or other short term measure to allow guest in motor homes to visit, but to prohibit the storage of such vehicles on site.

Carefree Arizona is a great example of blending into the environment.

Response: Language has been added prohibiting the storage of motor homes and large commercial vehicles. Language allowing parking for up to 24 hours (or?) in order for owners to load their vehicles has been added to the guidelines.

Klatchko:

Consider elimination of vehicular gates.

Proposed Action: Have the applicant explain why he desires a gated community instead of an open/public one.

Response: The nature of the custom home development building program is such that the project would be quite vulnerable for years to drive by vandalism, loitering and vagrancy such as what used to occur along Bogert Trail when that area was undeveloped. The proposed improvements for Desert Palisades includes all concrete pavers for the streets. As the streets are proposed as private streets, adding public traffic will add to the wear and tear which is a cost that would be borne by the HOA, not the public. The project does propose to allow emergency vehicular access at the direction of Police and Fire personnel and does propose to allow pedestrian and bicycle access on streets and trails through the project.

Scott:

1. The cumulative effect and potential for significant impact on issues of Air Quality, Noise and Traffic (due to construction trips) if several of the already approved projects and this project (plus future ones) proceed into construction in the same time. Does, can, or should the EIR address this ? Can the City take discretionary action to "limit" construction overlap ?

Proposed Action; City/Applicant to review and provide further discussion as appropriate.

Response: The EIR already covers cumulative impacts. The City Council previously imposed a condition that the Boulders and Crescendo projects cannot be under construction at the same time. Since the Desert Palisades project does not intend to build houses, the shorter construction time frame of the site infrastructure, combined with the narrower construction window due to biological mitigation has already reduced the scope of construction related impacts.

2. Update the Fiscal Impact Report.

Proposed Action: To be submitted prior to 7-28-10 meeting.

Proposed Response: Update completed and available for PC review..

3. Concern about the 25 ft height allowed for all sites.

Several possible solutions:

- a. Apply the City's R-1 ordinance for residential heights on all lots in this Project: flat or hillside.
- b. Allow 25' in hillside lots on this project and limit flat lots to another height to be determined.
- c. Allow 25' on all lots but require all building applications in this development to come before PC.

Proposed Action; Applicant to clarify height limits and consolidate statements into the Development Standards section of the DPSP. The discussion of heights in the DPSP is abit confusing. Page 60 denotes that "All

residential dwelling shall be constructed at a maximum of two stories.” And “The maximum height of building, measured from the approved finished grade immediately adjacent to the lowest point of the structure to the highest point of the structure shall not exceed 25 feet.” Page 79 denotes that “when designing structures, the adjacent grade shall be no more than 15 feet below the roof.” Garages and accessory structures shall be not higher than 12 feet. These varying statements do not necessarily conflict, but they need to be placed together, and written more clearly in the development standards section of the SP.

Response: The basic solution suggested is to have each designer work within a basic 18 foot envelope from native grade with an overall top to bottom height not to exceed 25 feet from low to high point of the structure. If a proposed structure was approved by the HOA that exceeds these guidelines, that would be an appropriate case to have the design reviewed by the PC.

4. The Specific Plan should allow pedestrians and bikers on all private roads in the Project, not just on the dedicated trails.

Proposed Action: Clarify that trails AND roads are accessible to the public/pedestrian.

Response: This has been modified in the Specific Plan to allow public pedestrian and bicycle access on the private streets and trails.

5. Because of the concerns of the Milo residents and the heights of existing boulder berms adjacent to their properties, the Specific Plan should address the allowable/ maximum height of boulder berms.

Proposed Action: Add COA and language in the DPSP requiring landscaping/grading/staging area for berms/landscape/boulder buffers be approved by the PC prior to Building Permit.

Proposed Response: This is acceptable. There is no intent to raise the profile of the ground adjacent to the Tuscany Heights project. The retention for Tuscany Heights is actually between their homes and Desert Palisades.

6. Roof color of DWA tanks

Proposed Action: Include note to paint roof of tank and walls to blend with desert environment adjacent to it.

Response: There is already a mitigation measure to paint the sides of the reservoirs. DWA has indicated they need to use white for the “roof” of the reservoirs to reduce the heat build up inside the tanks.. Again, DWA is not subject to local zoning authority on water tanks so the only discretion that the PC has in this case is the EIR review and proposed mitigation measures. Since the tops of the reservoirs are largely not viewable except from hillside hikers, the EIR did not see this as an impact.

No further comments from Donenfeld.

**Ken Lyon,
Associate Planner**

City of Palm Springs Department of Planning Services
3200 Tahquitz Canyon Way
Palm Springs, CA 92263
Phone 760 323 8245 Fax 760 322 8360

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they have no magic to stir men’s blood and probably won’t be realized.
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Let your watchword be Order, and your beacon Beauty”
- Daniel Burnham, Architect and Planner

Ken Lyon

ATTACHMENT 36

From: Roos, Marv [MRoos@msaconsultinginc.com]
Sent: Wednesday, July 21, 2010 3:15 PM
To: Ken Lyon
Cc: Craig Ewing; EdFreeman3175@aol.com; ephemhill@aol.com; lance@o2arch.com; Rob Parker; Witherspoon, Michelle; Vann, Nicole
Subject: RE: 5.1154 Desert Palisades - any additional comments or questions?

Response: Ken, our responses to Mr. Donenfeld's issues. I think this is the last of them but I will make another search through the folder. The Fiscal Study is expected momentarily. Thanks.

Marvin D. Roos, AICP
 Director of Design Development
 MSA Consulting, Inc.

From: Ken Lyon [mailto:Ken.Lyon@palmssprings-ca.gov]
Sent: Monday, July 19, 2010 5:11 PM
To: Roos, Marv
Cc: Craig Ewing
Subject: FW: 5.1154 Desert Palisades - any additional comments or questions?

Marvin,
 Late comments from Doug Donenfeld and my proposed actions inserted for your consideration. We're gonna need to wrap this effort up on your end pretty fast (ie tomorrow) so I can get this staff memo done and ready for distribution end of the day Wednesday. Thanks.

PS as we discussed, we really need this in a development standards table, sort of format if possible. Many thanks.

Ken Lyon,
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From: Donenfeld, J. D. [mailto:jdonenfeld@sidley.com]
Sent: Saturday, July 17, 2010 12:25 PM
To: Ken Lyon
Subject: RE: 5.1154 Desert Palisades - any additional comments or questions?

Ken-Once again, I apologize for getting my comments to you so late. Of course, I would understand if they are too late to be considered in your final product. Probably many of the issues I raise have already been mentioned by other commissioners but here goes:

- 1.) I believe that permitting 2 story structures is a mistake and will be inconsistent with the goal of having the homes blend into the landscape of the Cone. Also, 25 feet is too high. I know this is like hillside property in some respects but this land mass is too special for any height.

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KL: proposed action: as noted previously, consolidating and clarifying the height discussion in one place in the development standards will help. I explained to DD that these heights are permissible in the dev stds for the zone.

Response: Changes have been made, particularly to remove Two Story construction. The way the property falls, 25 feet top to bottom is still seen as needed.

Similarly, I don't believe that one should be permitted to combine 2 lots and build a home of 12,000 sq ft. That's too much massing for the intended goal of again insuring that the homes become part of the site,

KL: proposed action; the ESA-SP dev stds actually don't have any language or mechanism that I'm aware of that allows homes greater than 6,000 sf; thus, if a buyer wants to buy 2 lots, his total sf for the home is still 6,000... (unless he doesn't merge them, then he simply owns 2 lots and each still can have a max structure of 6,000 sf built upon it). What say you?

Response: The SP language does allow the larger building footprint if lots are combined. The overall massing will break down such a home into multiple levels and still have the same maximum heights, setbacks, etc.

2.) I'm concerned about insuring that all of the infrastructure, e.g. roads etc. be properly maintained during the development phase which could take many years. Perhaps the developer/HOA could post a bond or some financial guarantee to make certain that the infrastructure is perfectly maintained

KL: Proposed action: further narrative in the SP and add COA.

Response: The Department of Real Estate mandates that maintenance funding is essential to the establishment of the HOA. The developer represents all unsold lots and pays all dues and assessments until the property is sold at which time the new owner picks up those costs. In addition, the DRE requires the establishment of a reserve to insure funding for the common area improvements is available from the onset of the development.

3.) I would seriously consider prohibiting tennis courts. There's really no way to make them unobtrusive and again, I'm afraid they will stick out like sore thumbs

KL: Proposed action, applicant to consider request and make an argument for why tennis courts should NOT be prohibited.

Response: While tennis courts are not overly likely due to the topography and lot size limitations, unlighted tennis courts are allowable

4.) With respect to grading of the sites, there should be a formulaic limitation of the amount of grading permitted. I'm assuming the cut and fill is prohibited. If not, it should be.

KL: proposed action: applicant to review and discuss w/staff (I don't have an answer for this; I worry that a formulaic limitation may not fit in all cases and cut and fill likely cannot be prohibited altogether... Marvin, as we discussed by phone, perhaps adding 'enough' prohibitive rules or proscriptive lines that give them comfort that they won't see a mass graded/obliterated lot would be best.

Response: Cut and fill is not prohibited and each lot will have some of each. The guidelines require that each site be assessed individually in order to determine how best to work with the features of that site to create a house design. with "minimal site disturbance".

5. I would prohibit mobile home shelters, canopies, etc. Notwithstanding best efforts, mobile homes are impossible to totally hide and again will distract from the topography

KL: proposed action: as noted under Munger comments (72hr parking limit, and prohibit storage entirely within the SP)?

Response: We assume the issue is motor homes and that was including in a previous response.

6. Generally throughout the Architectural Guidelines section, I would use verbs that are directive as opposed to advisory, e.g. "The use of time-tested inorganic materials that withstand the extreme climate are "required" (not encouraged or suggested)p. 77;'Rock crushing or removal...are not permitted". P.77; Words like "encouraged", "preferred" are too loose and subject to interpretation. "are discouraged", p. 83; again not a directive

KL: Proposed action: allow PC review and approval of ALL development applications and keep the wiggle words in for full descretion.

Response: This question has been previously addressed. Again, these homes will not be seen from public areas and individual approval by the Planning Commission does not serve a public purpose unless there is a desire by prospective homeowner to vary from the approved guidelines.

7. I would prohibit Bermuda roofs, Spanish tile and exposed foam, p. 82

KL: Proposed Action; Appicant to consider and respond (seems bermuda roofs, exposed foam are potentially ok, but the Spanish Tile may need some argument to keep in.)

Response: The design guidelines certainly favor flat or sloping modern roofs as a design solution. The alternative roofing materials were left in as either acceptable or conditionally acceptable if given "Special Consideration" by the HOA. There are house designs included in the SP that include some of these alternatives which are felt to be quite acceptable in general and why rule out the possibility

8. I would eliminate use of brick masonry, cultured stone, wood siding and decorative patterned stucco. P. 85

KL: Proposed action: Applicant to consider and respond.

Response: As with the alternate roofing materials, these building materials require Special Consideration by the HOA in order to be used. A wonderful example of decorative patterned stucco is the Gas Company building on north Sunrise way. That building looks like fluted, split faced block construction and would be totally in keeping with the rugged background of Chino Canyon. Wood might be acceptable if used under a deep overhang.

From: Ken Lyon [mailto:Ken.Lyon@palmsprings-ca.gov]
Sent: Thursday, July 15, 2010 1:40 PM
To: Donenfeld, J. D.
Subject: 5.1154 Desert Palisades - any additional comments or questions?

Thanks.

Ken Lyon,
Associate Planner
City of Palm Springs Department of Planning Services
3200 Tahquitz Canyon Way
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Phone 760 323 8245 Fax 760 322 8360

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Ken Lyon**ATTACHMENT 4**

From: Roos, Marv [MRoos@msaconsultinginc.com]
Sent: Wednesday, July 21, 2010 2:24 PM
To: Ken Lyon
Cc: Craig Ewing; EdFreeman3175@aol.com; Bob@Coachella-Valley.com; Witherspoon, Michelle; Vann, Nicole; ephemphill@aol.com
Subject: 1774-5.1154 Desert Palisades Public Outreach Summary

Ken: The outreach for Desert Palisades was handled by Bob Marra. His outline is included below. After each meeting Bob would download the feedback and there were some changes to the project (mostly the elimination of rock crushing) that resulted from the feedback.

Please let me know if you have any questions concerning the outreach.

Overview of outreach activities for Desert Palisades

During the past 18 months, there have been numerous meetings and interactive presentations held regarding the plans for Desert Palisades involving a wide range of stakeholder groups and individuals.

Neighborhood groups in close proximity

We made presentations and listened to input during regularly scheduled meetings of the Chino Cone Neighborhood Group, Friends of the Palm Springs Mountains and the Little Tuscany Neighborhood Group at homes of residents in the near vicinity of Desert Palisades. Other informal meetings were held in the nearby community, which were hosted by concerned residents, including John Goodrich and Frank Gaydos.

Interested individuals/group representatives

We held meetings with stakeholders from key organizations, including but not limited to:

Peter Dangermond, President of the Riverside County Land Conservancy
 Vic Gainer, President, Palm Springs HOA President's Organization
 Tom Davis, Director of Planning, Agua Caliente Band of Cahuilla Indians
 David Luker, General Manager, Desert Water Agency
 Fred Bell, Executive Officer, Building Industry Association
 Wes Ahlgren, Director, Coachella Valley Economic Partnership
 Blake Goetz, Fire Chief, City of Palm Springs
 Rob Parkins, General Manager, Mount San Jacinto Winter Park Authority (Aerial Tramway)
 Tim Evans, La Sierra University

City Council

Meetings were held with each of the members of the Palm Springs City Council

General interest community organizations

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Presentations were made to the following general interest groups:

Palm Springs Chamber of Commerce: Board of Directors and Government Affairs Committee
Palm Springs Hospitality Association
Palm Springs Board of Realtors
Palm Springs Economic Development Corporation

Media

We have been in contact with The Desert Sun and The Public Record newspapers regarding Desert Palisades.

Marvin D. Roos, AICP
Director of Design Development



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Ken Lyon

ATTACHMENT 5a

From: Ken Lyon
Sent: Tuesday, July 06, 2010 8:53 AM
To: 'Roos, Marv'
Subject: RE: 5.1154 Desert Palisades follow up.

Yes, a revised draft of the development standards/design section might be good; I'm going to put together a cover memo, written along the lines of what I showed you in our meeting; a draft is attached. Your draft of the revised dev stnds/design section could accompany that.

Ken Lyon,**Associate Planner**

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 - Daniel Burnham, Architect and Planner

From: Roos, Marv [mailto:MRoos@msaconsultinginc.com]
Sent: Thursday, July 01, 2010 5:49 PM
To: Ken Lyon
Cc: Witherspoon, Michelle; Vann, Nicole; Lance O'Donnell; ephemphill@aol.com
Subject: RE: 5.1154 Desert Palisades follow up.

Thanks for the diligence. We'll look these over. What do you see the product that will go back to the PC? Since most of this is in the design guidelines section, perhaps a legislative draft showing the changes to that section and COA for the "floaters"?

Marvin D. Roos, AICP

Director of Design Development
 MSA Consulting, Inc.

From: Ken Lyon [mailto:Ken.Lyon@palm Springs-ca.gov]
Sent: Thursday, July 01, 2010 3:45 PM
To: Roos, Marv
Subject: 5.1154 Desert Palisades follow up.

Marvin, I tried to do some further review of the SP wrt our discussion on what/how to return to the PC; This bounces around abit, but the latter portions are more sequential by page number.

P 22 Can the language in the 3rd line of the last paragraph ("... *excluding it from the Specific Plan and Tentative Tract Map*") be deleted or changed somehow such that it is not such a "fully exclusionary" statement? Craig noted that the concern here goes back to the statement in the ESA-SP zone requiring that ALL land within a planning area shall be part of the specific plan...

1. P 62 refers to the Design Guidelines as "Standards" outlined in section VII (it should be Section V, I believe). Also, on that page under H of the Development Standards section, it says "*All development shall be designed to comply...*" (emphasis added); thus, while they're written as "guidelines", they're called "standards" elsewhere in the document and it is noted that ALL development SHALL comply...
2. P 19 ... says "*who will be required to adhere* (emphasis added) *to the development standards and design guidelines presented later in this SP, prior to approval of any building permits for their homes.*" These statements make it sound like its not a guideline, or 'encourage' kind of statement, but rather is a 'require' sort of thing... ?

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3. P 48 somewhere in that paragraph middle of the page may be apropos to add a sentence clarifying that public access to stroll the private streets will not be prohibited.
4. P 59; item 4 (I may have covered this already in previous notes, but I don't think the copy I'm reading from has any of the latest edits made yet...); How do you want to address trellised areas wrt the calculation of lot coverage? The DPSP references 93.06 for parking, which allows parking to be covered with trellis type material (trellis' providing at least 70% shade are permitted); wouldn't you want to be sure trellised areas are counted within the 6k sf lot coverage?
5. P 60, B,1 needs to be re-worded to denote the standard is 1 story and 15 feet but that up to 2 stories if stepped or tiered is permitted (whatever language it was that we hashed out before on this...)
6. P 61 Solar panels item 4, "...*subject to design review AND APPROVAL by the City pursuant to PSZC Section 93.03.00 (C)(3)*"
7. P 61, part E, 4; 3 feet (in height?) This only applies to retaining walls, not privacy walls, pool enclosures terrace/balcony walls and the like, right? May want to clarify that. Also, we've gotten into 'interesting debate' here in Planning from time to time when there is a privacy wall set on top of a retaining wall; what's the total maximum height allowed in that case? Still only 3 feet? (let's assume the top of the retaining wall is level with the terrace floor, and that the 5 foot privacy wall is on top of that... (and please know, I'm not trying to be nit picky, here, but with such a hilly site, these sorts of issues are possibly going to crop up repeatedly)
8. P 61 part E, 5 propose to amend to "...*maximum length of any retaining walls...*" (not "all")
9. P 63 top of page, "...*require the proposal to be reviewed and approved for compliance...*" (delete by City staff)
10. P 63 2nd paragraph, "*The City's architectural review process (section 94.04.00 "architectural review" and Section 93.13.00 "hillside development" shall apply...*" Delete "*where applicable*"
11. P 63 Amendments shall be processed pursuant PSZC 94.04, 93.13, and 92.21.1. I think the PC will want the wiggle words IN, when the decision-making is in their authority, however they will want clear distinction of what's minor enough for the Director to be delegated decision making authority – and what's not; I don't think they'll want "substantive alterations" to be defined by staff...
12. P 69 under "maintaining views" refers to "professional design review process", however nothing in the DPSP defines that, other than what's in 94.04, 92.21.1, and 93.13....
13. P 69; question: So, for example, in processing a SFR application here in Planning, and an applicant proposes stucco clad block walls that happen to be integrated with the architecture and surfaces of the structure, and that extend out into the landscape and enclose privacy terraces and the like... that would be in direct conflict with the statement that says "*View and privacy controls should be native boulders or other natural material*"; and staff would assert in the staff report that the project does not conform to the "required design standards" of the SP. This is the sort of thing that will lead to conflict and misinterpretation in future development apps... How would you like to resolve these sorts of passages in the current SP text?
14. P 70; these "general site guidelines" are often written as "shall" statements, and accordingly should be in the Development standards section
15. P 70 delete decomposed granite for list of allowable driveway surface materials.
16. P 70 address the parking of motor homes. I think the issue of parking of commercial vehicles in residential zones may have other prohibitions, I'm looking into it... I.e., if you have a big tow truck or construction type commercial vehicle, do you want them parked in the DPSP at all?
17. P 71 auto courts in front yard setback is permitted; again, this needs to be in the development standards
18. P 71; garages are to be "proportional" to the home; who is to say what is "proportional"? (the planning commission...) Does this become a potential for capricious denial of an app, simply because the applicant wants to garage his 8 classic cars on his homesite? It becomes subjective for the City to evaluate (whether staff or the PC) and may be perceived as too restrictive for prospective buyers of the land?
19. P 71 garage height; put in development standards.
20. P 71 the area of the garage is not limited but the width can only be 22 feet? Does that mean we're getting into tandem parked garages? What's the intent? Need to clarify and most likely, move to development standards...
21. P 73; Suppose a home is built 10 feet from the side property line. A bedroom faces the side yard with sliding glass doors. The applicant desires to place a privacy wall so the outdoor patio (which is 10 x 20) is semi-enclosed. These statements imply that the designer is prohibited from placing that privacy wall on the property line; is that your intent? Certainly if a hot tub is placed in that patio a 5 foot high wall/fence would be required; would he have to set it back 1 foot from the property line to comply with this "prohibited" statement? Also, this paragraph only refers to walls as "retaining walls"; does this section also apply to privacy walls? If not, it should clearly exempt privacy walls from that

discussion.

- X 22. P 74. Who's enforcing these "guidelines"? SO, if I want to place my \$800,000 Calder sculpture in my yard, away from the house on the other side of my pool... is someone going to "enforce" the guidelines and say I cannot have it there? (this is not so much a problem for city processing of SFR's as it is for neighborhood complaints...)
23. P 75; what is the "demonstration criteria" that the tennis court or basketball court (since famous basketball players are surely going to buy here...) has "minimal site impact"?
24. P 75; I may have mentioned this before, but are you sure you want to prohibit pools in the setbacks? City allows pools up to 5 feet of the property line...
- X 25. Can pool and mechanical equipment be in the yard setbacks? See 93.01 for what is allowed elsewhere in the City and the noise ordinance Muni code 11.74.
26. Page 76; exterior lighting; again, anything that is of a development standard type of statement should be moved to that other section of the DPSP. Are you trying to control electrical consumption or brightness? Limiting residents to wattage sounds like you are controlling their power consumption when what seems to be your concern is brightness.
27. P 77 pull rock crushing reference out; since you took it out of the EIR
28. P 78; try applying the height restrictions to the sketches...
29. P 82; overhangs are to be a minimum of 3 feet; development standard. Max roof pitch 3:1, development standard. A frames & mansard roofs prohibited ; development standard.
30. P 83; how do you conceal a roof vent?
31. P 84 snap in mullions are prohibited; development standard
32. P 84 "mirrored, tinted windows are "not acceptable" therefore you mean "prohibited"? = Development standard.
33. P 85 and others; clarify the term "inappropriate"; if you mean prohibited, then say so. Since the 3rd group of materials is a subset of "inappropriate" that "requires special consideration for approval". What's the criteria? How is the Planner/Planning Commission to determine conformance with the Specific Plan/Ordinance of applications using such materials?
34. P 86 "Stone masonry shall be" = development standard.
35. P 88 wood is not acceptable, nor are bubble or domed skylights, etc. A full list of prohibited elements/materials/features put in one place, would be REALLY helpful for project analysis and review.
- X 36. P 88; it seems rather odd (and possibly confusing to review) that pool and garden pavilions have different setback requirement than do other structures on the site. I would strongly recommend that the setbacks for these structures be the same as any other structure.
37. There are a few inferences in the design guidelines to 'avoiding' imitation, false, or fake historical forms of architecture. Perhaps this should be given greater emphasis in the intro paragraphs of the design section.
38. P 99 et al; these requirements will need to be incorporated into Conditions of Approval for the landscape plan. It would be exceedingly helpful to have them written in that format (enumerated perhaps).
39. It is somewhat ambiguous what parts of the landscape guidelines apply specifically to the common landscaped areas within the DPSP, and what are to be applied to future development on the private lots. It would be extremely useful to have this better differentiated within the landscape guidelines section.
40. Pull the Plant legend off the pretty colored sheets and put them on sheets that can be printed black and white and conveyed to future design consultants

Ultimately, I am hoping we can pull together a check list of sorts that can be put in as a revised method of listing all this stuff. Making them as dev stds and making it more streamlined for prospective buyers to know what they're constraints are going to be, for architects/designers to know what to design and for planners/commissioners to know what to evaluate for conformity/consistency in findings for applications. Thanks.

Ken Lyon,

Associate Planner

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3200 Tahquitz Canyon Way
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Phone 760 323 8245 Fax 760 322 8360

"Make no small plans;
they have no magic to stir men's blood and probably won't be realized.
Make big plans; aim high in your work and in hope.
Let your watchword be Order, and your beacon Beauty"

7/22/2010

Ken Lyon

ATTACHMENT 5b

From: Ken Lyon
Sent: Tuesday, July 06, 2010 8:18 AM
To: 'Roos, Marv'
Subject: Muni Code 11.96 is the section on motor homes and commercial vehicles

Relative to parking them in residential zones.

Ken Lyon,
Associate Planner
City of Palm Springs Department of Planning Services
3200 Tahquitz Canyon Way
Palm Springs, CA 92263
Phone 760 323 8245 Fax 760 322 8360

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they have no magic to stir men's blood and probably won't be realized.
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- Daniel Burnham, Architect and Planner

13. The minimum allowable distance between dwelling units shall be twenty (20) feet.

D. Architectural Projections and Mechanical Equipment.

1. Architectural projections such as eaves or solar control features shall not exceed four (4) feet into the required setback zone.
2. The use of rooftop mounted mechanical equipment including HVAC units is prohibited.
3. All mechanical equipment including HVAC units shall be appropriately screened from view. Appropriate methods for equipment screening are outlined within Section VII of this Specific Plan.
4. Solar panels may be roof mounted if incorporated into the design of the residence. Solar panels installed following completion of a structure shall be subject to design review by the HOA and the City.

E. Walls, Fences, and Landscaping.

1. No fencing shall be permitted on property lines or between lots, except as needed to enclose swimming pools.
2. Unless otherwise stated herein, the provisions of Sections 93.02.00 and 94.21.06(F)(3) of the Palm Springs Zoning Ordinance shall apply. In addition, any proposed walls or fences on lots within the Planning Area will be subject to individual architecture and design review.
3. The maximum allowable height of all walls/fences shall be five (5) feet. Appropriate materials for walls and fences are outlined within Section VII of this Specific Plan.
4. All retaining walls exposed more than three (3) ft. shall be appropriately screened.
5. The maximum length of all retaining walls shall be twenty-five (25) feet.
6. All landscaping within the Planning Area shall be designed to comply with the Landscaping Guidelines outlined in Section VI of this Specific Plan.

F. Access.

1. The provisions of Section 93.05.00 of the Palm Springs Zoning Ordinance shall apply.

G. Off-Street Parking.

1. The provisions of Section 93.06.00 of the Palm Springs Zoning Ordinance shall apply.

H. Design Standards.

1. All development shall be designed to comply with the Architecture and Site Design standards outlined in Section VII of this Specific Plan.
2. For any design standards not addressed within Section VII of this Specific Plan, the provisions of Section 94.21.1.05 of the Palm Springs Zoning Ordinance shall apply.

should be 92...

I. Grading.

1. Each home site shall be disturbed as minimally as possible. This includes working around or incorporating into the design natural geological features, such as large boulders and historic drainage courses, as well as the use of non-invasive structural foundation systems.
2. Appropriate foundation systems must be site specific, but may include: pile systems (where a series of holes are drilled to support columns for elevated floors); stem wall system (where a perimeter trench is dug to support walls for elevated floors); slab on grade with perimeter footings (where site is prepared for a level slab and includes over-excavation, cut and fill).
3. All individual lot grading and construction plans shall be reviewed first by the Homeowner's Association, followed by appropriate City review to ensure compliance with the Desert Palisades Specific Plan and any other applicable Ordinances or Regulations.

REVIEW PROCESS

All new proposed structures, walls, landscaping, and any other changes to property within the subdivision must be approved first by the community's established Homeowner's Association (HOA). After HOA approval, the City's review process requires the proposal be reviewed by City staff for compliance with the Specific Plan and applicable Ordinances and Regulations.

Roos, MarvATTACHMENT 6

From: Craig Ewing [Craig.Ewing@palmsprings-ca.gov]
Sent: Tuesday, June 29, 2010 3:50 PM
To: Ken Lyon; Roos, Marv
Subject: RE: 5.1154 Desert Palisades - Review of Planning Commission Comments from 6-23-10 hearing

Marvin / Ken,
 My notes are in red below.

Craig A. Ewing, AICP
Director of Planning Services
 City of Palm Springs
 3200 E. Tahquitz Canyon Way
 Palm Springs, CA 92262
 760-323-8269

"Go all the way, then come back."
 - Harley Earl

From: Ken Lyon
Sent: Tuesday, June 29, 2010 2:38 PM
To: Roos, Marv
Cc: Craig Ewing
Subject: 5.1154 Desert Palisades - Review of Planning Commission Comments from 6-23-10 hearing

Marvin,
 From the meeting and watching the DVD of the PC hearing, I compiled the following notes; My suggestions on response to the PC for the meeting of 7-28-10 are in bold. Thought this might be a useful place to start for the meeting tomorrow afternoon at your office. Let me know what else might be useful for that discussion. The DVD is now available on the City's website for your review also.
 Ken

From Ken's notes from Planning Commission meeting of 6-23-10:

Commissioner Comments & Questions:

Scott:

Asked about what were the public outreach efforts, wanted a summary of neighborhood outreach meetings.

KL: Provide a summary of the dates, locations, and groups to whom outreach was presented (do you have sign in sheets or something that indicates number of attendees?) This is a story to be told by the applicant. In addition to Ken's comments, the meeting agendas and the comments / feedback should be summarized

Donenfeld:

Concern about height discussion 1 story and 25 feet max? Seems too tall for 1 story construction; clarify/limit.

KL: Consider clarifying height for single story and how 25ft max height is applied/allowed. A key issue for the SP. A set of review guidelines should apply to construction. These guidelines, should address underlying design concerns such as following the dominant slope for all two-story buildings; presenting an informal, asymmetrical building form; minimizing reflective exterior materials; assuring complete architecture on all building sides; and attention to proportion, consonance, rhythm, and other concepts you architects like to talk about.

Architectural Review – All should have Planning Commission review and approval required including AAC review.

KL: Provide for PC required approval of subsequent development applications in the SP.

How does HOA review work prior to the sales of the lots? (Answer: Developer is the HOA until turned over to the owners)

6/30/2010

KL: Although it is a state requirement, providing a simple statement on how the HOA works at the start of the project's development may be a helpful added sentence to add in procedures section of the SP. More specifically, the SP can require that the City review draft CC&R's for assurance that there is a process in place for HOA review of homes (including once the developer gives up control). We can weigh in on the establishment of this private process, even if we are not a party to the individual HOA project reviews once they begin. (That is, the City will not be an appeal's board for an HOA dispute.)

Public Benefit – (Ans: none required)

Conrad:

Questioned EIR and statement of no impact for whole development WRT streets, utilities, and the like but asked how it can be no impact when compared to the underlying development standards of 1du /40 ac? (Review video for further notes).

KL: See further comments on this below; may want to have further clarification ready for 7-28-10 meeting. The EIR should compare the project against the current condition – a vacant site – not against the current development standard. If the EIR has done it's job, it has identified all impacts, determined their level of significance, and provided mitigation measures to reduce significant impacts to non-significant levels. If this has been done, we have our answer for Ms. Conrad. If not, then we have bigger problems.

Cohen:

Question on lot sizes (16k to 34k; not 14 to 34k).

Public Testimony/Comment:

Donna Scribler: Friends of PS Mountains – opposed; aesthetic impacts not adequately analyzed; failed to show the boulder berms, cumulative impacts of the development and growth inducing impact of the DWA water tank (Ans: Tanks have been in the DWA General Plan for several years) **We need to have some specific answers to the Planning Commission on these questions. The EIR has to look at cumulative impacts. What does it say? The DWA tanks are part of this project (that is, part of the Specific Plan). What does the EIR say about them under the study of view impacts?**

Bob Mara: Outreach consultant for the developer – Met w/ several n'hood groups and other groups. (no dates given).

Jono Hildner: Save our Mountains; "Take your time in review and approval", more outreach to community needed.

Are private roadways open to pedestrians? (ans yes)

KL: Consider note in SP confirming private roads are open for public pedestrian access

JR Roberts: Not aware of any outreach; concerns about hydrology, dust, flooding.

KL: Consider revised text updating the status of the RCFC/FEMA certification of the levee.

Julian Delatree; developers flood consultant; project is building a portion of Line 2

Steve Sobota: Representing Richard Klusczycki; concern about roadway easement into 5 acre parcel; not aware of public outreach.

KL: Clarify, coordinate, and resolve.

Tamara Stevens: PSEDC – supports project.

Jeff Weshins – Citizen of Little Tuscany neighborhood; opposes project; leave CC in its natural state; went to the public review meeting held by the applicant.

Ed Freeman; bought parcel 6 yrs ago; happy to abide by maintenance standards for interim period prior to HOA being handed over to lot owners.

KL: Maintenance standards to be developed for SP? Handle in SP or CC&R's? CC&R's but reference to maintenance can be in the SP.

Emily Hemphill – Rebuttal: Bond will be posted for re-naturalizing if project fails to be completed. Dust not a

problem, no graded pads, individual lot purchasers will grade their own pads. Easement for 5 acre parcel null, 3 yrs to build, or is nullified.

Close of Public Testimony

Commissioner discussion:

Conrad: Asked about water retention on individual lots (ans: yes there will be as part of AQMD requirements)

KL: Is there reference to this somewhere in the storm water description of the SP? IF not, consider adding.

Donenfeld:

Status of levee study to affirm whether it meets FEMA standards, recertified? (Affirmed by Riv Cty Flood Control)
Concern about 12k sf potential homes by combining lots. (Ans Roos: Assumes all house new residence apps go to the Planning Commission and are evaluated under the Hillside Ordinance.)

KL: Text to be added under procedures section of SP. Needs to be done prior to Council hearing.

Scott:

Bond is important

25' building height on non-hillside lots is a concern; would not want to see that.

Concern about boulder berms (height and setback to avoid issues associated with Milo Drive rock piles looming over adjacent homes/lots.

KL: COA to approve complete landscape plan prior to approval of grading plan; anything else that can be inserted in the text to better describe the boulder buffers?

Wants pedestrians to be allowed to walk on private roads as well as trails.

Concern where construction vehicles will enter/exit site (ans: Racquet Club mostly, and some off Tram Way)

Roos: Make the approval of the full landscape plan a condition of approval on the map. And mentioned in the Specific Plan

Scott:

Wants to see more fiscal analysis and financial burden on city in light of current economic downturn; and phasing over time. (ans Roos: can do. Includes \$500/lot CFD part of COA's.)

KL; Update the fiscal analysis; provide reference to the Fiscal study/analysis; I could not find it. Ken, you and I discussed this - there needs to be some statement in the SP about this.

Conrad:

How will grading be handled if it is not done before the 6 month lambing period that prohibits grading from being done? (ans: Roos: Individual homesites not subject to lambing period restrictions; no more than 25 lots may be under construction at any 1 time.)

KL: Clarify for next meeting as necessary.

Conrad: Concern that design guidelines should be requirements, not suggestions; change "emphasize" to "require"

KL; Wherever possible, move "emphasize", "encourage", "consider", "should be avoided", "suggested" statements to "require", "shall", "provide", "prohibit". With the Commission have approval authority, the 'wobble words' should stay.

Munger: Prohibit the parking of motor homes. No storage in carports.

KL: Applicant to clarify; is there willingness to prohibit parking of motor homes? (perhaps for longer than 72 hours or something like that? What if residents have visitors who drive a motor home to visit? Can be prohibited in CC&R's, making it the HOA's enforcement responsibility.

Caffrey: Two story height an issue; avoid tall bldgs

Motion Scott, Second Hudson continue to PC meeting of July 28th. 7-0 vote.

Further notes from watching the DVD:

Scott:

Financing: Scott question on State Gov't code requirement for financing plan; Needs statement in the SP that there is no City financing of the project; the project is entirely financed by the applicant and there is a COA to

cover ongoing municipal expenses associated with the project via the establishment of the CFD. No City or other governmental financing assistance.

X **KL: Include statement in SP that the project is wholly applicant financed; no financial assistance or participation anticipated by the City.**

Where is the actual Stanley Hoffman study/report? I didn't find it at the hearing...

What is the fiscal impact on the city over the next 10 yrs.

Question on lot coverage percentage 6k on a 14k lot? Greater than otherwise allowed by the zoning code?

X **KL: Consider showing as a percentage? Do we consider a smaller foot print for smaller lots? (Ex: 6,000 sf or 35% whichever is smaller.)**

Concern about double height living room up to 25 feet in height.

How many are technically qualified as hillside lots?

X **KL; moot if all sites are to be reviewed and processed under 94.04. and 93.13 (applicant to review and drop in procedures reference to these sections as appropriate – This raises a greater question; that is, we may need more narrative to discuss/describe the relationship between the underlying development standards of the ESA-SP zone and other portions of the PSZC that apply. When does PSZC apply for example when there is no equivalent coverage in the SP standards? Need to better clarify when PSZC applies. May want to create more of a checklist of standards for future applicants and City reviewers to use when confirming conformance of future development applications. A checklist is a good idea.**

Donenfeld:

SP passes as NEW law? Supersedes fully the underlying zoning code? Need to better define the relationship to that, and where it still applies.

Does an applicant still go through the regular Planning process?

Homes can go through process and not come to the PC for review and approval? (yes)

Review ESA-SP zone for processing development applications within an approved SP.

✓ What guarantee to maintain the roads and infrastructure over the next 50 yrs? (Developer is the HOA; and funds the maintenance until turned over to the HOA)

Conrad:

Question on no impact conclusion; ie with underlying zone at 1 to 40ac is the same as building the roads and same infrastructure as the 2du/ac? No significant Impacts v less than significant impact?

The tanks are necessary for the DWA GP; but not necessarily required for this project. What triggers the tanks?

Pressurization via tanks in hillsides is always part of the current water system; supports both this project and development in the area. Less than significant impact when comparing this proposal and its density to the underlying density of 1du/40 ac; Seems there's more impact with homes at 1du/ac versus 1du/40ac; A lot more road is needed for the 110 homesites at 1du/ac versus 'no project' at 1du/40 ac. (Marvin, thresholds for each area discussed in impact areas); Underlying density would be of lesser impact than the proposed project.

✓ Question is whether the proposed development is SIGNIFICANT when the mitigation plan is implemented.

KL: Clarify See my note above.

Opened public hearing

Roos; Project design began in 2005. Bring a project that would not fill the council chamber. Project site is located... Little Tuscany Estates ph 1, 2, and 3 as well as Tuscany Heights and Boulders projects/subdivisions. No lots are located on the natural drainage areas of the site. Buffer in between on a lot merger gets added to the area around the merged lots; open space does not 'go away'.

Water tanks are public benefit

Emergency access out of Little Tuscany

Flood control; stormwater retainage within the pipe being proposed to be installed. (60 inch plus pipe?)

X Line 2 financed by multiple owners.

KL; Does the SP clarify when/how the installation of Line 2 is implemented?

Objections:

Boulder berms should be shown in a 3d manner

2 500k or 1mm g tanks are growth inducing; not analyzed in the EIR.

KL: Thoughts? Possibly develop a 3d type of image of the boulder buffers?

Jono Hiltner; Need a bond to restore property to naturalized condition if developer fails. Needs whole community noticing.

JR Roberts

Mitigation for flooding; pay special attention; Little Tuscany has flooded and upland watershed is essentially this project. Dust control. (Answer: Individual lot retention of waters; WQMP for capture of 'first flush' runoff of any project on site. Capture runoff prior to going downstream or into main detention basin and eventually Line 2.)

Questions from the Commissioners:

Donenfeld:

Levee report on adequacy; RCFC provided info that the levee still meets adequate flood control protection. Concern about massive 12k sf house; Design guidelines must still fit and not cause mass grade, break down into smaller forms, terracing of pads etc, Assumption every house goes to the PC;

KL: Is more narrative necessary to address this condition or possibility of a 12k home? Planning Commission approval controls.

Scott:

Control of number of projects that can be under construction at one time? (not possible)

Concern about home height

Concern about height of berms. Berms 1 to 3 setback for berm slopes; 6 to 7 feet per Chino Cone ordinance?

KL: Consider whether more narrative/description on the boulder berms would be possible/appropriate.

Patinating the stones? Haven't discussed; don't think the boulders should be all 1 colored; Work with RGA to re-naturalize; take eye over the development;

KL: Applicant team to discuss and respond. Make it part of the PC-approved landscape plan?

Pedestrian trails and roadways both accessible to pedestrians. (ans yes)

Construction vehicles from Racquet Club and Tram Way.

Condition of approval of the map to include staging areas and full landscape plan.

Requested that the Fiscal Consultant update his analysis on financial analysis. Fiscal analysis was done assuming a 10 yr buildout because that's about as far out as financial forecasting can forecast. Tumpfe fees, Park fees, CFD fees, Arts fees.

Private police protection? (**was this covered somewhere in the SP?**) Project provides more access into Little Tuscany 'front' with the idea for firefighting at the edge of the city/development.

Conrad

No grading from Dec 1st to July 1st (lambing).

Foundation ideas are innovative and creative

Double check no grading for 6 months? (Ans: No, but not more than 25 lots at 1 time.)

Density of Little Tuscany? 15 to 20k sf lots

Zoning Clearance: requires PC approval and some additional changes in Design Changes. Codifying the design standards.

PL 4 rewrite

KL: (no white or off white roofs)

PL 16 pad height -

KL; not sure what additional text would be appropriate...

PL 19 Eng 62; intent is underground;

KL: Mandated development standards in the ESA-SP cannot be modified by an SP.

Munger

P 70 large vehicles no parking of large vehicles.

P 71 carports; regulate that they are not storage areas. Don't like carports in general

KL: garage doors are defined as oriented with their doors away from streets; is there some similar language that may be appropriate for the orientation of carports? How about "garages and carports are oriented with their doors / openings away from streets; views from downslope shall be of garage / carport walls, not openings.

Caffrey

2 story aspect is a concern.

Munger

Carefree, AZ; example of well integrated development to a desert site.

Donenfeld

Needs to be more statutory in its wording to control development; specificity, not guidelines. More certainty.

Ewing:

Make a list of desired design limitations.

E mail individual suggestions to me. (Ken).

Create a list of proposed policy decisions.

Ken Lyon,

Associate Planner

City of Palm Springs Department of Planning Services

3200 Tahquitz Canyon Way

Palm Springs, CA 92263

Phone 760 323 8245 Fax 760 322 8360

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- Daniel Burnham, Architect and Planner

Memorandum

To: Ed Freeman, Partner
Desert Pinnacle, LLC

cc: Marvin Roos
MSA Consulting, Inc

From: Stan Hoffman
Marcine Osborn

Date: July 21, 2010

SUBJECT: Update of Desert Palisades Specific Plan Fiscal Impact Analysis,
City of Palm Springs

SRHA Job No.: 1155

This memorandum presents an update of the fiscal analysis of the Desert Palisades Specific Plan prepared by Stanley R. Hoffman Associates, February 22, 2007. The land uses for the updated fiscal analysis remain unchanged from the 2007 fiscal analysis. However, the current fiscal analysis is based on the City's Fiscal Year 2009-2010 adopted budget and includes a projection of the fiscal impacts for: 1) the entitled lots only, without construction of homes, and 2) the projected impacts, at their estimated market value, with completed and occupied homes. Recurring fiscal impacts are presented in constant 2010 dollars with no adjustment for inflation.

The Desert Palisades Specific Plan is proposed on 117 acres with 110 lots for custom home development with estimated sales prices ranging from \$2,000,000 to \$12,000,000 per home. Based on information from the developer, improved lots will range in value from \$255,000 to \$300,000 per lot. The fiscal analysis assumes the custom homes at an average value of \$2,000,000 per home on the lower side of the range, as a conservative estimate. The mid-point value of \$277,500 per lot is used as the estimated value of an entitled lot, before any sales take place.

Fiscal Methodology

The Desert Palisades Specific Plan fiscal analysis is based on the fiscal methodology used by Stanley R. Hoffman Associates (SRHA) in the *Desert Palisades Specific Plan Fiscal Impact Analysis* prepared February 22, 2007. Fiscal assumptions for the updated Desert Palisades fiscal analysis are presented in Appendix A. Appendix B presents the persons and agencies contacted during preparation of the fiscal analysis.

The following highlights fiscal assumptions that have been revised from the previous analysis:

Public Safety Community Facilities District (CFD). The current fiscal analysis includes the CFD fee for public safety at \$500 per entitled lot. Based on discussion with the project developer, all 110 lots would be entitled at the same time. Therefore, the fiscal analysis projects the entire public safety CFD fee of \$55,000 at the time of assumed entitlement.

Interest Earned on Investments. This revenue is not projected in the current fiscal analysis because the City's 2009-2010 adopted budget does not include these revenues.

Stanley R. Hoffman Associates

July 21, 2010

Mr. Ed Freeman

Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Page 2

Projected Fiscal Impacts

Table 1 presents a summary of the projected impacts to the City's General Fund and the Public Safety Community Facilities District (CFD) for the Desert Palisades Specific Plan in constant 2010 dollars. The detailed projections are presented in Table 2.

Total Entitled Lots Only without Homes. As shown in Table 2, projected annual revenues for the entitled lots include property tax, in-lieu property tax (MVIL), property transfer tax and public safety CFD fees. Because there is no population associated with the entitled lots without homes, a "worst-case" scenario with only fire and police costs is projected. Since it is difficult to project these costs for an interim point, a maximum allocation of the fire and police costs at buildout shows that the fiscal analysis for the total entitled lots without constructed and occupied homes still yields a net revenue of \$7,195.

This projected annual surplus for 110 entitled lots without homes is based on projected recurring revenues of \$100,513 and projected "worst-case" recurring costs of \$93,318. Under this scenario, the internal roads and landscaping are privately maintained and no other population related costs are assumed. Also, no citywide overhead costs are assumed. While overhead costs for such a small project are expected to be minimal, the projected annual surplus of \$7,195 could contribute to any overhead costs related to the project during this interim stage.

Total Homes Completed and Occupied. As shown in Table 1, an annual recurring surplus of \$593,464 is projected to the City after buildout and sale of the 110 completed and occupied homes, and represents an annual surplus of \$5,395 per home. This projected surplus is based on annual projected revenues of \$775,872 and annual projected costs of \$182,408.

Table 1
Summary of Projected Fiscal Impacts
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Total Entitled Lots Only without Homes ¹	Total Homes Completed and Occupied
Recurring Revenues	\$100,513	\$775,872
Recurring Costs	93,318	182,408
Net Recurring Surplus	\$7,195	\$593,464
Revenue/Cost Ratio	1.08	4.25
<i>Lots/Units</i>	110	110
<i>Annual Surplus per Lot/Unit</i>	\$65	\$5,395

Note: 1. Projected revenues for the scenario of entitled lots only without homes include property tax, in-lieu property tax (MVIL), property transfer tax and public safety CFD fees. Because there is no population associated with this scenario, fire and police costs are projected at the full costs of fire and police services after buildout of the completed and occupied homes as a "worst-case" scenario.

Source: Stanley R. Hoffman Associates, Inc.

July 21, 2010

Mr. Ed Freeman

Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Page 3

Table 2
Detailed Projected Fiscal Impacts
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Total Entitled Lots Only without Homes	Total Homes Completed and Occupied	
		Amount	Percent of Total
A. GENERAL FUND			
Recurring Revenues			
Property tax	\$39,902	\$469,730	60.5%
In-lieu property tax (MVIL)	4,644	54,665	7.0%
Document transfer tax: turnover	967	11,389	1.5%
Off-Site retail sales and use tax	0	129,641	16.7%
Franchise fees	0	10,517	1.4%
Utility user tax	0	22,412	2.9%
Licenses and permits	0	3,290	0.4%
Fines and forfeitures	0	2,138	0.3%
Motor vehicle in-lieu fees	0	581	0.1%
Police/fire service charges	0	2,042	0.3%
Administrative service charges	0	6,295	0.8%
Recreation revenue	0	3,177	0.4%
Rental revenue	0	390	0.1%
Miscellaneous revenues ¹	0	545	0.1%
Public safety CFD fees ²	55,000	55,000	7.1%
State gasoline tax ³	0	4,060	0.5%
Total Recurring Revenues	\$100,513	\$775,872	100.0%
Recurring Costs			
Fire/disaster preparedness ⁴	\$33,635	\$33,635	18.4%
Police ⁴	59,683	59,683	32.7%
Dispatch services	0	5,011	2.7%
Animal control	0	2,709	1.5%
Community and economic development	0	847	0.5%
Planning	0	4,616	2.5%
Building and Safety	0	1,083	0.6%
Public works	0	8,088	4.4%
Parks and recreation	0	27,494	15.1%
Library	0	10,025	5.5%
General government	0	29,217	16.0%
Total Recurring Costs	\$93,318	\$182,408	100.0%
Net Recurring Surplus	\$7,195	\$593,464	
Revenue/Cost Ratio	1.08	4.25	
<i>Lots/Units</i>	<i>110</i>	<i>110</i>	
Annual Surplus per Lot/Unit	\$65	\$5,395	

- Note: 1. Miscellaneous revenues include parking tax and other current services.
2. The public safety CFD fee of \$500 per entitled lot is collected for fire and police services.
3. Gas tax revenues are earmarked for road related expenditures.
4. Because there is no population associated with the scenario of entitled lots without homes, fire and police are projected at the full after buildout of the completed and occupied homes as a worst case scenario.

July 21, 2010

Mr. Ed Freeman

Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Page 4

Development Description

The proposed project is located in the northwest area of the City of Palm Springs, at the intersection of Racquet Club Road and Tramway Road, as shown in Figure 1. The development description for the total Specific Plan after buildout is presented in Table 3. Table 4 presents the development description for the total entitled lots only and for the completed homes.

Acres and Units. As shown in Table 3, the Desert Palisades Specific Plan is proposed as a gated residential community consisting of a maximum of 110 single family detached homes on about 117 acres. Homes will not exceed 6,000 square feet.

Population. Buildout population for the development is estimated at 233 persons based on an average of 2.116 persons per household from the California Department of Finance, January 1, 2010 population and housing estimates for the City of Palm Springs.

Assessed Valuation. As shown in Table 3, total new valuation for the Desert Palisades Project is estimated at \$220.00 million, at a minimum. The projected new valuation is based on an average sales price of \$2,000,000 per unit which includes an average lot price of \$277,500. As shown in Table 5, the current assessed value of the Project site is estimated at about \$12.94 million according to Riverside County Tax Assessor records. When this existing valuation is subtracted from the total new valuation of \$220.00 million, the net valuation for the Desert Palisades Project is estimated at about \$207.06 million after buildout.

Off-Site Retail Sales and Use Tax. Off-site sales tax revenue includes the taxable sales that accrue to the City as a result of the Desert Palisades residents shopping at City of Palm Springs retail establishments. The City receives one percent of the taxable sales of most goods occurring within City limits. The estimated off-site taxable sales from residential purchasing power are presented in Table 6. The retail taxable household purchase estimate is based on the following assumptions:

- Household income is estimated at 33.3 percent of average housing value.
- The fiscal analysis estimates the Desert Palisades residents will generate total taxable retail purchases at 32 percent of household income based on U. S. Bureau of Labor Statistics, *Consumer Expenditure Survey, 2002*.
- The fiscal analysis assumes the City could capture an estimated 50 percent of the total taxable retail purchases made by the residents of the Project.

As shown in Table 6, retail taxable sales made by residents of Desert Palisades are estimated at \$11.72 million after buildout. Sales tax is estimated at 1 percent of taxable retail sales or \$117,216. A use tax of 10.6 of sales tax is applied to the sales tax for an estimated \$12,425 of use tax. Total sales and use tax of about \$129,641 is projected to the City after buildout of the Desert Palisades Specific Plan.

Infrastructure. The internal streets, public open space and trails will be maintained by a homeowners association (HOA) and no improvements to off-site roads have been identified. Retention basins will be incorporated into the site plan along established paths of drainage.

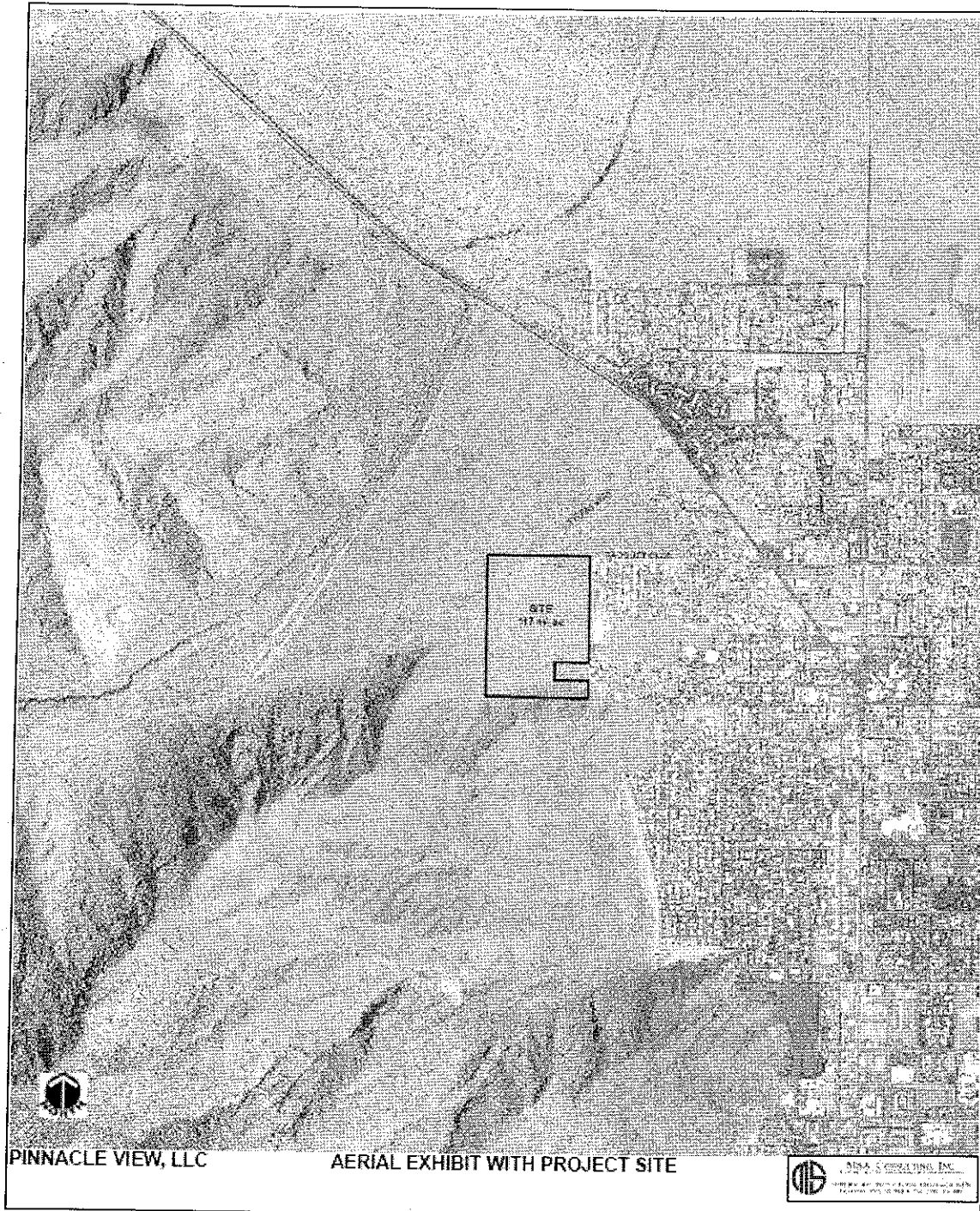
July 21, 2010

Mr. Ed Freeman

Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

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**Figure 1
Desert Palisades Specific Plan
Project Location**



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Table 3
Summary of Land Uses After Buildout
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Amount
<u>Acres</u>¹	117
<u>Residential Units</u>	110
<u>Population</u>²	233
<u>New Assessed Valuation</u>³	
Average lot value	\$277,500
Average improvement value	<u>\$1,722,500</u>
Average House Value per Unit	\$2,000,000
<u>Net New Assessed Valuation</u>	
New valuation (@ \$2,000,000 per unit)	\$220,000,000
Estimated existing valuation	<i>minus</i> \$12,935,585
Net new assessed valuation	<i>equals</i> \$207,064,415

- Note: 1. Based on information from the project developer, trails and open space space will be maintained by a homeowners association (HOA).
2. Population is projected based on City average of 2.116 persons per household for 2010 as reported by the California Department of Finance, Demographic Research Unit.
3. Based on information from the project developer, custom homes are planned for the project and home prices will range from \$2,000,000 to \$12,000,000 per unit. The fiscal analysis assumes a minimum price of \$2,000,000 per unit, as a conservative estimate and includes an estimated average value of \$277,500 for the entitled lot.

Sources: Stanley R. Hoffman Associates, Inc.
MSA Consulting, Inc.
State of California, Department of Finance, *E-5 City/County Population and Housing Estimates for Cities, Counties and the State, 2001-1010, with 2000 Benchmark*, Sacramento, May 2010

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Table 4
Development Description
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Total Entitled Lots Only without Homes	Total Homes Completed and Occupied
<u>Residential Lots/Units</u>	110	110
<u>Population¹</u>	0	233
<u>New Assessed Valuation²</u>		
Average lot value	\$30,525,000	\$30,525,000
Average improvement value	\$0	<u>\$189,475,000</u>
Average Home Value per Unit	\$30,525,000	<u>\$220,000,000</u>
<u>Net New Assessed Valuation</u>		
New residential valuation	\$30,525,000	\$220,000,000
Estimated existing valuation	\$12,935,585	\$12,935,585
Net new assessed valuation	\$17,589,415	\$207,064,415

Note: 1. Population is projected based on City average of 2.116 persons per household for January 1, 2010 as report by the California Department of Finance, Demographic Research Unit.

3. Based on information from the project developer, custom homes are planned for the project and home prices will range from \$2,000,000 to \$12,000,000 per unit, including the value of the lot. The fiscal analysis assumes a price of \$2,000,000 per unit on the low side of the range, as a conservative estimate. This price includes an average value of \$277,500 per entitled lot and an average improvement value of \$1,722,500 per house.

Sources: Stanley R. Hoffman Associates, Inc.

MSA Consulting, Inc.

State of California, Department of Finance, *E-5 City/County Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2000 Benchmark*, Sacramento, May 2010

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Table 5
Estimated Existing Valuation
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Tax Rate Area	Parcel Number	Land Value	Improvement Value	Total Assessed Valuation
011-033	504-030-007-3	\$6,161,591	\$0	\$6,161,591
011-033	504-030-009-5	1,929,981	0	1,929,981
011-033	504-030-010-5	1,932,846	0	1,932,846
011-033	504-030-011-6	<u>2,911,167</u>	0	<u>2,911,167</u>
Total		\$12,935,585	\$0	\$12,935,585

Sources: Stanley R. Hoffman Associates, Inc.
County of Riverside, Assessor-County Clerk-Recorder, 2010 Tax Roll

Table 6
Estimated Household Retail Taxable Purchases After Buildout
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Residential Product Description	Units	Average Unit Value	Annual Household (HH) Income @ 33.3% of Value	Annual HH Retail Taxable Purchases @ 32% of Income	Total Retail Taxable Household Purchases
Custom Homes	110	\$2,000,000	\$666,000	\$213,120	\$23,443,200
Estimated Retail Taxable Purchases in City of Palm Springs (@ 50% capture)					\$11,721,600
Estimated Sales Tax to City of Palm Spring Springs (@ 1%)					\$117,216
Use tax at 10.6%					<u>12,425</u>
Total Sales and Use Tax After Buildout					\$129,641

Sources: Stanley R. Hoffman Associates, Inc.
Bureau of Labor Statistics, *Consumer Expenditure Survey, 2002*
The HdL Companies, *Sales Tax Allocation Totals, Calendar Year 2009*

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APPENDIX A FISCAL ASSUMPTIONS

This appendix presents the revenue and cost assumptions for the Desert Palisades Specific Plan fiscal analysis. General demographic and employment assumptions used for calculating fiscal factors are first presented. The revenue assumptions for projecting recurring revenues are then presented followed by the cost assumptions for projecting recurring costs.

A.1 General Assumptions

A summary of the general assumptions is presented in Table A-1. These assumptions are based on the California Department of Finance (DOF), *E-5 City/County Population and Housing Estimates* for 2009 and the 2010 employment estimate from the Southern California Association of Governments (SCAG), *RTP 2007 Projections*. City General Fund revenue and cost factors are estimated by dividing the 2009-2010 City budget categories by the appropriate City population, employment or total service population estimate.

Population. As shown in Table A-1, DOF estimates the City's resident population in 2010 at 48,040. This total City population estimate is used for projecting certain revenues and costs on a per capita basis, such as State subvented motor vehicle license fees. Household population is estimated at 47,344 for 2010.

Housing Units. DOF estimates 33,603 housing units and 22,370 occupied housing units or households for the City in 2010.

Persons per Household. Based on the DOF resident household population estimate of 47,344 and the total occupied housing unit estimate of 22,370, the number of persons per household is estimated at 2.116 for the City. The persons per household factor is used to estimate population growth for the Desert Palisades project.

Employment. Based on the SCAG employment projections, the total City employment is estimated at 38,930 for 2010. This estimate is used to calculate fiscal factors based on employment, such as business license tax revenues.

Service Population. Several fiscal factors are impacted by both population and employment growth. Therefore, these fiscal factors are estimated by allocating total budgeted revenues or costs to both population and employment. As shown in Table A-1, the service population for the City is estimated at 67,505. The service population estimate includes the resident population of 48,040 and the estimated weighted employment of 19,465 (50 percent of 38,930).

4.2 Revenue Assumptions

The General Fund recurring revenues for Fiscal Year (FY) 2009-2010 summarized by category in Table A-2 and the general demographic assumptions presented earlier in Table A-1 are used as the basis for calculating the revenue factors that are summarized in Table A-3. These revenue factors are used to project revenues generated by the Desert Palisades Project to the City General Fund. The public safety community facilities district (CFD) fee is also presented in Table A-3.

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Table A-1
Summary of General Assumptions
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Assumption	Description
	<u>Population and Housing</u>¹
48,040	Total Resident Population
696	Group Quarters Population
47,344	Total Household Population
33,603	Total Housing Units
18,914	Single Family Units
14,689	Multi-Family Units
22,370	Occupied Housing Units
2.116	Average Household Size
	<u>Employment</u>²
38,930	Total City Employment
19,465	Employment Weighted at 50% ³
	<u>Service Population (Population plus Weighted Employment)</u>
48,040	Total Resident Population
19,465	Employment Weighted at 50%
67,505	Service Population

- Note: 1. Population and housing estimates are from the California Department of Finance (DOF) for January 1, 2010.
2. The 2010 employment estimate is based on the Southern California Association of Governments *RTP 2007 Projections*.
3. This analysis has weighted the employment at 50% to account for the estimated less frequent use of City services by employment versus population.

Sources: Stanley R. Hoffman Associates, Inc.

State of California, Department of Finance, *E-5 City/County Population and Housing Estimates for Cities, Counties and the State, 2001-2010, with 2000 Benchmark*, Sacramento, May 2010

Southern California Association of Governments, *RTP 2007 Projections*

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Table A-2
Summary of General Fund Revenues, 2009-2010
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Revenue Category	Total	Not Projected or One-Time	Recurring
Taxes - Local			
CRA Pass Thru	\$372,650	\$372,650	\$0
Documentary Transfer Tax	300,000	0	300,000
Franchise Tax	3,050,000	0	3,050,000
Homeowners Tax Relief	250,000	0	250,000
In-Lieu Property Tax (MVIL)	4,030,000	0	4,030,000
New Development Tax	120,000	120,000	0
Parking Tax	55,000	0	55,000
Property Tax	19,130,000	0	19,130,000
Sales Tax	6,455,598	0	6,455,598
Sales Tax-ERAF Reimbursement	2,350,000	0	2,350,000
Transient Occupancy Tax	5,250,000	0	5,250,000
Utility Users Tax	6,500,000	0	6,500,000
<i>Total Taxes - Local</i>	\$47,863,248	\$492,650	\$47,370,598
Licenses, Permits, Fees & Services			
Animal Control Fees and Licenses	\$92,000	\$0	\$92,000
Alarm Permits - Police	67,000	67,000	0
Building Permits	725,000	725,000	0
Building Plan Check Fees	370,000	370,000	0
Business Licenses	910,000	0	910,000
Construction Permits	125,000	125,000	0
Engineering Plan Check Fees	211,000	211,000	0
Fast Track Plan Check Fees	5,500	5,500	0
Miscellaneous Filing Fee	60,000	60,000	0
Multi-Unit Fire Inspection Fee	70,000	70,000	0
Motor Vehicle In Lieu	120,000	0	120,000
Nuisance Abatement Fees	40,000	40,000	0
Other Licenses, Fees, Permits & Services	824,777	0	824,777
Permit Issuance	95,000	95,000	0
Smoke Detector Inspections	75,000	75,000	0
General Plan Maintenance Surcharge	25,000	25,000	0
Zoning & Subdivision Fees	120,000	120,000	0
<i>Total Licenses, Permits, Fees & Services</i>	\$3,935,277	\$1,988,500	\$1,946,777
Fines & Forfeitures			
Abandoned Vehicle Abatement	\$5,000	\$0	\$5,000
False Alarm Fees	265,000	0	265,000
Towing Fees	100,000	0	100,000
Vehicle Code Fines	250,000	0	250,000
<i>Total Fines & Forfeitures</i>	\$620,000	\$0	\$620,000
Interest Earnings and Property Rental			
Building/Facilities/Land Rental	\$112,983	\$0	\$112,983
Interest Income	0	0	0
Interest CRA Loan	2,262,880	2,262,880	0
<i>Total Interest Earnings and Property Rental</i>	\$2,375,863	\$2,262,880	\$112,983
Other Revenue			
Administrative Service Charges	\$1,825,547	\$0	\$1,825,547
Casino Agreement	300,000	300,000	0
CRA Administrative Services	160,000	160,000	0
Grant, Contributions, & Intergovernmental	303,739	303,739	0
Landscaping, Lighting & Parkway	14,166	14,166	0
911 Emergency Communications System Fee	0	0	0
Recreation Program/Facilities Revenue	655,650	0	655,650
Rent Control	48,000	0	48,000
Rent - A - Cell	50,000	0	50,000
Special Police & Fire Department Services	592,149	0	592,149
Sale of Fixed Assets	5,000	0	5,000
Tourism Contribution - Tribe	434,000	434,000	0
Vehicle Impact Fees	0	0	0
<i>Total Other Revenue</i>	\$4,388,251	\$1,211,905	\$3,176,346
General Fund Subtotal	\$59,182,639	\$5,955,935	\$53,226,704
Transfers In From Gas Tax Fund	\$600,000	\$600,000	\$0
General Fund Total	\$59,782,639	\$6,555,935	\$53,226,704

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**Table A-3
Summary of Revenue Assumptions
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)**

Revenue Source	FY 2009-10 Adopted Budget	Projection Basis¹	Revenue Projection Factor
Tax Revenue			
Property Taxes ²	\$19,130,000	Assessed Valuation	22.7% City share of 1% levy
In-Lieu Property Tax (MVIL) ³	\$4,030,000	Case Study	\$264 per \$1,000,000 assessed valuation
Sales and Use Tax	\$8,805,598	Taxable Sales	1% of taxable sales
Franchise Fees	\$3,050,000	Service Population	10.6% use tax (@ 10.6 percent of sales tax)
Transient Occupancy Tax ⁴	\$5,250,000	Percent of Lodging Revenues	\$45.18 per service population
Document Transfer Tax	\$300,000	Property turnover and valuation assumptions	13.5% of group meeting hotel revenues 11.5% of non-group meeting hotel revenues 10% Residential turnover rate 5% Non-residential turnover rate
Utility User Tax	\$6,500,000	Service Population	\$0.55 per \$1,000 assessed valuation
Parking Tax	\$55,000	Service Population	\$96.29 per service population \$0.81 per service population
Licenses and Permits			
Business Licenses	\$910,000	Employment	\$23.38 per employee
Animal Control Fees & Licenses	\$92,000	Population	\$1.92 per capita
Motor Vehicle In Lieu	\$120,000	Population	\$2.50 per capita
Other Licenses & Permits	\$824,777	Service Population	\$12.22 per service population
Fines and Forfeitures			
	\$620,000	Service Population	\$9.18 per service population
Other Revenue			
Police/Fire Service Charges	\$592,149	Service Population	\$8.77 per service population
Administrative Service Charges	\$1,825,547	Service Population	\$27.04 per service population
Recreation Revenue	\$655,650	Population	\$13.65 per capita
Other Current Services	\$103,000	Service Population	\$1.53 per service population
Interest Earnings and Property Rental			
Rentals	\$112,983	Service Population	\$1.67 per service population
State Gasoline Tax⁵			
	\$838,000	Population	\$17.44 per capita
Public Safety CFD Fee⁶			
	n/a	Entitled Lot	\$500 per entitled lot

- Note: 1. For revenue factors that are based on population and employment, the estimated City service population, as shown in Table A-1, is used to calculate the revenue factor. The service population factor is then applied to the estimated service population of the project to generate the estimated revenue.
2. The fiscal analysis projects property tax at the Citywide average of 22.7 percent of the basic one percent property tax for development outside redevelopment areas.
3. The State has lowered the MVIL rate, which reduces the amount of MVIL received by cities and counties. However, the State is providing property taxes to offset the MVIL backfill. This amount is estimated to change according to the increased assessed valuation for the City, as shown in Table A-5.
4. Transient occupancy tax (TOT) is not projected because the Project does not include lodging.
5. State gasoline taxes are earmarked for road related expenses.
6. The public safety CFD fee is collected to offset fire and police costs from new development.

Sources: Stanley R. Hoffman Associates, Inc.
City of Palm Springs, 2009-2010 Annual Adopted Budget

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A.2 Revenue Assumptions

Property Tax. Property tax revenues are projected based on the City's estimated share of the one percent property tax levy on the estimated valuation of development in the Desert Palisades Project. As shown in Table A-4, the City General Fund property tax allocation is estimated at about 22.7 percent of the basic 1 percent tax levy. The property tax allocation is based on the tax rate area (TRA) allocations for TRA 011-033 in which the proposed project is located.

Table A-4
Tax Rate Area (TRA) Property Tax Allocations
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Agency ¹	011-003 Allocation
Riverside County General Fund	0.13343849
City of Palm Springs Debt Sv	0.22685228
Palm Springs Unified School District	0.25001377
Palm Springs Unified B & I 1992-A	0.00000000
Desert Community College	0.07136201
Riverside County Office of Education	0.03882460
Riverside County Regional Park and Open Space	0.00329445
Flood Control Administration	0.00222801
Flood Control Zone 6	0.03471350
CSA 152	0.00000000
Palm Springs Public Cemetery	0.00088955
Desert Hospital	0.01893206
CV Mosquito & Vector Control	0.00926781
Desert Water Agency	0.01070629
Citrus Pest Control 2	0.00000000
ERAF	<u>0.19947718</u>
Total	1.00000000

Note: 1. The City property tax allocation is highlighted in bold print.

Sources: Stanley R. Hoffman Associates, Inc.

Riverside County Auditor-Controller, Property Tax Division

In Lieu Property Tax (MVIL). Cities began receiving additional property tax revenue to replace motor vehicle license fee (MVLFF) revenue that was lowered when the state reduced vehicle license tax in 2004. Based on information from the State Controller, this in-lieu property tax (MVIL) is projected to grow with the change in the citywide gross assessed valuation (AV) of taxable property from the prior year. In lieu property tax (MVIL) revenues are in addition to other property tax apportionments. As shown in Table A-5, MVIL revenues are projected at \$264 per \$1.0 million increase in AV Citywide.

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Table A-5
Estimated Increase in In-Lieu Property Tax (MVIL)
Per Increase in Assessed Valuation
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Category	2004/2005	2009/2010	Change in MVIL
<u>Nominal Dollars</u>			
In-Lieu Property Tax (MVIL) ¹	\$2,515,466	\$4,030,000	\$1,514,534
Assessed Valuation	\$6,436,752,910	\$11,709,493,000	\$5,272,740,090
MVIL Increase per Assessed Valuation (AV) Increase			0.000287
MVIL Increase per \$1,000,000 increase in AV			\$287
<u>Consumer Price Index</u>			
January 2005 = 195.4			
January 2010 = 224.6			
Change Factor = 1.15			
<u>2010 Constant Dollars</u>			
In-Lieu Property Tax (MVIL)	\$2,892,786	\$4,030,000	\$1,137,214
Assessed Valuation	\$7,402,265,847	\$11,709,493,000	\$4,307,227,154
MVIL Increase per Assessed Valuation (AV) Increase			0.000264
MVIL Increase per \$1,000,000 increase in AV			\$264

Note: 1. Property tax in-lieu of MVIL revenues are received by cities and counties to offset the State reduction in motor vehicle license fees, which began in 2004. Under State law, the increase in property tax in-lieu of MVIL is based on the increase in assessed valuation in the jurisdiction.

Sources: Stanley R. Hoffman Associates, Inc.

State Controller's Office, Division of Account and Reporting, *Revenue and Taxation Code Section 97.70*

(c)(1)(B)(i) License Fee Adjustment Amounts, 2004-2005

City of Palm Springs, Finance Department, *Comprehensive Annual Financial Report for the Fiscal Year*

Ended June 30, 2009, December 28, 2009

Sales Tax. Sales and use tax is projected based on the retail taxable sales generated by residents of the Desert Palisades Project. Sales tax revenues to local jurisdiction are projected at one percent of captured taxable sales.

Use Tax. Table A-6 presents the City sales and use tax for Calendar Year 2009 provided by Hinderliter de Llamas and Associates (HdL). HdL estimates that \$813,973 of total sales and use tax was made from levys designated as use tax and the remaining \$7,712,148 of the sales and use tax was point-of-sale sales tax. Therefore, use tax revenues to the City of Palm Spring are estimated at an additional 10.6 percent of point-of-sale sales tax.

Franchise Fees. Based on FY 2009-2010 estimated franchise fee revenues of \$3.05 million and the City service population estimate of 67,505, franchise tax revenues are projected at \$45.18 per service population.

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Table A-6
Calculation of Use Tax Factor
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

Item	Amount
<u>Use Tax</u>	
County Pool	\$807,044
State Pool	6,929
Total Sales Tax	\$813,973
	<i>divided by</i>
<u>County Pool plus State Pool</u>	\$7,712,148
	<i>equals</i>
<u>Estimated Use Tax Rate¹</u>	10.6%

Note: 1. The use tax rate is the County Pool plus the State Pool divided by point-of-sale taxable sales tax.

Source: The HdL Companies, *Sales Tax Allocation Totals, Calendar Year 2009*

Transient Occupancy Tax. The City collects a tax of 11.5 percent of room receipts on hotels with under 125 rooms within the City. Transient occupancy tax (TOT) for these non-group meeting hotels is allocated 7 percent to the Community Promotion Fund and 4.5 percent to the City General Fund. TOT for group meeting hotels with 125 rooms or more is collected at 13.5 percent and allocated 7 percent to the Community Promotion Fund and 6.5 percent to the City General Fund. TOT is not projected because lodging is not planned for the Desert Palisades Project.

Document Transfer Tax. Sales of real property are taxed by the County of Riverside at a rate of \$1.10 per \$1,000 of property value and divided equally between the City and the County for property located in the City, with the City receiving \$0.55 per \$1,000 of transferred property value. Development is assumed to change ownership at an average rate of about 10.0 percent per year, or on an average of once every 10 years. Non-residential development is assumed to change ownership at an average rate of about 5.0 percent per year, or at an average of once every 20 years.

Utility User Tax. Based on FY 2009-2010 revenues of \$6.50 million and the City service population estimate of 67,505, utility user tax revenues are projected at \$96.29 per service population

Parking Tax. These revenues are projected at \$0.81 per service population based on estimated FY 2009-2010 revenues of \$55,000 and the City service population estimate of 67,505.

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Business License Tax. These revenues are projected at \$23.38 per employee based on FY 2009-2010 estimated business license revenues of \$910,000 and the City's employment estimate of 38,930. Business license tax is not projected for the Specific Plan because only residential development is planned.

Animal Control Fees & Licenses. Based on the FY 2009-2010 estimate of \$92,000 and the City population estimate of 48,040, these revenues are projected at \$1.92 per capita.

Motor Vehicle In Lieu (MVLf). This category represents the reduced allocation of MVLf by the State. MVLf revenues are projected at \$2.50 per capita based on FY 2009-2010 estimated revenues of \$120,000 and the City population estimate of 48,040.

Other Licenses and Permits. Based on FY 2009-2010 estimated revenues of \$824,777 and the City service population estimate of 67,505, these revenues are projected at \$12.22 per service population.

Fines and Forfeitures. These revenues are projected at \$9.18 per service population based on FY 2009-2010 revenues of \$620,000 and the City service population estimate of 67,505.

Police/Fire Service Charges. Police and fire service charge revenues are projected at \$8.77 per service population based on FY 2009-2010 revenues of \$592,149 and the service population.

Administrative Service Charges. Based on the City's FY 2009-2010 budget estimate of about \$1.83 million for administrative service charges and the City's service population estimate of 67,505, these revenues are projected at \$27.04 per service population.

Recreation Revenue. These revenues are projected at \$13.65 per capita based on FY 2009-2010 estimated recreation revenues of about \$655,650 and the City population estimate of 48,040.

Other Current Charges. Based on the Budget revenues of \$103,000 thousand and the City service population estimate, revenues for other current charges are projected at \$1.53 per service population.

Rentals. These revenues are projected at \$1.67 per service population based on estimated FY 2009-2010 rental revenues of \$112,983 and the City service population estimate of 67,505.

State Gasoline Tax. State gasoline tax revenues are projected at \$17.44 per capita based on estimated FY 2009-2010 revenues of \$838,000 and the population estimate of 48,040.

Public Safety Community Facilities District (CFD). The public safety CFD charges an annual tax of \$500 per entitled lot. These charges are for the purpose of offsetting the estimated General Fund police and fire costs of new residential development. The fiscal analysis assumes that the public safety CFD fee will be paid for all 110 lots in the proposed development at the time of entitlement.

A.3 Cost Assumptions

Table A-7 presents the General Fund FY 2009-2010 recurring expenditures and the cost factors for each of the cost categories in the General Fund are presented in Table A-8. As with revenue factors, cost factors are used to project recurring costs generated by the new population associated with the Desert Palisades Project.

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Table A-7
Summary of General Fund Expenditures, 2009-2010
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Total	General Government	Non-General Government
A. GENERAL FUND EXPENDITURES			
General Government			
City Council	\$549,458	\$549,458	
City Manager	564,700	564,700	
Public Affairs	0	0	
Administrative Services	0	0	
Development Services	247,300	247,300	
Neighborhood Involvement	136,131	136,131	
Information Technology	1,246,847	1,246,847	
City Clerk	676,306	676,306	
Human Resources	338,744	338,744	
Rent Control	42,738	42,738	
City Attorney	806,980	806,980	
Unallocated Appropriation	750,000	750,000	
PSCTV Operations	284,723	284,723	
Document Management	466,044	466,044	
Finance	1,945,499	1,945,499	
Procurement & Contracts	459,984	459,984	
Homeless Program	103,000	103,000	
Non-General Government			
Community and Economic Development	\$245,875		\$245,875
Police	15,672,998		15,672,998
Jail Operations	841,049		841,049
Downtown Experience - Police	795,122		795,122
Animal Control	559,058		559,058
Dispatch Center	1,453,201		1,453,201
Fire	9,169,579		9,169,579
Safer Grant	447,289		447,289
Disaster Preparedness	137,869		137,869
Planning Services	1,338,464		1,338,464
Building and Safety	2,302,624		2,302,624
Engineering	1,533,732		1,533,732
Street Maintenance	1,143,981		1,143,981
Downtown Experience - Maintenance	754,991		754,991
Street Cleaning	20,000		20,000
Street Lighting	972,727		972,727
Railroad Station	56,775		56,775
Parks & Parkways Maintenance	2,911,699		2,911,699
Recreation Programs	2,232,421		2,232,421
Palm Springs Skate Park	86,644		86,644
James O. Jessie DHUC	443,702		443,702
Library	2,069,030		2,069,030
GRAND TOTAL GENERAL FUND	\$53,807,284	\$8,618,454	\$45,188,830

B. CALCULATION OF GENERAL GOVERNMENT COSTS

General Government Costs		\$8,618,454
Non-General Government, or Direct, Costs	divided by	\$45,188,830
General Government as a percent of Direct General Fund Costs	equals	19.1%

Sources: Stanley R. Hoffman Associates, Inc.
City of Palm Springs, 2009-2010 Annual Adopted Budget

Stanley R. Hoffman Associates

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Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

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Table A-8
Summary of General Fund Cost Assumptions
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Cost Category	FY 2009-10 Adopted Budget	Projection Basis¹	Cost Projection Factor¹
<u>General Government</u>	\$8,618,454	Percent of General Fund costs	19.1% of direct department costs
<u>Fire/Disaster Preparedness</u>	\$9,754,737	Service Population	\$144.50 per service population
<u>Police</u>	\$17,309,169	Service Population	\$256.41 per service population
<u>Dispatch Center</u>	\$1,453,201	Service Population	\$21.53 per service population
<u>Animal Control</u>	\$559,058	Population	\$11.64 per capita
<u>Community/Economic Development</u>	\$245,875	Service Population	\$3.64 per service population
<u>Planning Services</u>	\$1,338,464	Service Population	\$19.83 per service population
<u>Building and Safety²</u>	\$2,302,624	Case Study	\$4.65 per service population
<u>Public Works</u>	\$2,345,498	Service Population	\$34.75 per service population
<u>Parks and Recreation</u>	\$5,674,466	Population	\$118.12 per capita
<u>Library</u>	\$2,069,030	Per Capita	\$43.07 per capita
<u>Street Maintenance³</u>	\$2,136,708	Service Population	\$31.65 per service population

Note: 1. For cost factors that are based on population and employment, the estimated City service population, as shown in Table A-1, is used to calculate the cost factor. The service population factor is then applied to the estimated service population of the project to generate the estimated cost.

2. About \$1.99 million of building and safety costs are assumed to be offset by one-time development fees and permits. The calculation of net building and safety costs is presented in Table A-9.

3. This category includes street cleaning and street lighting costs in addition to street maintenance.

Sources: Stanley R. Hoffman Associates, Inc.
City of Palm Springs, 2009-2010 Annual Adopted Budget

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General Government. General government overhead costs are projected at a rate of 19.1 percent of the City's recurring direct General Fund expenditures. As shown in Table A-7, General government citywide functions include several categories of policy and administration. The general government costs of about \$8.62 million are divided by the City's direct departmental annual recurring expenditures of about \$45.19 million for an estimated annual overhead rate of 19.1 percent.

Fire Protection/Disaster Preparedness. As shown in Table A-8, these costs are projected at the Citywide average of \$144.50 per service population based on the FY 2009-2010 costs of \$9.75 million and the City's estimated service population of 67,505.

Police Protection. The City's FY 2009-2010 police costs are estimated about \$17.31 million. Annual police costs are projected at \$256.41 per service population. This figure is based on the estimated Budget police costs of \$17.31 million and the City service population of 67,505.

Dispatch Center. These services are projected at \$21.53 per service population based on the FY 2009-2010 costs of \$1.45 million and the City's resident population estimate of 67,505.

Animal Control. Animal control costs are projected at \$11.64 per capita based on the FY 2009-2010 costs of \$559,058 and the City population estimate of 48,040.

Community and Economic Development. The City's FY 2009-2010 costs are estimated \$245,875 for community and economic development services. These annual costs are projected on a service population basis at \$3.64 per service population based on the estimated Budget costs and the City service population of 67,505.

Planning Services. Planning services are projected at \$19.83 per service population based on the City's FY 2009-2010 estimated costs of about \$1.34 million for planning services and the City service population of 67,505.

Building and Safety. As shown in Table A-9, FY 2009-2010 building and safety costs are estimated at 2.30 million. When one-time fees and permits revenues are deducted from the projected costs, the net building and safety costs are estimated at \$314,124. Based on these net building and safety costs and the City service population, ongoing building and safety costs are projected at \$4.65 per service population.

Public Works. These costs are projected at about \$34.75 per service population based on FY 2009-2010 budget costs of about \$2.35 million and the City service population estimate of 67,505. This category includes Citywide public works engineering costs, Downtown maintenance and railroad station maintenance.

Parks and Recreation. Services in this department include parks and parkways maintenance, recreation programs, the Palm Springs Skate Park and the James O. Jesse DHUC. Park and recreation costs are projected at \$118.12 per capita based on the FY 2009-2010 budget of \$5.67 million and the City's population estimate of 48,040.

Library. Library services are projected at \$43.07 per capita based on the FY 2009-2010 library costs of about \$2.07 million and the City population estimate of 48,040.

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Table A-9
Estimated Net Building, Safety, Engineering and Planning Costs
Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs
(In Constant 2010 Dollars)

Category	Amount
Building & Safety Costs	\$2,302,624
	<i>minus</i>
One-Time Fees and Permits Revenue	\$1,988,500
	<i>equals</i>
Recurring Net Building and Safety Costs	\$314,124
	<i>divided by</i>
City Estimated Service Population ²	67,505
	<i>equals</i>
Net Building and Safety Cost Factor per Service Population	\$4.65

Note: 1. About \$1,988,500 of building and safety costs are offset by one-time fees and permits, leaving net building and safety costs of \$314,124.

2. The estimated Palm Springs service population, which is the City's population plus employment weighted at 50%, as shown in Table A-1.

Sources: Stanley R. Hoffman Associates, Inc.

City of Palm Springs, *2009-2010 Annual Adopted Budget*

Street Maintenance. This category includes traffic maintenance, street cleaning and street lighting in addition to street maintenance. These costs are estimated at \$31.65 per service population based on the FY 2009-2010 Budget costs of about \$2.14 million and the City's service population estimate. Street maintenance costs are not projected because the Desert Palisades Project will be gated and maintain its own internal streets.

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Desert Palisades Specific Plan Fiscal Analysis, City of Palm Springs

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**APPENDIX B
PROJECT REFERENCES**

CITY OF PALM SPRINGS

Community and Economic Development

John Raymond, Director

(760) 323-8228

Economic Development and Public Arts

Cathy Van Horn, Administrator

(760) 323-8175

Finance Department

Craig Graves, Director

(760) 323-8229

Roxanne O'Neill, Analyst

(760) 322-8326

DESERT PINNACLE, LLC.

Ed Freeman, Partner

(503) 452-7600

MSA CONSULTING, INC.

Marvin Roos, Director of Design Development

(760) 320-9811

RIVERSIDE COUNTY

Assessor-County Clerk-Recorder

<http://riverside.asrclkrec.com>

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

ATTACHMENT 8

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
Aesthetics				
MM 3.1-1(c) The Desert Water Agency shall paint the sides of the reservoir an earth tone color to reduce the reflectivity and visibility from off-site vantage points. Landscape materials shall be introduced where practicable around the tank to further reduce the visual impacts.	Desert Water Agency	During DWA Reservoir Construction Activities		
Air Quality				
MM 3.3-1 (a): The project proponent shall ensure that Grading activities during roadway/infrastructure installation shall be coordinated with and scheduled not to coincide with grading activities on the DWA Reservoir Site.	Project Contractor	Prior to All Grading Activities		
MM 3.3-2 (a): The project proponent shall ensure that the following measures are employed during all construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario: <ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 	Developer/ Project Contractor	During All Grading and Construction Activities		
MM 3.3-3 (a): The construction specifications shall require that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.	Project Contractor	During All Grading and Construction Activities		
MM 3.3-1 (b): Grading activities during individual residential construction shall be coordinated with and scheduled to not exceed a total 25 lots at one time unless approved by the City Engineer.	Contractors for Residential Development	During Residential Grading Activities		4.5.1154 RECEIVED
MM 3.3-2 (b): The individual home builders shall ensure that the following measures are employed during construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario:	Contractors for Residential Development	During Residential Construction Activities		APR 28 2010 PLANNING SERVICES DEPARTMENT

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 				
<p>MM 3.3-3 (b): The individual home builders shall require that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.</p>	Contractors for Residential Development	During Residential Construction Activities		
<p>MM 3.3-1 (c): Grading activities during DWA Reservoir site construction shall be coordinated with and scheduled not to coincide with grading activities related to roadway/infrastructure installation.</p>	Project Contractor	During Infrastructure Grading Activities		
<p>MM 3.3-2 (c): The project proponent shall ensure that the following measures are employed during construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario:</p> <ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 	Developer/ Project Contractor	During All Grading and Construction Activities		
<p>MM 3.3-3 (c): The construction specifications shall require that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.</p>	Developer/ Project Contractor	Prior to All Grading and Construction Activities		
<p>MM 3.3-4 (c): The developer shall ensure that no on-site rock crushing or blasting operations occur during any phase of project development.</p>	Desert Water Agency, Developer, and Contractors	During All On-Site Grading Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>Biological Resources</p> <p>MM 3.4-1: The developer shall ensure that the following mitigation measures be required to reduce potential impacts to bighorn sheep:</p> <ul style="list-style-type: none"> • Deeding all hillside acreage within the project boundaries to the City of Palm Springs as part of their hillside conservation area. • Ensuring that grading operations shall not take place from January 1 to June 30, the Peninsular Bighorn Sheep lambing period. Grading operations shall be confined to between July 1 and December 31, when disturbance to sheep is less likely. • Providing a research grant to the Bighorn Institute for further research on the causes underlying the long-term decline in bighorn sheep numbers. The amount to be paid to the Bighorn Institute shall be determined by the institute in consultation with the applicant. The applicant shall furnish the City with a receipt of payment prepared by the institute. • Placing a bighorn- and pet-proof fence around the area to be developed that is adjacent to habitat. 	Developer	Prior to and During All Grading and Construction Activities		
<p>MM 3.4-2: The project shall utilize plant species native to the Coachella Valley in the public/common landscaped areas. The use of native plant species helps maintain a food and cover base for indigenous animal species, particularly birds, that cannot utilize some exotic plants for cover or food. In the event that non-native plant species are incorporated, these plants shall be non-invasive, highly adapted to the desert environment and placed only in private landscaped areas.</p>	Developer	During All Construction Activities		
<p>Cultural Resources</p> <p>MM 3.5-1: A Phase 2 investigation of Site CA-RIV-8049, the food processing site, and Site CA-RIV-8053, an inconspicuous stone cache as well as historic sites 33-15109, -15110, and -15271, the road, flume and pipeline shall be undertaken prior to approval of the Final Tract Map for the project or commencement of construction for the reservoirs (whichever comes first) to determine whether avoidance is appropriate and adequate. Upon recommendation by the investigating archaeologist and review and approval by the</p>	Developer	During All Grading and Construction Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>Planning Department, the site shall be properly curated in accordance with the appropriate industry standard. If significant Native American cultural resources are discovered the archaeologist shall prepare a Treatment Plan for submission to the THPO for approval. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to the tribe, etc.).</p>				
Geology and Soils				
<p>MM 3.6-1(a): The project contractors shall adhere to the recommendations contained within the site specific Geotechnical Feasibility and Infiltration Report and subsequent updates referred to within this document, prepared by Earth Systems Southwest, throughout grading and construction activities.</p>	Project Contractor	During All Grading and Construction Activities		
<p>MM 3.6-2 (a): The developer shall ensure that on-site rock crushing, rock blasting, and use of impact hammering equipment (such as a hoe-ram), are prohibited during any phase of project development.</p>	Desert Water Agency, Developer, and Contractors	During All Grading and Construction Activities		
<p>MM 3.6-1(b): The project contractors shall adhere to the recommendations contained within the site specific Geotechnical Feasibility and Infiltration Report and subsequent updates referred to within this document, prepared by Earth Systems Southwest (available at the City of Palm Springs Engineering Department,) throughout grading and construction activities.</p>	Project Contractor	During All Grading and Construction Activities		
<p>MM 3.6-2(b): Future individual home developers shall be required to have a project specific Geotechnical analysis prepared prior to project permits.</p>	Individual Home Developers	During Residential Construction Activities		
<p>MM 3.6-3(b): Individual home developers, if utilizing construction of pile foundations (such as over significant rock outcroppings and to minimize site disturbance,) shall have obtained specific geotechnical detail recommendations at development plan availability.</p>	Individual Home Developers	During Residential Construction Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
MM 3.6-4(b): If very large rocks are encountered that also protrude under and support or partially support adjacent structures, individual home developers are required to obtain further grading recommendations.	Individual Home Developers	During Residential Construction Activities		
MM 3.6-5(b): The project proponent shall ensure that Standard Conditions and Mitigation Measures contained in this document that address individual home construction shall be included within the project's Covenants, Conditions and Restrictions (CC&Rs) prior to recordation of the Final Map. Contact information for Earth Systems Southwest shall also be provided.	Individual Home Developers	During Residential Construction Activities		
MM 3.6-1(c): The grading contractor shall work in accordance with the recommendations contained within the Geotechnical Engineering Report for the Two 0.5 or 1.0 MG Reservoirs.	Project Contractor	During Infrastructure Grading and Construction Activities		
MM 3.6-2(c): Flooding, erosion and debris flows should be mitigated by proper drainage design including collecting and disposal (conveyance) of water to approved points of discharge. Appropriate project design, construction and maintenance will be necessary.	Project Contractor	During Infrastructure Construction Activities		
Hazards and Hazardous Materials				
MM 3.7-1(a): Prior to the approval of project and initial roadway/infrastructure grading and installation phase of the project, the Project Developer will consult with the City Fire Department to determine if extension of Racquet Club extends the Five-Minute Response Area boundary.	Developer	Prior to Infrastructure Grading and Construction Activities		
Hydrology and Water Quality				
MM 3.8-1(a): During the initial roadway/infrastructure grading and installation phase of the project, the developer shall prepare and implement, throughout all of these activities, a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the National Pollution Discharge Elimination System (NPDES) Permit regulations. Construction site Best Management Practices (BMPs) shall be implemented to prevent any excess storm flows, or contamination of	Developer	During Infrastructure Grading and Construction Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
water that could occur as a result of these construction activities within the proposed project site.				
MM 3.8-2(a): During the initial roadway/infrastructure grading and installation phase of the project, the developer shall prepare and implement, throughout all infrastructure installation activities, a Fugitive Dust (PM10) Control Plan to aid in minimizing erosion related issues associated with street grading and utility installation.	Developer	During Infrastructure Grading and Construction Activities		
MM 3.8-3(a): During the initial roadway/infrastructure grading and installation phase of the project, it shall be the developer's responsibility to design and install appropriate BMPs, in accordance with the Municipal Separate Storm Sewer System (MS4) Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB), that effectively intercept and pre-treat stormwater runoff from the property throughout the life of the project. The design and installation of BMPs shall be reviewed and approved by the City's Engineering Department.	Developer	During and After Infrastructure Grading and Construction Activities		
MM 3.8-1(b): Each individual property owner shall prepare and implement, throughout all lot disturbance and home construction activities, a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the National Pollution Discharge Elimination System (NPDES) Permit regulations. Construction site Best Management Practices (BMPs) shall be implemented to prevent any excess storm flows, or contamination of water that could occur as a result of all future construction activities within the proposed project. This mitigation measure shall be incorporated into the CC&Rs for the subdivision.	Individual Home Developers	During Residential Construction Activities		
MM 3.8-2(b): Each individual property owner shall prepare and implement, throughout all lot disturbance and home construction activities, a Fugitive Dust (PM10) Control Plan to aid in minimizing erosion related issues associated with street grading and utility installation. This mitigation measure shall be incorporated into the CC&Rs for the subdivision.	Individual Home Developers	During Residential Construction Activities		
MM 3.8-3 (b): Prior to the completion of Line 2, each individual parcel developer shall prepare an on-site retention plan to ensure that the incremental storm water flowing off-site is equal to predevelopment	Individual Home Developers	Prior to Residential Construction		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
conditions. After the completion of Line 2, no on-site retention will be required.		Activities		
MM 3.8-4 (b): The grading plan for the DWA reservoirs shall include provisions for capture of incremental storm water unless Line 2 is completed and operational. The area for retention may serve multiple Agency purposes such as capturing purged water from the tank.	Desert Water Agency	Prior to Infrastructure Grading Activities		
MM 3.8-1(c): If the disturbance related to the grading and installation of the DWA reservoir tanks occur as a separate phase from the residential roadway/infrastructure, the developer shall prepare and implement, throughout all of these activities, a SWPPP in accordance with the NPDES Permit Regulations. Construction site BMPs shall be implemented to prevent any excess storm flows, or contamination of water to occur within the project site.	Desert Water Agency	During Infrastructure Grading and Construction Activities		
MM 3.8-2(c): If grading and installation of the DWA reservoir tanks occur as a separate phase from the grading and installation of the residential roadway/infrastructure, the developer shall prepare and implement, throughout all infrastructure installation activities, a Fugitive Dust (PM10) Control Plan to aid in minimizing erosion-related issues.	Desert Water Agency	During Infrastructure Grading and Construction Activities		
MM 3.8-3(c): If grading and installation of the DWA reservoir tanks occur as a separate phase from the grading and installation of the residential/roadway infrastructure, it shall be the developer's responsibility to design and implement a Water Quality Management Plan in accordance with the Municipal Separate Storm Sewer System (MS4) Permit issued for the Whitewater River Region of the Colorado River Basin Regional Water Quality Control Board.	Developer	During and After Infrastructure Grading and Construction Activities		

Noise

MM 3.11-1(a): During the initial roadway/infrastructure/reservoir grading and installation phase of the project, the developer shall ensure that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.	Contractor	During Infrastructure Grading and Construction Activities		
MM 3.11-2(a): During the initial roadway/infrastructure grading and installation phase of the project, the developer shall ensure that if	Developer	During Infrastructure		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
heavy construction activities occur adjacent to noise-sensitive land uses, then boulder berms or temporary noise barriers or blankets shall be installed to protect those land uses during the periods of loudest construction events.		Grading and Construction Activities		
Mitigation Measure MM 3.11-3(a): The applicant shall ensure that the project entry gate is specified and constructed to have an indiscernible operation noise to nearby residents.	Developer	During Infrastructure Grading and Construction Activities		
MM 3.11-3(b): Each individual property owner within the subdivision shall ensure that all construction equipment, fixed or mobile, is equipped with properly operating and maintained mufflers. This mitigation measure shall be incorporated into the CC&Rs for the subdivision.	Individual Home Developers	During Residential Construction Activities		
MM 3.11-4(b): Each individual property owner within the subdivision shall ensure that if heavy construction activities on individual lots occur adjacent to noise-sensitive land uses, temporary noise barriers or blankets shall be installed to protect those land uses during the periods of loudest construction events. This mitigation measure shall be incorporated into the CC&Rs for the subdivision.	Individual Home Developers	During Residential Construction Activities		
MM 3.11-1(c): During the DWA reservoir site preparation, grading and installation phase of the project, the developer shall ensure that rock crushing, rock blasting, and use of impact hammering equipment (such as a hoe-ram), are prohibited to keep associated noise levels below 55 dB CNEL.	Desert Water Agency	During Infrastructure Grading and Construction Activities		
MM 3.11-2(c): During the DWA reservoir site preparation, grading and installation phase of the project, the developer shall ensure that equipment associated with rock splitting activities, where feasible, shall be placed such that emitted noise is directed away from noise-sensitive receptors.	Desert Water Agency	During Infrastructure Grading and Construction Activities		
MM 3.11-3(c): During the grading and installation phase of the project, the developer shall ensure that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.	Developer	During Infrastructure Grading and Construction Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
Public Services				
MM 3.13-1(a): The Project Developer shall implement, with consultation and approval from the City Fire Department, a safety buffer zone between natural open space and development to reduce the fire hazard potential in the project area throughout the life of the Project. The intent is not to denude the perimeter of the project of all native landscape materials but to remove dead material on a regular basis.	Developer	Prior to Infrastructure Grading and Construction Activities		
MM 3.13-2(a): The Project Developer shall formulate a maintenance plan (prior to occupancy) for the HOA to ensure that the common open spaces remain in a condition that reduces the chances for wildfires. Items such as perimeter sprinkler system may be required. Non-native grasses and weeds are significant contributors to fueling wildfires and shall be removed in an agreed upon schedule. The schedule shall be acceptable to the Fire Department and shall be incorporated into the project's CC&Rs.	Developer	Prior to Infrastructure Grading and Construction Activities		
MM 3.13-1(b): As required by current State law, each homeowner shall provide 100 feet of defensible space around their buildings for firefighters to protect their homes.	Individual Home Developers	Prior to Residential Construction Activities		
MM 3.13-2(b): During individual residential construction within the subdivision, each individual property owner shall comply with Chapter 7A of the 2008 Building Code or the most recent update to the Chapter or its future equivalent. (Chapter 7A of the California Building Code - Materials and Construction Methods for Exterior Wildfire Exposure prior to building permits).	Individual Home Developers	Prior to Residential Construction Activities		
MM 3.13-3: Individual homeowners shall adhere to the maintenance plan formulated (prior to occupancy) for the HOA to ensure that the common open spaces remain in a condition that reduces the chances for wildfires. Items such as perimeter sprinkler system may be required. Non-native grasses and weeds shall be removed in an agreed upon schedule. The schedule shall be acceptable to the Fire Department and included in the project's CC&Rs.	Individual Home Developers	After Residential Construction Activities		
MM 3.13-4: The Project Developer or HOA will be required to implement additional security measures related to the public trails prior to occupancy.	Individual Home Developers in	Prior to Residential Occupancy		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
	Coordination With the Future HOA			
Transportation/Traffic				
MM 3.15-1(a): As part of the development review process, the final design of internal trails and on-site circulation system as well as the site access plan shall be subject to the review and approval of the City Traffic Engineer to ensure compliance with City access and design standards.	Developer	Prior to Infrastructure Grading and Construction Activities		
MM 3.15-2(a): The project developer/applicant shall be responsible for construction of all private streets, in conjunction with approved phasing plans for development and/or as associated with an approved Final Map or Maps (if the development is phased.)	Developer	During Infrastructure Grading and Construction Activities		
MM 3.15-3(a): If the site is gated, the ingress and egress design shall include adequate vehicle maneuvering and stacking space to avoid conflicts with internal and external traffic and circulation patterns. Adequate entry reservoir capacity (100 feet minimum) shall be provided in advance of the gate to store all arriving vehicles so that cars waiting for entry to the development do not obstruct traffic on Racquet Club Road. A turn-around in advance of the gate shall be provided for those who inadvertently turn into the access connection and emergency access provided by Knox-box or other approved means.	Developer	During Infrastructure Grading and Construction Activities		
MM 3.15-4(a): Clear unobstructed site distance shall be provided at all internal intersections and at the site access on Racquet Club Road (which shall be controlled by a STOP sign facing exiting site traffic.) The site access onto Racquet Club Road where traffic will exit across a public sidewalk shall have a clear site triangle inside the property measuring 8 feet by 8 feet to allow driver visibility of pedestrians on the sidewalk. No entry treatments, screening fences or shrubbery shall be permitted that could produce dangerous view obstructions at the site access on Racquet Club Road or at any other trail/roadway intersections.	Developer	During Infrastructure Grading and Construction Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
MM 3.15-5(a): If bollards are used to restrict motorized access to the trails on-site, provisions should be made for emergency access to the proposed trails at select locations so that emergency personnel can treat and transport any hikers who may become injured or incapacitated.	Developer	Prior to Infrastructure Construction Activities		
MM 3.15-6(a): The project proponent may be required to contribute on a "fair-share" basis to the cost of the future traffic signal and exclusive northbound and southbound left-turn lanes at the intersection of North Palm Canyon Drive and Via Escuela prior to recordation of Tract Map.	Developer	Prior to Recordation of the Tract Map		
MM 3.15-7(a): The project applicant shall contribute on a fair-share basis to circulation improvements required on roadways and/or at intersections that are not in the TUMF program, as specified in the traffic study prior to prior to Building Permits. (The applicant's fair share contribution to the cost of improvements at intersections involving roadways that are not part of the CMP System discussed previously.)	Developer	Prior to Infrastructure Grading and Construction Activities		
MM 3.15-8(a): The project developer/applicant shall submit final development plans to the Mount San Jacinto Winter Park Authority to ensure that the Tram Way landscaped parkway is improved to the design standards specified by this Authority.	Developer	Prior to Infrastructure Grading and Construction Activities		
MM 3.15-9(a): Grading activities during roadway/infrastructure installation shall be coordinated with and scheduled not to coincide with grading activities on the DWA Reservoir site.	Contractor	During Infrastructure Grading Activities		
MM 3.15-1(c): Grading activities during DWA Tank Construction installation shall be coordinated with and scheduled not to coincide with grading activities related to the Infrastructure/Roadway portion of the project.	Contractor	During Infrastructure Grading Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
Aesthetics				
MM 3.1-1(c) The Desert Water Agency shall paint the sides of the reservoir an earth tone color to reduce the reflectivity and visibility from off-site vantage points. Landscape materials shall be introduced where practicable around the tank to further reduce the visual impacts.	Desert Water Agency	During DWA Reservoir Construction Activities		
Air Quality				
MM 3.3-1 (a): The project proponent shall ensure that Grading activities during roadway/infrastructure installation shall be coordinated with and scheduled not to coincide with grading activities on the DWA Reservoir Site.	Project Contractor	Prior to All Grading Activities		
MM 3.3-2 (a): The project proponent shall ensure that the following measures are employed during all construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario: <ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 	Developer/ Project Contractor	During All Grading and Construction Activities		
MM 3.3-3 (a): The construction specifications shall required that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.	Project Contractor	During All Grading and Construction Activities		
MM 3.3-1 (b): Grading activities during individual residential construction shall be coordinated with and scheduled to not exceed a total 25 lots at one time unless approved by the City Engineer.	Contractors for Residential Development	During Residential Grading Activities		AP 5. 1154
MM 3.3-2 (b): The individual home builders shall ensure that the following measures are employed during construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario:	Contractors for Residential Development	During Residential Construction Activities		RECEIVED APR 28 2010

THE PLANNING DIVISION
SALVADORE SECTION
DEPARTMENT

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 				
<p>MM 3.3-3 (b): The individual home builders shall require that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.</p>	Contractors for Residential Development	During Residential Construction Activities		
<p>MM 3.3-1 (c): Grading activities during DWA Reservoir site construction shall be coordinated with and scheduled not to coincide with grading activities related to roadway/infrastructure installation.</p>	Project Contractor	During Infrastructure Grading Activities		
<p>MM 3.3-2 (c): The project proponent shall ensure that the following measures are employed during construction activities to reduce all criteria pollutant emissions to less-than-significant level with the proposed all import scenario:</p> <ul style="list-style-type: none"> • Speeds on all unpaved roads shall be reduced to less than 15mph; • Haul road dust shall be managed with twice daily watering; • Exposed surfaces shall be watered three times daily. 	Developer/ Project Contractor	During All Grading and Construction Activities		
<p>MM 3.3-3 (c): The construction specifications shall require that the idling of construction equipment on-site while not in use will not be permitted for periods longer than 5 minutes.</p>	Developer/ Project Contractor	Prior to All Grading and Construction Activities		
<p>MM 3.3-4 (c): The developer shall ensure that no on-site rock crushing or blasting operations occur during any phase of project development.</p>	Desert Water Agency, Developer, and Contractors	During All On-Site Grading Activities		

**DESERT PALISADES
MITIGATION MONITORING PROGRAM**

Mitigation Measure	Source/ Responsible Party	Proposed Date	Actual Date	Comments
<p>Biological Resources</p> <p>MM 3.4-1: The developer shall ensure that the following mitigation measures be required to reduce potential impacts to bighorn sheep:</p> <ul style="list-style-type: none"> • Deeding all hillside acreage within the project boundaries to the City of Palm Springs as part of their hillside conservation area. • Ensuring that grading operations shall not take place from January 1 to June 30, the Peninsular Bighorn Sheep lambing period. Grading operations shall be confined to between July 1 and December 31, when disturbance to sheep is less likely. • Providing a research grant to the Bighorn Institute for further research on the causes underlying the long-term decline in bighorn sheep numbers. The amount to be paid to the Bighorn Institute shall be determined by the institute in consultation with the applicant. The applicant shall furnish the City with a receipt of payment prepared by the institute. • Placing a bighorn- and pet-proof fence around the area to be developed that is adjacent to habitat. 	Developer	Prior to and During All Grading and Construction Activities		
<p>MM 3.4-2: The project shall utilize plant species native to the Coachella Valley in the public/common landscaped areas. The use of native plant species helps maintain a food and cover base for indigenous animal species, particularly birds, that cannot utilize some exotic plants for cover or food. In the event that non-native plant species are incorporated, these plants shall be non-invasive, highly adapted to the desert environment and placed only in private landscaped areas.</p>	Developer	During All Construction Activities		
<p>Cultural Resources</p> <p>MM 3.5-1: A Phase 2 investigation of Site CA-RIV-8049, the food processing site, and Site CA-RIV-8053, an inconspicuous stone cache as well as historic sites 33-15109, -15110, and -15271, the road, flume and pipeline shall be undertaken prior to approval of the Final Tract Map for the project or commencement of construction for the reservoirs (whichever comes first) to determine whether avoidance is appropriate and adequate. Upon recommendation by the investigating archaeologist and review and approval by the</p>	Developer	During All Grading and Construction Activities		