



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: October 27, 2010

To: Palm Springs Planning Commission

Cc: Craig A. Ewing, AICP, Director of Planning

From: Ken Lyon, Associate Planner *Ken Lyon*

Subject: **Case 5.1154 Desert Palisades Specific Plan (DPSP), Zone Change & TTM 35540**
Response to Commissioner's questions from 7.28.10 PC meeting

The Planning Commission held public hearings on the subject project on June 23rd¹, July 28th, and September 1st, 2010. At the September 1st meeting, the Commission received a "Track Change" version of the Specific Plan and Conditions of Approval that incorporated their comments and revisions. The Commission continued the hearing to a date certain of October 27, 2010.

A small number of items remain from the July 28th meeting. These are summarized below with a response from the applicant and staff's recommendation to each, for the Commission's consideration and action.

Recommendation:

That the Planning Commission

1. Recommend certification by the City Council of the Final Environmental Impact Report as an adequate analysis of the project's impacts under the California Environmental Quality Act.
2. Recommend approval of Case 5.1154, The Desert Palisades Specific Plan, Change of Zone, General Plan Amendment, and Tentative Tract Map 35540 by the City Council, subject to the attached Conditions of Approval.

A draft resolution is provided for the Commission's consideration.

¹ The Public Testimony portion of the hearing was closed on June 23, 2010

The following matrix reflects the questions and issues raised at the July 28, 2010 meeting. Staff seeks the Commission's direction on each recommendation.

ITEM	QUESTION OR CONCERN	SOLUTION/RESPONSE PROPOSED BY APPLICANT AND STAFF RECOMMENDATION
1.	Propose language to limit / restrict the amount of paved area on each homesite.	<p>The applicant asserts that both the language on minimal site disturbance, limits on lot coverage, and the requirement that each site must retain its on-site stormwater runoff will drive homesite design with minimal impervious paved/terrace areas</p> <p>Staff recommends acceptance of the applicant's proposed language.</p>
2.	Concern about use of Nonex, Cracamite and RockFrac	<p>The Fire Department reviewed the various methods and agents for rock splitting and developed a condition of approval (FID 12) prohibiting Nonex, but permitting Crackamite, RockFrac and other non-explosive chemical rock splitting agents.</p> <p>Staff recommends approval of this condition.</p>
3.	Provide an alternative or modified solution to gated vehicular entry.	<p>The applicant prefers to retain the project with the gated vehicular entry and has not offered an alternative or modified approach to the gated entry in the track change DPSP.</p> <p>Based upon discussion by the Planning Commission at its 7-28-10 meeting, staff has included Condition PLN 38, which proposes vehicular gates be installed but be programmed to be open to allow public vehicular access daily between 8:00 a.m. and 8:00 p.m., and closed from 8:00 p.m. until 8:00 a.m.</p> <p>Staff recommends approval of this condition.</p>
4.	Limit the lot coverage to 6,000 square feet regardless of lot area or lot mergers	<p>The applicant prefers to retain the text, allowing combined lots to increase the total lot coverage over the 6,000 square foot limit.</p> <p>The Planning Commission gave direction at its 7-28-10 meeting to limit lot coverage to 6,000 square feet. Staff has included Condition PLN 37 which limits lot coverage to 6,000 square feet regardless of lot size or lot combination,</p> <p>Staff recommends approval of this condition.</p>
5.	Prohibit decomposed granite (DG) for parking areas	<p>The applicant prefers to retain the text allowing decomposed granite for parking areas.</p> <p>Decomposed granite is not permitted by the Zoning Code for parking areas or driveways because it is subject to erosion, wind-borne dust, and is not stable over time. The City's Engineering Department prohibits DG except for use on pedestrian trails.</p> <p>The Planning Commission gave direction at its 7-28-10 meeting to prohibit the use of DG on drives and parking areas. A condition of approval (PLN40) has been imposed reflecting this direction.</p> <p>Staff recommends approval of this condition.</p>
6.	All development applications are subject to review and approval by the Planning Commission pursuant to PSZC	<p>The applicant prefers to have development applications reviewed by the HOA and City staff and prefers the language referencing Planning Commission review and approval be omitted.</p> <p>The Planning Commission gave direction at its 7-28-10 meeting that all development applications shall require the review and approval of the Planning Commission pursuant to PSZC 94.04 (Architectural Review) and</p>

	Section 94.04.00 (Architectural Review) and 93.13.00 (Hillside Development)	<p>93.13.00 (Hillside Development).</p> <p>A condition of approval has been imposed (PLN 39) requiring all future development to be reviewed and approved by the Planning Commission subject to PSZC Section 94.04.00 (Architectural Review) and 93.18.00 (Hillside Development).</p> <p>Staff recommends approval of this condition.</p>
7.	Tennis Courts are prohibited	<p>Applicant prefers to retain Tennis courts be "Conditionally Permitted" subject to conformance with the Design Guidelines section of the DPSP.</p> <p>The Planning Commission prohibited tennis courts at its 7-28-10 meeting. A condition of approval (PLN 41) prohibiting tennis courts has been imposed.</p> <p>Staff recommends approval of this condition.</p>
8.	Clarify the phasing of the installation of the projects' portion of Line 2 of the City's master plan of drainage	<p>The DPSP proposes to construct its share of Line 2 at the onset of the project's construction. Further discussion of Line 2 begins on page 33 of the track change copy of the DPSP.</p> <p>For clarification only, no further action is required.</p>
9.	Clarify how storm water retention on individual lots is to be handled.	<p>The design and implementation of storm water retention on individual lots is described on page 33 and 34 of the track change copy of the DPSP and utilizes individual on-site detention/retention structures.</p> <p>For clarification only, no further action is required.</p>
10.	Question about photo-simulations in the FEIR showing views of the project (Commissioner Hudson)	<p>Staff and the City's EIR consultant met with Commissioner Hudson and reviewed the photo-simulations in question. The EIR consultant did further review and provided clarification and response to each of Commissioner Hudson's questions and concerns.</p> <p>Staff recommends the Planning Commission recommend certification of the FEIR by the City Council.</p>

Summary.

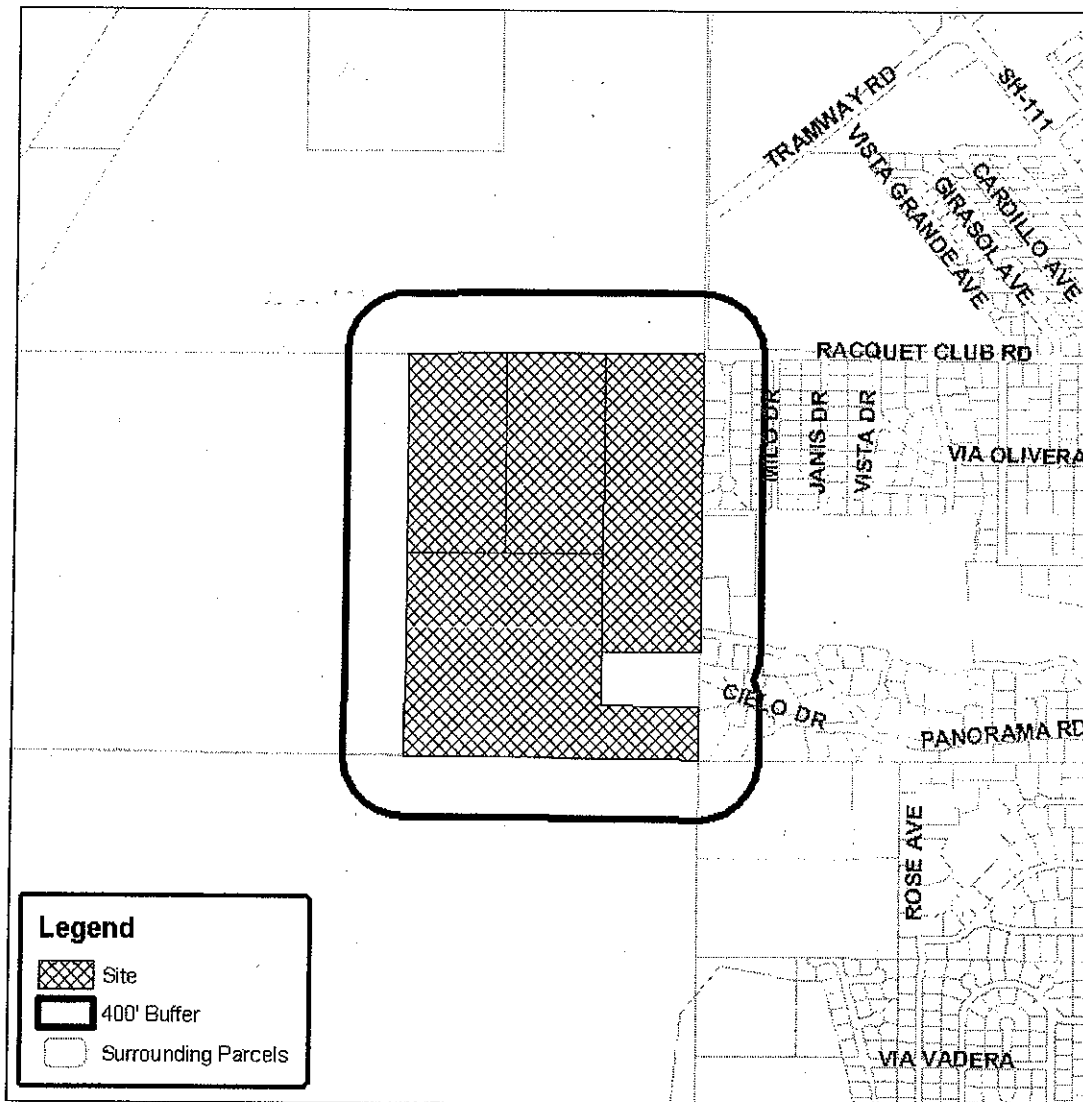
Staff believes that the Desert Palisades Specific Plan, as presented, meets the required findings as outlined in the City's General Plan, the Palm Springs Zoning Code and State Law as they relate to a General Plan Amendment, a Zoning Map Amendment (Change of Zone), a Specific Plan within the ESA-SP zone, the related Zoning Text Amendment associated with a Specific Plan, and a Tentative Tract Map. Further Staff has concluded that the FEIR, as presented, is an adequate and complete portrayal of the future environmental conditions resulting from the proposed Specific Plan.

Attachments:

- Vicinity Map
- Draft Resolution with Conditions of Approval.
- Public Correspondence received after the September 1, 2010 meeting



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1154 SP / TTM 35540 / CZ (Specific Plan, Tentative Tract Map, General Plan Amendment and Change of Zone)

APPLICANT: Pinnacle View, LLC

DESCRIPTION: A request by Pinnacle View, LLC for approval of a Specific Plan amending the General Plan, a Tentative Tract Map and a Change of Zone for a subdivision of approximately 117 acres for 110 homesites, open space, private roads, public trails and a DWA dual tank reservoir, Zone ESA-SP (Planning Area 4) (IL)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND APPROVE CASE 5.1154; AN APPLICATION FOR A SPECIFIC PLAN (SP) FOR A RESIDENTIAL DEVELOPMENT OF 110 HOMESITES ON AN APPROXIMATELY 117-ACRE PARCEL IN PLANNING AREA 4 OF THE ENVIRONMENTALLY SENSITIVE AREA – SPECIFIC PLAN ZONE (ESA-SP). THE SITE IS LOCATED AT THE WESTERN TERMINUS OF RACQUET CLUB ROAD; SECTION 4(IL)

WHEREAS, on April 30, 2007, Ed Freeman on behalf of Pinnacle View, LLC ("the applicant") submitted an application for review pursuant to PSZC Sections 92.21.1.00 through 07 ("*Environmentally Sensitive Area – Specific Plan*"), PSZC Sections 94.07.00 ("*Zoning Map Amendment*"), State of California Governmental Code Sections 65450 ("*Specific Plans*"), and Sections 66425 66474 ("*Maps*"). The application includes a General Plan Amendment and Zone Text Amendment to adopt the proposed Specific Plan titled "Desert Palisades Specific Plan" (DPSP), a change of zone (CZ) that proposes to change the boundaries of ESA-SP Planning Areas 3 and 4, and a Tentative Tract Map (TTM 35540), that proposes to create a subdivision of 110 residential lots, private roadways, open space, and an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir, on an approximately 117-acre site. The project site is located at the western terminus of Racquet Club Road; and

WHEREAS, on November 1, 2007, notice in accordance with State Governmental Code Section 65352.3, ("*SB 18*") was provided to Native American Tribal representatives, and

WHEREAS, on December 7, 2007, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from December 7, 2007 to January 7, 2008; and

WHEREAS, on January 19, 2010 a Notice of Preparation (NOP) was issued to public agencies and interested parties noting a revised EIR would be prepared and a 45-day period was provided for responses to the NOP that ended on March 4, 2010, and

WHEREAS, on January 21, 2010 the DEIR was prepared and circulated for a 45-day public review period which ended on March 8, 2010, and

WHEREAS, all public comments received on the DEIR were reviewed and written responses were provided in a Final EIR (FEIR), and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case 5.1154 SP, CZ, & TTM 35540 was given in accordance with applicable law; and

WHEREAS, on June 23, 2010, a public hearing on Case 5.1154, (The Desert Palisades Specific Plan, Change of Zone and Tentative Tract Map 35540), and associated Final Environmental Impact Report was held by the Planning Commission in accordance with applicable law, at which hearing, the Planning Commission considered the draft Specific Plan, associated Final Environmental Impact Report, a staff report, background materials and oral and written testimony presented, and

WHEREAS, at said public hearing the Planning Commission closed the public testimony, raised several questions for further review and recommendation by staff and continued the hearing to a date certain of July 28, 2010, and

WHEREAS, on July 28, 2010, a meeting was held by the Planning Commission in accordance with applicable law and at said meeting, the Planning Commission reviewed the information provided by the applicant and staff's recommendations in response to the Commissions' questions, and continued the meeting to a date certain of September 1, 2010 requesting staff and the applicant to incorporate their directions on the additional information into a "track change" copy of the Desert Palisades Specific Plan, and

WHEREAS, on September 1, 2010, a meeting was held by the Planning Commission in accordance with applicable law, and at said meeting the Planning Commission reviewed the 'track change' copy of the Desert Palisades Specific Plan and reviewed information provided by Staff and the applicant, in response to the Commissions' questions from the meeting of July 28, 2010 and letters from the public.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the EIR for the subject project is an adequate assessment of the potential adverse impacts of the proposed project under the guidelines of the California Environmental Quality Act (CEQA). That the mitigation measures outlined in the Mitigation Monitoring Plan are sufficient and adequate to reduce any potentially significant impacts to less than significant levels.

Section 2: That the proposed Desert Palisades Specific Plan is consistent with the Goals, Policies and Actions outlined in the City of Palm Springs General Plan as follows:

There are no specific findings for the approval of a Specific Plan, however the Planning Commission finds the proposed Specific Plan is harmonious and consistent with General Plan policies and action items that are applicable to the project. The Specific Plan's proposal to amend the General Plan by changing an approximately 12 acre parcel from Planning Area 4 to Planning Area 3 within the Special Policy Area land use designation is consistent with the General Plan because the proposed parcel remains within the Special Policy area and its applicable goals, policies and action items.

Policy LU13.1: Require that any development in the Chino Cone be harmonious with and respectful of the area's natural features.

The DPSP provides detailed design guidelines and development standards for structures and landscaping that provides for development that is integrated with the natural conditions of the Chino Cone area. The proposed change of approximately 12 acres from Planning Area 4 to Planning Area 3 of the Special Policy Area land use designation retains that area within the oversight of the Special Policy Area.

Policy LU 13.4: Allow for rural street profiles with French drain or similar type of stormwater control features and code-complaint pedestrian accommodations to traditional street standards and design of curbs and gutters to establish a natural streetscape that visually blends into the surrounding terrain.

The DPSP provides for a rural street profile with a v-profile and a center gutter. Street surfaces are to be precast pavers, (no asphalt) in colors that are harmonious with the local area.

Action LU13.1: Require preparation of a Specific Plan and associated environmental analysis prior to the approval of any development within the Chino Cone that differ from the residential uses permitted by right (1du/40 acres)

The DPSP provides a comprehensive Specific Plan and Environmental Impact Report in accordance with the PSZC Section 92.21.00 (ESA-SP) and the General Plan. The DPSP proposes a density of just under 1 du/ac, which is within the maximum permissible density of 2du/ac with a Specific Plan for Planning Area 4 of the ESA-SP.

Section 3: That the proposed Change of Zone is consistent with the required findings of PSZC Section 94.07.00 (Zoning Map Amendment) as follows:

Pursuant to PSZC Section 94.07.00 (Zoning Map Amendment), the commission in recommending and the council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The project proposes a minor change in the zone boundaries for Planning Area 3 and Planning Area 4 of the ESA-SP zone. Specifically a triangular parcel to the north of the proposed Specific Plan which is presently in Planning Area 4 is proposed to be removed from Planning Area 4 and added to Planning Area 3. This roughly 12-acre triangular parcel is actually part of a larger Indian-owned property that crosses Tram Way, and is proposed to be included in a future Specific Plan for Planning Area 3. Both Planning Area 4 and Planning Area 3 are within the Special Policy Area land use designation of the General Plan, and therefore the land use policies applicable to the 12 acre parcel remain consistent with the General Plan.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The roughly 12-acre parcel proposed to be changed from Planning Area 4 to Planning Area 3 is actually a contiguous part of a larger Indian-owned parcel that is wholly within Planning Area 3. Moving this to Planning Area 3 makes it possible for this parcel to be incorporated into a logical larger area for a future Specific Plan in Area 3. The change from Planning Area 4 to Planning Area 3 makes the relationship to future planning efforts for this entire Indian-owned parcel feasible and practical.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed change of this parcel from Planning Area 4 to Planning Area 3 is proper at this time because it allows the balance of Planning Area 4 to encompass the proposed Specific Plan. The ESA-SP zone notes that Specific Plans should encompass the entire planning area. In this case, the only remaining portion of Planning Area 4 that is not within the proposed Specific Plan is a small, roughly 5-acre parcel that is contiguous to a parcel at 1090 El Cielo Road and both parcels are owned by the same individual. (1090 El Cielo is entirely outside the ESA-SP zone.). Furthermore a condition of approval is provided (ENG 22) which provides for resolution of an access easement to this 5-acre parcel as a condition of the recordation of the Final Tract map.

Section 4: That the proposed Desert Palisades Specific Plan is consistent with the required findings of the Palm Springs Zoning Code as follows.

There are three sets of findings in the Zoning Code that relate to Specific Plans and development within Specific Plans in the ESA-SP zone; they are:

- Section 92.21.1.05 (I) "*Design Review*"
- Section 94.04.00 (B) "*Architectural Review*"
- Section 92.21.1.06 (D) "*Requirements of a Specific Plan in the ESA-SP*"

Pursuant to PSZC Section 92.21.1.05(I) "*Design Review*" there are ten findings that must be made prior to approval of development within the ESA-SP. Finding 1 is noted below. Findings 2 through 10 of this code section are the same as findings 1 through 9 of Section 92.21.1.06(D) and are evaluated later in this section of the staff report.

Section 92.21.1.05(I) states:

Any application for a development project within the ESA-SP zone may only be approved if, in addition to the findings contained in Section 94.04.00 of the Palm Springs Zoning Code, the following findings are made:

1. *The project demonstrates a complete and integrated vision for design, operation and use through the use of exemplary site planning, architecture, landscape architecture, materials and color principles and techniques.*

The Desert Palisades Specific Plan provides a comprehensive set of design guidelines, development standards, landscape guidelines and a plant palette for use in the design of each custom residence. In addition, the roads, trails, entry features, bridges, gates, buffer features, and interpretative sites are proposed with designs that integrate the natural topography, rock outcroppings, and landscape conditions that are unique to the Chino Cone area. The materials are consistent with the guidelines in the ESA-SP code and are required to blend with the natural colors of the rock and vegetation of the site.

Pursuant to PSZC Section 92.21.1.06(D), a specific plan for a planning area within the ESA-SP zone may only be approved if, the following nine findings are made (these are the same as findings 2 through 10 of PSZC Section 92.21.1.05(I)) mentioned above):

1. *The development provided in the Specific Plan is harmonious with, adapted to, and respectful of, the natural features within minimal disturbance of terrain and vegetation.*

As proposed, the Desert Palisades project will respect existing topography and natural features as much as possible. Site disturbance will be limited to the initial grading for

street and infrastructure installation, trails, construction of a DWA dual tank water reservoir, and development that will occur in the future as individual owners develop their homesites. The lots range in size from 16,000 to 32,000 square feet. A maximum footprint of 6,000 square feet is permitted for home and accessory building construction for each lot, leaving the remaining portion of each lot undisturbed.

- 2. The development within the Specific Plan is properly located to protect sensitive wildlife habitat and plant species, and avoids interference with watercourses, arroyos, steep slopes, ridgelines, rock outcroppings and significant natural features.*

Existing vegetation will remain in its natural state and any landscaping introduced with future development will be in accordance with the landscape standards of the Specific Plan which encourages native species. The proposed lot lines for each residential lot are separated by common open space between lots that will remain undisturbed. The project is designed to preserve and avoid disturbance of large rock outcroppings as well as sensitive cultural areas. Existing drainage courses have been preserved in the project's design. Bridges or fair-weather crossings will be utilized in street design to span these areas.

- 3. The development provided in the Specific Plan will be constructed with respect to buildings, accessory structures, fences, walls, driveways, parking areas, roadways, utilities and all other features, with natural materials, or be screened with landscaping, or be otherwise treated so as to blend in with the natural environment.*

The architectural and site design guidelines in the Specific Plan address these issues, including acceptable materials, screening requirements, and methods for the blending of building design with the natural environment.

- 4. The development provided in the Specific Plan utilizes landscaping materials, including berms, boulders and plant materials which, insofar as possible, are indigenous and drought tolerant native species.*

All landscaping concepts and proposed perimeter berms/buffers described in the proposed Specific Plan will utilize materials currently found on-site or conducive to the Chino Cone area. Boulders removed during grading will be relocated to perimeter areas to create a natural buffer for adjacent residents and traffic along Tram Way. The proposed plant palette includes plants which are drought tolerant and normally found in undeveloped areas of the desert.

- 5. The grading of land within the Specific Plan will be terrain sensitive and excessive building padding and terracing is avoided to minimize the scarring effects of grading on the natural environment.*

Grading will be required to construct the site's roadways/infrastructure and install utilities. The preliminary grading plan submitted with the Specific Plan is limited to only these roadways and related infrastructure. Once this initial phase of grading is completed, disturbed areas will be re-naturalized and lots will remain undisturbed until individual owners are ready to construct homes. The timing of these subsequent activities will be driven by market conditions and individual preferences. The architectural guidelines provided herein propose various home foundation systems intended to limit development impacts within each homesite. The incorporation of natural terrain and geographic features is also encouraged in home construction pursuant to the design and development standards in the proposed Specific Plan.

6. *The Specific Plan preserves open space areas to the maximum extent permitted by the Ordinance and in accordance with the conservation plan, and adequate assurances are provided for the permanent preservation of such areas.*

According to the ESA-SP Zoning Ordinance, a minimum of 72% of the Planning Area is required to be left as undisturbed open space. The Desert Palisades project includes approximately 74% open space. This is based on the developable area of 100 acres. When accounting for the gross acreage of the project site (117 acres) the open space percentage is closer to 77%.

Based on the requirements for dwelling size (6,000 square feet), approximately 15 acres of the site would be developed with homes if the maximum buildout of 110 homes is reached. There are approximately 11 acres of private streets and rights-of-way proposed within the project. As a result, approximately 26 acres of the Planning Area would be disturbed by development. Areas between lots, drainage courses, and the on-site trail system are included in the 54 acres of undisturbed land shown as lots "A" through "I" on Tentative Tract Map 35540. Assigning lots to areas reserved for preservation is in accordance with the provisions of the ESA-SP Ordinance. Prohibiting mass grading of lots, limiting overall lot coverage, and allowing for large separations between home sites is also part of the project's broader goals to keep the site as natural and undisturbed as possible.

7. *The Specific Plan provides the maximum retention of vistas and natural topographic features including mountainsides, ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines, and canyons.*

The proposed SP includes a view analysis from various vantage points which has been expanded on in the EIR through a visual simulation that will place homes on the landscape to analyze impacts. Existing topography will be preserved as much as possible with limited grading, and a specific color and material palette is proposed for future homes to minimize the visual impact of development on the site from the surrounding areas of the City. The project is designed to preserve the existing topographic features including rock fields, outcroppings, natural slopes, ravines, and arroyos. There are approximately nine acres of hillside near the southern boundary of

the project site on which no development or disturbance of any kind is proposed. Natural vistas and viewsheds will be preserved and development guidelines for the future development of homes are intended to nestle the structures within the topography of the site, as much as possible.

8. *The development provided in the Specific Plan has been adequately designed to protect adjacent property with appropriate buffers to maximize the enjoyment of property within the Specific Plan and surrounding properties.*

The project provides a separation of approximately 100 feet between the easternmost row of homes and the eastern boundary that separates Planning Area 4 from the adjacent Little Tuscany neighborhood. Similar buffers occur along the portion of the project that fronts Tram Way, and the northern boundary of the project. The Tram Way buffer along with the topographic variation that exists between Tram Way and the project site will obscure most of the development from motorists along this roadway. Relocated boulders and scattered plantings will be also be incorporated into each buffer area in lieu of a block wall, creating a natural appearance while allowing for privacy and enjoyment of property between neighborhoods. The mountainous terrain adjacent to the southern boundary of the project prohibits any development from taking place.

9. *The development provided in the Specific Plan will not have a negative fiscal impact on the City or its citizens.*

A fiscal analysis was prepared for the project by Stanley R. Hoffman Associates (March, 2007 and updated June 2010), which presents the fiscal impact analysis for the Desert Palisades Specific Plan. There is no funding assistance provided to the Desert Palisades Specific Plan by the City of Palm Springs. According to the report, a recurring surplus of roughly \$593 thousand was projected after buildout based on recurring revenues of about \$776 thousand and recurring costs of \$183 thousand. The large projected surplus for the proposed Specific Plan is a result of the substantial projected property tax, retail sales tax generated by the residents of the project and property tax in-lieu of vehicle license fees (VLF). Projected property taxes account for about 60 percent of projected recurring revenues, and are the result of the high-value, custom home residential development proposed.

Zoning Code Section 94.04.00(B 1 through 3) "*Architectural Review*" provides the following three findings with regard to Design Review:

1. *Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to its benefit;*

The Desert Palisades Specific Plan proposes a subdivision of roughly 117 acres for 110 homesites, private roadways, public trails, open space, and landscaping for a residential community of custom built homes to be built by individual purchasers of the lots. The

DPSP provides for comprehensive design, development standards, and landscape guidelines that provide for preservation of land values and aesthetics and provides a process for review of all subsequent development within the Specific Plan.

2. *Encourage development of private and public property in harmony with the desired character of the city and in conformance with the guidelines herein provided with due regard to the public and private interests involved;*

The DPSP provides design, development standards, and landscape guidelines and a process for reviewing future development within the Specific Plan area. These standards, guidelines and procedures relate to the guidelines for Architectural Review in the City's Zoning Code. They provide a comprehensive guide to assure future development in the Specific Plan is in character with the community, harmonious with the environment, and takes into account both public and private interests by preserving public access trails, and promoting preservation of viewsheds, privacy for adjoining development and high quality development within the plan area.

3. *Foster attainment of those sections of the city's general plan which specifically refer to the preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation, and assure that the public benefits derived from expenditures of public funds for improvement and a beautification of streets and other public structures and spaces shall be protected by the exercise of reasonable controls over the character and design of private buildings, public buildings, streetscapes, and open spaces.*

The DPSP is consistent with policies of the General Plan for the Special Policy land use area which encourage the careful development of lands in this part of the City. The DPSP proposes features that benefit both the future private lot holder through thoughtful and complete design and landscape standards, as well as to ensure preservation of open space and public trails are maintained and improved. The DPSP proposes a set of development standards that require the careful integration of development into the natural topography and terrain of the Chino Cone area. It also provides for public enjoyment of this unique part of the City through the preservation of existing public access trails, establishment of new public access trails, and the physical improvement of these trails through surface improvements, interpretative signage, benches and special landscape treatment.

Section 5: That the proposed Desert Palisades Specific Plan is consistent with the guidelines for approval of Specific Plans as outlined in State of California Governmental Code Section 65450 as follows;

Although there are no specific findings outlined in the State of California Governmental Code, Section 65450 requires that Specific Plans be adopted in the same manner as a General Plan and that the following basic components must be in all Specific Plans:

1. *The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.*

The Desert Palisades Specific Plan (DPSP) identifies the proposed land uses for all areas within the Specific Plan boundaries. These include 110 residential lots, open space, private roadways, and the location of a dual tank Desert Water Agency water reservoir. The extent of the uses (permitted uses) are delineated in the Specific Plan for the lots (single family residential) and the uses for the open space is also identified for public access trails and a network of private roadways.

2. *The distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses proposed in the Plan.*

The DPSP identifies the location and proposed extent of all roadways, utilities, and other essential facilities and services such as solid waste disposal, domestic water, sewer, electricity, gas and other utilities. The design of all roadways, including surface materials, load capacities and right-of-way dimensions are outlined in the DPSP. The Specific Plan provides a comprehensive plan for all services and infrastructure necessary to support the proposed development. The project provides landscape and development standards for the proposed Desert Water Agency dual tank domestic water storage reservoirs that are consistent with the guidelines for development of water storage utilities in the ESA-SP zone.

3. *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources.*

The DPSP provides a comprehensive set of Design, Architectural, and Landscape Guidelines for the development of the future 110 homesites. The project envisions that each home be customized and constructed by the future owners of the individual lots. The development standards provide for the integration of the future homes into the natural terrain as much as possible, as well as conservation of topography, natural rock outcroppings and vegetative features.

4. *A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items 1, 2 and 3 above.*

The DPSP provides procedural guidelines for the design review of the future homes to

be constructed on the individual lots. The project applicant identifies those portions of the project that will be developed, constructed and/or installed in advance of construction of the individual homesites, this includes roadway and utility infrastructure.

5. *The plan shall include a statement of the relationship of the Specific Plan to the General Plan.*

The DPSP provides a statement that describes the relationship between the Specific Plan and the City's General Plan. The DPSP is located in the Special Policy Area Land Use designation of the City's General Plan and is consistent with the General Plan's goals and policies for this area. Furthermore, the DPSP is consistent with the densities permitted by the General Plan with the submission of a Specific Plan for this Special Policy Area and with approval of the Specific Plan, becomes an amendment to the City's General Plan.

Section 6: That the proposed Tentative Tract Map #35540 is consistent with the required findings of the State of California Subdivision Map Act as follows:

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

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

The General Plan designation for the project area is "Special Policy Area". The Chino Cone Special Policy Area has an underlying density of 1 dwelling unit to 40 acres (du/ac), however with the approval of a Specific Plan submitted in conformity with the ESA-SP zone requirements of the Zoning Code, the density can be adjusted. The proposed Specific Plan application amends the General Plan and proposes a density of approximately 1 du/ac which is consistent with the ESA-SP zone which allows up to 2 du/ac with an approved specific plan. Thus, with the approval of SP the project will be consistent with the General Plan and the Specific Plan will become the amended zoning standard for the project area.

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

The subject property is zoned ESA-SP (Environmentally Sensitive Area – Specific Plan). The ESA-SP zone requires the submission of a Specific Plan with full development standards design and landscape standards that preserve and respect the natural environment, open space and rural character of Chino Cone. The design and improvements of the proposed TTM incorporate all the required design, architectural and landscape standards as required by the ESA-SP. The proposed design and improvements are consistent with the zone. Water Storage Facilities as part of the

utility infrastructure associated with development within the ESA-SP zone are to be sited to minimize impacts on the surrounding environment and not be located on slopes greater than 3:1. The project is consistent with this guideline.

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

The roughly 117 acre site accommodates the density permitted in the Zoning Ordinance and General Plan and provides comprehensive design, development, architectural and landscape standards in accordance with the ESA-SP. The site is proposed with roadways, trails, and open space that are integrated with the unique terrain and natural features such as drainage patterns and rock outcroppings. The project proposes an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir that is consistent with that agency's General Plan. Therefore the site is physically suited for this type of development.

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

The proposed tract map would create a subdivision of 110 lots on a site of approximately 117 acres. The site proposes private roadways, public access trails, and open space in addition to the 110 homesites. The project conforms to the density requirements (roughly 1du/acre) for this land use designation in the Palm Springs General Plan with the application and approval of the associated Specific Plan and conforms to the density of the Zoning Ordinance for the ESA-SP zone for Planning Area 4. The site is therefore physically suited for the proposed density.

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

The project proposes a residential subdivision of 110 lots on roughly 117 acres. It is designed and submitted with a Specific Plan application that includes comprehensive design, architectural, landscape, and development standards consistent with the requirements of the ESA-SP zone. The project proposes development in an environmentally sensitive manner including a landscape palette of native plant species. The design of the subdivision includes appropriate systems for storm water and other municipal services (water, sewer, electricity, etc) to be in underground installations and integrated with the natural surroundings and topography. The EIR for the project has evaluated the environmental impacts of the proposed project and concluded that with the proposed mitigation measures, the projects' impacts are less than significant. Therefore the project conforms to this finding.

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

The subdivision is proposed with all the required public utilities, streets, and trails and

provides an orderly system of emergency access to the project site. The adjacent roadway network is predicted in the General Plan Traffic Study to adequately handle the projected vehicular traffic loads contemplated with this density of development. Therefore, there are no serious public health problems that would be created by the proposed tentative tract map or the proposed site improvements. The roughly 1.7 acre parcel proposed for a future Desert Water Agency dual tank reservoir is consistent with that Agency's General Plan and is proposed to be landscaped and painted to blend with the surrounding environment, thereby making its proposed development consistent with the development guidelines for water storage utilities in the ESA-SP zone.

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

The public easements necessary for the subject project for roadway and trail right of ways are proposed to be carefully integrated within this tract map. Roadway width right of way dedications are noted on the tract map and are consistent with the local and state requirements. Trails are proposed that provide public access through the project with minimal disturbance to the proposed residences and are connected with the existing network of trails and public access roads in the vicinity of the project. A condition of approval (ENG 22) is provided to resolve easement issues with an adjacent 5-acre parcel as a condition of the recordation of the Final Tract map.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends to the City Council that it:

1. Certifies the Environmental Impact Report associated with the Desert Palisades Specific Plan as a complete and accurate assessment of the environmental impacts associated with the proposed project,
2. Approves Case 5.1154; The Desert Palisades Specific Plan, which amends the 2007 City of Palm Springs General Plan, approved by Resolution 22077, by changing an approximately 12 acre parcel from Planning Area 4 to Planning Area 3 in the Special Policy Area land use designation and establishing permitted uses, densities, and design and development standards and procedures for an approximately 117 acre parcel within Planning Area 4 of the Special Policy Area land use designation,
3. Approves the associated Change of Zone, which changes an approximately 12 acre parcel on the City's official zoning map from Planning Area 4 to Planning Area 3 of the ESA-SP zone,
4. Approves Case 5.1154: The Desert Palisades Specific Plan, subject to the attached Conditions of Approval outlined in Exhibit A, which provides for 110 homesites on approximately 117 acres, open space, private roads, public

trails, and comprehensive design, architectural and landscape development standards and a roughly 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir, and

5. Approves the associated Tentative Tract Map #35540, subject to the Conditions of Approval outlined in Exhibit A, attached, which provides a subdivision of an approximately 117 acre parcel into 110 individual residential lots, and easements, parcels and dedications for open space, private roads, and public trails. and an approximately 1.7 acre parcel for a future Desert Water Agency dual tank domestic water reservoir.

ADOPTED this first day of September, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case 5.1154 SP Desert Palisades Specific Plan, CZ and TTM 35540
West End of Racquet Club Road near Tram Way

September 1, 2010

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1154 SP, CZ, TTM 35540; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved specific plan, date stamped December 2009 including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 35540, date stamped December 7, 2009. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim,

action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1154 SP CZ & TTM 35540. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 8. Time Limit on Approval. Approval of the Tentative Tract Map (TTM) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.
- ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the

public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 12. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM 13. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to consideration of this project by the Planning Commission.
- ADM 14. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be

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

ADM 22. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- e. **ADDED 9-1-10** A provision shall be included establishing and adequate financial reserve fund and assuring the maintenance of all roads and infrastructure from the onset of the development shall be the responsibility of the HOA and that the developer assumes all maintenance responsibilities until such time as the lots have been sold and the HOA turned over to the Association.
- f. **ADDED 9-1-10** A provision in the CC&R's shall be included prohibiting open storage of any kind in carports.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

ADM 23. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ADM 24. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 25. **ADDED 9-1-10** Performance Agreement. Pursuant to PSZC Section 92.21.1.05(J) Prior to the issuance of any permit for grading or construction of any improvement on any property within an ESA-SP zone, the developer shall enter into an agreement with the city, in a form approved by the City Attorney, ensuring, should the improvement not be completed as permitted, that the land will be re-naturalized in compliance with the provisions of this section.

The obligations of the developer pursuant to such agreement shall be secured in amounts required by the City Engineer necessary to complete such re-naturalization consistent with the provisions of Chapter 9.65 of the Municipal Code; however, such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security approved by the City Manager and the City Attorney.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- ENV 6. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities,

planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning Code and the outdoor lighting guidelines of the Desert Palisades Specific Plan, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and any state water efficiency ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

- PLN 4. **REVISED 9-1-10 TO OMIT WHITE ROOFS. Flat Roof Requirements.** Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 5. **Maintenance of Awnings & Projections.** All awnings shall be maintained and periodically cleaned.
- PLN 6. **Roof-mounted Equipment.** Roof mounted mechanical equipment is prohibited.
- PLN 7. **Surface Mounted Downspouts Prohibited.** No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential areas.
- PLN 8. **Pool Enclosure Approval Required.** Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 9. **Exterior Alarms & Audio Systems.** No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. **Outside Storage Prohibited.** No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 12. **No Mass Grading.** Mass grading to create large, single-level flat pads is prohibited.

- PLN 13 Building Pad Height Limitations. Pad heights are not significantly raised beyond the natural topography. Any pad height more than two (2) feet above natural topography may be deemed significant.
- PLN 14 Drainage. The master plan of drainage shall be implemented.
- PLN 15 Retention basins are prohibited where a sufficient master plan of drainage has been implemented. Street and site plan layout shall follow natural terrain.
- PLN 16 No asphaltic concrete or grey concrete. Streets and paving areas are paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed.
- PLN 17 No street lighting is allowed.
- PLN 18 Restore landscaping. Vegetation removed for utility construction or maintenance is replaced with appropriate landscaped areas.
- PLN 19 Underground Utility Lines. All utility lines are located underground, except screening from public view in a manner that represents natural desert landscaping may be allowed when undergrounding is not feasible.
- PLN 20 Water lines in street right-of-way. All water lines located in public or private street rights-of-way are located within the pavement sections.
- PLN 21 Easement for water lines not in street right-of-way. Water lines located outside of rights-of-way require waterline easements.
- PLN 22 Blend color of water storage facility. Any visible portion of a water storage facility has an exterior color to match surrounding native stone, soil color or backdrop.
- PLN 23 Coordinate with DWA. Location and design of water storage facilities are coordinated in advance with the Desert Water Agency.
- PLN 24 Location of water storage facilities. Water tanks are not located on slopes greater than 3:1.
- PLN 25 Wastewater lines in street right-of-way. All wastewater lines, including force mains, located in public or private street rights-of-way are located within the pavement sections.
- PLN 26 Easement for wastewater lines not in street right-of-way. Wastewater lines located outside of rights-of-way require sewer line easements that include full vehicular and equipment access.

- PLN 27 Exterior Building Colors. All exterior colors, materials and finishes blend with the color and texture of surrounding stone or soil.
- PLN 28 No Reflective Materials. Reflective building materials are not used. Solar panels shall be non-reflective.
- PLN 29 Blend with terrain. The forms of buildings, structures and other improvements are not repetitive, but respect and interpret the forms of the surrounding landscape and present a custom design appearance.
- PLN 30 Avoid massive building forms. Stepped elevations and floor levels are used to avoid massive building forms and wall surfaces.
- PLN 31 Screen mechanical equipment. All exterior mechanical equipment is screened with material that complements the surrounding structures and environment.
- PLN 32 Project gates, if proposed, shall be limited to vehicular access control only.
- PLN 33 Project signage shall be designed to blend with the natural environment.
- PLN 34 Curbs. No curbs shall be allowed.
- PLN 35 Interpretative Center. At least one nature interpretive center in each planning area shall be provided as part of the development of the public trails system, if applicable.
- PLN 36 **ADDED 7-28-10 Planning Commission approval required for common area landscaping, boulder berms and interpretative center(s).** The design of landscaping in all common areas such as the entry feature, trail heads, perimeter boulder berms and open space, as well as the interpretative center(s) required by the ESA-SP zone development standards, shall be submitted to the Planning Commission for approval prior to submission for building permits. The Planning Commission review and approval shall include all landscaping, boulder berms, grading, proposed trails, interpretative center(s), site furnishings and structures, and construction staging areas. Minor changes to approved grading plans caused by unanticipated field conditions will be processed at the staff level. Major changes in grading will be resubmitted to the Planning Commission for approval.
- PLN 37 **ADDED 9-1-10 6,000 square foot lot coverage.** The lot coverage for any lot within the Desert Palisades Specific Plan shall be 6,000, regardless of lot size. Merged or combined lots are not entitled to greater square footage of lot coverage.

- PLN 38 **ADDED 9-1-10 Control of vehicular gates into the Desert Palisades Specific Plan subdivision.** The subdivision may be provided with controlled access vehicular gates at the main entrances to the subdivision, however the gates shall be programmed to remain open during the daytime, from 8:00 a.m. until 8:00 p.m. and closed from 8:00 p.m. until 8:00 a.m. daily. Emergency access gates (Sanborn Road and Tram Way) may remain closed except for emergency access.
- PLN 39 **ADDED 9-1-10 Planning Commission Approval Required** Future development applications for individual homes or changes in the common areas of the Desert Palisades Specific Plan shall require Planning Commission approval pursuant to PSZC Section 94.04.00 (Architectural Approval) and 93.13.00 (Hillside Development).
- PLN 40 **ADDED 9-1-10 Decomposed granite is prohibited in driveways and parking areas.** Decomposed granite may not be used for driveways or parking areas in any part of the Desert Palisades Specific Plan. Driveways and parking areas are to conform to the design standards of PSZC Section 93.06.00 which requires a minimum of 2-1/2 inches of asphaltic concrete or equal.
- PLN 41 **ADDED 9-1-10 Tennis Courts prohibited** Tennis courts are prohibited as an accessory use on all lots in the Desert Palisades Specific Plan.
- PLN 42 (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

GENERAL

- ENG 1. The applicant shall comply with all required Standard Conditions and Mitigation Measures identified in the Final Environmental Impact Report, whether or not restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable Standard Conditions and Mitigation Measures.
- ENG 2. Development of the site is subject to all applicable provisions of Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, whether or not restated in these conditions of approval. All required plans shall be prepared in conformance with all applicable provisions of the Code.

STREETS

- ENG 3. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 4. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to approval of a final map.
- ENG 5. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, streets and paved areas shall be paved with decorative or colored concrete or pavers to match color of existing terrain. Asphaltic concrete shall not be allowed. All exterior colors, materials and finishes shall blend with the color and texture of surrounding stone or soil.
- ENG 6. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, project gates, if proposed, shall be limited to vehicular access control only. Pedestrian access into and through the site shall be maintained at all times.

TRAM WAY (PRIVATE)

- ENG 7. The applicant shall coordinate with the San Jacinto Winter Park Authority regarding construction scheduling and work occurring on Tram Way.
- ENG 8. The applicant shall be responsible for constructing full width improvements to Tram Way within the boundary of the project, consisting of a 40 feet wide street section with rolled curb and gutter, in accordance with a special street section for Tram Way approved by the San Jacinto Winter Park Authority. As an alternative, if approved by the San Jacinto Winter Park Authority, construction of the improvements may be deferred for completion by others on the condition that the applicant pays an in lieu fee to the San Jacinto Winter Park Authority

representing the cost of the required improvements (subject to review and approval).

ENG 9. A gated entry for emergency access shall be constructed on Tram Way. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 10. All broken or off grade street improvements shall be repaired or replaced.

RACQUET CLUB ROAD

ENG 11. Construct an appropriate taper or other transition as approved by the City Engineer, from the end of Racquet Club Road. The gated Main Entry shall be located on-site with an appropriate turn-around area for vehicles. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 12. All broken or off grade street improvements shall be repaired or replaced.

SANBORN WAY

ENG 13. A gated entry for emergency access shall be constructed on Sanborn Way. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed, meeting the approval of the Fire Marshall.

ENG 14. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE PRIVATE STREETS

ENG 15. All centerline radii shall be a minimum of 130 feet.

ENG 16. Dedicate an easement (40 feet wide) over the private streets to the City of Palm Springs for public utility purposes, with the right of ingress and egress for service and emergency vehicles and personnel.

ENG 17. Dedicate an easement over the emergency access roads to the City of Palm Springs for ingress and egress for service and emergency vehicles and personnel.

ENG 18. The alignment of the ingress and egress lanes of the Main Entry is subject to review and approval by the City Engineer. In accordance with Mitigation Measure (MM) 3.15-3(a) of the Final Environmental Impact Report, the gated access shall include adequate vehicle maneuvering and stacking space to avoid

conflicts with internal and external traffic and circulation patterns. Adequate stacking capacity (100 feet minimum) and a turn-around shall be provided in advance of the gate.

- ENG 19. Construct a concrete edge band, 12 feet on both sides of centerline along the entire frontages. The on-site streets shall be constructed with an inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement section shall be constructed using decorative colored concrete or pavers, with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds. Adjacent 8 feet wide shoulders shall be constructed with crushed native rock.
- ENG 20. Construct a concrete edge band, 10 feet on both sides of centerline extending the length of the emergency access roads from Tram Way and Sanborn Way. The emergency access roads shall be constructed with a typical crowned or inverted cross-section with a 3 feet wide concrete gutter along centerline. The pavement shall be constructed using decorative colored concrete or pavers with a pavement section capable of supporting emergency equipment weighing up to 73,000 pounds.

ON-SITE

- ENG 21. Dedicate an easement to the City of Palm Springs over the public trails proposed within the project.
- ENG 22. **REVISED 7-28-10** ~~The applicant shall provide legal access to that certain 5 acre parcel identified by Assessor's Parcel Number (APN) 504-030-001 which has been excluded from Case 5.1154, TTM 35540. Legal access shall include access extending over Street "A", and an easement across Lots "C" or "D" to provide physical access to the northwest corner of the parcel. Provisions for access to APN 504-030-001 shall be included the Covenants, Conditions, and Restrictions (CC&R's) required for this project. There is currently a dispute regarding the existence of a road right-of-way over the Applicant's property benefiting the neighboring property owned by Mr. Richard Kluszczynski. Prior to recordation of a final map, this dispute shall be resolved, either through mutual agreement of the Applicant and Mr. Kluszczynski or a final judicial determination.~~
- ENG 23. The old Chino Canyon Road alignment shall be protected in place and used as a pedestrian trail connecting the Little Tuscany neighborhood westerly through the project.
- ENG 24. Hiking trails shall remain open to the public. Provisions for maintaining public access to hiking trails extending through the project shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project. In accordance with Mitigation Measure (MM) 3.13-4 of the Final Environmental

Impact Report, the applicant shall implement additional security measures related to the public trails prior to occupancy of any future homes.

- ENG 25. In accordance with Mitigation Measure (MM) 3.4-1 of the Final Environmental Impact Report, the applicant shall dedicate to the City of Palm Springs approximately 9.4 acres of hillside area within the project boundaries as open space for the Mountains and Canyons Conservation Area (MCCA) of the Tribal Habitat Conservation Plan (THCP).

SANITARY SEWER

- ENG 26. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.
- ENG 27. Sewer improvement plans prepared by a California registered civil engineer shall be submitted to and approved by the City Engineer prior to approval of a final map. Sewer design shall meet or exceed public sewer design requirements as established by the City Engineer.
- ENG 28. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, all sewer mains located in private street rights-of-way shall be located within the pavement sections. Sewer lines located outside of rights-of-way shall require separate sewer easements that include full vehicular and equipment access.
- ENG 29. Construct an 8 inch vitrified clay pipe sewer main within all on-site streets located 5 feet from centerline or as required by the City Engineer and connect to the existing public sewer system at the west end of Racquet Club Road.

GRADING

- ENG 30. Mass grading of the site shall be prohibited.
- ENG 31. **REVISED 9-1-10 BY ENGINEERING ROCK CRUSHING.** Rock crushing operations shall be limited to off-site locations only, as analyzed within the project's EIR. On-site rock crushing for the individual home sites is not permissible under this Specific Plan. ~~Rock crushing operations shall be limited to development of the Desert Water Agency reservoir site, and shall be confined to the late fall and winter months in accordance with Mitigation Measure (MM) 3.4-1(c) of the Final Environmental Impact Report.~~
- ENG 32. **DELETED 9-1-10 BY ENGINEERING** ~~Rock crushing operations, if used for development of the Desert Water Agency reservoir site, shall be located at least~~

~~1,200 feet from the east property line in accordance with Mitigation Measure (MM) 3.11-1(c) of the Final Environmental Impact Report.~~

- ENG 33. Initial rough grading of the site shall be limited to that which is required for construction of the on-site utility and street infrastructure. In accordance with Mitigation Measure (MM) 3.3-1(a) of the Final Environmental Impact Report, grading of the on-site utility and street infrastructure shall be coordinated with and scheduled not to coincide with grading activities on the Desert Water Agency reservoir site.
- ENG 34. A grading plan for the Desert Water Agency reservoir site shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to development of the Desert Water Agency reservoir site.
- ENG 35. Rough grading of residential lots within the project is subject to separate architectural approvals of each individual lot on a case by case basis, in accordance with the development standards for Planning Area 4 of the ESA-SP Zone, as defined by the Desert Palisades Specific Plan (Case 5.1154).
- ENG 36. For the residential portion of the site, the on-site street improvement plans shall identify all required cut and fill slope requirements and shall be used as grading plans for that portion of the site. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, the following principles shall apply to the design of the on-site streets:
- a) The vertical profile shall be aligned to closely match the existing natural terrain.
 - b) Curvilinear alignments and gently rolling profiles shall be consistent with site topography.
 - c) Excavations and embankments shall be limited to the greatest extent possible. Maximum slope gradients within ten (10) feet of the roadway edge shall not exceed 4:1 for fill slopes and 3:1 for cut slopes.
 - d) Roadway slopes shall not create a continuous wall or cut/fill condition, but shall vary in height and present an undulating appearance consistent with the natural slope.
 - e) Slopes shall be rounded to blend into the existing terrain to produce a contoured transition.
- ENG 37. The applicant's contractors shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more

"Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant's contractor shall provide the Engineering Division with current and valid Certificates of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of plans, which shall be approved by the City Engineer prior to issuance of any permits.

- ENG 38. In accordance with Standard Condition (SC) 3.5-1 of the Final Environmental Impact Report, approved Native American cultural resource monitors and archaeological monitors shall be present during all ground disturbing activities. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to coordinate scheduling of monitors prior to construction. No permits shall be issued for ground disturbance activities until evidence is provided to the City Engineer demonstrating that monitoring by approved Native American cultural resource monitors has been coordinated by the applicant.
- ENG 39. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 40. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 41. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 42. Prior to issuance of any permit for ground disturbance activities, the applicant shall provide verification to the City that applicable fees have been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).

- ENG 43. Notice of Intent to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a permit.
- ENG 44. Construction of this project must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 45. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 46. Prior to issuance of any permit within an Environmentally Sensitive Area – Specific Plan (ESA-SP) zone, the applicant shall enter into an agreement with the City, as approved by the City Attorney and City Engineer, ensuring that the land will be re-naturalized should the improvement covered by the permit not be completed, in accordance with the City of Palm Springs Zoning Code Section 92.21.1.05. The agreement shall be secured in amounts required by the City Engineer to complete re-naturalization consistent with the provisions of Chapter 9.65 of the Palm Springs Municipal Code; such security shall be in the form of cash, irrevocable letter of credit, assignment of a certificate of deposit, or similar form of security, as approved by the City Manager and City Attorney.
- ENG 47. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the plans for the project. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of any plans.
- ENG 48. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved plans shall be certified by a California registered geotechnical or civil engineer, certifying that all construction was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No final approval will be issued until the required certification is provided to the City Engineer.

WATER QUALITY MANAGEMENT PLAN

- ENG 49. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to adjacent properties is prohibited. Construction of operational BMP's shall be incorporated into required plans.
- ENG 50. Prior to issuance of any permit, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any permit.
- ENG 51. Prior to any final City approvals, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 52. The project site design does not provide for retention of the incremental increase of stormwater runoff due to development of the entire site. Grading plans of individual home sites within the project, subject to separate architectural approval on a case by case basis, and the grading plan for the Desert Water Agency reservoir site, shall incorporate on-site retention as required by the City Engineer.
- ENG 53. In accordance with Chapter 92.21.1.05 "Design Standards" of the Palm Springs Zoning Code, development of the site shall preserve existing drainage patterns, natural streams and local watershed boundaries. Future residential development of individual lots shall be required to preserve existing drainage channels that may extend across the lot. Provisions for protecting existing drainage channels and maintaining natural drainage systems, acceptable to the City Engineer, shall

be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.

- ENG 54. This project includes and is subject to the design and construction of the upper segment of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area. The applicant proposes, subject to Riverside County Flood Control & Water Conservation District (RCFC) approval, to construct that portion of Line 2 extending through the project site as an on-site stormwater detention facility until such time as Line 2 is fully extended in accordance with the Master Drainage Plan. At the time that Line 2 is extended in the future to convey on-site storm water runoff to the Whitewater River, the applicant shall be required to remove and replace, modify or otherwise improve the segment of Line 2 extending through the project site to function as a permanent flood control facility as required by RCFC.
- ENG 55. The design and construction of Line 2, as identified on the Master Drainage Plan for the Palm Springs Area, is subject to the review and approval by Riverside County Flood Control & Water Conservation District (RCFC). The alignment of Line 2 shall be revised as required by RCFC, and the northerly end of Line 2 adjacent to Street "A" shall be relocated to the east property line to facilitate future extension of Line 2 as shown on the Master Drainage Plan. Submit storm drain plans prepared by a California registered civil engineer to RCFC for review and approval.
- ENG 56. On a final map, the applicant shall provide an irrevocable offer of dedication to the City of Palm Springs for an easement for storm drainage purposes over the alignment of Line 2 as approved by RCFC and the City Engineer. The offer of dedication shall be rejected, and pursuant to California Government Code Section 66477.2 (a), the City shall rescind the rejection and accept the offer of dedication at such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and Line 2 is reverted from use as a privately maintained on-site stormwater detention facility to a publicly maintained storm drain facility.
- ENG 57. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Report for TTM35540, prepared by MSA Consulting, Inc., dated July 1, 2009 (or as may be amended). Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.

- ENG 58. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer.
- ENG 59. Until such time as Line 2 is fully extended in accordance with the Master Drainage Plan, and while Line 2 extending through the project site is used as an on-site stormwater detention facility, Line 2 shall be privately maintained. Provisions for maintenance of Line 2, including obligations to remove and replace, modify or otherwise improve the segment of Line 2 extending through the project site to function as a publicly maintained storm drain facility as required by RCFC, shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 60. The project is subject to flood control and drainage implementation fees. The drainage fee at the present time is \$6,511.00 per acre per Resolution No. 15189. Costs related to the design and construction of Line 2, if Line 2 will ultimately be operated and maintained by RCFC, may be credited against drainage fees otherwise due.

GENERAL

- ENG 61. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement

condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 62. All proposed utility lines shall be installed underground.
- ENG 63. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the south side of Tram Way extending through the project site meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 64. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 65. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 66. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of final approvals. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 67. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

MAP

- ENG 68. On the final map, the applicant shall make and provide for all required dedications and easements as required in these conditions of approval.
- ENG 69. In accordance with Mitigation Measure (MM) 3.5-1 of the Final Environmental Impact Report, a Phase 2 investigation of certain archaeological sites shall be completed prior to approval of a final map.
- ENG 70. A final map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcels and all lots created therefrom, and copies of record documents shall be submitted with the final map to the Engineering Division as part of the review of the final map. The final map shall be approved by the City Council prior to issuance of building permits.
- ENG 71. In accordance with Section 66434 (g) of the Government Code, the existing public right-of-way for Chino Canyon Road extending through the property may be abandoned upon the filing of a final map identifying the abandonment of the right-of-way granted to the City of Palm Springs.
- ENG 72. In accordance with Mitigation Measure (MM) 3.6-5(b) of the Final Environmental Impact Report, all applicable Standard Conditions and Mitigation Measures related to future individual home construction shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the project. A copy of draft CC&R's shall be submitted to the City Attorney for review and approval prior to approval of a final map.
- ENG 73. In accordance with Standard Condition (SC) 3.13-2(a) and 3.13-11, the applicant shall annex the property into City of Palm Springs Community Facilities District (CFD) 2005-1 to fund future emergency services, in conjunction with the recordation of a final map.
- ENG 74. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital

data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 75. Prior to approval of a final map, the applicant shall pay a fair share contribution of \$14,610 (equivalent to 4.87%) for design and construction of a future traffic signal at the intersection of N. Palm Canyon Drive and Via Escuela.
- ENG 76. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT CONDITIONS

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the preliminary site plan dated received 12/26/07. Additional requirements may be required at that time based on revisions to site plans.

- FID 1. Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
- FID 2. Fire Hazard Severity Zone: Applicant's project is located in a Fire Hazard Severity Zone determined by the State of California. Wild land Building Standards and Wild land Urban Interface requirements will need to be included in this project.
- FID 3. Secondary Fire Department Access: The secondary access point from Tram Way Road meets fire department requirements.
- FID 4. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)

Minimum Access Road Dimensions:

- a. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

- FID 5. Access Gates: Fire/Police/Ambulance access gates shall be at least 14' in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
- FID 6. Fire Apparatus Access Roads/Driveways: Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. (902.2.1 CFC)
- FID 7. Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. This will include clearance from vegetation and trees. (902.2.2.1 CFC)
- FID 8. Road Design: Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.
- FID 9. Operational Fire Hydrant(s): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings. (1001.7.2 CFC)
- FID 10. Water Systems and Hydrants: Underground water mains and fire hydrants shall be installed, completed, tested. Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)
- FID 11. Fire hydrant systems: Following Fire Department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (901.2.2.2 CFC). All fire hydrants shall be installed in accordance with Desert Water Agency specifications and standards. No landscape planting, walls, fences, signposts, or aboveground utility facilities are permitted within 3 feet of fire hydrants, or in line with hose connections
- FID 12. **ADDED 9-1-10; Chemical Rock Splitting.** Nonex, along with other "high energy" explosives used for blasting operations is currently prohibited by the Palm Springs Fire Department. The fire department will approve non-explosive methods for rock splitting. Crackamite and Rock Frac have been deemed as acceptable products to perform rock splitting procedures by

the Palm Springs Fire Department. There may be others that perform in a similar manner.

END OF CONDITIONS

MOH
MUELLER / OLIVIER / WHITTAKER
ATTORNEYS @ LAW LLP

October 20, 2010

VIA FACSIMILE AND U.S. MAIL
(760) 322-8360

City of Palm Springs
Planning Commission
c/o Ken Lyon, Associate Planner
Planning Department
3200 East Tahquitz Canyon Way
Palm Springs, CA 92263

Re: Desert Palisades Project
Environmental Impact Report (EIR);
Desert Palisades Specific Plan (Specific Plan); and
Tentative Tract Map 35540 (TTM)

Chairman and Honorable Members of the Planning Commission:

This firm represents L.J. Cella, the owner, through a trust, of the residence at 1075 West Cielo, Palm Springs, California, located directly adjacent to the above referenced project (the "Project"). The purpose of this letter is to provide comments to the EIR, Specific Plan and TTM, and to express my client's concerns regarding various aspects of the Project and the environmental documentation relating to the Project so that the Planning Commission may address the concerns outlined in this letter prior to taking final action on the Project.

1. Access to 5 Acre Parcel. There is a 5 +/- acre parcel near the Southeast corner of the Project which is not owned by the developer. This parcel is a separate legal parcel that is surrounded on three sides by the Project. There is no access to this 5 acre parcel from a street or road on its Western boundary. Once the tract map for the Project is approved, the subject Parcel will be land-locked. It is our understanding that the owner of the Project feels that there is no obligation to provide an easement through the Project site or to ensure continuing access to this parcel. While we understand that there is a question as to whether or not the owner of the 5 acre parcel has an easement across a portion of the Project for purposes of accessing the subject property, it is my client's position that an easement to this parcel across the Project should be required as part of the conditions of approval of the TTM in order to provide access from the public street known as West Chino Canyon Road, which terminates on the Project boundary. It is important that this issue, which affects traffic circulation in the area, be addressed as part of the approval process.

2. Visual Impacts on Mr. Cella's Property. The EIR does not adequately evaluate the visual impacts associated with grading, installation of water tanks and associated pad and access road improvements. Prior to proceeding with the approval of this Project, these visual

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PLANNING SERVICES

impacts need to be analyzed, and, if significant, mitigated. In addition, Section 3.4 of the EIR provides mitigation requiring a pet proof fence be provided along the southern edge of the Project. The location and appearance of the fence may affect Mr. Cella's property. It is unclear exactly how this mitigation measure will be implemented and exactly where this fence will be placed. The Specific Plan states that no walls and fences are allowed on property lines, so there is an unanswered question as to where will this fence be placed, how big will it be and what the visual and aesthetic impacts of this fence will be. These issues need to be analyzed and, if significant, mitigated prior to approval of the Project.

3. Flood Control Issues. The Specific Plan and EIR note that the Project intends to utilize Line 2 as part of the initial water retention of the Project until such time as Line 2 is extended to the valley floor North of the Whitewater Dike, East of Highway 111. The Specific Plan and EIR also note that the Chino Cone Dike is being evaluated by the Army Corps as to its ability to meet FEMA standards. While it is the opinion of the City Staff and Project Engineer that the Chino Cone Dike will meet FEMA standards, should the Chino Cone Dike not meet FEMA standards and not be re-certified there is a question of the impact of such failure on the Project as well as on the balance of the existing and planned development on the Chino Cone. The EIR does not adequately address the impacts of any such failure. If it is determined that Chino Levee does not meet required standards, all areas downstream on the alluvial fan would be potentially subject to flooding. In such event it appears that the Project does not provide significant upstream flood control to ensure protection of the Project, as well as the surrounding areas. These impacts should be properly analyzed and mitigated, as applicable, prior to proceeding with approval of the Project.

4. Planning Area 4 Acreages. In the evaluating the EIR and the Specific Plan, we have determined that there is a discrepancy in the Planning Area 4 acreage figures set forth in the Specific Plan compared to the planning for Planning Area 4 acreage set forth in the City's General Plan. The City's General Plan shows the Planning Area 4 acreage to be 119 acres. However, in reviewing the information in the Specific Plan and EIR, we have calculated that the Planning Area 4 acreage ranges from as high as 131 acres to as low as 118 acres. The 131 acre figure is derived from 118 acres of Planning Area 4 acreage in the Project plus the 13 acre Planning Area 4 triangular parcel located at the North end of the Project. Further, even if 9 acres of the Southern portion of the Property are eliminated from the 131 acres of the Planning Area 4 acreage, then the total acreage for Planning Area 4, set forth in this Specific Plan are 122 acres, which still represents a 3 acre difference from the General Plan Acreage. Before proceeding with this Project, these discrepancies in the Specific Plan and the General Plan should be reviewed and corrected to insure that the information presented to the public and relied on the by Commission is accurate and any impacts associated therewith have been properly analyzed and addressed.

City of Palm Springs
Planning Commission
c/o Ken Lyon, Associate Planner
October 20, 2010
Page 3

My client would like to extend his appreciation to the Planning Commission for its prior action in continuing the hearing to October 27, 2010 so that he (and others) had sufficient time to review the Project documentation and provide his input and comments as to the impacts of the Project on his property and the surrounding area.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Olivier", with a long horizontal flourish extending to the right.

Daniel E. Olivier
MUELLER/OLIVIER/WHITTAKER LLP

DEO/sm

Planning Department
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

440 W. Chino Canyon Road
Palm Springs
CA 92262

Attn: Mr. Ken Lyon
Associate Planner

October 18, 2010

RECEIVED

OCT 19 2010

Dear Mr. Lyon.

Re: Desert Palisades

PLANNING SERVICES
DEPARTMENT

Personal matters have kept me out of Palm Springs for the better part of the last eighteen months and will also prevent me from attending the Planning Commission Meeting on Wednesday October 27 when I understand that the above project will be on the Commission's agenda. I have, however, read 'The Specific Plan', 'The DEIR' and 'The Final EIR', including the Public Comments and City Responses. I have the following comments.

The Mitigation Measures do not appear to include any requirement obliging the contractor to make good damage done to Racquet Club Road or Tramway Road by trucks bringing fill to the site. This omission is significant since the DEIR estimates 11,900 off site road trips involving trucks of 10CY capacity (DEIR electronic page 116).

The estimated time to complete the project is six months, or 26 weeks. Based on a 70 hour week (the maximum permitted by City Regulations), that works out to 11,900 trips over 1,820 (26 X 70) hours or approximately one trip every ten minutes, six days a week for six months. Besides the inevitable damage to the roads, it is not difficult to imagine the noise and pollution that will be inflicted on the neighborhood by this convoy of vehicles.

The fill is required to replenish the craters caused by the removal of the boulders, which constitute approximately 80%+ of the soil content of the site. (DEIR, electronic page 115). As no one knows for certain how large or how numerous these boulders are; the fill requirements may be much greater

than estimated, with a consequent increase in noise, pollution and the number of truck trips.

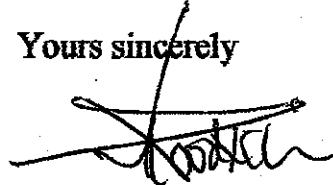
Many of the boulders may be too large to move. Consequently, three techniques for splitting the rocks have been proposed, one of which is Nonex. Approximately two years ago, Nonex was used to split rocks on a site close to Milo Road. A piece of rock flew 150 yards through the air, crashed through a neighbor's roof and narrowly missed killing two occupants inside. My understanding, based on a telephone conversation today with the Assistant Fire Chief, Mr. Scott Ventura, is that Nonex has consequently been prohibited from use in the Desert Palisades Project. This, I am told, was confirmed in an email from Mr. Ventura to Mr. Ken Lyon on August 12th 2010.

In view of the above, I respectfully request the Planning Department to modify the Mitigation Measures, as they now stand in the public record, to include repair to the two access roads and the inclusion of the prohibition of the Nonex process.

Please enter this letter into the public record of the Desert Palisades project (TTM 35540). I would also be grateful if you would include a copy of this letter in the background 'packet' for each Planning Commissioner, distributed prior to their meeting on October 27.

Thank you for your cooperation in this matter.

Yours sincerely



John H. Goodrich