Planning Commission Staff Report

Date:	October 27, 2010
Case No.:	5.0976 CUP-A Time Extension
Type:	Time Extension of a Conditional Use Permit Amendment
Location:	Southwest corner of 19th Avenue and McLane Street
APN:	666-391-001, 666-391-002 & 666-411-005
Applicant:	Burrtec Waste Industries, Inc.
General Plan:	RBC (Regional Business Center)
Zone:	M-2 (Manufacturing)
From:	Craig A. Ewing, AICP, Director of Planning Services
Project Planner:	David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The project is a one-year time extension request by Burrtec Waste Industries, Inc. for a previously approved Conditional Use Permit (CUP) for the development of a municipal solid waste Materials Recovery Facility (MRF) and transfer station on an 11.84-acre site at the southwest corner of 19th Avenue and McLane Street.

RECOMMENDATION:

That the Planning Commission approve a one-year time extension for Case 5.0976 CUP-A, from October 8, 2010 to October 7, 2011.

PRIOR ACTIONS:

On July 28, 2004, the Planning Commission reviewed and approved the original project.

On October 8, 2008, the Planning Commission adopted the Mitigated Negative Declaration (MND) and approved the amended conditional use permit.

ANALYSIS:

Pursuant to Section 94.02.00(F) of the Palm Springs Zoning Code, Conditional Use Permits are valid for two years and may be extended by the Planning Commission upon demonstration of good cause.

Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Additionally, the applicant must demonstrate good cause for the time extension. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood would warrant denial of the time extension. The applicant submitted a letter of time extension request on September 22, 2010. The applicant has stated that construction has not commenced due to current market and economic conditions.

Staff has included amended conditions from the Engineering Department in response to changes to applicable Engineering standards and regulations. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions – Sanitary Sewer: 13, 14a; Grading: 21, 21a, 23a, 23b; Water Quality Management Plan: 24a, 24b, 24c, 24d; Drainage: 31; General: 41; Traffic: 44.

ENVIRONMENTAL DETERMINATION:

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration was previously adopted by the Planning Commission on October 8, 2008, for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Mitigated Negative Declaration, Addendum to the Mitigated Negative Declaration or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the adopted MND.

CONCLUSION:

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one-year from October 8, 2010 to October 7, 2011, for Case 5.0976 CUP-A.

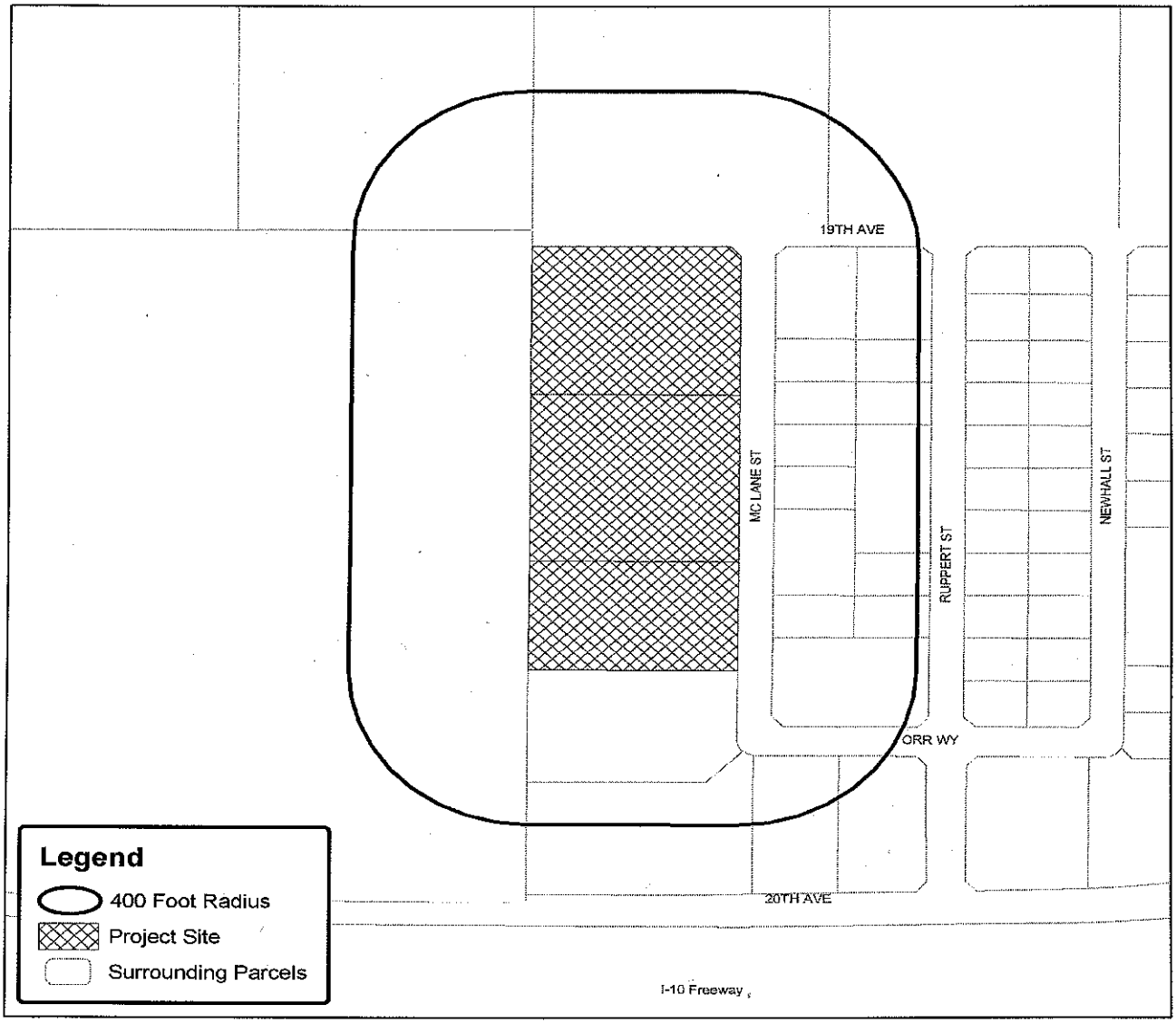
David A. Newell
Associate Planner

Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1) 400' Radius Map
2) Draft Resolution & Revised Conditions of Approval
3) Letter of Time Extension Request
4) Site Plan

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.0976 CUP-A

APPLICANT: Burrtec Waste Industries, Inc.

DESCRIPTION: A one-year time extension request for a Conditional Use Permit amendment to allow the development of a municipal solid waste Materials Recovery Facility (MRF) and Transfer Station at the southwest corner of 19th Avenue and McLane Street, M-2 Zone.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FOR A CONDITIONAL USE PERMIT, CASE 5.0976 CUP-A, FOR BURRTEC WASTE INDUSTRIES, INC., FROM OCTOBER 8, 2010 TO OCTOBER 7, 2011; A PROPOSED MUNICIPAL SOLID WASTE MATERIALS RECOVERY FACILITY (MRF) AND TRANSFER STATION ON AN 11.84-ACRE SITE AT THE SOUTHWEST CORNER OF 19TH AVENUE & MCLANE STREET.

WHEREAS, Burrtec Waste Industries, Inc. ("Applicant") has filed an application with the City pursuant to Section 94.02.00(F) of the Palm Springs Zoning Code for a one-year time extension for case 5.0976 CUP AMND; and

WHEREAS, on October 27, 2010, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Mitigated Negative Declaration for this Case 5.0976 CUP AMND was previously approved by the Planning Commission on October 8, 2010. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects.

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration is the controlling environmental documentation for this request.

2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.

3. A demonstration of good cause has been made and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension of case 5.0796 CUP AMND from October 8, 2010 to October 7, 2011.

ADOPTED this 27th day of October 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

PLANNING COMMISSION
REVISED CONDITIONS OF APPROVAL

Case 5.0976 CUP-A
Burrtec Waste Industries, Inc.

Southwest corner of
19th Avenue and McLane Street

October 27, 2010

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

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

ADMINISTRATIVE CONDITIONS

ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.

ADM 2. 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 5.0976 CUP-A. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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 4. The project is located in an area defined as having an impact on fish and wildlife as defined in Section 711.4 of the Fish and Game Code; therefore a fee of $1,876.75 plus an administrative fee of $64.00 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid.

ADM 5. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial 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 6. Architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 7. The Conditional Use Permit (CUP) approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provided all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

ADM 8. The appeal period for a CUP application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.

ENVIROMENTAL ASSESSMENT

ENV 1. The Mitigation Measures in the Mitigated Negative Declaration (MND) shall apply. Mitigation Measures shall be included on final development plans and a signed agreement shall be submitted to the Planning Department indicating that the applicant agrees to implement all Mitigation Measures. Mitigation Measures are as follows:

I.c-1 All buildings will be constructed of tilt-up concrete with architectural features.

I.c-2 The site will be surrounded with 6 foot high decorative block walls, combination block walls with wrought iron fencing and landscaping that will block the view of operations areas from adjacent streets and properties.

I.c-3 The facility operator shall collect all litter onsite, along walls and fences of the facility, and along primary local access roads on a daily basis.

I.d-1 All exterior lighting shall be oriented and screened to minimize light glare at the property boundary.

I.d-2 The use of reflective glass will reduce the potential for glare.

III.a-1 Cut and fill quantities will be balanced to eliminate truck trips for import or export of dirt.

III.a-2 The proposed project will comply with the provisions of Chapter 8.50 of the Palm Springs Municipal Code that establishes minimum requirements for construction activities to reduce fugitive dust and emissions. A plan to control fugitive dust through the implementation of reasonable dust control measures shall be prepared and submitted to the City for approval prior to the issuance of grading permits. The plan shall specify the dust control measures to be implemented.

III.a-3 The project proponent shall comply with all applicable SCAQMD Rules and Regulations including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile or disturbed surface area beyond the property line of the emission source. Particulate matter on public roadways is also prohibited.

III.a-4 Adequate watering techniques shall be employed to partially mitigate the impact of construction -related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface then watered again at the end of each day. Site watering will be as necessary to adequately mitigate blowing dust.

III.a-5 Any vegetative cover to be utilized on-site shall be planted as soon

as possible to reduce the disturbed area subject to wind erosion. Systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.

III.a-6 Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each workday the maximum vehicle speed on unpaved roads shall be 15 mph.

III.a-7 Grading operations shall be suspended during the first and second stage ozone episodes or when winds exceed 25 mph, per PM_{10} SIP.

III.a-8 Any construction equipment using direct internal combustion engines shall use a diesel fuel with a maximum of 0.05% sulfur and a four-degree retard.

III.a-9 Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through-traffic lanes.

III.a-10 All building construction shall comply with energy use guidelines in Title 24 of the California Administrative Code.

III.a-11 The use of energy efficient street lighting and parking lot lighting per the City Lighting Ordinance shall be required for all on-site to reduce emissions at the power generation facility serving the area.

III.a-12 The facility will provide bike racks to support alternative travel for employees that will reduce potential emissions from employee trips.

III.a-13 The project shall comply with all applicable SCAQMD Rule 403 relating to the control of fugitive dust.

III.a-14 Perimeter walls and landscaping shall be constructed in a manner that assists in protecting the site from blowsand. All walls and landscaping shall be maintained on a regular basis to remove accumulated blowsand.

III.a-15 Project transfer vehicles shall comply with SCAQMD Rule 1193 regarding the use of alternative fuel and dual fuel vehicles.

III.a-16 The project shall comply with SCAQMD Rule 410 through the preparation and implementation of an Odor Management Plan.

III.e-1 All waste materials will be received and handled within an enclosed structure.

III.e-2 All incoming wastes will be removed from the site within 48 hours of its receipt. No long-term storage is permitted.

III.e-3 Misting/deodorizing systems will be used in the MRF/transfer building to reduce the potential for dust and odors.

III.e-4 The project shall comply with SQACMD Rule 402 relative to odor nuisances which states:

"A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property."

VI.a-1 All facility construction shall be designed in compliance with the California Building code specifications for Seismic Zone 4.

VI.a-2 All site construction shall comply with the recommendations of the Site Geotechnical Report prepared by Landmark Consultants, dated December 2003 which are summarized as follows:

a. All surface improvements, debris, and vegetation should be removed from the construction area.

b. Existing surface soil should be removed to 36 inches below the building pad or existing grade extending five feet beyond all exterior walls. Exposed should be scarified to a depth of 8 inches, uniformly moisture conditioned to ±2% of above optimum moisture content and re-compacted a minimum of 90% of the maximum density determined in accordance with ASTM methods.

c. Imported fill soil should be similar to soil or non-expansive, granular soil meeting the USCS classifications of SM, SP-SM, or SM with a maximum rock size of 3 inches.

d. Onsite soil that is free of debris, vegetation, and other deleterious matter may be suitable for trench backfill. Backfill soil within roadways should be placed in layers not more than 6 inches in thickness and mechanically compacted to a minimum of 90% of the ASTM D1557 maximum dry density except for the top 12 inches of the trench which shall be compacted to at least 95%.

e. The moisture condition of the building pad should be maintained during trenching and utility installation.

f. All site preparation and fill placement should be continuously observed and tested by a representative of a qualified geotechnical engineering firm.

g. Auxiliary structures such as free standing or retaining walls should have the existing soil beneath the structure prepared in a similar manner recommended for building pads.

h. Shallow spread footings and continuous wall footings are suitable to support structures provided they are founded on a layer of properly prepared and compacted soil. Foundations may be designed using an allowable soil bearing pressure of 2,000 psf.

i. All exterior foundations should be embedded a minimum of 18

inches below the building support pad or lowest adjacent grade. Continuous wall footings should be a minimum of 12 inches wide. Spread footings should be a minimum of 24 inches wide.

j. Concrete slabs should be a minimum of 6 inches thick within the transfer and recycling buildings. Concrete slabs in non-vehicular traffic areas may be 4 inches thick. All concrete slabs should be placed on properly compacted soil.

k. Foundation designs shall provide a minimum concrete cover of three inches around steel reinforcing or embedded components exposed to native soil or landscape water.

l. All site excavations should conform to requirements for Type C soil. Temporary excavations with depths of 4 feet or less may be cut nearly vertical for short durations. Slopes should be no steeper than 1.5:1. Excavations deeper than 4 feet will require shoring or slope inclination.

m. All permanent slopes should be no steeper than to reduce wind and rain erosion. Protected slopes with groundcover may be as steep as 2:1.

n. Walls with granular drained backfill may be designed for an assumed static earth pressure equivalent to that exerted by a fluid 45 pcf for unrestrained conditions and 60 pcf for restrained conditions.

o. Seismic earth pressure on unrestrained wall retain more than five feet of soil may be assumed to exert a uniform pressure distribution of psf against the back of wall where H is the height of the backfill. The total seismic load is assumed to act as a point load at above the base of wall.

p. Construction designs should comply with the latest edition of the CBC for Seismic Zone 4.

q. Pavement sections were based upon an R-value of 60 for subgrade and assumed traffic indices.

VI.b-1 All grading will be performed in accordance with a grading permit issued by the City of Palm Springs.

VI.b-2 An erosion control plan will be prepared and implemented during construction.

VI.b-3 A PM_{10} Plan will be prepared to mitigate dust generation from winds and vehicle/personnel activities.

VI.b-4 Prior to issuance of grading permits, the developer must comply with the rules and regulations of the South Coast Air Quality Management District (SCAQMD) relative to dust mitigation including Rules 402 and 403.

VII.a-1 The facility shall implement a hazardous waste screening and exclusion program to be included in the Transfer Processing Report. The Report shall be approved by the Riverside County Environmental Health Department (Local Enforcement Agency) as part of the State Solid Waste Facilities Permit. This shall include a load checking program consistent with Riverside County Ordinance 779.3. Any hazardous material found in the incoming waste stream will be removed, stored in an approved area, and disposed of within 90 days of receipt.

VII.a-2 The facility operator will be required to prepare and file a hazardous materials business plan with the Fire Department and Riverside County Department of Environmental Health (serving as the State Local Enforcement Agency). The plan will identify all hazardous materials used and their storage and handling procedures.

VII.a-3 Any County Household Hazardous Waste Roundup program operated from the site will be supervised by qualified professionals from the Riverside County Department of Waste Management or their designated licensed contractor who will provide all necessary containment and cleanup equipment for the program.

VII.b-1 All vehicle maintenance will occur in enclosed buildings or on paved surfaces. Refueling will be performed on paved surfaces.

VII.b-2 Spill kits including absorbent materials will be stationed throughout the facility including all areas of vehicle activity.

VII.b-3 All facility employees will be trained in hazardous materials spill response and cleanup.

VIII.a-1 The facility shall comply with all requirements and regulations of the regional Water Quality Control Board for construction and operation of the facility. This shall include the filing of a Notice of Intent under the program and the preparation of a Storm Water Pollution Prevention Plan for the construction and operation phases of the facility and the preparation and implementation of a Water Quality Management Plan (WQMP) for facility operation.

VIII.d-1 The project will be required to contain the difference in storm run off between predevelopment and post-development conditions. The project proposes two retention basins with adequate capacity to contain additional run off. The final capacity of retention shall be approved by the City Engineer prior to the issuance of a grading permit based upon a hydrology study prepared by a qualified professional.

VIII.d-2 All retention areas shall be landscaped and maintained by the project.

VIII.d-3 The 16-foot wide drainage easement along the Street frontage shall be kept clear of obstructions including buildings, walls, and fences.

VIII.d-4 All structures shall be flood proofed a minimum of 18 inches above surrounding ground surface.

VIII.e-1 The project will be required to contain the difference in storm runoff between pre-development and post-development conditions. The project proposes two detention basins with adequate capacity to contain the incremental increase in runoff due to development.

VIII.e-2 The project will be required to comply with the NPDES program and prepare and implement a SWPPP designed to manage surface pollutants during construction so they do not exit the site and a WQMP designed to manage surface pollutants during post-construction operations. These will include the implementation of Best Management Practices designed to reduce the potential for the release of pollutants and those designed to contain any pollutants onsite.

VIII.h-1 Buildings shall be flood proofed by elevating the building pads a minimum of 18 inches above the adjacent flow line of improved streets and surrounding ground surface.

XI.a-1 All wastes shall be dumped within an enclosed concrete tilt-up transfer Building.

XI.a-2 Recyclables shall be dumped within the recycling building. No materials will be dumped outside.

XI.a-3 All heavy equipment, such as bucket loaders, shall be operated within the enclosed transfer building or recycling building.

XI.a-4 The sorting and baling of recyclables shall occur within the recycling building.

XI.a-5 All site personnel shall be provided with ear protection while working within any building where waste transfer or recycling operations are conducted.

XI.a-6 All heavy maintenance of equipment shall occur in enclosed structures including the waste transfer building, recycling building, and maintenance building.

XI.a-7 All equipment and transfer trucks shall be equipped with approved muffler systems.

XI.a-8 Waste Recycling and Transfer activities shall be limited to 7:00 a.m. to 6:00 p.m.

XI.d-1 Construction activities shall be limited to those hours permitted under the City of Palm Springs Noise Ordinance.

XI.d-2 All construction equipment shall be provided with approved muffler systems.

XIII-1 All fire protection systems will be reviewed and approved by the City Fire Department.

XIII-2 The facility will be connected to a domestic water system.

XIII-3 The facility will be equipped with fire hydrants. Fire extinguishers will be provided in all buildings. All hydrant and extinguisher locations and sizes will be as approved by the City Fire Department.

XIII-4 This facility will be equipped with automatic fire sprinkler systems. These systems will be designed to protect areas of buildings depending on the type of waste stream or process occurring within.

XIII-5 A Fire Protection Plan will be prepared and implemented for the facility. This will include training and development of procedures for handling emergencies.

XIII-6 The facility will be secured on all sides by walls and fences. Night security lighting will be provided throughout the site. Security detection systems will be installed in the office and adjacent structures.

XV.a-1 Prior to start of facility operations, stop signs shall be installed at all project entrances to control traffic exiting the site onto 19th Avenue and McLane Street.

XV.a-2 As part of the facility's final design, adequate sight distances shall be maintained at all entrances, per City of Palm Springs standards, at all project entrances to assure safe turning movements.

XV.a-3 Prior to commencement of facility operations, project traffic signing and striping to control vehicular movements shall be installed.

XV.a-4 Prior to commencement of facility operations, a traffic signal shall be installed per City of Palm Springs standards at the Indian Canyon Drive / 19th Avenue intersection.

XV.a-5 Prior to commencement of facility operations, the northbound turn lane at the Indian Avenue/19th Avenue intersection shall be extended a length of 300 feet for stacking distance.

XV.a-6 Prior to issuance of building permits, the project shall participate in the construction of a traffic signal at the intersection of 20th Avenue and Indian Canyon Drive through the payment of applicable traffic signal mitigation fees.

XVI.a-1 Subsurface wastewater disposal systems shall be installed to dispose of all domestic wastewater. The system shall include the use of septic tanks and seepage pits that comply with the standards of the Regional Water Quality Control Board, the Riverside County Department of Environmental Health, and the City of Palm Springs. The system design will be based upon percolation tests provided by Landmark Consultants in their Report dated December 2003.

XVI.g-1 The operator shall prepare a draft Transfer Processing Report for submittal and approval by the Department of Environmental Health Local Enforcement Agency.

XVI.g-2 The facility operator shall file for and receive applicable permits and/or clearances from responsible agencies including, but not limited to the Regional Water Quality Control Board, South Coast Air Quality Management District, State EPA/Department of Toxic Substance Control, and affected local City and County agencies.

PLANNING DEPARTMENT

PLN 1. Should the subject use change from a Material Recovery Facility (MRF) and Transfer Station (TS) or should the operation of the MRF / TS change in a manner that would impact or require the need for parking in excess of 98 spaces, an amendment to this CUP shall be required.

PLN 2. Outdoor storage and activities associated with permitted uses shall be adequately screened from view from any public street by a solid masonry wall. Such wall shall return along any interior side property line which is perpendicular to such public street for a distance of not less than twenty-five (25) feet. Other fencing may be of chain link, or other open style, if the entire length of such fence is landscaped so to screen the storage area from view. Such landscaping shall be allowed to grow to eight (8) feet in height and shall be adequately maintained and irrigated. Items shall not be stacked or stored higher than the wall if located within twenty-five (25) feet from any public street or residential property. All enclosures and stored materials must comply with fire department regulations for access and fire protection

PLN 3. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

PLN 4. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.

PLN 5. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.

PLN 6. Separate architectural approval and permits shall be required for all signs.

PLN 7. 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.

PLN 8. All awnings shall be maintained and periodically cleaned.

PLN 9. All roof mounted mechanical equipment shall screened per the requirements Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.

PLN 10. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.

PLN 11. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.

PLN 12. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.

PLN 13. The street address numbering/lettering shall not exceed eight inches in height.

PLN 14. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 15. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 16. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

PLN 17. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. Refer to Chapter 8.4 of the Municipal Code for specific requirements.

PLN 18. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.

PLN 19. The applicant shall provide all tenants with Conditions of Approval of this project.

PLN 20. Standard parking spaces shall be 17 feet deep by 9 feet wide; compact sized spaces shall be 15 feet deep by 8 feet wide. Handicap parking spaces shall

be 18 feet deep by 9 feet wide plus a 5 foot walkway at the right side of the parking space; two (2) handicap spaces can share a common walkway. One in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an 8 foot walkway on the right side and shall be designated as "van accessible".

PLN 21. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.

PLN 22. Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.

PLN 23. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.

PLN 24. Islands of not less than nine (9) feet in width with a minimum of six (6) feet of planter shall be provided every ten (10) parking spaces. Additional islands may be necessary to comply with shading requirements.

PLN 25. Shading requirements for parking lot areas as set forth in Section 93.06.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.

PLN 26. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.

PLN 27. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.

PLN 28. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

POLICE DEPARTMENT

POL 1. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

ACCESSIBILITY CONDITIONS

ADA 1. At least one of the disabled parking access aisles is required to meet the "van accessible" 8 foot wide dimension. In addition, the words NO PARKING are required to be painted in each access aisle. (CBC 1129B.3.2)

ADA 2. Any elevation change will require ramping in the walkway located perpendicular to the disabled parking space(s) leading to the access aisles serving the disabled parking spaces.

BUILDING DEPARTMENT

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

ENGINEERING DEPARTMENT

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

19TH AVENUE

ENG 2. Remove existing street improvements as necessary to construct a 32 feet wide and a 26 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerlines of the proposed driveway approaches shall be located approximately 30 feet and 170 feet east of the west property line. The center driveway approach shall provide full access. The west driveway approach shall be for ingress only for trucks entering the load-out tunnel. Required striping and signage at the west driveway approach shall be submitted to the City Engineer for approval.

ENG 3. Remove existing street improvements as necessary to construct a 44 feet wide main entrance driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 195 feet west of the centerline of McLane Street. There shall be 2 ingress lanes (14 feet and 12 feet wide) separated from one egress lane (14 feet wide) by a 4 feet wide median, or as shown on the approved site plan.

ENG 4. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA

Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 5. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 6. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of 19th Avenue and McLane Street in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 7. All broken or off grade street improvements shall be repaired or replaced.

MCLANE STREET

ENG 8. Remove existing street improvements as necessary to construct a 36 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the proposed driveway approach shall be located approximately 70 feet north of the south property line. The driveway approach shall be used by maintenance vehicles and for emergency access only.

ENG 9. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

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

ON-SITE

ENG 11. An existing access easement, recorded in Book 1532, Page 136, on December 4, 1953, affects the westerly 30 feet of the property. The proposed site plan shall be revised to allow for the continuing use of this access easement, or, the developer shall coordinate the quitclaim of all rights to this access easement with the successors in interest to the access easement. If the proposed site plan is not revised, a copy of the recorded quitclaim granting the current property owner all right, title and interest to the access easement shall be provided to the City Engineer prior to approval of a grading plan for this property.

ENG 12. The minimum pavement section for drive aisles and parking spaces shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

SANITARY SEWER

ENG 13. Construct private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. ~~The sewer connection fee shall be paid prior to issuance of the current building permit (for future connection). The record property owner shall enter into a covenant agreeing to extend the private sewer lines the necessary distance to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the lot. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.~~

ENG 14. The City recommends that the applicant contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

ENG 14a. <u>This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of domestic water and/or sanitary sewer service to the property.</u>

GRADING

ENG 15. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on

the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

a. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the associated Water Quality Management Plan.

ENG 16. 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 17. 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 18. 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 19. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 20. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 21. Notice of Intent to comply with ~~Statewide~~ California General Construction Stormwater Permit (Water Quality Order ~~99-08-DWQ as modified December 2, 2002~~ 2009-0009-DWQ as modified September 2, 2009) is required for the

proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

ENG 21a. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). 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 22. 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 23. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 23a. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

ENG 23b. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.

ENG 24. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food

and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

ENG 24a. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 24b. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in 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 grading or building permits.

ENG 24c. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:

(1) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;

(2) 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

(3) Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

ENG 24d. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

ENG 25. 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 detention 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 Hydrology and Hydraulic Study for the Transfer Station/Recycling Facility, prepared by K & A Engineering (dated March 14, 2008). The Hydrology and Hydraulic Study for the Transfer Station/Recycling Facility shall be amended to include catch basin sizing, storm drain pipe sizing and underground detention system sizing calculations and other specifications for construction of required on-site storm drainage improvements. Final detention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final 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 26. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to 19th Avenue or McLane Street. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

ENG 27. This property is subject to the environmental constraints shown on an Environmental Constraints Sheet recorded in Book 20, Page 95, records of Riverside County. The property shall accept and convey off-site stormwater runoff as required by the Environmental Constraints Sheet recorded against the property. Provisions shall be made to adequately provide for conveyance of stormwater runoff as originally intended and shown on the rough grading plan for Parcel Map 20820. McLane Street shall be kept free of obstructions (including flow-restricting fencing) from the centerline of McLane Street to 55 feet west of centerline. All new buildings shall be elevated to a minimum height of 18 inches above the surrounding ground.

ENG 28. The proposed wall along the west property line shall be designed to consider the effects of offsite stormwater runoff impacting the wall. Hydraulic and structural calculations shall be provided to demonstrate the ability of the proposed wall to withstand erosion and other impacts due to offsite stormwater runoff. The developer shall coordinate this analysis with the original hydrology study prepared for Parcel Map 20820 and provide a copy of same with required design calculations and analysis to the City Engineer for review and approval.

ENG 29. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site areas into the on-site underground detention system.

ENG 30. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

ENG 31. ~~A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.~~

ENG 32. Compliance with other agency requirements and/or permits shall be satisfied prior to issuance of a building permit including provisions for NPDES (clean water quality control) as may be required.

GENERAL

ENG 33. 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 34. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, Richard Begay, or the Tribal Archaeologist, Patty Tuck at (760) 325-3400, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

ENG 35. All proposed utility lines shall be installed underground.

ENG 36. 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 37. 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 38. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 39. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 40. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

ENG 41. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF) ~~of $5,730.00 per acre~~. The LDMF shall be paid prior to issuance of Building Permit.

MAP

ENG 42. The existing parcels identified as a portion of Parcel 4, Parcel 5, and Parcel 6 of Parcel Map 20820, Map Book 166, Page 70, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

ENG 43. Install a traffic signal at the intersection of 19th Avenue and Indian Canyon Drive. The applicant shall submit traffic signal installation plans prepared by a California registered Civil Engineer or Traffic Engineer for review and approval by the City Engineer. The traffic signal shall be installed and operational prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer. The applicant shall be responsible for 100% of the cost to design and install the traffic signal; however, the applicant's fair share cost of this improvement is 10.69%. Any other developer's fair share costs that the City may receive for this traffic signal may be reimbursed to the applicant subject to the terms of a reimbursement agreement, up to a maximum of 89.31% of the total cost.

ENG 44. If reimbursement of costs associated with traffic mitigation measures is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Reimbursement Agreement and a $2,500 deposit for City staff time associated with the preparation of the Reimbursement Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Reimbursement Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Reimbursement Agreement.The Reimbursement Agreement is subject to the City Council's review and approval, and its approval is not guaranteed nor implied by this condition.

ENG 45. Install traffic striping and signage improvements at the intersection of Indian Canyon Drive and 19th Avenue to provide a total of 300 feet of stacking

distance in the northbound left-turn lane. Submit traffic striping and signage plans to the City Engineer for review and approval. Required traffic striping and signage improvements shall be completed prior to issuance of a certificate of occupancy.

ENG 46. Applicant shall make fair share payment of $16,220.00, to the City of Palm Springs, for the installation of a future traffic signal at the intersection of Indian Canyon Drive and 20th Avenue. Payment shall be made prior to issuance of a building permit.

ENG 47. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at all driveways with both ingress and egress in accordance with City of Palm Springs Standard Drawing Nos. 620-625.

ENG 48. Install a "One Way" sign at the intersection of the parking area at the north end of the site and the west driveway from 19th Avenue leading to the load-out tunnel.

ENG 49. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 50. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

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

FIRE DEPARTMENT

FID 1. **Impact Fees:** In order to ensure that the availability of adequate fire and emergency medical services to the Development, the Applicant shall participate and contribute in any fee program, assessment district, community facilities district, or any other public financing that includes the Development as a part thereof as the City in its discretion may adopt or establish. This obligation shall be evidenced by a covenant running with the land in a form approved by the City Attorney.

FID 2. **Combustible Storage (CFC 315.3):** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

FID 3. **Storage Beneath Overhead Projections From Buildings (CFC 315.3.1):** Combustible materials stored or displayed outside of buildings that are

protected by automatic sprinklers shall not be stored or displayed under non-sprinklered eaves, canopies or other projections or overhangs.

FID 4. **Storage Height in Open Areas (CFC 315.3.2):** Storage in open areas shall not exceed 20 feet (6096 mm) in height.

FID 5. **Roadway Dimensions**: Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 503.2.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues, The Palm Springs Fire Department requirements for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

FID 6. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 7. **Fences (CFC 503.1.5):** When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall installed with a minimum of four (4) feet in width and be equipped with a key box and/or lock accessible from both sides in accordance with Section 506 herein.

FID 8. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 9. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 10. **Dead Ends (CFC 503.2.5):** Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

FID 11. **Aerial Fire Access Roads (CFC 503.2.8):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus

access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

FID 12. **Aerial Fire Access Road Width (CFC 503.2.8.1):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

FID 13. **Aerial Access Proximity to Building (CFC 503.2.8.2):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

FID 14. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

FID 15. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".

FID 16. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

FID 17. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

FID 18. **Key Box Contents:** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

FID 19. **Security Gates (CFC 503.6):** Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

FID 20. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be **1500 GPM** with the installation of fire sprinklers based on Appendix B of the 2007 CFC.

• Office Building	Type 1A	7650 S.F
• Loading Dock	Type 1A	4250 S.F.
• M.F.R. Building	Type 1A	80000 S.F.
• Transfer Building	Type 1A	40000 S.F.
• Load Out Area	Type 1A	4050 S.F.
	TOTAL S.F. =	135950 S.F.

FID 21. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

FID 22. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.

FID 23. **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using Cp of 0.74 and l/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)

FID 24. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.

FID 25. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.

FID 26. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire

extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top I not more than 5 feet above the floor.

FID 27. **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.

FID 28. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.

FID 29. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.

FID 30. **Storage Associated with Yard Waste and Recycling Facilities (CFC 1908):**

1. **Size of piles.** Piles shall not exceed 25 feet (7620 mm) in height, 150 feet (45 720 mm) in width and 250 feet (76 200mm) in length. (CFC 1908.3)
2. **Pile separation.** Piles shall be separated from adjacent piles by approved fire apparatus access roads. (CFC 1908.4)
3. **Combustible waste.** The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. (CFC 1908.5)

FID 31. **High-Piled Combustible Storage:** High-piled shall be in accordance with Chapter 23 of the 2007 California Fire Code.

FID 32. **High-Piled Construction Documents (CFC 2301.3):** At the time of building permit application for new structures designed to accommodate high-piled storage or for requesting a change of occupancy/use, and at the time of application for a storage permit, plans and specifications shall be submitted for review and approval. In addition to the information required by the *California Building Code,* the storage permit submittal shall include the information specified in this section. Following approval of the plans, a copy of the approved plans shall be maintained on the premises in an approved location.

END OF CONDITIONS

BURRTEC
WASTE INDUSTRIES, INC.
"We'll Take Care Of It"

September 22, 2010

Mr. Craig Ewing, Director of Planning Services
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Case 5.0976 CUP-A
Request for Extension of Time

Dear Mr. Ewing:

Burrtec Waste Industries, Inc. requests an extension of time for Case 5.0976 CUP-A, our proposed Materials Recovery Facility located at the southwest corner of 19th Avenue and McClane Street. General economic conditions over the past few years have made the project economically unfeasible. Reduced volumes of recyclable materials and low commodity prices have severely impacted the project's feasibility. However, recent signs of recovery in both recyclable volumes and market prices have allowed us to reassess the project.

As part of our assessment, we are evaluating a smaller first phase project that will focus on the development of only the Materials Recovery Facility component of the project. The transfer station and other support uses will be developed as later phases.

We therefore request an extension of time for one year. If you have any questions or require additional information, please contact me at (909) 429-4200 or gkoontz@burrtec.com.

Sincerely,

Gary Koontz
Facility Project Manager

cc: Richard Crockett, Burrtec

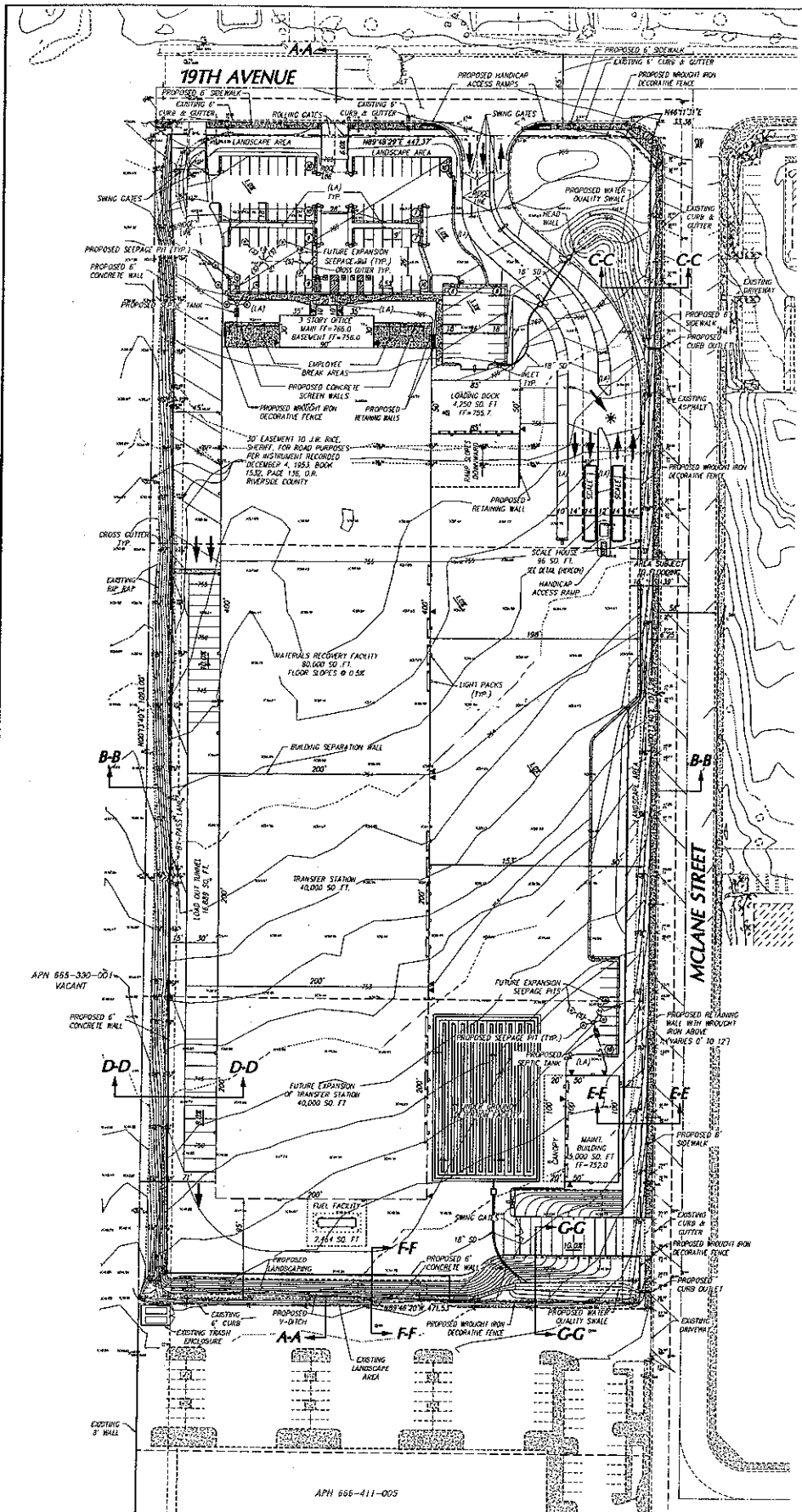
5.0976 CUP TE

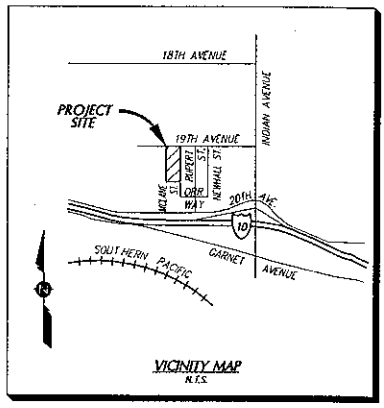
RECEIVED

SEP 22 2010

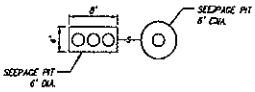
PLANNING SERVICES
DEPARTMENT

9890 Cherry Avenue • Fontana, California 92335 • 909-429-4200 • FAX 909-429-4290





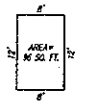
VICINITY MAP
N.T.S.



SEPTIC TANK DETAIL
N.T.S.

ABBREVIATIONS

FF	FINISH FLOOR ELEVATION
FG	FINISH GRADE
FS	FINISH SURFACE
GB	GRADE BREAK
INV	INVERT ELEVATION
LA	LANDSCAPE AREA
SD	STORM DRAIN
TC	TOP OF CURB
TF	TOP OF FOOTING
TW	TOP OF WALL
WI	WROUGHT IRON



SCALE HOUSE DETAIL
N.T.S.

LEGEND

- PROJECT BOUNDARY
- CENTER LINE
- TOP OF SLOPE
- SLOPE RATIO
- TOE OF SLOPE
- FLOW LINE
- EXISTING GROUND CONTOUR
- PROPOSED CONTOUR
- DAYLIGHT LINE
- GRADED DRAIN INLET
- GRADE
- PROPOSED HANDICAP PARKING SIGN
- PROPOSED STREET LIGHT
- PROPOSED STREET LIGHT (2 HEADS)
- PROPOSED STREET LIGHT (3 HEADS)
- PROPOSED LIGHT PACK
- PROPOSED LANTERN
- EXISTING STREET LIGHT
- PROPOSED SEEPAGE PIT
- FUTURE EXPANSION SEEPAGE PIT
- PROPOSED ROLLING GATES
- PROPOSED SWING GATES
- PROPOSED STORM DRAIN
- PROPOSED SEWER PIPELINE
- FUTURE EXPANSION SEWER PIPELINE
- PROPOSED INTERCEPTOR DRAIN
- PAVEMENT
- WROUGHT IRON DECORATIVE FENCE
- RETAINING WALL
- RETAINING WALL W/WROUGHT IRON ABOVE
- CONCRETE BLOCK SCREEN WALL
- REVERSIBLE LANE UPON DISCRETION OF OPERATIONS MANAGER
- PROPOSED MAN DOOR
- PROPOSED STEEL ROLL-UP DOOR

CONDITIONAL USE PERMIT

NOTES

OWNER
THE BUBB GROUP
9890 CHERRY AVENUE
FONTANA, CA. 92335
PHONE: (909) 429-4200
FAX: (909) 429-4299

APPLICANT
BURRTEC WASTE INDUSTRIES, INC.
9890 CHERRY AVENUE
FONTANA, CA 92335
PHONE: (909) 429-4200
FAX: (909) 429-4299

REPRESENTATIVE
THE JAMESON GROUP, INC.
1201 UNIVERSITY AVENUE SUITE 206A
RIVERSIDE, CA 92335
PHONE: (951) 328-0001
FAX: (951) 328-1114
GARY KOONTZ

ENGINEER
K & A ENGINEERING, INC.
357 N. SHERIDAN STREET, SUITE 117
CORONA, CA 92880
PHONE: (951) 279-1800
PROJECT MANAGER: PAUL MACINDA, P.E.

UTILITY PROVIDERS
A. WATER: MISSION SPRINGS WATER DISTRICT
B. SEWER: ONSITE SEPTIC
C. ELECTRIC: SOUTHERN CALIFORNIA EDISON
D. TELEPHONE: VERIZON
E. CABLE TV: TIME WARNER

DATE PREPARED
JANUARY 3, 2008

LEGAL DESCRIPTION
PARCELS 4, 5, AND 6 OF PARCEL 20820, EXCEPT THAT PORTION AS SHOWN ON PM 32550 RECORDED IN BOOK 215 PAGES 56 & 57, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, AS PER MAP RECORD IN BOOK 166, PAGE 70 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ASSESSORS PARCEL NUMBER
666-391-001, 666-391-002, 666-411-005

GENERAL PLAN
INDUSTRIAL

ACREAGE
11.8 GROSS

PARKING SPACES
EMPLOYEE/VISITOR: 98

ZONING
M-2

EARTHWORK CALCULATION
28,000 CY/CUT
28,000 CY/FILL

AREA TABULATION

BUILDING AREA TABULATION

LAND USE	SQUARE FEET	% OF TOTAL SITE
BUILDINGS	191,599	37.14
PAVEMENT, PARKING & DRAINS	227,823	44.18
LANDSCAPING	96,391	18.68
TOTAL	515,913	100

BUILDING AREA TABULATION

BUILDING	SQUARE FEET	CONSTRUCTION TYPE	% OF TOTAL SITE
ADMINISTRATIVE OFFICE (3 STORY)	2,900 (7,650)	II-N	0.57
MATERIALS RECOVERY FACILITY	80,000	II-N	15.51
TRANSFER STATION	40,000	II-N	7.75
TRANSFER STATION (FUTURE)	40,000	II-N	7.75
MAINTENANCE BUILDING	5,000	II-N	0.97
FUEL FACILITY	2,464	II-N	0.48
LOADING DOCK	4,250	N/A	0.82
SCALE HOUSE	96	PRE-MANUFACTURED	0.02
LOAD OUT TUNNEL	16,889	II-N	3.27
TOTAL	191,599	-	37.14

SCALE: 1"=40'

THE PRIVATE ENGINEER SIGNING THESE PLANS IS RESPONSIBLE FOR ASSURING THE ACCURACY AND ACCEPTABILITY OF THE DESIGN HEREON. IN THE EVENT

K&A ENGINEERING LAND PLANNING SURVEYING
357 N. SHERIDAN STREET SUITE 117
CORONA, CALIFORNIA 92880
TEL (951) 279-1800
FAX (951) 279-1380

REV	DATE	DESCRIPTION	APD

PALM SPRINGS
MATERIALS RECOVERY FACILITY / TRANSFER STATION
AMENDED C.U.P. NO. 5.0976