



## Planning Commission Staff Report

Date: November 10, 2010

Case No.: 5.1160 – PD 341

Application Type: Time Extension Request for Planned Development District 341

Location: 3001 East Tahquitz Canyon Way

Applicant: Nexus Companies

Zone: PDD 341

General Plan: Tourist Resort Commercial

APN: 580-070-028

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Glenn Mlaker, AICP, Assistant Planner

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### **PROJECT DESCRIPTION:**

The project is a request by Nexus Companies for a one-year time extension on a previously approved mixed use development consisting of two hotels up to 306 rooms, retail / restaurant and office space. The project commonly known as "Convention Center Commons", was approved as a planned development district (PDD 341), and is located at 3001 East Tahquitz Canyon Way in Section 14.

### **RECOMMENDATION:**

That the Planning Commission approve a one-year time extension for PDD 341 from January 28, 2011 to January 27, 2012, subject to revised engineering conditions.

**BACKGROUND:**

On January 28, 2009, the Planning Commission reviewed the proposal and voted 7-0 to approve the final PDD for a mixed-use development with conditions.

On September 17, 2008 the City Council adopted a Mitigated Negative Declaration and approved the project as recommend by the Planning Commission.

On January 28, 2009 the Planning Commission voted 7-0 to approve the Final PDD.

**ANALYSIS:**

The applicant submitted the time extension request on October 22, 2010, before the expiration date of January 28, 2011 of the Planned Development District Approval. The applicant has requested a time extension due to current real estate market conditions. Time extensions on final Planned Development Districts are determined by the Planning Commission.

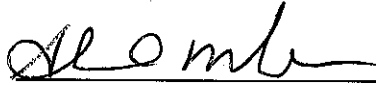
According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant a time extension for a TTM. The Municipal Code does limit all time extensions to a maximum of one-year and that requirement is being carried forward in staff's recommendation.

Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City's development policies.

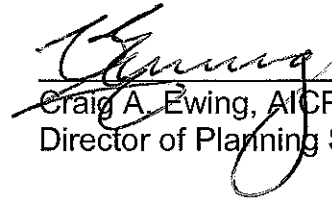
Staff received amended and modified conditions from the Engineering Department in response to changes in applicable engineering standards and regulations. A list of these changes to the Conditions of Approval is as follows: Engineering Conditions - Grading #34A, 36, 36A, 38 A,38B; WQMP, 39A, 39B, 39C; Map, 55A; Traffic 63, and 64.

**ENVIRONMENTAL DETERMINATION:**

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 approved by City Council on September 17, 2008. 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 environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension request could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration.



Glenn Mlaker, AICP  
Assistant Planner



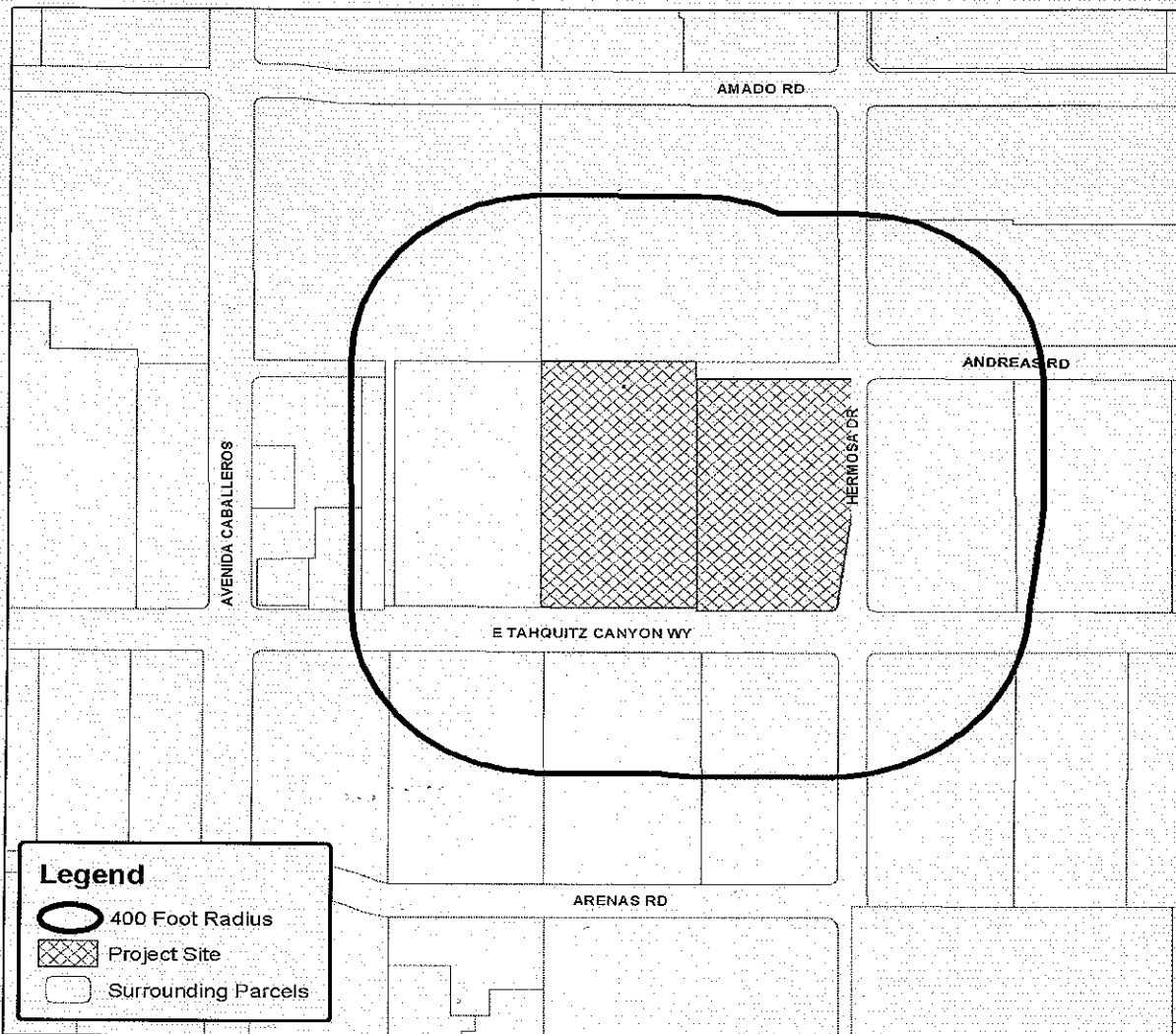
Craig A. Ewing, AICP  
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter from the applicant dated October 22, 2010



# Department of Planning Services Vicinity Map



**Legend**

- 400 Foot Radius
- Project Site
- Surrounding Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1160 PD 341  
Time Extension

**APPLICANT:** Nexus Companies

**DESCRIPTION:** A one-year time extension request for a mixed-use development consisting of two hotels of up to 306 rooms; retail/restaurant and office space. The site is located within the boundaries of Section 14 and designated REO/C-1-AA.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A MIXED USE DEVELOPMENT CONSISTING OF TWO HOTELS UP TO 306 ROOMS, RETAIL/RESTAURANT AND OFFICE SPACE COMMONLY KNOWN AS "CONVENTION CENTER COMMONS" LOCATED AT 3001 EAST TAHQUITZ CANYON WAY, ZONE PDD 341, SECTION 14; APN 580-070-028

WHEREAS, Rob Eres of Nexus Companies ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 341 located at 3001 East Tahquitz Canyon Way; and

WHEREAS, on November 10, 2010, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, 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); and

WHEREAS, a Mitigated Negative Declaration was previously adopted by the City Council on September 17, 2008 for this project. 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 environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration; and

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for Case 5.1160-PD 341 from January 28, 2011 to January 27, 2012, subject to revised engineering conditions.

ADOPTED this 10th day of November, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

EXHIBIT A

Case No. 5.1160 – PD 341 & Tentative Parcel Map 35989  
O & M Tahquitz, LLC (Nexus Development)

Northwest corner of Tahquitz Canyon Way and Hermosa Drive  
(Tahquitz / Hermosa Hotels)

**REVISED CONDITIONS OF APPROVAL**

January 28, 2011

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.

**PROJECT SPECIFIC CONDITIONS**

**Administrative**

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.
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 5.1160; PD 341 and Tentative Parcel Map 35989. 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.

3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, 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.
4. 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 or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision 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 Services 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.
5. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.

### **Environmental Assessment**

6. The mitigation measures of the Initial Study shall apply to the proposed project. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the Initial Study, and hereby incorporated into these conditions by reference.
7. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of



developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

### **CC&R's**

8. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall 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.
9. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

### **Final Design**

10. The final development plans shall be submitted in accordance with Section 9403.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the City Council approval of the preliminary planned development district.
11. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
12. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the

building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

### **General Conditions/Code Requirements**

13. 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 Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
14. 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.
15. 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.
16. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
17. All materials on the flat portions of the roofs shall be non-reflective material finish.
18. All roof mounted mechanical equipment shall be screened per the requirements of 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.
19. 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.
20. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.

21. 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.
22. The street address numbering/lettering shall not exceed eight inches in height.
23. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 24 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
24. 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.
25. The final landscaping plan and plant palette shall be submitted to the AAC for review prior to the completion of the Final Planned Development permit.
26. Prior to the issuance of a grading permit for the project, the applicant shall demonstrate to the City in writing that he/she has either:

### **Cultural Resources**

27. Given that buried resources may be present beneath the ground surface, an Approved Cultural Resource Monitor(s) shall be present during all ground disturbing activities (archaeological testing/data recovery and construction related actions). Should buried cultural deposits be encountered, the Monitor shall have the authority to halt destructive construction and shall notify a qualified archaeologist to investigate and, if necessary, to prepare a treatment plan, for submission to the Agua Caliente for approval.
28. In the event of an inadvertent archaeological discovery the Tribe requests destructive activities in the immediate vicinity to halt and the Tribe's THPO be notified. If necessary, the developer will be required to hire a qualified archaeologist (meeting Secretary of Interior standards), to assess the find. If significant Native American cultural resources are discovered the archaeologist shall prepare a Treatment Plan for submission to the THPO for approval. Human remains encountered shall be handled consistent with state law provisions and implementation. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

29. Should human remains be discovered during construction of the proposed project, the project contractor would be subject to the State law regarding the discovery and disturbance of human remains. In that circumstance destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code S7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendant (MLD). The City and Developer will work with the designated MLD to determine the final disposition of the remains.

**Agua Caliente Band of Cahuilla Indians:**

These conditions shall be applicable to this project pending any modifications by the Agua Caliente Band of Cahuilla Indian Planning Department.

1. The project shall provide an overall minimum of 45 percent usable landscape open space and outdoor living and recreation area, as specified in Section 6.2.14, *Open Space/Landscaping*, of the Section 14 Master Plan.
2. The sidewalk along E. Tahquitz Canyon Way be as shown in Figures 5-2 and 5-3 of the Section 14 Master Plan, and that there be a minimum of 2 feet of decorative paving designed as an extension of the public sidewalk, with a meandering border on the property side, per Section 6.2.11.1 of the Section 14 Master Plan.
3. Prior to issuance of grading permits, the applicant shall pay the Valley Floor Conservation Area fee to the Tribe as required by the THCP.
4. Prior to any ground or habitat disturbance associated with any Covered Project on the Reservation on a site which provides potential burrowing owl habitat, the Covered Project Proponent shall cause a pre-construction survey of the site to be conducted for presence of the species.
  - a. Surveys and relocation, if applicable, shall be conducted in accordance with the California Department of Fish and Game (CDFG), Staff Report on Burrowing Owl Mitigation (1995), or other then-current protocol as directed by the Tribe.
  - b. Owls should be excluded from burrows in the Development Envelope and within an appropriate buffer zone by installing one-way doors in burrow entrances or other technique as deemed appropriate. The biological monitor must ensure through appropriate means (e.g., monitoring for owl use, excavating burrows) that the burrows to be impacted are not being

used. The Tribe shall determine whether creation of artificial burrows as part of the relocation effort.

- c. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that either: (a) the birds have not begun egg laying and incubation; or (b) that juveniles from the occupied burrows are foraging independently and capable of independent survival.

### **Engineering Department**

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

#### **STREETS**

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
3. Master planned roadways (Tahquitz Canyon Way and Hermosa Drive) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.

#### **TAHQUITZ CANYON WAY**

4. Dedicate easements, as necessary, for sidewalk improvements along the entire frontage.
5. Remove the existing street improvements as necessary to construct a driveway approach for the Main Entry, in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 330 feet west of the centerline of Hermosa Drive. Left turn egress onto Tahquitz Canyon Way shall be prohibited.
6. Remove the existing street improvements as necessary to construct a 26 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 40 feet east of the west property line. Left turn access shall be prohibited.

7. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the two driveway approaches on Tahquitz Canyon Way 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.
8. Remove the existing street improvements as necessary to extend the eastbound left-turn bay on Tahquitz Canyon Way at Hermosa Drive, to provide 100 feet long turn pocket with a 60 feet long bay taper, or as approved by the City Engineer. The left-turn pocket shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.
9. Remove the existing street improvements as necessary to construct a directional median opening across from the Main Entry on Tahquitz Canyon Way, as approved by the City Engineer. Left turn egress from the Main Entry shall be physically restricted by the use of a directional median opening. Provide a 100 feet long eastbound left-turn pocket at the Main Entry, with a 60 feet long bay taper, or as approved by the City Engineer. The left-turn pocket shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.
10. The existing median landscaping and irrigation system shall be modified and repaired, as required by the City Engineer and Director of Parks and Recreation. The applicant shall be responsible for the re-planting of any damaged landscaping.
11. All replaced median landscaping shall be guaranteed for a period of 90 days from the date of acceptance by the City Engineer. Any landscaping that fails during the 90-day landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent 90-day landscape maintenance period.
12. The existing sidewalk along the entire frontage shall be modified consistent with the "Indian Culture and Art Walk" described in the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004). Other improvements, including large boulders with inscriptions describing Indian and Section 14 history shall be provided, in consultation with Tribal staff and as approved by the Director of Planning Services. The applicant shall furnish and install artwork relating to Indian culture along the frontage, unless otherwise deferred by the Director of Planning Services. The "Indian Culture and Art Walk" shall be constructed along the entire Tahquitz Canyon Way frontage. The specific street improvements described in this condition may be modified by the applicant, in consultation with

the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

13. In accordance with the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004), the applicant shall plant *Washingtonia filifera* palm trees along the Tahquitz Canyon Way frontage, at 60 feet spacing, two canopy shade trees between each new palm tree at 30 feet spacing, and a 3 feet high evergreen hedge at the curb, as approved by the Director of Parks and Recreation. The palm trees shall be uprighted, consistent with existing palm tree lighting along the Tahquitz Canyon Way corridor. The applicant shall be responsible for the perpetual maintenance of the new palm trees and other parkway landscaping along the Tahquitz Canyon Way frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
14. Design and install an electrical system for installation of Tahquitz Canyon Way decorative light fixtures (12 feet to 15 feet tall) consistent with the existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaires and supporting electrical system. The electrical system shall be operated by a separate electric meter, unless an existing meter is available for use by the new lighting system, as approved by the City Engineer. The lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
15. At the time that a comprehensive shuttle/bus route system for the Section 14 Master Development Plan area is planned, it is recommended that the applicant coordinate with the City on the design and layout of, and accommodate an on-street shuttle/bus stop on the north side of Tahquitz Canyon Way west of Hermosa Drive in accordance with the *Final Section 14 Master Development Plan/Specific Plan*.
16. The existing Sunline bus stop and furniture shall remain in its current location on Tahquitz Canyon Way along the project frontage.
17. All broken or off grade street improvements shall be repaired or replaced.

#### HERMOSA DRIVE

18. Dedicate a half street right-of-way of 30 feet along the entire frontage as needed, together with a property line - corner cut back at the northwest corner of Hermosa Drive and Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 105.

19. Construct 6 inch curb and gutter, 20 feet west of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
20. Construct two 26 feet wide driveway approaches in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approaches shall be located approximately 245 feet north of the centerline of Tahquitz Canyon Way, and approximately 35 feet south of the north property line, respectively.
21. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the two driveway approaches on Hermosa Drive 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.
22. Construct an 8 feet wide sidewalk behind the curb along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 210.
23. In accordance with the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004), the applicant shall plant shade trees in a formal pattern along the Hermosa Drive frontage, as approved by the Director of Parks and Recreation. The applicant shall be responsible for the perpetual maintenance of the new trees and other parkway landscaping along the Hermosa Drive frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
24. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 315. 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.

#### ANDREAS ROAD

25. A forty (40) feet wide half street right-of-way for Andreas Road from Hermosa Drive to the west property line of that parcel identified by Assessor's Parcel No. 508-070-028 shall be vacated to facilitate the development of this project.



## ON-SITE

26. The minimum pavement section for all on-site 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

27. All sanitary facilities shall be connected to the public sewer system. The on-site sewer system shall not connect to any existing or proposed sewer manhole, and shall connect to any existing or proposed sewer main with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405. No more than two lateral connections shall be made to the public sewer main in Tahquitz Canyon Way.
28. All on-site sewer systems shall be privately maintained.
29. Submit sewer plans to the Engineering Division for review and approval for the on-site private sewer system. Commercial projects may construct private sewer systems to other approved City standards (i.e. Uniform Plumbing Code) upon approval by the City Engineer. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

## GRADING

30. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
  - a) Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable

performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

- b) The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Parcel Map or site plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the associated Water Quality Management Plan.
31. 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.
32. 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.
33. 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.
34. 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.
- 34A. Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
35. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
36. 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.
- 36A. 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). 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.
37. 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.
38. 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.
- 38A. 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.

- 38B. 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.
39. 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 39a. 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 39b. 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 39c. 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).

## DRAINAGE

- 40. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for Museum Square Palm Springs (TPM35989), prepared by VA Consulting, Inc. as revised on May 28, 2008. Final sizing of all on-site storm drainage improvements shall be determined in the final hydrology study and approved by the City Engineer. Provisions for on-site retention of increased stormwater runoff shall be required in the event that the applicant chooses not to construct Storm Drain Lateral 8A.
- 41. Submit storm drain improvement plans for all on-site storm drainage facilities for review and approval by the City Engineer.
- 42. Construct all necessary on-site storm drain improvements, including but not limited to on-site retention basin, catch basins, storm drain lines and drainage channels, as described in a final Hydrology Study for Museum Square Palm Springs (TPM35989), reviewed and approved by the City Engineer.
- 43. 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 adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- 44. 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.

45. As an alternative to on-site retention, the applicant may design and construct Storm Drain Lateral 8A in Tahquitz Canyon Way, from Sunrise Way to Hermosa Drive, as identified on the Master Drainage Plan for the Palm Springs Area. Flood control improvement plans prepared by a registered Civil Engineer shall be submitted to Riverside County Flood Control & Water Conservation District (RCFC).
46. The project is subject to drainage implementation fees of \$9,212 per acre, however, any validated costs incurred by the applicant for design and construction of Storm Drain Lateral 8A will be credited toward the drainage fee otherwise due.

#### GENERAL

47. 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.
48. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800,

for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.

49. All proposed utility lines shall be installed underground.
50. 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.
51. 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 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.
52. 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 certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
53. 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.
54. 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 per City of Palm Springs Standard Drawing No. 904.

#### MAP

55. A Parcel 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 Parcel Map to the Engineering Division as part of the review of the Map.

- 55A. In accordance with Government Code 66411.1 (a), all required public improvements shall be listed in an Improvement Certificate on the Parcel Map and clearly noted that the required public improvements will be the minimum development requirements for Parcels 1 through 4 of Tentative Parcel Map No. 35989, but shall be completed prior to issuance of a building permit on the parcels.
56. In accordance with Section 66445 (j) of the Government Code, the right-of-way for Andreas Road may be abandoned upon the filing of a Parcel Map identifying the abandonment of the easements granted to the City of Palm Springs.
57. Upon approval of a parcel map, the parcel 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

58. As determined by the Hyatt Place Hotel/Marriott Residence Inn Traffic Impact Study (dated May, 2008) prepared by Endo Engineering, the following mitigation measures will be required:
- a. Clear unobstructed sight distance shall be provided at all project access points, consisting of a sight triangle inside the property measuring 8 feet by 8 feet on either side of each access driveway. Screening fences or landscaping shall be restricted within the sight triangle to maintain the required sight distance.
  - b. The loading facilities located on-site off of Hermosa Drive shall be designed in a manner so that trucks will not back onto or off of Hermosa Drive or use any street for parking.
  - c. Install a traffic signal at Tahquitz Canyon Way and Hermosa Drive.
  - d. Contribute a fair share payment of 5.71% (\$5,710.00) of the cost to restripe Calle El Segundo on the approaches to Tahquitz Canyon Way to provide an exclusive northbound and southbound left-turn lane and a shared



through/right-turn lane; and to install eastbound and westbound protective/permissive phasing at the traffic signal existing at the intersection of Tahquitz Canyon Way and Calle El Segundo.

- e. Contribute a fair share payment of 7.13% (\$14,260.00) of the cost to signalize the intersection of Avenida Caballeros and Amado Road.
  - f. Contribute a fair share payment of 6.34% of the cost to design and install dual exclusive northbound and southbound left-turn lanes on Sunrise Way at Tahquitz Canyon Way. The applicant shall provide a cost estimate for these improvements, subject to review and approval by the City Engineer.
  - g. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at each of the four driveway access points on Tahquitz Canyon Way and Hermosa Drive, in accordance with City of Palm Springs Standard Drawing No. 620 through 625.
59. 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 for the first hotel to be constructed, 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 12.29%. Any other fair share costs 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 87.71% of the total cost.
60. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
61. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
62. The applicant shall install a Type R6-1 "One Way" sign within the Tahquitz Canyon Way median, opposite the access points on Tahquitz Canyon Way, for southbound traffic exiting the development, as required by the City Engineer.
63. Construction signing, lighting and barricading shall be provided for on all projects 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 ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones"~~ dated

4996 Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways.

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

**Building Department**

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

**Fire Department:**

1. All components of the proposed project shall participate on a fair share basis in a Community Facilities District or other funding mechanism for Fire Department equipment, facilities and/or personnel, when such a mechanism is implemented by the City.
2. **Radio Communications for the 4 Story Hotels:** Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications as stated in the Palm Springs Municipal Code Chapter 11.03.
3. **Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. More detail is needed for the vertical clearance of the Hyatt Place Porte-Cochere.
4. **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 and driveways, 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.
5. **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.

6. **Access Road Design Required (CFC 503.1.4):** The fire code official shall evaluate access road design in terms of total response efficiency. The fire code official is authorized to make modifications to access road network design, access road routes and inter-connectivity with new or existing roads so that response efficiency is maintained. Left turn and right turn access from Tahquitz Canyon Way into the project shall be provided for emergency access vehicles.
7. **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.
8. **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.
9. **Aerial Fire Access Roads for both 4 Story Hotels (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.
10. **Aerial Fire Access Road Width for both 4 Story Hotels (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.
11. **Aerial Access Proximity to Building for both 4 Story Hotels (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.
12. **Reduced Roadway Width (CFC 503.3):** Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads, traffic calming areas) that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint.
13. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting

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

14. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.
15. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.
16. **Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1):** Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).
17. **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. One private fire hydrant shall be installed near carport unit #24 as per the meeting that occurred on 6/26/08.

18. **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.
19. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated with the installation of fire sprinklers based on Appendix B of the 2007 CFC are as follows:
  - 4 Story Hyatt Place Hotel - 109,112 SF – 2,000 GPM
  - 4 Story Residence Inn Hotel - 87,601 SF – 2,000 GPM
  - 1 Story Retail #1- 7,480 SF – 1,500 GPM
  - 2 Story Retail #2 – 9,680 SF – 1,500 GPM
  - 1 Story Retail #3 – 8,960 SF – 1,500 GPM
20. **Elevator Recall Required (CFC 607.1):** Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. **New elevators** shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
21. **Elevator Stretcher Requirement for both 4 Story Hotels (CBC 3002.4):** Elevator shall be designed to accommodate medical emergency service in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position.
22. **NFPA 13 Fire Sprinkler System is Required:** An automatic fire sprinkler system is required for the three retail buildings. 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  $C_p$  of 0.74 and  $l/r$  Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval.
23. **NFPA 13R Fire Sprinklers Required:** An automatic fire sprinkler system is required for the two 4 story hotels. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13R, 2002 Edition. 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. (6.2.2 NFPA 13R, 2002 Edition)

24. **Balconies and Decks (903.3.1.2.1).** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.
25. **Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3):** Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal per dwelling and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
26. **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.
27. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.
28. **Audible Water Flow Alarms for the Retail Buildings (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.
29. **Audible Residential Water Flow Alarms for the Hotels (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated.
30. **Standpipe Systems required for both 4 Story Hotels (CFC 905.3):** Class 1 Standpipe system is required in addition to the automatic sprinkler system.

31. **Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
32. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2007 Edition.
33. **Residential Smoke Alarms (CFC 907.2.10):** Provide residential single and multiple-station smoke alarms which shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected.
34. **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.
35. **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.

**Conditions for the proposed restaurants in the hotels and retail buildings:**

36. **Ventilating Hood & Duct System (CFC 904.11 & CMC 507.1):** A Type I ventilating hood and duct system shall be provided for commercial-type food heat-processing equipment that produces smoke or grease-laden vapors.
37. **Type I Cooking Hoods (CMC 508.1.1):** Type I cooking hoods shall be constructed of and be supported by steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness or stainless steel not less than 0.94 mm (0.037 in.) (No. 20 MSG) in thickness.
38. **Type I Cooking Hood Enclosure (CMC 508.2):** All seams, joints, and penetrations of Type I cooking hood enclosure that direct and capture grease-laden vapors and exhaust gases shall have a liquidtight continuous external weld to the hood's lower outermost perimeter.
39. **Grease Ducts (CMC 510.5.1):** Grease ducts shall be constructed of and supported by carbon steel not less than 1.37 mm (0.054 in.) (No. 16 MSG) in

- thickness or stainless steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness.
40. **Grease Duct Construction (CMC 510.5.2.1):** All seams, joints, penetrations, and duct-to-hood collar connections of grease ducts shall have a liquidtight continuous external weld.
  41. **Listed Duct Fire Wrap:** The listed duct fire wrap shall provide a two-hour rating.
  42. **Fire Extinguishing System Required (CFC 904.11):** Approved UL 300 automatic fire-extinguishing systems shall be provided for the protection of commercial type-cooking equipment.
  43. **Automatic Power and Fuel Shutoffs (CMC 513.4.1 & CFC 904.11.2):** The automatic fire extinguishing system shall be interconnected to the fuel or current supply for cooking equipment. The interconnection shall shut off all cooking equipment and electrical receptacles which are located under the hood when the system is actuated. Shutoff valves or switches shall be of a type that requires manual operation to reset.
  44. **Exhaust Fan Operation (CMC 511.2.3):** A hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated.
  45. **Exhaust/Makeup Air Operation (CMC 511.3):** The exhaust and makeup air systems shall be connected by an electrical interlocking switch.
  46. **Air Balance/Performance Test (CMC 511.2.2):** Upon completion and before final approval of the installation of a ventilation system serving commercial food heat-processing equipment, a performance test shall be required to verify the rate of airflow and proper operation. Replacement air quantity shall be adequate to prevent negative pressures in the commercial cooking area(s) from exceeding 0.02 in. water column.
  47. **Portable Fire Extinguishers for Food Processing Equipment (CFC 906.1 & 4):** In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.
  48. **Listed Appliance Installation (CMC 515.1.2.1):** All listed appliances shall be installed in accordance with the terms of their listings and the manufacturer's instructions.
  49. **Listed Equipment Installation:** All listed equipment shall be installed in accordance with the terms of their listings and the manufacturer's instructions.



50. **Cooking Hood System Clearances (CMC 507.2.1):** Where enclosures are not required, hoods, grease removal devices, exhaust fans, and ducts shall have a clearance of at least 18 in. to combustible material, 3 in. to limited-combustible material, and 0 in. to noncombustible material. (4.2.1 NFPA 96) Where a hood, duct, or grease removal device is listed for clearances less than those required above the listing requirements shall be permitted.
51. **Fire Suppression Systems Testing (CFC 904.4 & NFPA 17A: 6.4.1):** The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.
52. **Fire Extinguishing System Annunciation (CMC 513.6.2):** Where a fire alarm signaling system is serving the occupancy where the extinguishing system is located, the activation of the automatic fire-extinguishing system shall activate the fire alarm signaling system.

**END OF CONDITIONS**



The Vision to Develop and the Commitment to Deliver

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SEP 16 2010

PLANNING SERVICES  
DEPARTMENT

September 15, 2010

Mr. Edward Robertson  
Principal Planner  
**City of Palm Springs**  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Re: Case No. 5.1160 – PD 341 and TPM 35989**

Dear Edward:

Please consider this letter our formal request to extend the subject PD and Tentative Map for a one year period, commencing September 16, 2010 through September 17, 2011. The current real estate market conditions are such that we are not in a position to secure a construction loan for the planned 306 hotel room and 26,000sf retail/office development. We are hopeful that the market improves and we will be in a position to commence construction prior to September 2011.

Thank you for your continued assistance.

Sincerely,

Rob W. Eres  
**Nexus Development**  
Vice President of Entitlements

RM/sz

Cc: Craig Ewing, Planning Director, City of Palm Springs

REO/14/4/4/RE

**NEXUS Development Corporation Central Division**

1 MacArthur Place, Suite 300, Santa Ana, CA 92707 ph 714.546.5600 fx 714.546.5660

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