



## Planning Commission Staff Report

Date: December 8, 2010

Case No.: 5.1247 CUP Conditional Use Permit / Architectural Approval

Type: Conditional Use Permit

Location: 150 West Vista Chino Road

APN: 504-320-016-7

Applicant: Cadence Development

General Plan: Tourist Resort Commercial

Zone: C-1 (Retail Business) / R-3 (multi family – hotel zone) / Resort Combining Zone Overlay

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

Planner: Ken Lyon, Associate Planner

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### **PROJECT DESCRIPTION:**

The applicant, Cadence Development, has submitted an application for a Conditional Use Permit (CUP) seeking approval of a 24-hour convenience store use within a portion of the existing building at 150 West Vista Chino Road. The project includes renovation of the exterior of the existing building, removal of approximately 1,000 square feet of the existing building, new and existing landscaping and existing off-street parking on an approximately 18,700 square foot (0.43 acre) lot.

On November 17, 2010, the City Council denied a request for a resolution of Public Convenience or Necessity (PCN) for a Type 20 alcohol license for sale of beer and wine at this site. Thus, unless further review by the Council is granted on the PCN request, the proposed convenience store would not offer sale of beer and wine at this time.

### **RECOMMENDATION:**

That the Planning Commission approves Case 5.1247 CUP, subject to the conditions of approval attached as Exhibit A.

**PRIOR ACTIONS:**

On September 20, 2010, the Architectural Advisory Committee (AAC) reviewed the project and voted 6-0-1 (Parker recused) to recommend approval of the project with an increase in the landscape planter on the south end of the Indian Canyon Drive curb cut and driveway to reduce the overall width of this driveway and curb cut for aesthetic reasons. (Subject to review and approval by City Engineering and the Fire Department).

On November 17, 2010, the City Council voted 3-1-1 (Hutcheson opposed, Mills recused) to deny a request by 7-Eleven Inc. for a resolution of Public Convenience or Necessity (PCN) for a Type 20 off-sale beer and wine alcohol license at 150 West Vista Chino Road. The applicant has approached the City Manager seeking a second review of their PCN request with the City Council. If granted, the Council may elect to take up the question of the PCN request, however as presented today, the proposed convenience store would not offer sale of alcoholic beverages.

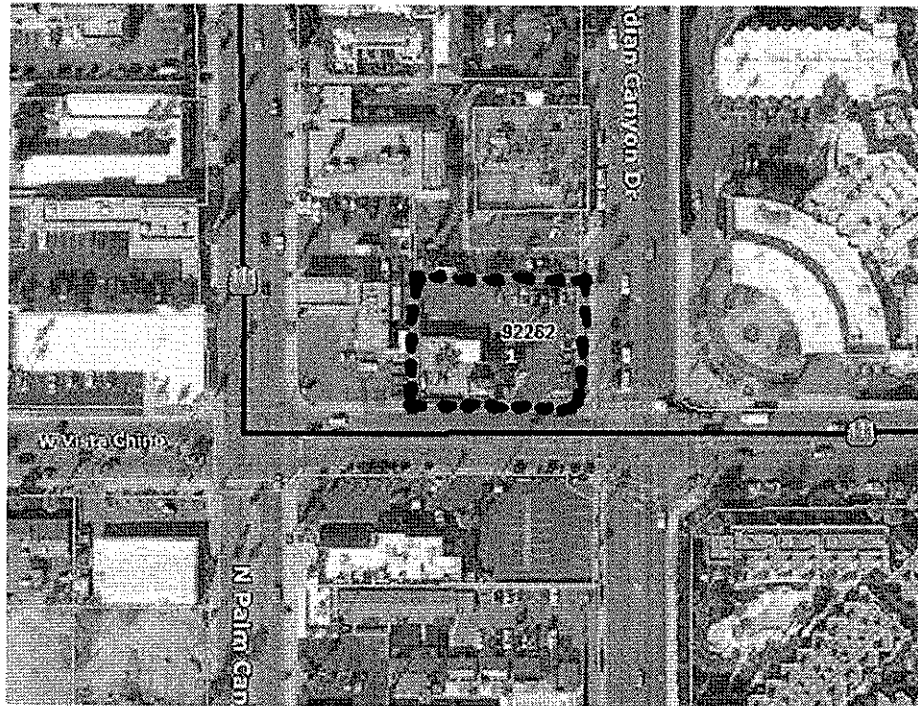
**BACKGROUND AND SETTING:**

The site is located in an area of Palm Springs developed primarily with tourist serving commercial, restaurant and hotel uses. The parcel is essentially flat and fully developed with an existing building, landscaping and off-street parking. The facility previously was used as a restaurant. The surrounding Land Uses are noted in the table below:

**Table 1: General Plan, Zone and Surrounding Land Uses**

	<b>General Plan</b>	<b>Zone</b>	<b>Land Use</b>
North	Tourist Resort Commercial	C-1 / R-3	School (Mojave River School)
South	Mixed Use	R-3	Restaurant (Rick's Desert Grill)
East	Tourist Resort Commercial	R-3	Hotel Resort (The Riviera)
West	Tourist Resort Commercial	C-1	Gas Station (Shell)

The following aerial photo shows the site and surrounding existing uses and development.



AERIAL PHOTO SHOWING PROJECT SITE AND SURROUNDING USES

### PROJECT DESCRIPTION:

The project proposes a 24 hour convenience store use in a renovated existing facility at 150 West Vista Chino Road, at the northwest corner of Vista Chino Road and North Indian Canyon Drive. The existing facility previously contained restaurant uses (formerly known as the Uptown Grill).

#### Site Design:

The site is fully developed from a previous restaurant use with a building, landscaping and 24 off-street parking spaces. There are curb cuts on both North Indian Canyon Drive and Vista Chino. These two streets are major thoroughfares on the City's General Plan Circulation Map. The applicant desires to retain existing curb cuts and vehicular access from both Vista Chino and Indian Canyon Drive. (Vista Chino Road is also California Highway 111.) The proposed landscape plan incorporates both existing and new landscape material. There is an existing three feet high perimeter masonry wall that screens the parking from the adjacent streets. There is also an enclosed trash area that is to remain. A small outdoor patio area is proposed on the north side of the renovated building.

#### Architecture:

The existing building, which totals roughly 5,000 square feet would be reconfigured into two tenant spaces. A portion of the existing building, totaling roughly 1,000 square feet would be removed, leaving a total building footprint of approximately 3,950 square feet. The convenience store use would occupy approximately 2,800 square feet and the general retail uses would occupy the remaining 1,150 square feet. The second floor of the building would be closed off and abandoned in place with no uses proposed for that area of the building.

The exterior of the existing building is proposed to be renovated and re-clad using stucco and simple geometric forms. A neutral color scheme with bold red accent colors is proposed. A new horizontal stucco shade element is proposed on a portion of the Vista Chino elevation that wraps around the east side of the building to demarcate the entrance to the convenience store. The primary entrance for the retail space is proposed on the west end of the south elevation.

Details of the property development standards for the proposed project in relation to the requirements of the C-1/R-3 zone are shown in Table 2.

**Table 2: Development Standards (Minimums, unless otherwise stated)**

	<b>C-1 / R-3</b>	<b>Proposed Project</b>
Lot Area	20,000 square feet	18,700 (legal non conforming)
Lot Width	100	118 (conforms)
Lot Depth	150	158 (conforms)
Yards & Setbacks	5 feet along the street	0 ( <b>does not conform; see notes</b> )
Building Height (max.)	30 feet maximum	27 feet (conforms)
Building Coverage	2,000 sf minimum	3,950 (conforms)
Off-Street Parking	1:200 sf convenience store uses; 1:300 sf retail uses = 18 required	24 provided (conforms)

Note: City databases show the existing building was constructed in 1968 with permits, therefore although the current setback does not conform; the building is considered legal non-conforming.

## **ANALYSIS:**

### General Plan:

The General Plan Designation of the subject site is Tourist Resort Commercial. This land use designation encourages development of retail, commercial, hotel and resort uses that support the tourism industry of Palm Springs.

The proposed use as a convenience store is consistent with this General Plan designation because it is a use that provides a variety of goods and products used by visitors to the city and the nearby resorts and hotels.

### Zoning Designation:

The proposed site is zoned C-1 / R-3. This "split-zoning" occurs frequently on parcels located between Palm Canyon Drive and Indian Canyon Drive. The C-1 zone is established on the Palm Canyon Drive frontage and the R-3 zone is established on the Indian Canyon Drive frontage. The subject lot is approximately 153 feet in depth and roughly the western two-thirds of the parcel is in the C-1 zone (where the existing building is located) and the remainder of the site is R-3 (the eastern third, where most of the existing parking lot is located).

Pursuant to the City of Palm Springs Zoning Code (PSZC), Section 92.12.01 Convenience Store uses are permitted in the C-1 zone subject to approval of a CUP.

Off-Street Parking:

The proposed uses require 18 off-street parking spaces and 24 spaces are existing, thus the number of spaces is adequate for the proposed uses. There are some aspects of the design of the existing parking that will need minor improvement to conform to the design standards for off-street parking, such as the required two-foot sidewalk at end spaces. Staff will identify these in the Conditions of Approval as well as the driveway revisions requested by the AAC.

Development Standards:

Table 2 above shows the development standards for the C-1 zone. The project is generally consistent with the development standards. Certain conditions, such as the lot size and building setback from the street are legal non-conforming. Staff notes that at the time of subdivision to create the lot, the lot conditions were conforming. Subsequent widening of the roadway right-of-way for Vista Chino created the reduced setback. No change or correction of these conditions is required as part of the subject application.

Redevelopment Area.

The project is located in Redevelopment Area One. Redevelopment of this parcel with viable new uses will provide the RDA with incremental tax funding in the future based on the increased valuation of the property.

The Resort Combining zone:

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

*"The "R" resort overlay zone is intended primarily to provide for accommodations and services for... visitors while guarding against the intrusion of competing land uses. Uses shall be as provided in the underlying zone with which the "R" zone is combined,... Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."*

For non-residential uses, there are no specific findings that are required in association with the Resort Combining Overlay zone. Since convenience store uses are permissible in the underlying C-1 zone with a CUP, the proposed use is deemed consistent with the R overlay.

**REQUIRED FINDINGS:**

Convenience Store uses may be approved in the C-1 zone subject to the findings set forth in Section 94.02.00 "Conditional Use Permit" as follows. Review of commercial projects in which alteration of existing structures is proposed must be evaluated against the Architectural Review Guidelines of Section 94.04 ("Architectural Review") That review is also evaluated below.

Findings for the CUP for the proposed convenience store use:

*The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:*

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

The application proposes a convenience store use on a parcel zoned C-1/R-3. Pursuant to PSZC Section 92.12.01(D)(7), convenience stores are permissible in the C-1 zone subject to a conditional use permit (CUP).

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

The applicant is proposing a 24-hour convenience store at 150 West Vista Chino Road. The site is immediately adjacent to a large resort hotel (The Riviera) and other smaller hotels. It is also adjacent to residential areas containing both single family and multi family development and a K-12 charter school. It is located on two major thoroughfares (North Indian Canyon Drive and Vista Chino Road). Indian Canyon Drive is a major route for tourists, visitors and residents entering the City from Interstate 10 to the north. The proposed convenience store would be a desirable use at this site because it would provide access to food and other sundries commonly used by hotel guests and local residents.

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

The site on which the proposed convenience store is located is roughly 18,700 gross square feet (0.43 acres). The site is fully developed with a building and twenty-four (24) off-street parking spaces. The proposed uses require eighteen spaces and therefore adequate parking is provided. The existing development on the site generally conforms to the development standards of the zone; however minimum lot size and building set back from Vista Chino Road are considered "legal non-conforming conditions". The site is provided with perimeter screening walls and landscaping at the existing off-street parking lot pursuant to the City's Zoning Code.

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

The site has direct access to North Indian Canyon Drive and Vista Chino Road, both major thoroughfares on the City's General Plan Circulation Map. Traffic studies were conducted for the proposed uses and it was determined that the project does not cause any adverse impacts on traffic patterns in the vicinity. The project therefore conforms to this finding

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

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Architectural Review:

The Zoning Code requires that alterations to existing commercial structures must be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "Architectural Review". The review of such projects is required "to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color". Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

The project is proposed on a site that was previously fully developed for commercial uses (a restaurant). The project proposes to remove approximately 1,000 square feet of the existing building and retains more than the minimum required off-street parking spaces for the proposed uses. The site provides separation of pedestrian areas from vehicular areas and appropriate paths of travel for full accessibility. It also provides landscape areas, perimeter walls to screen the parking area from adjacent areas and adequate accommodation of trash and utility enclosures. The project conforms to this statement.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The project is surrounded by other existing commercial, retail, school and hotel uses. It is a fully developed urbanized area of the City. The renovation of the exterior of the existing building proposes a simple, contemporary architectural style that is complementary to the surrounding developments. Staff believes the project conforms to this statement.

3. *Maximum height, area, setbacks and overall mass, as well as parts*

*of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

The project proposes to reuse and renovate an existing commercial structure and off-street parking lot. The overall massing and volume of the existing building will be reduced by roughly 1,000 square feet of floor area, thereby reducing the overall density of physical development on the site. Existing and future mechanical units will be properly screened from view and no additional increase in height is proposed for the existing building. Therefore staff has concluded the project conforms to this statement.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously, AND*
6. *Consistency of composition and treatment,*

The project proposes to renovate the existing building using a simple, contemporary architectural aesthetic. The materials and colors are muted tones of grey and off white with an accent of red at the canopy structure. The project was reviewed by the Architectural Advisory Committee which, by a vote of 6-0-1 recommended it for approval by the Planning Commission with the addition of a reduction in width of the Indian Canyon Drive entry to the parking lot and the addition of more landscaping at the south end of that entry. Staff has concluded the project is sympathetic with its surroundings, and offers a good visual composition and architectural treatment.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The project proposes to reuse most of the existing healthy landscape material and where necessary, adds drought-tolerant plant species deemed appropriate to the desert environment. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

#### **ENVIRONMENTAL DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt per Section 15303 "Conversion of Small Structures".

#### **CONCLUSION:**

The project was recommended for approval by the Architectural Advisory Committee. It conforms to the findings of Zoning Code Section 94.02.00 (Conditional Use Permit) for a convenience store in the C-1 zone. It is in conformance with the criteria for development set forth in Section 94.04.00(D)(9) "Architectural Review". Therefore



based on the above analysis, staff is recommending approval of Case 5.1247-CUP subject to the attached Conditions of Approval outlined in Exhibit A.

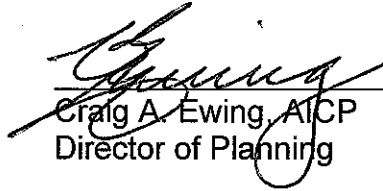
**NOTIFICATION:**

Notification of this public hearing was sent to adjacent property owners within a 400 foot radius of the subject parcel. As of the writing of this report, staff has received written correspondence from the public, which is attached to this staff report.



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Ken Lyon  
Associate Planner



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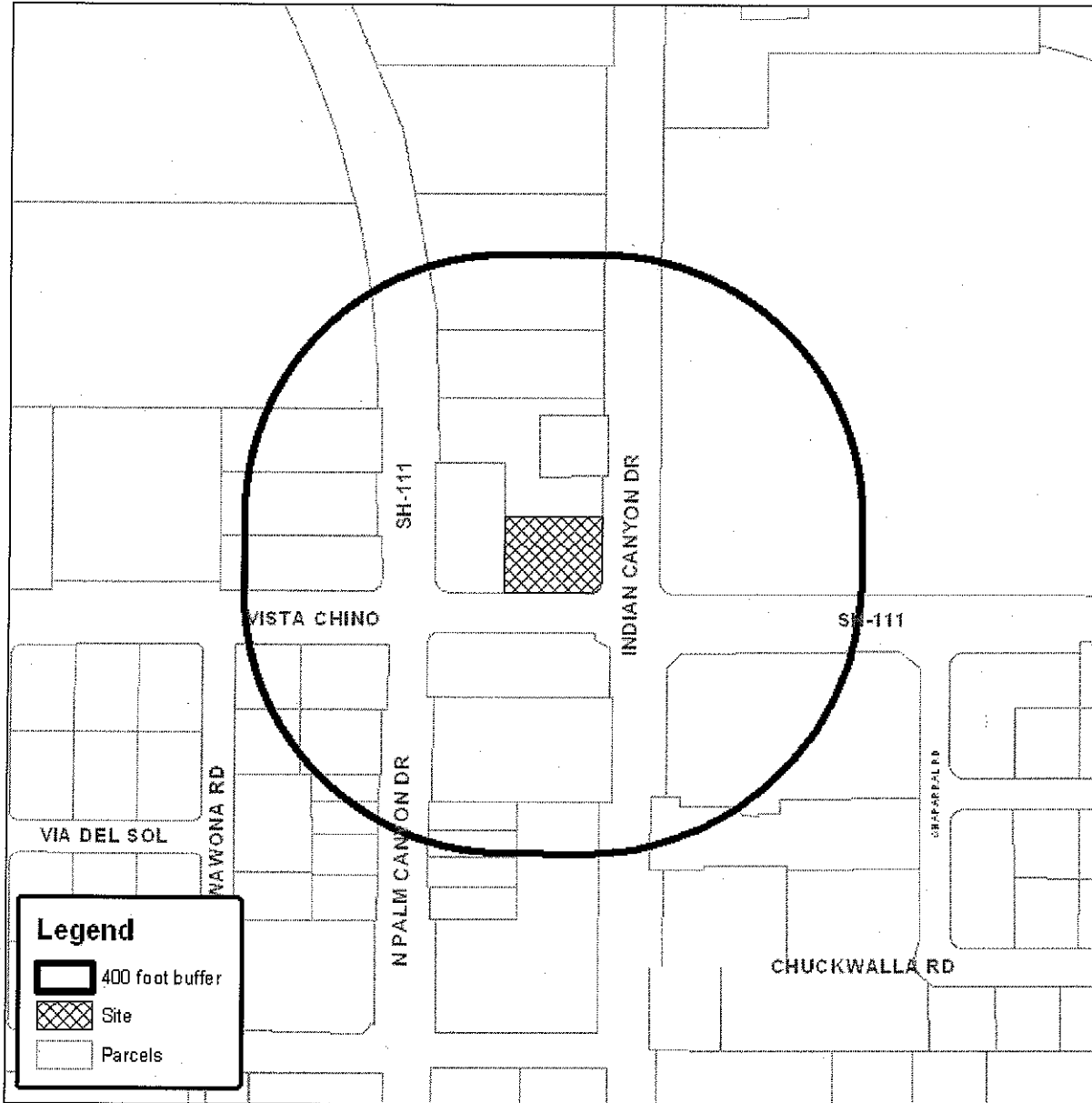
Craig A. Ewing, AICP  
Director of Planning

**Attachments:**

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Reductions of site plan and elevations
- Public Correspondence



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO.:** 5.1247 CUP

**APPLICANT:** Cadence Development, LLC

**DESCRIPTION:** A request for a Conditional Use Permit for a 24-hour convenience store use in an existing renovated building on a roughly 18,700 square foot lot at 150 West Vista Chino Road, Zone C-1 / R-3, Section 3.

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1247 CUP, A CONDITIONAL USE PERMIT FOR ESTABLISHMENT OF CONVENIENCE STORE USES AT 150 WEST VISTA CHINO ROAD; ZONE C-1 / R-3, SECTION 3. TOWNSHIP 4, RANGE 4; APN 504-320-016.

WHEREAS, Cadence Development LLC, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking approval to establish convenience store uses at 150 West Vista Chino Road; and

WHEREAS, on September 20, 2010, the Architectural Advisory Committee met and voted 6-0-1 (Parker recused) to recommend approval of the project to the Planning Commission subject to reducing the width of the driveway width on North Indian Canyon Drive and increasing the landscape area south of that entry drive; and

WHEREAS, a notice of public hearing for Case 5.1247 CUP was given in accordance with applicable law; and

WHEREAS, on December 8, 2010, a public meeting on Case 5.1247 CUP 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") The project has been evaluated in accordance with the guidelines of CEQA and determined to be Categorically Exempt pursuant Section 15303 (Conversion of Small Structures), and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission finds that the proposed project is Categorically Exempt pursuant to Section 15303 (Conversion of Small Structures).

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:

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

The application proposes a convenience store use on a parcel zoned C-1/R-3. Pursuant to PSZC Section 92.12.01(D)(7), convenience stores are

permissible in the C-1 zone subject to a conditional use permit (CUP).

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

The applicant is proposing a 24-hour convenience store at 150 West Vista Chino Road. The site is immediately adjacent to a large resort hotel (The Riviera) and other smaller hotels. It is also adjacent to residential areas containing both single family and multi family development and a school. It is located on a two major thoroughfare (North Indian Canyon Drive and Vista Chino Road). Indian Canyon Drive is a major route for tourists, visitors and residents entering the City from Interstate 10 to the north. The proposed convenience store would be a desirable use at this site because it would provide access to food and other sundries commonly used by hotel guests and local residents.

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

The site on which the proposed convenience store is located is roughly 18,700 gross square feet (0.43 acres). The site is fully developed with a building and twenty-four (24) off-street parking spaces. The proposed uses require eighteen spaces and therefore adequate parking is provided. The existing development on the site generally conforms to the development standards of the zone; however minimum lot size and building set back from Vista Chino Road are considered "legal non-conforming conditions". The site is provided with perimeter screening walls and landscaping at the existing off-street parking lot pursuant to the City's Zoning Code.

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

The site has direct access to North Indian Canyon Drive and Vista Chino Road, both major thoroughfares on the City's General Plan Circulation Map. Traffic studies were conducted for the proposed uses and it was determined that the project does not cause any adverse impacts on traffic patterns in the vicinity. The project therefore conforms to this finding

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

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Section 3: Pursuant to Zoning Code Section 94.04 (Architectural Approval), the Planning Commission finds as follows:

The Zoning Code requires that alterations to existing commercial structures must be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "Architectural Review". The review of such projects is required "to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color". Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

The project is proposed on a site that was previously fully developed for commercial uses (a restaurant). The project proposes to remove approximately 1,000 square feet of the existing building and retains more than the minimum required off-street parking spaces. The site provides separation of pedestrian areas from vehicular areas and appropriate paths of travel for full accessibility. It also provides landscape areas, perimeter walls to screen the parking area from adjacent areas and adequate accommodation of trash and utility enclosures. The project conforms to this statement.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The project is surrounded by other existing commercial, retail and hotel uses. It is a fully developed urbanized area of the City. The renovation of the exterior of the existing building proposes a simple, contemporary architectural style that is complementary to the surrounding

developments. The project conforms to this statement.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

The project proposes to reuse and renovate an existing commercial structure and off-street parking lot. The overall massing and volume of the existing building will be reduced by roughly 1,000 square feet of floor area, thereby reducing the overall density of physical development on the site. Existing and future mechanical units will be properly screened from view and no additional increase in height is proposed for the existing building. Therefore the Planning Commission has concluded the project conforms to this statement.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously, AND*
6. *Consistency of composition and treatment,*

The project proposes to renovate the existing building using a simple, contemporary architectural aesthetic. The materials and colors are muted tones of grey and off white with an accent of red at the canopy structure. The project was reviewed by the Architectural Advisory Committee which, by a vote of 6-0-1 recommended it for approval by the Planning Commission with the addition of a reduction in width of the Indian Canyon Drive entry to the parking lot and the addition of more landscaping at the south end of that entry. The Planning Commission has concluded the project is sympathetic with its surroundings, and offers a good visual composition and architectural treatment.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The project proposes to reuse most of the existing healthy landscape material and where necessary, adds drought-tolerant plant species deemed appropriate to the desert environment. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1247-CUP for the establishment of a 24 hour convenience store at 150 West Vista Chino Road, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 8th day of December, 2010.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

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

**EXHIBIT A**

Case 5.1247 CUP

150 West Vista Chino Road

December 8, 2010

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1247 CUP; except as modified with the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (September 2, 2010), including site plans, architectural elevations, exterior materials and colors, and landscaping, on file in the Planning Division except as modified by the approved conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1247 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter



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

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be

computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

- ADM 11. Maintenance of Outdoor Seating/Dining. Daily cleaning and wash down of sidewalks and paved areas for any outdoor seating will be required.
- ADM 12. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution
- ADM 13. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 22. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 23. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.
- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 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 Exemption. Action on this application shall not be considered final until such fee is paid.

## PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and any state water efficiency ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar

reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan.

- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 6. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 11. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 12. Revised Site Plan Required. Prior to issuance of building permits, the applicant shall submit to the Planning Department for approval by the Planning Department, the Fire Department and the Public Works Department, a revised site plan incorporating the changes to the Indian Canyon Drive parking lot entry recommended by the Architectural Advisory Committee. The changes include reducing the width of the driveway by increasing the landscape planting area at the south side of the Indian Canyon Drive driveway. In addition, parking lot design revisions including two foot concrete strips at all end spaces adjacent to landscape areas must be added to conform to the Parking Lot Design Standards of Zoning Code 93.06.00.
- PLN 13. Approval of Traffic Study by Caltrans Required. The traffic impact analysis prepared for this project is subject to final review and approval by Caltrans. Access restrictions of the existing driveway on Vista Chino (SR111) may be imposed by Caltrans upon their review of the traffic impact analysis. The

applicant shall incorporate changes to the site plan as necessary to facilitate access restrictions to the driveway as required by Caltrans.

PLN 14. (add any additional conditions imposed by the Planning Commission or City Council here)

#### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.
- POL 2. The applicant must post "No Loitering "signs on the premises applicable to city ordinance regulations approved by Code Enforcement and the Police Department.
- POL 3. The applicant must provide security lighting externally and cameras internally and externally approved by Code Enforcement and the Police Department.
- POL 4. The trash enclosure must have lockable gates.
- POL 5. Proper signage must be displayed throughout the store that indicates it is against the law to sell tobacco products to anyone under the age of 18 years.
- POL 6. Proper signage must be displayed throughout the store that indicates it is against the laws to sell alcohol products to anyone under the age of 21 years

#### **BUILDING DEPARTMENT CONDITIONS**

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

#### **ENGINEERING DEPARTMENT CONDITIONS**

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

#### **STREETS**

- ENG 1. Encroachment Permit. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. State Permits. Applicant shall obtain State permits and approval of plans for any work done on State Highway 111 (Vista Chino). A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any grading or building permits.

#### **VISTA CHINO (HIGHWAY 111)**

ENG 3. All broken or off grade street improvements shall be repaired or replaced.

#### N. INDIAN CANYON DRIVE

ENG 4. Driveway Revisions on Indian Canyon Drive. In accordance with the Architectural Advisory Committee recommendation, remove the existing 46 feet wide driveway approach and construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The southerly 22 feet of the existing driveway approach shall be reconstructed with new curb, gutter and sidewalk to match existing, in accordance with applicable City standards.

ENG 5. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

ENG 6. Dust Control. Prior to issuance of a demolition permit by the Building Department, a Fugitive Dust Control Plan shall be prepared by the applicant and/or its demolition contractor and submitted to the Engineering Division for review and approval. The applicant and/or its demolition 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 demolition 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 issuance of demolition permit.

ENG 7. 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.

ENG 8. The minimum pavement section for all on-site pavement 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.

## GENERAL

- ENG 9. 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.
- ENG 10. All proposed utility lines shall be installed underground.
- ENG 11. 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 12. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 13. 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.

## TRAFFIC

- ENG 14. The traffic impact analysis prepared for this project is subject to final review and approval by Caltrans. Access restrictions to the existing driveway on Vista Chino (SR111) may be imposed by Caltrans upon their review of the traffic impact analysis. The applicant shall incorporate changes to the site plan as necessary to facilitate access restrictions to the driveway as required by Caltrans.
- ENG 15. 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 16. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 17. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on

Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

## **FIRE DEPARTMENT CONDITIONS**

- FID 1. Fire Department Conditions are based on the 2007 California Fire Code. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received September 2, 2010. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. **Fixtures and displays (CFC 314.2)** Fixtures and displays of goods for sale to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.
- FID 3. **Storage in buildings (CFC 315.2)** Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.
- FID 4. **Ceiling clearance (CFC 315.2.1)** Storage shall be maintained 2 feet (610 mm) or more below the ceiling in non sprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.
- FID 5. **Means of egress (CFC 315.2.2)** Combustible materials shall not be stored in exits or exit enclosures.
- FID 6. **Equipment rooms (CFC 315.2.3)** Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.
- FID 7. **Combustible Storage (CFC 315.3):** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.
- FID 8. **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 9. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.



- FID 10. **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 11. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
- FID 12. **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.
- FID 13. **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 14. **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 15. **Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 16. **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required. The existing fire sprinkler system had a 5 year certification in March 2009. Any changes in the storage of commodities and/or high piled storage applications will require a fire sprinkler plan submittal to the fire department.
- FID 17. **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 18. **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.
- FID 19. **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 20. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 21. **High Piled Storage:** If materials to be stored are anticipated to exceed 12 feet in height, additional requirements will be required. Contact the fire department plans examiner for more detailed requirements.
- FID 22. **Hazardous Materials:** No hazardous materials will be stored and or used within the buildings.
- FID 23. **Means of Egress:** Applicant will adhere to CFC 2007 - CHAPTER 10 MEANS OF EGRESS for this building.

**END OF CONDITIONS**

**RECEIVED**

SEP 02 2010

PLANNING SERVICES  
DEPARTMENT

LEGAL DESCRIPTION  
APN: 504-320-0117  
ZONE: C-1/R3

PROJECT ADDRESS  
110 EAST VISTA CHINO  
PALM SPRINGS, CA 92262

**SITE CALCULATIONS**

EXISTING BUILDING AREA	4,500 S.F.	21.3%
NEW BUILDING AREA	3,580 S.F.	17.2%
OPEN AREA / LANDSCAPE	4,870 S.F.	23.5%
TOTAL LOT AREA	19,700 S.F.	98.0%

**PARKING PROVIDED**

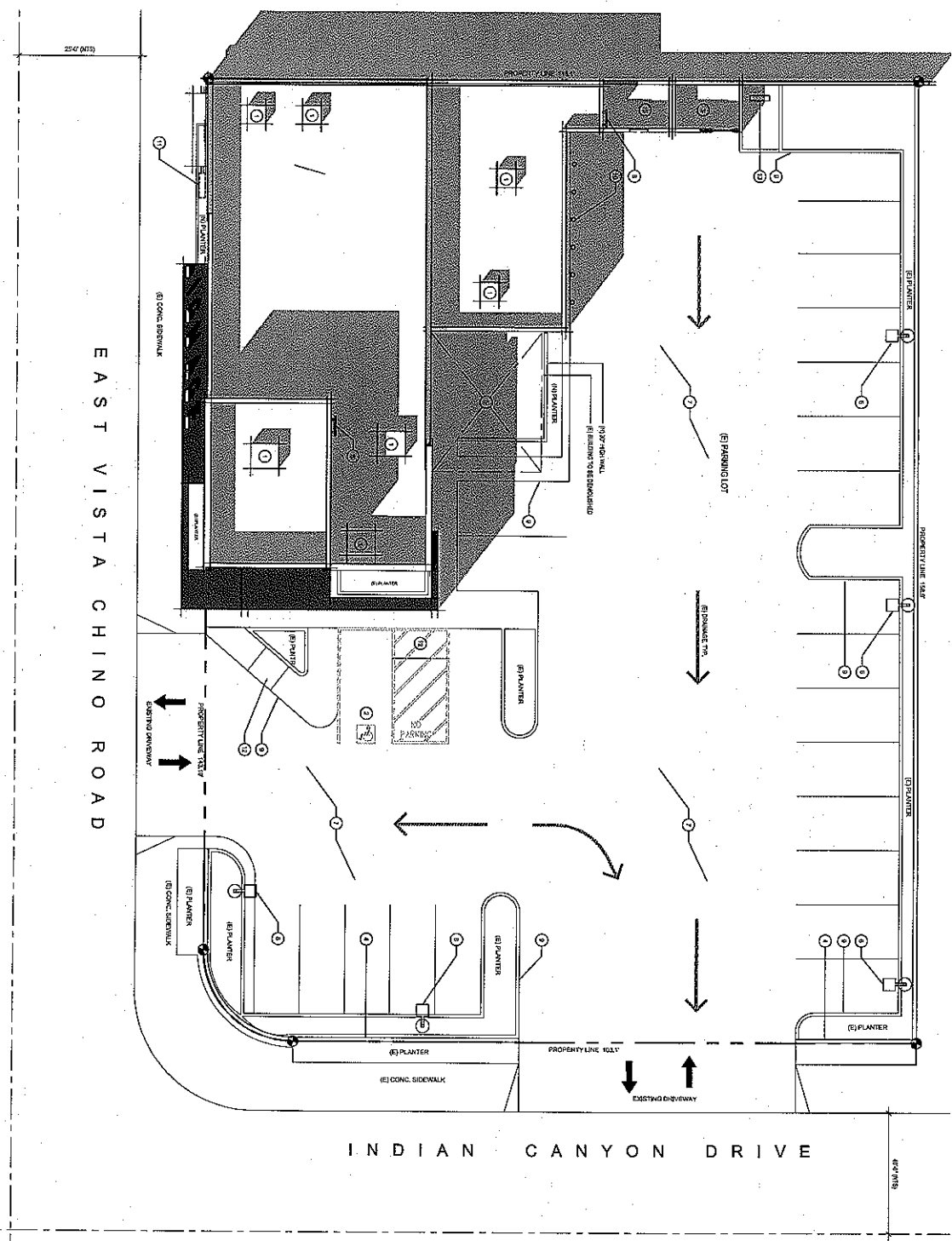
EXISTING HC STALLS	1 SPACE
TOTAL EXISTING STALLS	24 SPACES

**NOTE:**

THE EXISTING SITE IS COMPLETELY APPROVED W/ SLOPE SUBSTANTIALLY LESS THAN 5% (SEE EXISTING PLOTS)

**PLAN KEYNOTE LEGEND**

- 1 EXISTING HANG ROOF TOP EQUIPMENT
- 2 EXISTING/NEW PARKING
- 3 EXISTING/NEW ENCLOSURE
- 4 EXISTING 2" RIB (CA) WALL
- 5 EXISTING SIGN AREA TO BE DEMOLISHED AND CONVERTED TO NEW ON-TOP ROOF SIGN AREA / LANDSCAPE
- 6 EXISTING/NEW LIGHT FIXTURE
- 7 EXISTING/NEW TRAWL
- 8 EXISTING ROOF CURBS
- 9 EXISTING 8" CONCRETE CURB
- 10 EXISTING ISLAND POST
- 11 EXISTING FIVE RIB CONNECTIONS RETEN
- 12 EXISTING CONC. W/MP
- 13 EXISTING CONC. W/MP
- 14 EXISTING CONC. W/MP
- 15 EXISTING W/MP
- 16 EXISTING W/MP
- 17 EXISTING W/MP



**SITE PLAN / ROOF PLAN : RETAIL / MARKET BUILDING**

CADENCE CAPITAL INVESTMENTS LLC  
176 N. CRESCENT DRIVE, SUITE 4, BEVERLY HILLS, CA 90210  
TEL: (650) 387-9023 FAX: (310) 385-0283

Scale: 1" = 1/8" = 1'-0"

Job Number: 75-10414-00  
Date: 08-07-10  
480 S. Farrell Drive, Suite C-203, Palm Springs, CA 92262-7944 / 760.320.1709

**A1**  
**DLR Group**  
**WWCOT**  
Architectural Services - Planning Services

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SEP 09 2010

PLANNING SERVICES  
DEPARTMENT



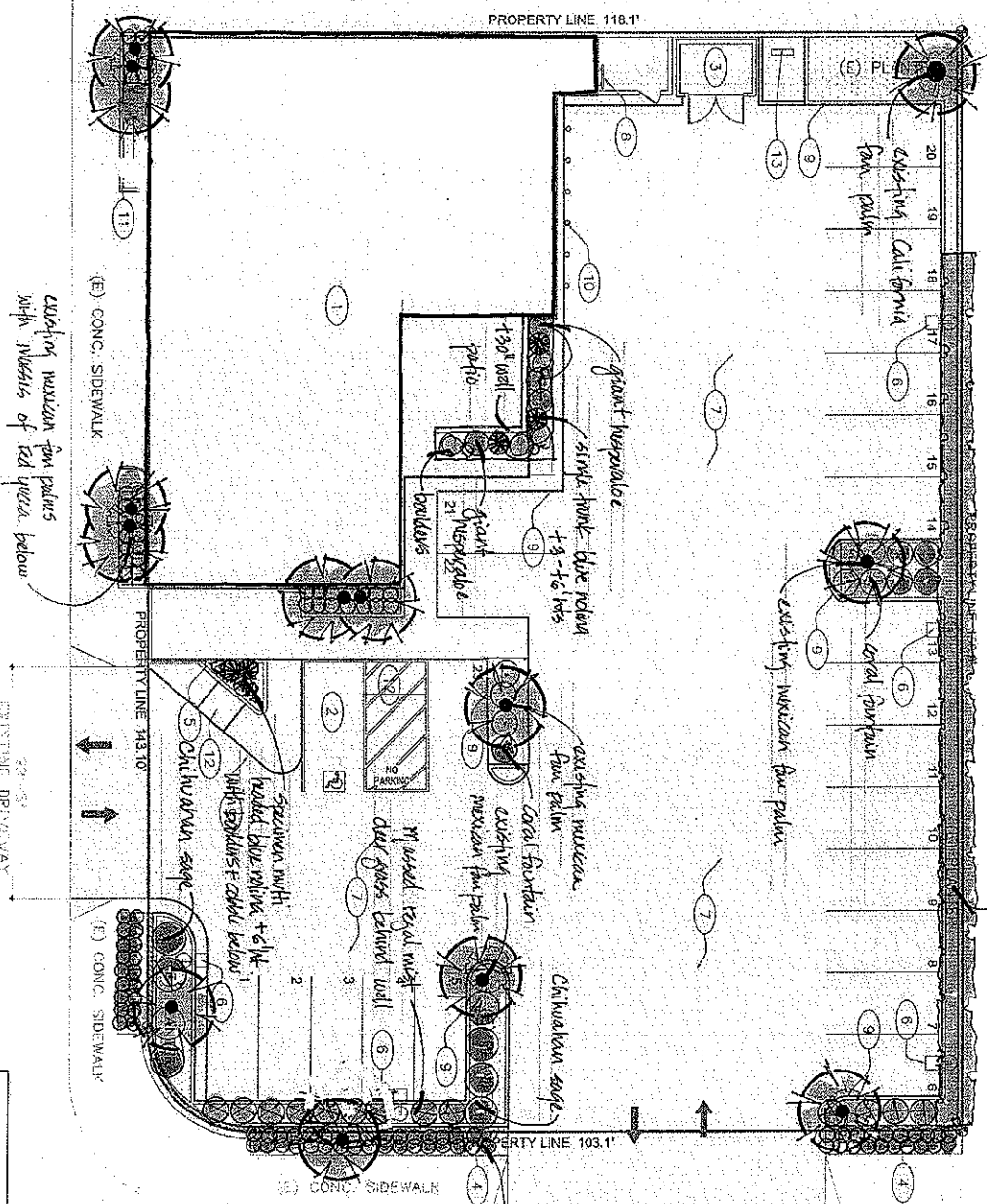
CONCEPTUAL PLANTING PLAN

PROJECT: CADENCE CAPITOL INVESTMENTS LLC -  
RETAIL/MARKET  
PALM SPRINGS, CA

L-500

VISTA CHINO DRIVE

INDIAN CANYON DRIVE

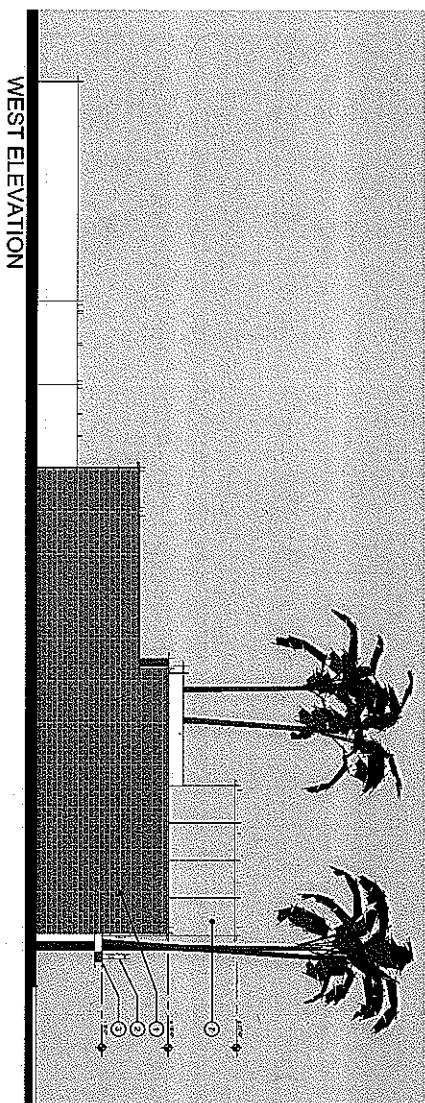
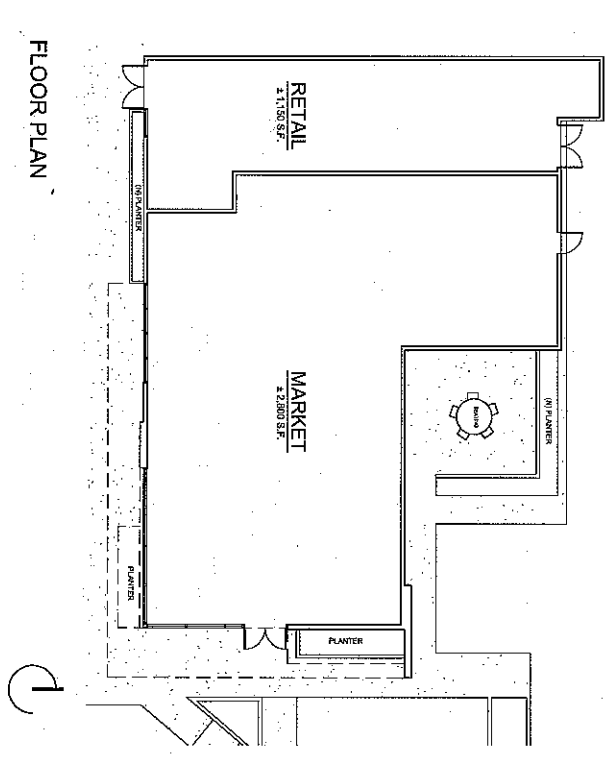
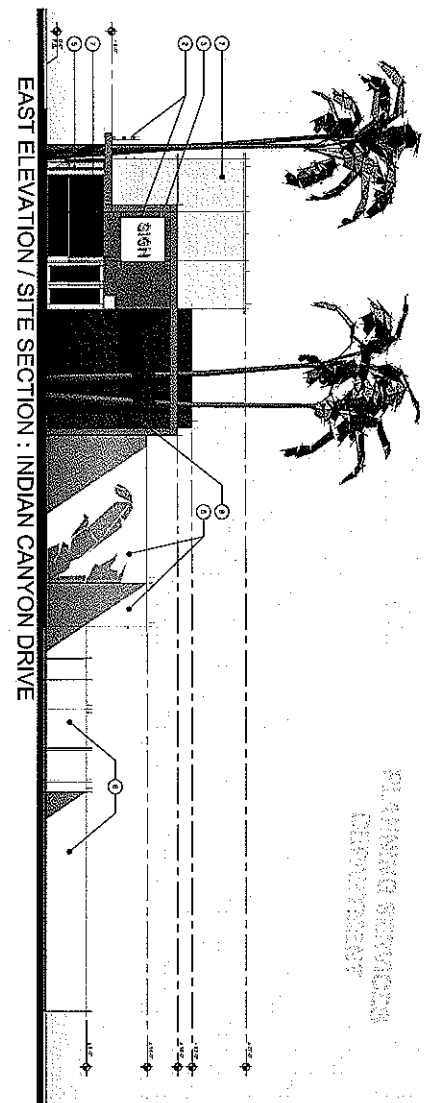
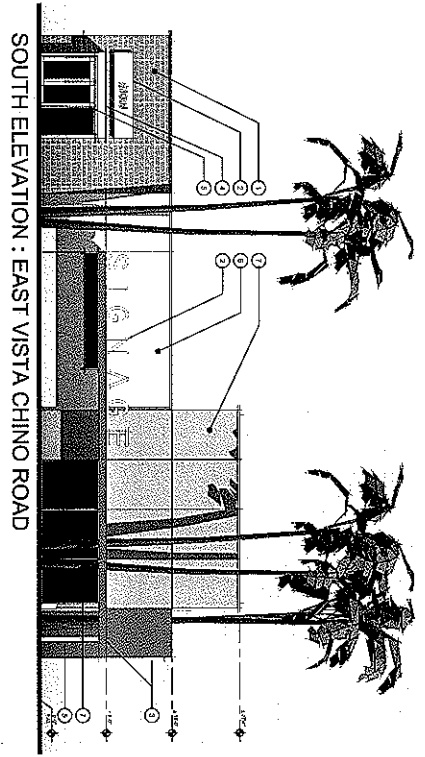


**PLANT LEGEND**

NO.	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
1	(Symbol)	California fan palm	California fan palm	12"	
2	(Symbol)	Chihuahuan sage	Chihuahuan sage	2'	
3	(Symbol)	granite boulders	granite boulders	21"	
4	(Symbol)	grass plantings	grass plantings	at red bricks	
5	(Symbol)	existing Mexican fan palm	existing Mexican fan palm	12"	
6	(Symbol)	existing coral fountain	existing coral fountain	12"	
7	(Symbol)	existing Mexican fan palm	existing Mexican fan palm	12"	
8	(Symbol)	existing Califormia fan palm	existing Califormia fan palm	12"	
9	(Symbol)	existing Mexican fan palm	existing Mexican fan palm	12"	
10	(Symbol)	existing Califormia fan palm	existing Califormia fan palm	12"	
11	(Symbol)	existing Mexican fan palm	existing Mexican fan palm	12"	
12	(Symbol)	existing Mexican fan palm	existing Mexican fan palm	12"	
13	(Symbol)	existing Califormia fan palm	existing Califormia fan palm	12"	

**NOTE:**  
1. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.  
2. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.  
3. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.  
4. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.

SPECIFICATIONS	BOOK
DRAWN	PP
CHECKED	PP
PROJ. NO.	RK03
DATE	9/2/10
SCALE	1/8"=1'-0"
REVISIONS	
SHEET NO.	



**RETAIL / MARKET BUILDING**

CADENCE CAPITAL INVESTMENTS, LLC  
 178 N. GREENWAY DRIVE, SUITE 4, BERKELEY, CA 94709  
 TEL: (925) 365-9023 FAX: (925) 365-9043

Scale: 1" = 18' = 1'-0"

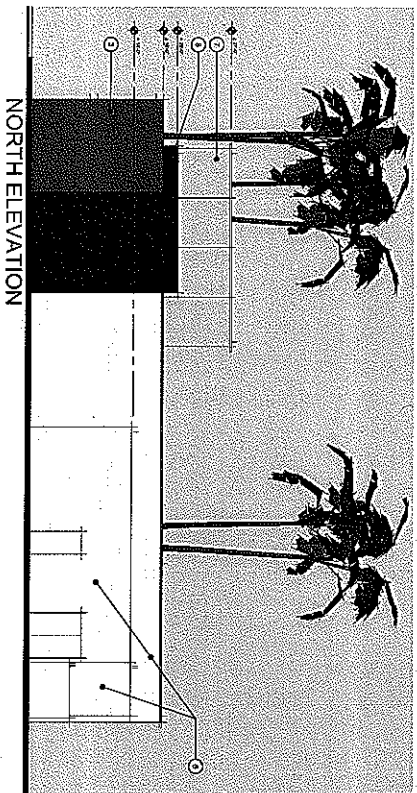
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 Date: 08-01-10

490 S. Farwell Drive, Suite C-203, Palm Springs, CA 92262-7944 / 760.320.1709

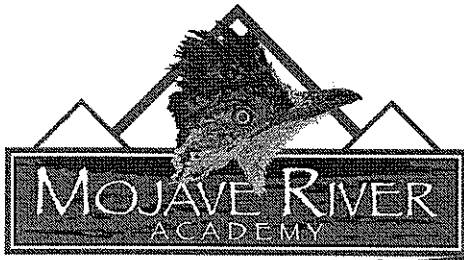
**A2**

**DIR Group**  
**WWCOT**

Address: Engineering Building, Suite 100



PLANNING SERVICES  
 DEPARTMENT



1776 N Palm Canyon Drive • Phone 760.524.1130 • Fax 760.327.9780  
• nlewis@mojaveriver.net • www.mojaveriver.net

Palm Springs

November 20, 2010

Dear Ken Lyons:

We at Mojave River Academy, DO NOT support a 7-11 or 24 hour convenience in the location where the Uptown Grill used to be. The letter that was previously written was in support of a Trader Joe's or Fresh and Easy upscale market/grocery store. At no time were we informed that a convenience store or liquor store would be residing in this location, and we do not support such a plan by any means.

It has come to our attention that the parties involved have used our letter to lend our support to their new idea of this convenience store; please disregard any other letters presented by these third parties on this issue. Our stance is that we do not support the idea of another 24 hour convenience store or liquor store anywhere near our facility. We are an academic academy first and foremost. Should our attendance be required at any meeting in this regard or should we need to be contacted please feel free to do so at (503) 459-3968. This is my personal cell phone, and I will discuss the issue with anyone who needs to hear from Mojave River Academy first hand. Thank you for your attention to this matter.

Sincerely,

Jared Mecham  
Mojave River Academy, Palm Springs

RECEIVED

NOV 29 2010

PLANNING SERVICES  
DEPARTMENT