



City Council Staff Report

DATE: December 15, 2010

PUBLIC HEARING

SUBJECT: HUNTER HOLDINGS, LLC, FOR THE APPROVAL OF TENTATIVE TRACT MAP 33334 FOR THE PURPOSE OF CREATING A CONDOMINIUM MAP WITHIN A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 313; A MIXED USE DEVELOPMENT CONSISTING OF FLAG LOTS, EXISTING DWELLING UNITS, STRUCTURES AND NEW 57 TOWNHOME UNITS LOCATED AT 2743 NORTH INDIAN CANYON DRIVE.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a proposal to approve a tentative tract map for the previously approved mixed-use development within the existing Racquet Club of Palm Springs. The tentative tract map is for the purpose of creating a condominium map consisting of flag lots, existing dwelling units, structures and new 57 townhome units under construction at the subject site. On February 15, 2006, the City Council approved Planned Development District 313 along with TTM 33334; the tentative map expired prior to the filing and recordation of the final map. This application is a new submittal of the same map.

RECOMMENDATION

1. Open the public hearing and receive public testimony;
2. Approve Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 33334 FOR THE PURPOSE OF CREATING A CONDOMINIUM MAP FOR THE PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT WITHIN THE EXISTING RACQUET CLUB OF PALM SPRINGS LOCATED AT 2743 NORTH INDIAN CANYON DRIVE, ZONE PDD-313, SECTION 3."

ITEM NO. 1.A.

PRIOR ACTIONS

The Historic Site Preservation Board (HSPB) reviewed the proposed development on September 13, 2005, and made a recommendation of approval to the Planning Commission.

On December 28, 2005, the project was reviewed by the Planning Commission which adopted a favorable recommendation to City Council (by a vote of 6-0-1, absent).

On February 15, 2006, the City Council approved the proposed project as recommended by the Planning Commission.

On November 10, 2010, the Planning Commission reviewed the tentative tract map application and with a vote of 6-0-1, (Commissioner Conrad, absent), recommended approval to the City Council.

BACKGROUND

On December 28, 2005, the Planning Commission conducted a public hearing meeting to review a proposal consisting of a Planned Development District (PD 313), Tentative Tract Map, (TTM 33334) and a Major Architectural application (5.1052). The planned development application allowed for new development standards within the existing Racquet Club facility. Tentative Tract Map 33334 is to create a condominium map, and the Major Architectural application is for remodeling, conversion and expansion of the Historic Racquet Club of Palm Springs.

The project includes a private residential development with both multi-family and single-family residences involving the restoration of sixteen (16) existing units and development of fifty-seven (57) additional dwelling units made up of nine (9) new residential structures. The project would consist of 2.24 acres of building coverage, 7.84 acres devoted to common areas, 4.48 acres of open space, approximately 0.31 acres devoted to pools and tennis courts, and 3.04 acres of hardscape (paved) area on the approximately 10.08-acre site.

The project includes the restoration of the existing Bamboo Room Restaurant, which would be open to the public, and the Charlie Farrell House, which would become a spa and gym facility for the use of Racquet Club homeowners. There would be three (3) garden areas, incorporating two (2) large swimming pools, a tournament tennis court, and a walking path.

ANALYSIS

Tentative Tract Map 33334 is for the purpose of creating a single lot on which all the units will be located, this is typical of a condominium map; and it is consistent with the Subdivision Map Act. The map was previously approved by the City Council along with Planned Development District 313; however, the map expired prior to the filing and recordation of the final map. There have been no changes or revisions to the map; a new approval of the map by the City Council is required since the original tentative map expired. Staff has reviewed the proposed map and determined that it is consistent with the previously approved project scope, design layout and development features. Staff

received amended conditions from the Engineering Department in response to changes in applicable engineering standards and regulations; all other conditions associated with the project remain unchanged.

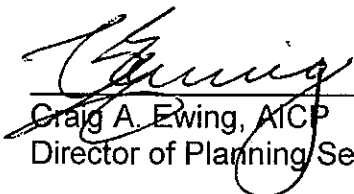
Findings in support of approving the proposed condominium map are included in the attached draft resolution of approval.

ENVIRONMENTAL ASSESSMENT

A Mitigated Negative Declaration (MND) was previously adopted by the City Council on February 15, 2006 for the site. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further documentation is not necessary since the circumstances surrounding the project have not changed. The proposed condominium map of the property could not intensify the proposed use, and could not result in any new environmental impacts beyond those already identified and assessed in the adopted Mitigated Negative Declaration.

FISCAL IMPACT:

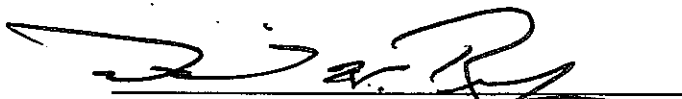
No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson, Assistant City Manager
Development Services

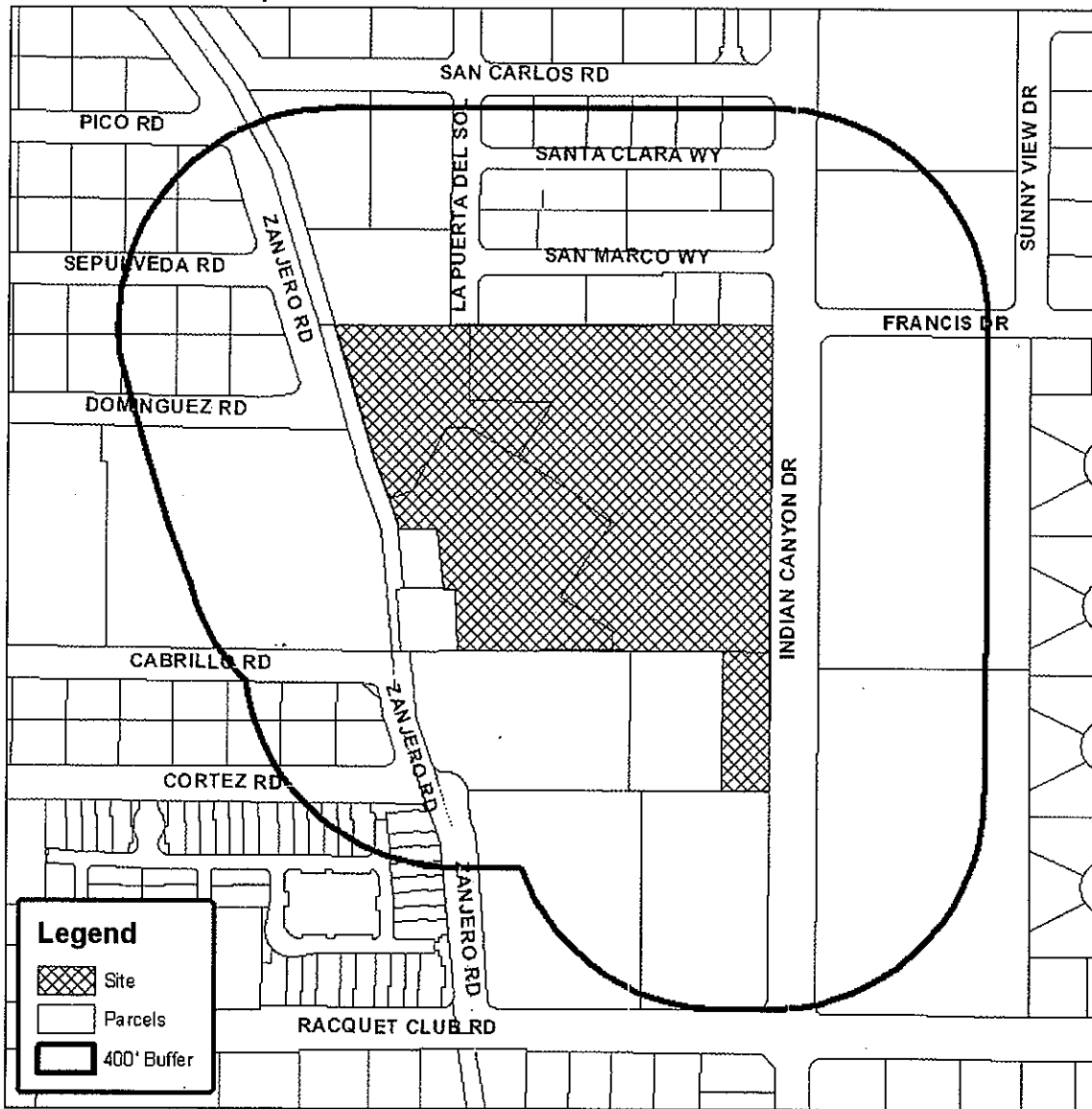
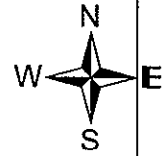


David H. Ready, City Manager
Attachments




1. Vicinity Map
2. Draft Resolution / Revised Conditions of Approval
3. Planning Commission Staff Report dated November 10, 2010
4. Planning Commission Minutes dated November 10, 2010
5. Reduced copy of TTM 33334



Department of Planning Services Vicinity Map



Legend

-  Site
-  Parcels
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: TTM 33334

APPLICANT: Hunter Holdings, LLC

DESCRIPTION: To consider an application by Hunter Holdings, LLC, to approve Tentative Tract Map 33334 for a mixed-use development within the existing Racquet Club of Palm Springs at 2743 North Indian Canyon Drive, Zone R2. APNS: 504-040-038, 504-133-001, 504-133-002, 504-360-002.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 33334, FOR THE PURPOSE OF CREATING A CONDOMINIUM MAP FOR THE PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT WITHIN THE EXISTING RACQUET CLUB OF PALM SPRINGS; LOCATED AT 2743 NORTH INDIAN CANYON DRIVE, SECTION 3, ZONE PDD 313.

WHEREAS, Hunter Holdings, LLC, (the "Applicant") has filed an application with the City pursuant to Section 9.62.010 of the Palm Springs Municipal Code, for Tentative Tract Map 33334; and

WHEREAS, said Tentative Tract Map was submitted to appropriate agencies as required by the subdivision requirements of the Palm Springs Municipal Code, with the request for their review, comments, and requirements; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Tentative Tract Map 33334 was given in accordance with applicable law; and

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

WHEREAS, on December 15, 2010, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, pursuant to Government Code Section 66412.3, the City Council has independently considered the effect of the proposed condominium map, Tentative Tract Map 33334, on the housing needs of the region in which Palm springs is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; the approval of the proposed subdivision represents the balance of these respective needs in a manner which is most consistent with the City's obligation to its police powers to protect the public health, safety, and welfare; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment was prepared for this project and were distributed for public review and comment in accordance with CEQA; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff report, all environmental data including the environmental assessment prepared for the project and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: A Mitigated Negative Declaration (MND) for this project was previously adopted by the City Council on February 15, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the circumstances surrounding the project have not changed. The present project could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration

Section 2: Pursuant to Government Code Section 65567, the City Council finds that the proposed condominium map and the provisions for its design and improvements are compatible with the objectives, policies, and federal land use provided in the City's local open space plan.

Findings are required for the proposed Tentative Tract Map pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

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

The Tentative Tract Map will facilitate the sale of condominium units within the project. The mixed use project is consistent with the General Plan Central Business District designation, insofar as it introduces permanent residents into the area, and provides new retail space.

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

The design and the layout of the Map are consistent with the allowable uses under the Planned Development District for this property. The Planned Development District allows for variations from zoning standards.

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

The site is flat and surrounded by existing development and private streets. The construction of commercial and residential buildings on the site is appropriate at this location.

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

The site can accommodate the 73 units proposed. The overall density of the project as proposed is within the General Plan density limits for the land use designation for the project site

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration has been adopted for this project. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The site has been fully developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The subdivision is designed to meet or exceed City standards. The homes and commercial spaces will be required to meet or exceed City building codes. The project will not cause public health problems.

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

There are no known public easements or access across the subject property, therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

SECTION 3:

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby approve Tentative Tract Map 33334 for the purpose of creating a condominium map for the previously approved PDD 313, subject to those conditions set forth in the attached Exhibit A.

ADOPTED this 15th day of December 2010

ATTEST:

David H. Ready, City Manager

Jay Thompson, City Clerk

RESOLUTION NO.

EXHIBIT A

Case No. 5.1052, PD-313, TTM 33334
Racquet Club

2743 North Indian Canyon Drive

December 15, 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 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

Planning Department:

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 5.1052-PD 313 / TTM 33334. 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. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
5. Prior to issuance of a building permit, Fringe Toed Lizard Mitigation fees shall be submitted.
6. 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.
7. 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 shall be payable prior to the issuance of building permits.

Environmental Assessment

8. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the Mitigated Negative Declaration will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:

- MM III-1 The maximum vehicle speed limit on unpaved surfaces of the project site shall be 15 mph.
- MM III-2 Construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours, which are typically in the morning and the early afternoon and shall minimize obstruction of through-traffic lanes.
- MM III-3 Paving activities on-site shall not occur simultaneously with the peak construction activity on-site to ensure that daily emissions of NO_x associated with off-road diesel construction equipment will not exceed the SCAQMD threshold of significance.
- MM V-1 Rehabilitation work shall conform to the Secretary of the Interior's Standards and Guidelines for Rehabilitation.
- MM V-2 When any rehabilitation work is performed, thorough documentation, including plans, detailed specifications and photographs before, during, and after construction, shall be prepared and appropriately archived.
- MM V-3 As there is always a possibility of buried cultural resources in a project area, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate the find. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- MM XI-1 For exterior noise control, a minimum five (5) foot high wall is required at the courtyards of units A2, A4, A6, A8, A10, T42, and

T43, constructed to the specifications indicated on page 9 of Gordon Bricken & Associates' noise study dated August 31, 2004.

- MM XI-2 For interior noise control, buildings shall be constructed in accordance with the basic building shell characteristics outlined in Table 7, found on page 10 of Gordon Bricken & Associates' noise study dated August 31, 2004.
- MM XI-3 For interior noise control, buildings shall be constructed in accordance with the basic building shell characteristics outlined in Table 7, found on page 10 of Gordon Bricken & Associates' noise study dated August 31, 2004.
All second floor windows of units A2, A4, A6, A8, A10 shall have a minimum Sound Transmission Class rating of STC 28.
All first floor windows of units T42 and T43 shall have a minimum Sound Transmission Class rating of STC 26 and all second floor windows shall have a minimum Sound Transmission Class rating of STC 30.
- MM XI-4 The noise calculations by Gordon Bricken & Associates' noise study dated August 31, 2004 depend on having windows closed; therefore having adequate fresh air ventilation without resorting to opening of the windows is required. Air conditioning shall be installed in all units adjacent to Indian Canyon Drive.
- MM XI-5 All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.
- MM XI-6 Stationary equipment shall be placed such that emitted noise is directed away from the noise-sensitive receptors that are located to the north, west and south of the project site.
- MM XI-7 Stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors that are located to the north, west and south of the project site.
- MM XI-8 Every effort shall be made during construction activities to create the greatest distance between noise sources and noise-sensitive receptors located in the vicinity of the project site.
- MM XI-9 All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.
- MM XI-10 Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located as far as practical from existing homes to the north and south.

9. 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

10. 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, shall require maintenance of all property in a good condition and in accordance with all ordinances.
11. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$10,000, 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.

Cultural Resources

12. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
13. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
 - a) Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services and after the consultation the Director shall have the authority to halt destructive construction and

shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

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

Final Design

- 14. 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.
- 15. The final development plans shall be submitted in accordance with Section 94.03.00 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.
- 16. 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.

Public Safety CFD

- 17. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided

that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation district.

GENERAL CONDITIONS/CODE REQUIREMENTS

18. The Planned Development District approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provide all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
19. The appeal period for an application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
20. 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.
21. 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.
22. 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.
23. 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.
24. All materials on the flat portions of the roof shall be earth tone in color.
25. All awnings shall be maintained and periodically cleaned.
26. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 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.

27. 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.
28. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
29. 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.
30. The street address numbering/lettering shall not exceed eight inches in height.
31. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
32. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
33. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.
34. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
35. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
36. 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.
37. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
38. The applicant shall provide all tenants with Conditions of Approval of this project.
39. Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.

40. Standard parking spaces shall be 17 feet deep by 9 feet wide; compact sized spaces shall be 15 feet deep by 8 feet wide. Handicap parking spaces shall be 18 feet deep by 9 feet wide plus a 5 foot walkway at the right side of the parking space; two (2) handicap spaces can share a common walkway. One in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an 8 foot walkway on the right side and shall be designated as "van accessible".
41. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
42. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10. of the Palm Springs Zoning Ordinances.
43. Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.
44. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
45. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces. Additional islands may be necessary to comply with shading requirements.
46. Shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
47. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.
48. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
49. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

Waste Disposal

50. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

POLICE DEPARTMENT

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

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

1. Premises Identification: Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC)
2. Residential Smoke Detector Installation: Provide Residential Smoke Detectors. Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
3. Fire Sprinklers Required: An automatic fire sprinkler system is required by local ordinance. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 1999 edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system, including water meters and underground water supply, may be installed prior to plan approval.
4. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with Sections 901 and 902 CFC. (902.1 CFC)
 - Minimum Access Road Dimensions:
 1. Private streets shall have a minimum width of at least 24 feet, pursuant to California Fire Code 902.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. Generally, for two-way private streets, a minimum width of 24 feet will be required, unless otherwise allowed by the City engineer, to the minimum of 20 feet required by the Fire Code. No parking shall be allowed in either side of the roadway.

2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
3. Roads must be 40 feet wide when parking is not restricted.
5. **Building or Complex Gate Locking Devices:** Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
6. **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, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.
7. **Water Systems and Hydrants:** Underground water 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). Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the fire department. (9-2.1 NFPA 24)
8. **Operational Fire Hydrants:** An operational fire hydrant(s) shall be installed within 250' of all combustible construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except groundcover plantings.
9. **Fire Extinguisher Requirements:** 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. (1002.1 CFC) 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.
10. **Fire Flow:** The required fire flow for this project is 1500 gallons per minute.

ENGINEERING / PUBLIC WORKS DEPARTMENT

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

GENERAL

- ENG 1. Rough Grading Plans, Precise Grading and Paving Plans, Indian Canyon Drive Median Plans, Private Storm Drain Plans, Private Sewer Plans, and the Final Hydrology Study were previously approved, and may be used for construction of the project if no changes are being proposed from what is shown on the approved plans and in the approved Final Hydrology Study.

STREETS

- ENG 2. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 3. 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.

N. INDIAN CANYON DRIVE

- ENG 4. The owner shall apply for an Encroachment Agreement from the Public Works and Engineering Division to allow the existing block wall and parking lot improvements along the entire frontage of the subject property to be maintained within the public right-of-way. The agreement shall be executed by the owner(s) prior to issuance of a building permit.
- ENG 5. Remove the two existing northerly driveway approaches and replace with curb, gutter and sidewalk to match existing street improvements, in accordance with City of Palm Springs Standard Drawing No. 200 and 210.
- ENG 6. Remove existing curb, gutter, driveway approach, and sidewalk as necessary to construct a driveway approach at the main entry in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be located approximately 195 feet south of the north property line. The driveway approach shall consist of two 12 feet wide ingress lanes and two 12 feet wide egress lanes, separated by a median, as shown on the approved site plan. The driveway approach shall be constructed in accordance with the City of Palm Springs Standard Drawing No. 201. The east end of the driveway median shall not extend past the face of curb, and pedestrian access across the driveway approach shall be maintained. The final design of the entrance is subject to the review and approval by the Fire Marshall and City Engineer. Left-turn egress shall be prohibited.

- ENG 7. Remove and reconstruct the existing southerly driveway approach in the same location to provide 16 feet wide ingress and egress lanes separated by a 6 feet wide median, as shown on the approved site plan. The driveway approach shall be constructed in accordance with City of Palm Springs Standard Drawing No. 201. The east end of the driveway median shall not extend past the face of curb, and pedestrian access across the driveway approach shall be maintained. The final design of the entrance is subject to the review and approval by the Fire Marshall and City Engineer. Left-turn egress shall be prohibited.
- ENG 8. Relocate the existing fire hydrant in the existing sidewalk along Indian Canyon Drive to the landscape inset in the existing block wall located immediately to the north of the existing hydrant location as approved by the Fire Marshall. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided along the entire length of the sidewalk to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 9. Construct a raised, 14-foot wide landscaped, median island from Racquet Club Road to Francis Drive. The design shall be as required by the City Engineer, with landscaping approved by the Director of Planning Services. Provide two 50 feet long northbound left-turn pockets with 60 feet long bay tapers providing ingress into the northerly entry and southerly entry; provide two 50 feet long southbound left-turn pockets with 60 feet long bay tapers aligned with the existing driveways into the developments on the east side of Indian Canyon Drive located at 2636 N. Indian Canyon Drive (APN 501-051-041) and at 200 E. Racquet Club Road (APN 501-063-075); and provide a 150 feet long southbound left-turn pocket with a 90 feet bay taper at Racquet Club Road. The left turn pockets shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.
- ENG 10. Submit landscaping and irrigation system improvement plans for review and approval by the City Engineer. The irrigation system shall be separately metered from the parkway landscaping to be maintained by the applicant, for future use by the City upon acceptance of the landscaping by the City. The plans shall be approved in conjunction with the street improvement plans for the median and prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
- ENG 11. All 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.
- ENG 12. All broken or off grade street improvements shall be repaired or replaced.

SECONDARY ACCESS

- ENG 13. The applicant shall obtain secondary access to the west side of the site. The secondary access shall be approved by the City Engineer and Fire Marshall. The applicant shall obtain access easements as necessary to provide secondary access to the site. The approved plans shall show the secondary access point, as required by the City Engineer.
- ENG 14. The secondary access may be gated, with emergency access provided to the City as may be required by the Fire Marshall.

ON-SITE

- ENG 15. Dedicate an easement extending over the private streets for public utility purposes with the right of ingress and egress for service and emergency vehicles and personnel.
- ENG 16. All two-way on-site streets shall be a minimum of 24 feet wide (as measured from curb face or edge of travel way).
- ENG 17. Construct a minimum 24 feet wide driveway approach located on the west side of the development to align with the centerline of the secondary access in accordance with City of Palm Springs Standard Drawing No. 201. If gated, emergency access shall be provided to the Fire Department as required by the Fire Marshall.
- ENG 18. All on-site streets shall be constructed to accept and convey on-site stormwater runoff to on-site retention areas and/or drywells, in accordance with applicable City Standards.
- ENG 19. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches of 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.
- ENG 20. Parking shall be restricted along both sides of the on-site private streets, as necessary to maintain a clear 24 feet wide, two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

- ENG 21. On-site gated entries shall be reviewed and approved by the City Engineer and Fire Marshall. Submit detailed entry design(s) showing storage lanes and maneuvering areas. Include standard vehicle and truck turning radius track lines on the detail(s). Sufficient storage shall be required (50 feet minimum) for vehicles entering the gated areas, and turn-around maneuvering areas shall be provided for vehicles unable to enter the gated areas. Final design shall also be subject to review and approval by the Fire Marshall. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gates, meeting the approval of the Fire Marshall.

SANITARY SEWER

- ENG 22. All sanitary facilities shall be connected to the public sewer system. The existing sewer services to the property may be used for new sanitary facilities. New sewer laterals shall not be connected to existing sewer manholes.
- ENG 23. Construct an on-site private sewer system to collect sewage from the development and connect to the existing public sewer system. Sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. 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.
- ENG 24. The on-site sewer system shall connect to the sewer main in Indian Canyon Drive with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405.
- ENG 25. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

GRADING

- ENG 26. 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. 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 has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving Plan.
- 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 Tract Map; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

ENG 27. Prior to approval of the Grading Plan or issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 28. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 29. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be

allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

- ENG 30. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 31. Contact Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property if any. Make appropriate arrangements to protect in place or relocate any facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Desert Water Agency shall be submitted to the Engineering Division prior to approval of the Grading Plan.
- ENG 32. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 33. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 34. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 35. 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/blow sand relating to this property and development.
- ENG 36. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 37. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved

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

- ENG 38. The applicant shall provide pad or finish floor elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 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. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 40. All stormwater runoff across the property 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 Tentative Tract 33334 Palm Springs Racquet Club, prepared by Robert Mainiero, dated October 12, 2005. Required on-site storm drainage improvements shall be identified in the final hydrology study and approved by the City Engineer.
- ENG 41. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 42. The on-site storm drainage improvements shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site storm drainage improvements acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 43. Construct storm drainage improvements, consisting of a system of individual drywells to intercept and collect on-site runoff for drainage of on-site streets as described in the Preliminary Hydrology Study for Tentative Tract 33334 Palm Springs Racquet Club, prepared by Robert Mainiero, dated October 12, 2005.

The hydrology study for Tentative Tract Map 33334 shall be amended to include final drywell sizing calculations and other specifications for construction of required on-site storm drainage improvements.

- ENG 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 (if any).

GENERAL

- ENG 45. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 46. All proposed utility lines shall be installed underground.

In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and

service requirements published by the utilities. The existing overhead utilities across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

- ENG 47. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 48. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 49. 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 50. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 51. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit for any newly constructed buildings.

MAP

- ENG 52. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created

therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

- ENG 53. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map.
- ENG 54. Upon approval of a final (parcel) map, the final (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

- ENG 55. The following mitigation measures, as determined by the traffic impact study titled "Revised Traffic Study for the Palm Springs Racquet Club Expansion Project in the City of Palm Springs" (Tentative Tract No. 33334), prepared by Katz, Okitsu & Associates, dated November 1, 2005, apply to this development:
- a. Pay a fair share contribution determined as 1.19% (or \$2,675.00) of the cost of geometric modifications and street improvements (asphalt pavement widening, traffic striping and related improvements) as necessary to widen the west leg of the San Rafael Drive and Indian Canyon Drive intersection, in a manner that improves intersection capacity acceptable to the City Engineer. The applicant shall pay the fair share contribution of \$2,675.00 prior to approval of the final map.
- ENG 56. Install a street name sign (if identified by a name) and a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the northerly entry and the southerly entry in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625.

- ENG 57. Submit traffic striping and signage plans for Indian Canyon Drive, from Racquet Club Road to Francis Drive. The plans shall be prepared by a California registered civil engineer, for review and approval by the City Engineer.
- ENG 58. All required traffic striping and signage improvements shall be completed in conjunction with required raised, landscaped median improvements on Indian Canyon Drive, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 59. 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 60. 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.
- ENG 61. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS



Planning Commission Staff Report

Date: November 10, 2010

Case No.: Tentative Tract Map 33334

Application Type: Tentative Tract Map for the purpose of a Condominium map

Location: 2743 North Indian Canyon Drive, Section 3

Applicant: Hunter Holdings, LLC

Zone: PDD 313

General Plan: M-15 (Medium Density Residential)

APN: 504-040-038, 504-133-001, 504-133-102 & 504-361-002

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

Project Planner: Edward O. Robertson, Principal Planner

PROJECT DESCRIPTION

The project is an application by Hunter Holdings, LLC, for the approval of Tentative Tract Map 33334 for a previously approved mixed-use development within the existing Racquet Club of Palm Springs. The tentative tract map is a condominium map consisting of flag lots, existing dwelling units, structures and new 57 townhome units under construction at the subject site. On December 28, 2005, the Planning Commission approved Planned Development District 313 along with TTM 33334; the tentative map expired prior to the filing and recordation of the final map. This application is a new submittal of the same map.

RECOMMENDATION

That the Planning Commission recommend approval of the tentative tract map to the City Council subject to the attached findings and revised conditions of approval.

PRIOR ACTIONS

The Historic Site Preservation Board (HSPB) reviewed the proposed development on September 13, 2005, and also made a recommendation of approval to the Planning Commission.

On December 28, 2005, the project was reviewed by the Planning Commission which adopted a favorable recommendation to City Council (by a vote of 6-0-1, absent).

On February 15, 2006, the City Council approved the proposed project as recommended by the Planning Commission.

BACKGROUND AND SETTING:

On December 28, 2005, the Planning Commission conducted a public hearing meeting to review a proposal consisting of a Planned Development District (PD 313), Tentative Tract Map, (TTM 33334) and a Major Architectural application (5.1052). The planned development application allowed for new development standards within the existing Racquet Club facility. Tentative Tract Map 33334 is to create a condominium map, and the Major Architectural application is for remodeling, conversion and expansion of the Historic Racquet Club of Palm Springs.

The project includes a private residential development with both multi-family and single-family residences involving the restoration of sixteen (16) existing units and development of fifty-seven (57) additional dwelling units made up of nine (9) new residential structures. The project would consist of 2.24 acres of building coverage, 7.84 acres devoted to common areas, 4.48 acres of open space, approximately 0.31 acres devoted to pools and tennis courts, and 3.04 acres of hardscape (paved) area on the approximately 10.08-acre site.

The project includes the restoration of the existing Bamboo Room Restaurant, which would be open to the public, and the Charlie Farrell House, which would become a spa and gym facility for the use of Racquet Club homeowners. There would be three (3) garden areas, incorporating two (2) large swimming pools, a tournament tennis court, and a walking path.

Condominium Map

Tentative Tract Map 33334 is for the purpose of creating a single lot on which all the units will be located, this is typical of a condominium map; and it is consistent with the Subdivision Map Act. The map was previously approved by the Planning Commission along with Planned Development District 313; however, the map expired prior to the filing and recordation of the final map. There have been no changes or revisions to the map; a new approval of the map by the Planning Commission and the City Council is required since the original tentative map expired. Staff has reviewed the proposed map and determined that it is consistent with the previously approved project scope, design layout and development features. Staff received amended conditions from the Engineering Department in response to changes in applicable engineering standards and regulations; all other conditions associated with the project remain unchanged.

REQUIRED FINDINGS

Findings are required for the proposed Tentative Tract Map pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

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

The Tentative Tract Map will facilitate the sale of condominium units within the project. The mixed use project is consistent with the General Plan Central Business District designation, insofar as it introduces permanent residents into the area, and provides new retail space.

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

The design and the layout of the Map is consistent with the allowable uses under the Planned Development District for this property. The Planned Development District allows for variations from zoning standards.

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

The site is flat and surrounded by existing development and private streets. The construction of commercial and residential buildings on the site is appropriate at this location.

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

The site can accommodate the 73 units proposed. The overall density of the project as proposed is within the General Plan density limits for the land use designation for the project site

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration has been adopted for this project. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The site has been fully developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The subdivision is designed to meet or exceed City standards. The homes and commercial spaces will be required to meet or exceed City building codes. The project will not cause public health problems.

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

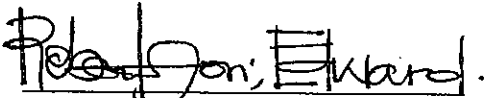
There are no known public easements or access across the subject property, therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

ENVIRONMENTAL ASSESSMENT

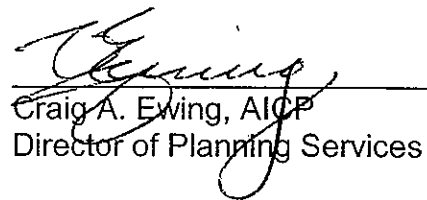
A Mitigated Negative Declaration (MND) for this project was previously adopted by the City Council on February 15, 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the circumstances surrounding the project have not changed. The present project could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property. As of the writing of this report, staff has not received any public comments regarding this project.



Edward G. Roberson
Principal Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution / Revised Conditions of Approval
3. Reduced copy of TTM 33334

~~sign area to allow the existing "Service Sign" and staff has included a condition of approval that this sign be eliminated from the application.~~

~~M/S/C (Doug Donenfeld/Vice Chair Scott, 6-0, 1 absent/Tracy Conrad) To approve, subject to Conditions of Approval.~~

3. PUBLIC HEARING:

- 3A. Case 5.1052 / TTM 33334 - An application by Hunter Holdings, LLC, for the approval of Tentative Tract Map 33334 for a previously approved mixed-use development within the existing Racquet Club of Palm Springs located at 2743 North Indian Drive, Zone PDD 313, Section 3. (Project Planner: Edward Robertson, Principal Planner)**

Commissioner Klatchko noted a business related conflict of interest and would not be participating in the discussion and vote. He excused himself from the remainder of the meeting and left the Council Chamber at 1:44 p.m.

Edward Robertson, Principal Planner, provided background information as outlined in the staff report dated November 10, 2010.

Chair Caffery opened the public hearing:

- Mike Mueller, project architect, provided details on the renovation, conversion and expansion of the historic Racquet Club.
- Art Tufts, Colony Homeowners Association at the Racquet Club (president), spoke in support of the project.

There being no further appearances the public hearing was closed.

M/S/C (Doug Hudson/Leslie Munger, 5-0, 1 absent/Tracy Conrad, 1 abstained/ Philip Klatchko) To approve Tentative Tract Map 33334 to the City Council, subject to the attached findings and revised Conditions of Approval.

PLANNING COMMISSION COMMENTS:

None reported.

PLANNING DIRECTORS REPORT:

Staff reminded the Commission that no Planning Commission meeting would be held on Wednesday, November 24th.

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TENTATIVE TRACT NO. 33334

JANUARY, 2006

LEGAL DESCRIPTION:
 A PORTION OF THE NORTHEAST QUARTER OF SECTION 7
 TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO COUNTY

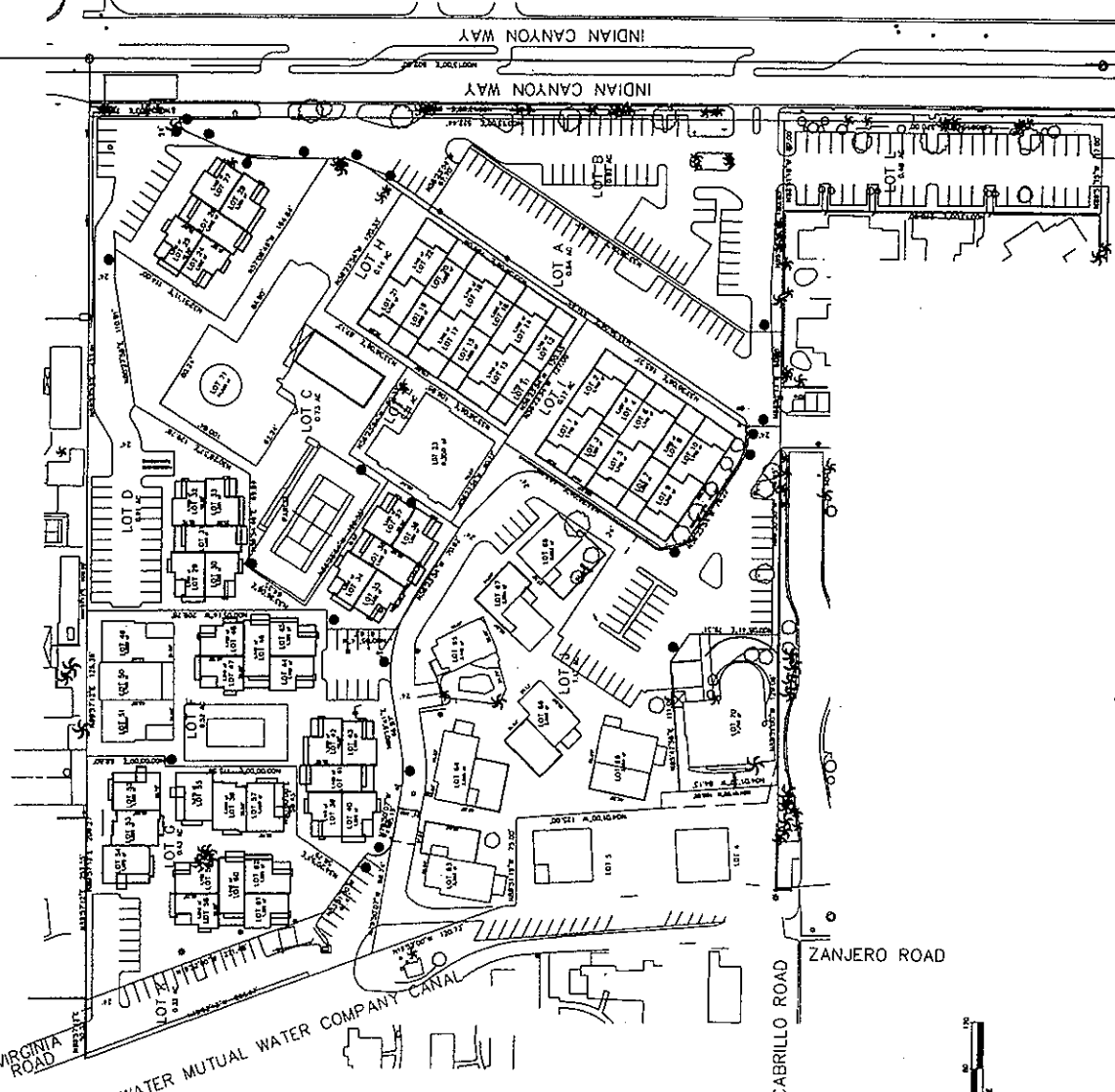
ASSESSOR'S PARCEL NUMBERS:
 304-01-001-001, 304-01-001-002, 304-01-001-003

OWNER / BIDDING:
 P.A. MOUNTAIN DEVELOPERS, LLC
 674 WEST WATLIN
 PALM SPRINGS, CALIFORNIA 92262
 951-321-1111

ENGINEER:
 DONALD J. JOHNSON, P.E.
 210 WEST 74TH
 PALM SPRINGS, CALIFORNIA 92262
 TELEPHONE (951) 412-7877
 FAX (951) 412-7878

GENERAL NOTES:
 1. THIS TRACT PLAN IS FOR RESIDENTIAL (R) ZONING
 AND IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF PALM SPRINGS.
 2. THE TRACT PLAN IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF PALM SPRINGS.
 3. THE TRACT PLAN IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF PALM SPRINGS.
 4. THE TRACT PLAN IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF PALM SPRINGS.

UTILITIES:
 WATER: PALM SPRINGS WATER AGENCY (951) 321-4917
 GAS: THE GAS COMPANY (951) 321-4917
 SEWER: SOUTHERN CALIFORNIA GROUND (951) 321-4917
 CABLE: PALM SPRINGS CABLE (951) 321-4917
 TELEPHONE: PALM SPRINGS TELEPHONE (951) 321-4917



DATA TABLE

PARCEL NO.	AREA (SQ. FT.)	AREA (SQ. YD.)	PERMITS
1	10,000	115.8	10/15/05
2	10,000	115.8	10/15/05
3	10,000	115.8	10/15/05
4	10,000	115.8	10/15/05
5	10,000	115.8	10/15/05
6	10,000	115.8	10/15/05
7	10,000	115.8	10/15/05
8	10,000	115.8	10/15/05
9	10,000	115.8	10/15/05
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19	10,000	115.8	10/15/05
20	10,000	115.8	10/15/05
21	10,000	115.8	10/15/05
22	10,000	115.8	10/15/05
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44	10,000	115.8	10/15/05
45	10,000	115.8	10/15/05
46	10,000	115.8	10/15/05
47	10,000	115.8	10/15/05
48	10,000	115.8	10/15/05
49	10,000	115.8	10/15/05
50	10,000	115.8	10/15/05



**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

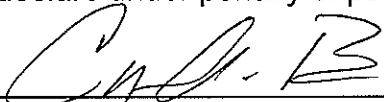


City Council
Meeting Date: December 15, 2010
Subject: Hunter Holdings, LLC TTM 33334, 2743 N. Indian Cyn. Dr.

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 4, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

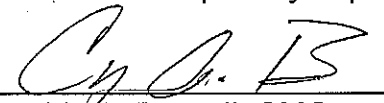


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on December 2, 2010.

I declare under penalty of perjury that the foregoing is true and correct.




Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 1, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (392 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

TENTATIVE TRACT MAP 33334
2743 NORTH INDIAN CANYON DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 15, 2010. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by Hunter Holdings, LLC, to approve Tentative Tract Map 33334 for a mixed-use development within the existing Racquet Club of Palm Springs. The City Council approved Tentative Tract Map 33334 on December 28, 2005; however, the tentative tract map has expired. This application is a new submission of the same map. The Tentative Tract Map is a condominium map consisting of flag lots, existing structures, and 57 new townhome units under construction at the site.

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration was previously adopted for this project under the guidelines of the California Environmental Quality Act (CEQA). The application is available for public review in the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

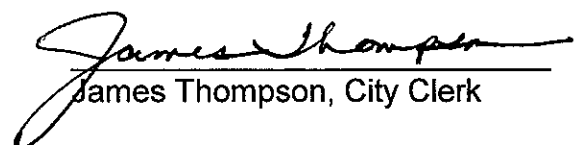
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the City Council hearing. (Government Code Section 65009[b][2]).

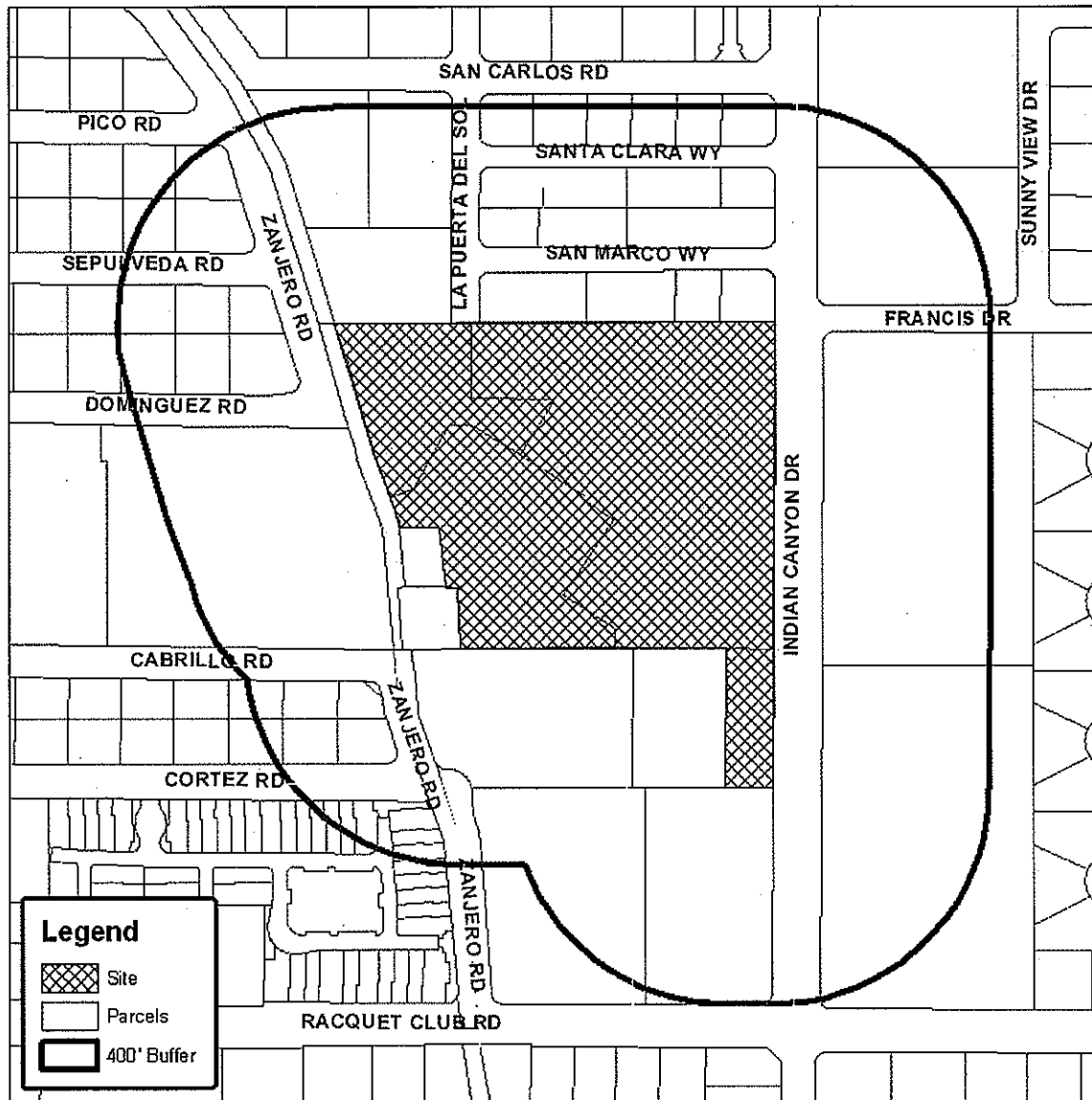
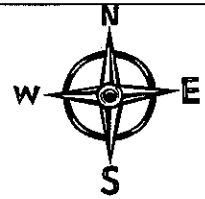
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Edward O. Robertson, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: TTM 33334

APPLICANT: Hunter Holdings, LLC

DESCRIPTION: To consider an application by Hunter Holdings, LLC, to approve Tentative Tract Map 33334 for a mixed-use development within the existing Racquet Club of Palm Springs at 2743 North Indian Canyon Drive, Zone R2.

APNS: 504-040-038, 504-133-001, 504-133-002, and 504-360-002.