



## Planning Commission Staff Report

Date: March 9, 2011

Case No.: 5.1135 – PD 334

Application Type: Time Extension Request for Planned Development District 334

Location: Southwest corner of East Palm Canyon Drive and Matthew Drive

Applicant: Senior Housing Partners III Riverside, LLC

Zone: PDD 334

General Plan: Mixed-Use / Multi-Use

APNs: 681-170-038 & -039

From: Edward O. Robertson, Principal Planner

Project Planner: Glenn Mlaker, AICP, Assistant Planner

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### PROJECT DESCRIPTION

The applicant, Senior Housing Partners III Riverside, LLC, is requesting a one-year time extension for a previously approved residential retirement community consisting of 184 condominium units with associated amenities. A Planned Development District application (PD 334) establishing design and development standards for the project was approved by the Planning Commission on January 9, 2008 and by the City Council on March 19, 2008.

### RECOMMENDATION

That the Planning Commission approve a one-year time extension for Case No. 5.1135 – PDD 334 from March 19, 2011, to March 18, 2012.

### **PRIOR ACTIONS**

On January 9, 2008, the Planning Commission adopted the Mitigated Negative Declaration (MND); approved the Major Architectural application and PD 334; and recommended approval to the City Council by a vote of 6-0.

On March 19, 2008, the City Council adopted the Mitigated Negative Declaration (MND), and approved Case 5.1135 - PD 334.

On March 10, 2010, the Planning Commission granted a one-year time extension for Case 5.1135 – PD 334.

### **BACKGROUND AND SETTING**

The project is located at the southwest corner of East Palm Canyon Drive and Matthew Drive. The property is vacant and is approximately 13.28 acres in size and is generally flat. The previously approved project is for 184 condominiums in six buildings, two pools, a small tennis stadium, and a Grand Central building that will contain a fitness/wellness center, a restaurant, lounge/café, office-space and retail uses; all of which will be opened to the general public. The main access to the project is from Matthew Road on the south side of the property with secondary access from Linden Way.

### **ANALYSIS**

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for the PD. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation.

The applicant has requested a one-year time extension to commence construction for Planned Development District 334. The applicant, in the letter of time extension request dated January 19, 2011, claimed that a principal reason for the time extension request is the history of transactions affecting the ownership of the property and the development rights associated with the project which has resulted in unavoidable delays of the development.

Based on this information, the applicant has demonstrated good cause for seeking an extension and for asserting that construction will commence within the requested period of time extension.

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

PLANNED DEVELOPMENT DISTRICT

Staff received amended conditions from the Engineering Department. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions - Streets, East Palm Canyon Drive #54, Matthew Drive #61; and Traffic #107.

### ENVIRONMENTAL ASSESSMENT

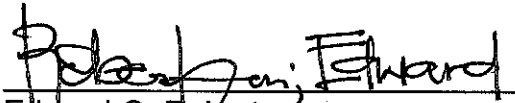
A Mitigated Negative Declaration was previously adopted by the City Council on March 19, 2008 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

### NOTIFICATION

A hearing notice is not required for a time extension request.



Glenn Mlaker, AICP  
Assistant Planner



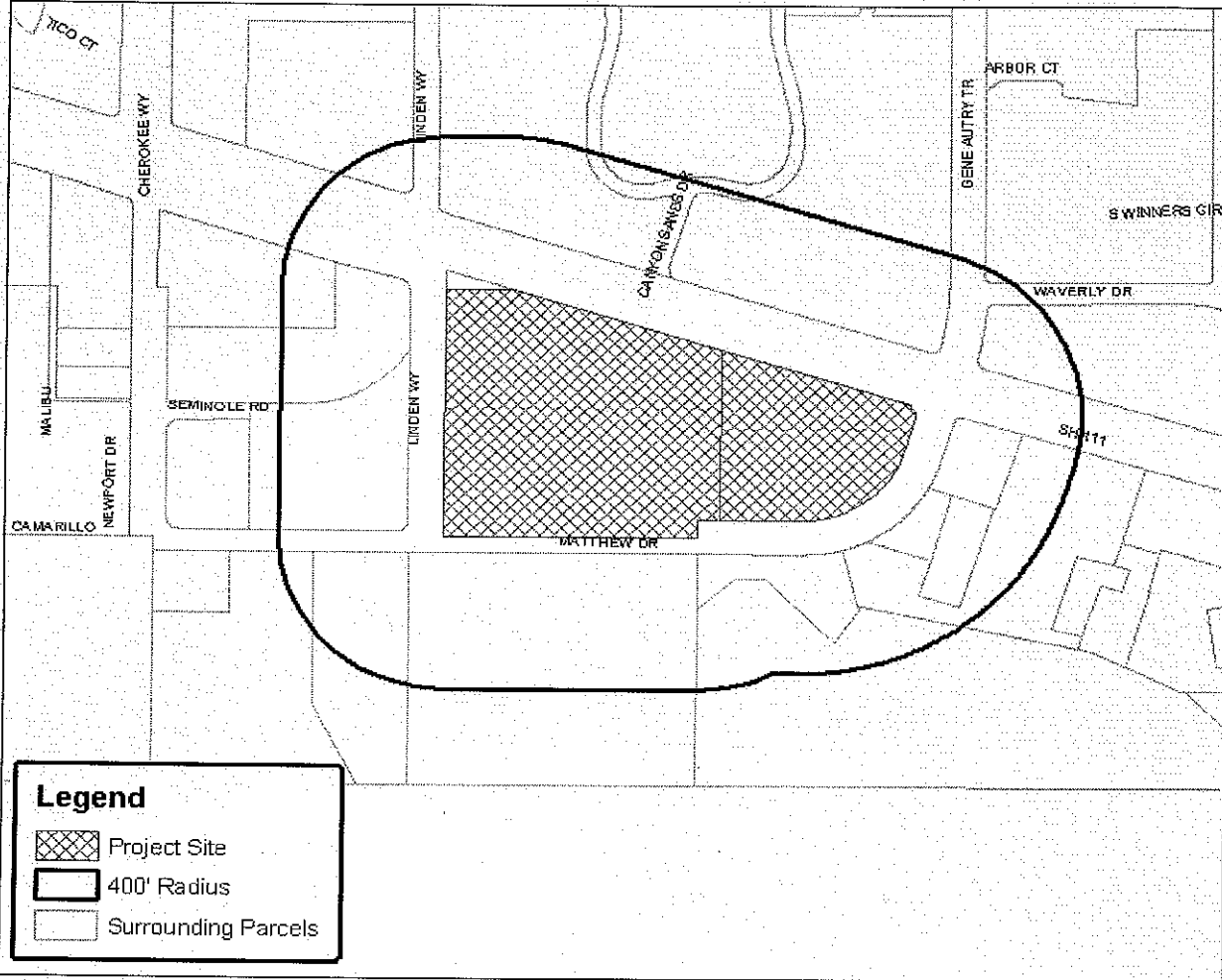
Edward O. Robertson  
Principal Planner

### ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter of request from the applicant dated January 19, 2011
5. Site Plan



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1135 PD 334,

**APPLICANT:**

Senior Housing Partners  
III Riverside, LLC

**DESCRIPTION:** To consider an application for a one-year time extension for PDD 334 for the construction of a retirement community consisting of 184 condominium units and associated amenities at the southwest corner of East Palm Canyon Drive and Matthew Drive. APN: 681-170-038, 681-170-039.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR CASE 5.1135, PLANNED DEVELOPMENT DISTRICT 334 FROM MARCH 19, 2011 TO MARCH 18, 2012; A PREVIOUSLY APPROVED 184-UNIT CONDOMINIUM RETIREMENT COMMUNITY ON AN APPROXIMATELY 13.28-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE PDD334, SECTION 30, APN 681-170-038 & -039

WHEREAS, Senior Housing Partners III Riverside, LLC ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 334 located at southwest corner of East Palm Canyon Drive and Matthew Drive.

WHEREAS, on March 9, 2011, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Final Mitigated Negative Declaration was previously adopted by the City Council on March 19, 2008 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for PD 334 from March 19, 2011 to March 18, 2012.

ADOPTED this 9th day of March, 2011.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

EXHIBIT A

Case 5.1135 PD334  
Case TTM 35623

Rainbow Vision Palm Springs

Southwest Corner of East Palm Canyon Drive and Matthew Drive

**REVISED CONDITIONS OF APPROVAL**

March 9, 2011

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

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

**PLANNING:**

**ADMINISTRATION**

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. 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 5.1135 PD334 and Case TTM 35623. 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.

2. 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, 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 \$1,864.00 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. 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 give 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 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).
6. 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 C. Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price



index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

7. 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.

#### 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 negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:

MM III-1 The City's Fugitive Dust Control Ordinance (Chapter 8.5 of the Municipal Code) requires a Dust Control plan which shall be submitted to the City Engineer for approval and which shall include but not be limited to the following:

- A. Adequate watering techniques shall be employed to partially mitigate the impact of construction generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.
- B. The wheels and the lower portions of transport trucks shall be sprayed with water before they leave the construction area.
- C. Any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize blowsand.

- D. Grading activity shall be suspended when local winds exceed 25 miles per hour and during the first and second smog alerts.
  - E. Construction access roads shall be paved as soon as possible and cleaned after each workday.
  - F. All trucks hauling dirt, sand, soil, or other loose dirt material shall be covered or have 2 feet of freeboard.
  - G. A short-term stabilization plan shall be included in the plan for after hours and weekends. The applicant shall forward the plan to the Southern California Air Quality Management District (SCAQMD) after approval.
- MM III-2 The project proponent shall notify the City and SCAQMD 24 hours prior to the initiation of earth moving activities.
- MM III-3 The City shall notify the SCAQMD within 10 days of the completion of earth moving activities.
- MM III-4 Construction signage in conformance with City standards shall be posted on the Southwest corner of East Palm Canyon Drive and Matthew Drive regarding the reporting of blowing dust on the site.  
**(Modified by City Council on 03.19.08)**
- MM III-5 Earth moving operations shall include a water application system while earth moving is active.
- MM III-6 Construction equipment shall be properly maintained and serviced to minimize exhaust emissions.
- MM-III-7 Any construction access roads shall be paved and cleaned after each work day. The maximum vehicle speed on any unpaved road surfaces shall be limited to 15 mph. Maximum speed limited shall be conspicuously posted on unpaved roads.
- MM-III-8 Paving activities and use of equipment for construction of buildings shall not be used concurrently.
- MM III-9 Where feasible, low emission building materials such as pre-primed and sanded wood molding and trim products and pre-primed wallboard shall be considered for construction materials. Plans submitted for building permits shall indicate where such materials will be utilized.

- MM III-10 Building construction on-site shall comply with the energy use guidelines in Title 24 of the California Administrative Code.
- MM III-11 As a condition of approval, the project proponent shall comply with City requirements regarding the master planned bikeway on East Palm Canyon abutting the site.
- MM III-12 Adjacent streets shall be swept if silt is carried over to adjacent public thoroughfares from the project site.
- MM III-13 Construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours.
- MM IV-1 Do not plant wildlife-poisoning oleander plants within the project boundaries.
- MM IV-2 Direct all project lighting downward so that it does not interfere with the nocturnal activities of animals living within the adjacent Santa Rosa Mountains.
- MM IV-3 Prior to issuance of building permits, the applicant shall pay the most current Valley Floor Conservation Area mitigation fee to the Agua Caliente Band of Cahuilla Indians.
- MM V-1 If buried cultural materials are discovered during any earth-moving operations associated with the project, all work in the area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.
- MM V-2 A(n) Approved Cultural Resource Monitor(s) as indicated by the Agua Caliente Tribal Historic Preservation Office shall be present during any survey and/or ground disturbing activities.
- MM V-3 Should cultural resources be encountered during site construction in any portion of the site, work shall immediately cease and a qualified archaeologist shall be contacted to evaluate the significance of the materials. Any significant findings shall be documented and presented to the State Historic Preservation Office (SHPO), Bureau of Indian Affairs (BIA), the Agua Caliente Band of Cahuilla Indians and the City, and shall be resolved to their satisfaction.
- MM V-4 Copies of any cultural resources documentation generated in connection with this project shall be given to the Agua Caliente Band of Cahuilla Indians for inclusion into the Agua Caliente Cultural Register.

- MM VI-1      Recompaction of native soils shall occur in all building areas.
- MM VI-2      Existing surface soils shall be over-excavated to a minimum 4 feet below existing grade or a minimum of 3 feet below the footing level (whichever is lower).
- MM VI-3      Existing surface soils shall be over-excavated to a minimum 5 feet beyond exterior footings.
- MM VI-4      The bottom of all sub-excavation areas shall be scarified, moisture conditioned and recompacted to at least 90% relative compaction (ASTM 1557) for an additional of 1 foot.
- MM VI-5      Basement foundation areas shall be over-excavated to a minimum of 2 feet below the footing level.
- MM VI-6      The lateral extent of the basement sub-grade preparation shall extend for a minimum of 2 feet beyond the outer edge of exterior footing.
- MM VI-7      Native soil utilized as engineered fill shall be free of deleterious and organic matter and free of rocks larger than 6 inches.
- MM VI-8      Imported fill materials shall be non-expansive, granular soils meeting USCS classifications SM, SP-SM or SW-SM with a maximum rock size of 3 inches and 5 to 35% passing the No. 200 sieve.
- MM VI-9      The Soil Engineer shall be contacted 48 hours in advance of importing soil to allow for evaluation of imported materials. Approval by the Soil Engineer will be based upon material delivered to the site and not the preliminary evaluation of import sources.
- MM VII-1      The hydrocarbon-contaminated material shall be removed from the site and disposed of from the site at a licensed waste handling facility. A copy of the appropriate disposal receipt shall be provided to the Planning Services Department of the City.
- MM VIII-1      Prior to approval of a grading plan, the project proponent shall submit to the City Engineer for review and approval a hydrology study determining the volume of increased stormwater runoff due to development of the site, and determining required stormwater runoff mitigation measures for the proposed development. Appropriate measures (on-site storm drainage improvements and

on-site retention system) shall be included in the design of the site as required by the City Engineer.

MM VIII-2 (Alternative 1) The project proponent shall enter into a Developer Agreement with the City and Riverside County Flood Control District, in an amount representing a fair share percentage of the construction cost of the Line 41 system, as approved by the City Engineer. Approval by the City Engineer of grading and improvement plans of the project site and issuance of building permits and certificates of occupancy, facilitating development within the 100-year SFHA floodplain, shall occur in accordance with the provisions of a Developer Agreement.

(Alternative 2) The project proponent shall delay development of the project site until such time that an alternative Line 41 system is constructed by the Riverside County Flood Control District, or shall design and construct portions of an alternative Line 41 system upstream and downstream of the project site as required by the City Engineer. Prior to approval of a grading plan and construction of improvements located within the 100-year SFHA floodplain, the project proponent shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). Prior to issuance of Certificate of Occupancy, the project proponent shall obtain a Letter of Map Revision (LOMR) from FEMA.

MM XI-1 A 5 foot 6 inch sound barrier shall be constructed to protect residents within Buildings 1, 1A, 4 and 4A from excessive exterior noise emitting from East Palm Canyon Drive. Noise barriers may be constructed around the perimeter of the property or in conjunction with individual units.

MM XI-2 All barriers shall be solid from top-to-bottom. The following materials may be used for the construction of this barrier:

- Wood Studs with Stucco Exterior
- 3/8 inch plate glass
- 5/8 inch Plexiglass
- Any Masonry Material

The preceding materials may be used in any combination. Other materials may be used that are rated 3.5 pounds per square foot surface weight or greater. Barrier construction and materials used shall be in conformance with all applicable local laws and development standards and are subject to the approval of the City Planning Commission.

- MM XI-3 Prior to issuance of building permits, an interior noise analysis will be required for development along East Palm Canyon Drive.
- MM XI-4 Construction activities shall be limited to between 7:00 a.m. and 8:00 p.m., as specified by the Palm Springs Noise Ordinance (11.74.041), to reduce noise impacts during more sensitive time periods.
- MM XI-5 All perimeter walls and barriers shall be installed immediately following precise grading of the site, if not sooner.
- MM XI-6 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-7 All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.
- MM XI-8 Stockpiling and vehicle staging areas shall be located in the northeastern portion of the property, as far away from existing residential units as possible.
- MM XI-9 Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located in the northeastern portion of the property, as far away from existing residential units as possible.
- MM XI-10 Stationary equipment shall be placed such that emitted noise is directed away from noise sensitive receptors.
- MM XV-1 The project developer/applicant shall dedicate public rights-of-way in accordance with the City of Palm Springs General Plan for adjacent General Plan roadways as follows:

East Palm Canyon Drive: Ten feet of right-of-way must be dedicated to provide a 50-foot wide half-street right-of-way required by the General Plan. Additional right-of-way must be dedicated to accommodate the additional eastbound left-turn

lane. In conjunction with the project, the south face of curb shall be relocated along East Palm Canyon Drive to facilitate the additional eastbound left-turn lane. A 12-foot wide colored concrete combination sidewalk/bicycle path shall be constructed behind the curb;

Matthew Drive: vacate eleven feet to provide the 33-foot half street right-of-way required by the General Plan; and

Linden Way Drive: 19 feet can be vacated to provide the 25-foot half street right-of-way required by the General Plan.

MM XV-2 All required off-site public and on-site private streets shall be designed in accordance with City of Palm Springs design standards, as required by the City Engineer.

MM XV-3 The project developer/applicant shall submit street improvements plans for construction of required streets, to the Palm Springs City Engineer for review and approval.

MM XV-4 The project developer/applicant shall be responsible for 100 percent of the cost for construction of public street improvements (consisting of pavement widening, curb and gutter, sidewalks, and landscaped median island) which shall be constructed in conjunction with approved phasing plans for development and/or associated with an approved Final Map as follows:

East Palm Canyon Drive: ultimate major thoroughfare street improvements as approved by the Palm Springs City Engineer;

Matthew Drive (between Linden Way and Gene Autry Trail): industrial minor collector street improvements, as approved by Palm Springs City Engineer; and

Linden Way (between Matthew Drive and the East Palm Canyon frontage road): local street improvements, as approved by the Palm Springs City Engineer.

MM XV-5 The main site access on Matthew Drive shall provide an entry drive with a minimum of 100 feet of stacking depth to accommodate peak queues entering and leaving the site as well as an area for motorists who enter inadvertently to turn around. A decorative street light shall be provided at the main site entry at Matthew Drive.

- MM XV-6 The secondary site access proposed on Linden Way shall provide an entry drive with a minimum of 75 feet of stacking depth to accommodate peak queues entering and leaving the site as well as an area for motorists who enter inadvertently to turn around. A decorative street light shall be provided at the main site entry at Linden Way.
- MM XV-7 The applicant may request the existing right-of-way be vacated along Linden Way and Matthew Drive in accordance with the ultimate right-of-way shown by the City of Palm Springs General Plan Street Plan and provide building setbacks and half-street improvements in accordance with City requirements.
- MM XV-8 A STOP sign shall be installed on the minor street approach to control exiting site traffic at the site access proposed on both Matthew Drive and on Linden Way.
- MM XV-9 If the proposed development will employ more than 100 persons, the project applicant shall comply with the provisions of the Palm Springs Traffic Demand Management (TDM) Ordinance.
- MM XV-10 The project developer/applicant shall pay Traffic Uniform Mitigation Fees (TUMF) prior to issuance of building permits.
- MM XV-11 Although many improvements to the intersection of Gene Autry Trail and East Palm Canyon Drive may be funded by the TUMF program, the project applicant will be required to contribute on a fair-share basis to the cost of circulation improvements required on roadways and/or at intersections that are not in the TUMF program prior to approval of a Final Map:

Since the intersection of Gene Autry Trail and East Palm Canyon Drive is a Congestion Management Program (CMP) intersection, no fair-share payment will be required for the future southbound right-turn lane on Gene Autry Trail at East Palm Canyon Drive. TUMF fees will provide the funding for the design and construction of the future southbound right-turn lane on Gene Autry Trail at East Palm Canyon Drive. This payment of TUMF fees by the project proponent will be sufficient as funding for the provision of an exclusive southbound right-turn lane on Gene Autry Trail at East Palm Canyon Drive.

Although ordinarily no fair-share payment would be required for the future eastbound left-turn lane on East Palm Canyon Drive at Gene Autry Trail, and that TUMF fees would provide the funding for the design and construction of the future eastbound left-turn



lane on East Palm Canyon Drive at Gene Autry Trail, in order to facilitate construction of a raised, landscaped median island within Gene Autry Trail required by the General Plan, it is necessary for the project proponent to design and construct the ultimate configuration of lanes at this intersection now in conjunction with development of the project site. Additional right-of-way must be dedicated (over and above the 10 feet that must be dedicated to bring East Palm Canyon Drive up to the General Plan half-street right-of-way width) in conjunction with this project to accommodate the additional eastbound left-turn lane discussed in the Traffic Impact Study by Endo Engineering, revised May 2007. In conjunction with this project, the south face of curb shall be relocated along the East Palm Canyon Drive frontage to facilitate the additional eastbound left-turn lane. A 12-foot wide colored concrete combination sidewalk/bicycle path shall be constructed behind the curb.

- MM-XV-12 To insure compliance with City access and design standards, the final building and parking layout and site access design shall be subject to the review and approval of City Traffic Engineer as part of the development review process.
- MM XV-13 Site distance at both site access points shall be reviewed for adequacy with respect to City of Palm Springs standards in conjunction with the preparation of the final site grading plans, landscape plans and street improvement plans.
- MM XV-14 Since site access will be controlled, the design shall incorporate service and emergency access, on-site turn-around, relevant signing, or other similar features as required by the planning commission, fire and police departments, and Zoning Code Chapter 93.05.00. Ingress and egress design shall include vehicle maneuvering and stacking space to avoid internal and external traffic conflicts.
- MM XV-15 Per the parking standards and regulations set forth in Zoning Code Section 93.06.00, off-street parking shall be provided to serve employees, residents, and guests associated with the proposed development including the required number of accessible parking spaces (per state and federal guidelines), as well as improvements required for covered parking, traffic maneuvering, and parking area drainage, landscaping, and lighting.
- MM XV-16 Off-street loading space/facilities shall be designed, located constructed and maintained as required by the City of Palm

Springs to minimize the impact of service and delivery trucks on residents.

MM XV-17 The project developer/applicant shall coordinate with SunLine Transit Agency regarding required public transit facilities on and adjacent to the project site. Any required public transit facilities (including bus stops, turn-outs, bus shelters and furniture, or other miscellaneous public transit improvements) shall be furnished, constructed and installed in conjunction with construction of the associated street improvements.

MM XV-18 The project developer/applicant will comply with City requirements regarding the master planned bikeway adjacent to the site along East Palm Canyon Drive.

#### CULTURAL RESOURCES

9. 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.
10. 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 and Zoning 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 and Zoning Department prior to final inspection.

### CC&R's

11. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning and Zoning for approval in a form to be approved by the City Attorney, to be recorded prior to approval of a final map. The City shall have the right to enforce the CC&R's, the CC&R's shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances. **(Modified by the City Council on 03.19.08)**
12. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500.00, for the review of the CC&R's by the City Attorney. A \$654.00 filing fee shall also be paid to the City Planning Department for administrative review purposes.
13. The CCR's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

### FINAL DESIGN

14. 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.
15. 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 & Zoning 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.
16. The following shall be implemented prior to approval of Final Development Plans as requested by the Architectural Advisory Committee:
  - a. The solar control needs to be tied to the windows.

- b. Streamline the elevations of the buildings adjacent to Matthew Drive.
- c. Work on the design of the Grand Central building to make the rear, which faces East Palm Canyon Drive, look less like the rear of the building and more like the front.
- d. The project shall be reviewed and approved by the Architectural Advisory Committee prior to Final Development Plan approval.

#### GENERAL CONDITIONS / CODE REQUIREMENTS

- 17. Preliminary development plans and architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- 18. The appeal period for a Major Architectural application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
- 19. 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 final occupancy permits.
- 20. All materials on the flat portions of the roof shall be earth tone in color.
- 21. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
- 22. 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.
- 23. 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.
- 24. The street address numbering/lettering shall not exceed eight inches in height.
- 25. 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.
26. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
  27. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
  28. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
  29. 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.
  30. 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.
  31. The applicant shall provide all tenants with Conditions of Approval of this project.
  32. 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".
  33. 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.
  34. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
  35. 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.

36. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
37. 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.
38. 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.
39. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
40. Development standards for Planned Development District 334 shall be as follows:

Use	Mixed-Use/Multi-Use
Open Space	62.53%
Setbacks	105 feet from the opposite side of Matthew Dr. and Linden Way 125 feet from the center line of East Palm canyon Drive
Bldg Separations	35 feet
Height	35 feet and 3 stories (to roof line) 45 feet and 3 stories (to parapet)
Parking	405 spaces

#### ENGINEERING:

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

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

#### STREETS

41. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
42. Applicant shall obtain State permits and approval of plans for all work done on State Highway 111. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any building permits,

unless otherwise allowed by the City Engineer. Conditions indicated herein related to East Palm Canyon Drive (State Highway 111) are subject to change in accordance with Caltrans requirements, as may be indicated by improvement plans approved by Caltrans and/or an Encroachment Permit issued by Caltrans to the applicant for construction of improvements along East Palm Canyon Drive (State Highway 111).

43. 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.
44. Abandonment of right-of-way is required to facilitate the proposed development application. Right-of-way abandonment for a portion of Matthew Drive (transitioning from existing 44 feet of right-of-way to 33 feet of right-of-way) shall be reviewed and approved by the City Engineer. Right-of-way abandonment for the easterly 19 feet of Linden Way (preserving necessary right-of-way for a standard street knuckle at the intersection of Linden Way and the East Palm Canyon Drive frontage road) shall be reviewed and approved by the City Engineer. Approved right-of-way abandonment shall be acknowledged on the Final Map in accordance with Subdivision Map Act Section 66434(g). Prior to approval of a Final Map, the applicant shall coordinate with each public utility company and determine specific requirements as to the abandonment and/or relocation of existing underground utilities that may exist within the public rights-of-way to be abandoned.
45. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.
- 45A. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.

EAST PALM CANYON DRIVE (STATE HIGHWAY 111)

46. Prepare a geometric layout for the widening of East Palm Canyon Drive extending across the frontage of the property and east of Gene Autry Trail, as required by the City Engineer. The geometric layout shall show lane configurations to facilitate construction of required improvements (eastbound dual-left turn lanes, two through lanes, and one shared through/right turn lane), and shall show revised lane line striping east of Gene Autry Trail necessary to accommodate revised lane configurations west of Gene Autry Trail. The approved geometric layout shall serve as the basis of required improvements and right-of-way dedications along East Palm Canyon Drive.
47. Dedicate additional right-of-way to accommodate the ultimate width of East Palm Canyon Drive, in accordance with the approved geometric layout, including a property line - corner cut back at the southwest corner of East Palm Canyon Drive and Gene Autry Trail, in accordance with City of Palm Springs Standard Drawing No. 105.
48. Dedicate an easement for sidewalk purposes for those portions of meandering sidewalk/bicycle path that leave the public right-of-way.
49. Remove the existing 8 inch curb and gutter along the entire frontage, and construct an 8 inch curb and gutter, located a minimum of 38 feet south of centerline (or as otherwise determined by the geometric layout), in accordance with City of Palm Springs Standard Drawing No. 200.
50. Remove and reconstruct the existing curb return, spandrel and cross-gutter at the southwest corner of the East Palm Canyon Drive and Gene Autry Trail intersection as necessary to accommodate widening of East Palm Canyon Drive, in accordance with the approved geometric layout. If necessary, remove and reconstruct the entire cross-gutter extending to the southeast corner of the East Palm Canyon Drive and Gene Autry Trail intersection as required by the City Engineer.
51. Construct a meandering 12 feet wide combination sidewalk and bicycle path along the entire frontage. The construction shall be with colored Portland cement concrete, with an admixture of Palm Springs Tan, Desert Sand, or approved equal color by the Engineering Division.
52. Construct a minimum 14-foot wide (and wider as necessary to provide an eastbound dual left-turn lane pocket) landscaped median island across the entire frontage from the west property line to Gene Autry Trail/Matthew Drive. Provide a 375 feet long eastbound dual-left turn pocket at Gene Autry Trail/Matthew Drive, with a 150 feet long bay taper. The left turn pocket shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.



53. Submit landscaping and irrigation system improvement plans for review and approval by the City Engineer and Director of Parks and Recreation. 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.
54. All median landscaping shall be guaranteed for a period of ~~90 days~~ one year from the date of acceptance by the City Engineer. Any landscaping that fails during the ~~90-day~~ one year 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~~ one year landscape maintenance period.
55. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. 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.

#### MATTHEW DRIVE

56. Dedicate a half street right-of-way of 33 feet along the frontage where necessary.
57. The existing street improvements extending south of Gene Autry Trail shall be protected in place to the extent that an appropriate transition of curb and gutter from 32 feet west of centerline to 25 feet west of centerline is approved by the City Engineer.
58. Construct a 6 inch curb and gutter located 25 feet from centerline along the entire frontage, with a 25 feet radius curb return and spandrel at the northeast corner of the intersection of Matthew Drive and Linden Way in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
59. Remove and reconstruct the existing curb return, spandrel and cross-gutter at the northwest corner of the intersection of Matthew Drive and Linden Way as necessary to align the cross-gutter flowline from 32 feet north of centerline to 25 feet north of centerline at the northeast corner of the intersection of Matthew Drive and Linden Way.

60. Construct a 50 feet wide Main Entry driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 515 feet east of the centerline of Linden Way.
61. The gated entry is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements around the entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 100 feet shall be provided between the back of sidewalk on the adjacent street and the gated entry directory/control panel, with an approved maneuvering area provided between the directory/control panel and the entry gates. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved 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.
62. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
63. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
64. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Matthew Drive and Linden Way in accordance with City of Palm Springs Standard Drawing No. 212.
65. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 310. 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.

LINDEN WAY

66. Construct a full standard street knuckle at the intersection of Linden Way and the East Palm Canyon Drive frontage road, in accordance with City of Palm Springs Standard Drawing No. 104.
67. Construct a 6 inch curb and gutter, 8 feet east of centerline along the entire frontage and throughout the standard street knuckle at the intersection of Linden Way and the East Palm Canyon Drive frontage road, in accordance with City of Palm Springs Standard Drawing No. 200.
68. Construct a 24 feet wide Secondary Entry driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 405 feet north of the centerline of Matthew Drive. The access may be gated, however, a minimum of 75 feet shall be provided between the back of sidewalk on the adjacent street and the entry gate.
69. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
70. Construct a 5 feet wide sidewalk behind the curb along the entire frontage and throughout the standard street knuckle at the intersection of Linden Way and the East Palm Canyon Drive frontage road, in accordance with City of Palm Springs Standard Drawing No. 210.
71. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage, and throughout the standard street knuckle at the intersection of Linden Way and the East Palm Canyon Drive frontage road in accordance with City of Palm Springs Standard Drawing No. 110 and 300. 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.

#### ON-SITE

72. The on-site layout of drive aisles and parking spaces is subject to further review and approval by the City Engineer and Fire Marshall. Adjustment of

proposed drive aisles, and deletion or relocation of proposed parking spaces may be required during review and approval of construction plans for on-site improvements, as required by the City Engineer and Fire Marshall. The applicant shall be required to provide unrestricted internal access for emergency vehicles as required by the Fire Marshall. Approval of the preliminary site plan does not constitute approval of the on-site layout of drive aisles and parking spaces as originally proposed.

73. All on-site drive aisles shall be two-way with a minimum 24 feet wide travelway where no on-street parking is proposed.
74. On-site drive aisles shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey surface drainage of the on-site drive aisles to the on-site drainage system, in accordance with applicable City standards.
75. The minimum pavement section for all on-site asphalt concrete 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.
76. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

#### SANITARY SEWER

77. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
78. If an on-site private sewer system is proposed 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 for residential projects 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.

## GRADING

79. The applicant is cautioned that preparation of a grading plan for the subject site is dependent upon measures to protect the site from flooding. A grading plan should not be prepared until it has been determined by the City Engineer under which development scenario this project will occur, as identified herein under the conditions related to "Drainage". The applicant shall schedule a pre-submittal meeting with the City Engineer to review the status of Line 41 storm drain plans by the applicant and/or Riverside County Flood Control District (RCFC), prior to submittal of a grading plan to the City Engineer for review and approval. A grading plan will not be approved by the City Engineer until measures to protect the site from flooding are addressed.
80. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at [www.AQMD.gov](http://www.AQMD.gov). A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

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.

81. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall

contact the Tribal Historic Preservation Officer, Richard Begay (760-699-6907), or the Tribal Archaeologist, Patty Tuck (760-699-6907), 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.

- 81A. 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.
- 81B 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.
- 81C 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.
- 81D Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- 82. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- 82A. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.
- 83. A Notice of Intent to Comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) (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 permit.

- 83A. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
84. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (c), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre for mitigation measures for erosion/blowsand relating to this property and development.
- 84a. At the time of issuance of Grading Permit, the applicant shall post with the City a cash bond of \$40,000.00 which will guarantee that in the event that no work occurs on the site or any portion thereof, for a period of time of 6 months or more, that the construction fencing will be removed and that any vacant, graded, or disturbed area of the site will be restored to the original topography of the site, glued, or hydroseeded, and that such gluing or hydroseeding shall be maintained. **(Added by the City Council on 03.16.08)**
85. 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.
- 85A. 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.
86. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

87. This property is located within a special flood hazard area (SFHA), and is subject to the provisions of Chapter 93.17.00 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Municipal Code, and applicable state and federal laws and regulations. Specifically, this property is located within a designated SFHA identified by Zone A0 (Depth = 2 feet) as shown on the current Federal Insurance Rate Map (FIRM) for the City of Palm Springs, California, Riverside County, Community Panel Number 060257 0009D, dated July 7, 1999. 06065C1586G, dated August 28, 2008. The applicant shall comply with all applicable local, state and federal laws and regulations associated with development occurring within a SFHA. Accordingly, development of this site shall be subject to conditions established under two alternative scenarios, identified herein:

Alternative 1: Development of the site under this scenario shall occur subject to a determination by the City Engineer that construction of the Line 41 storm drain system, as designed by Riverside County Flood Control District (RCFC), is fully funded. Construction of the Line 41 storm drain system by RCFC will satisfy the provisions of Chapter 93.17.00 8.68 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Municipal Code, and applicable state and federal laws and regulations, as they relate to development of this project. Under this scenario, the following shall apply:

- a. The applicant shall enter into Line 41 Developer Agreement with the City and RCFC, in an amount representing a fair share percentage of the construction cost of the Line 41 storm drain system, as approved by the City Engineer. Appropriate financial security, as required by the City Engineer, shall be provided concurrently with approval of the Line 41 Developer Agreement.
- b. Approval by the City Engineer of a grading plan for the project site shall be withheld until final approval of the Line 41 Developer Agreement by the City.
- c. Commencement of grading, issuance of building permits, and issuance of certificates of occupancy, facilitating development within the 100-year special flood hazard area, shall occur in accordance with the provisions of the Line 41 Developer Agreement.

Alternative 2: Development of the site under this scenario shall occur subject to a determination by the City Engineer that construction of the Line 41 storm drain system, as designed by Riverside County Flood Control District (RCFC), is not fully funded. Under this scenario, the following shall apply:

- a. In accordance with Chapter 93.17.18(C) 8.68.190(A)1 of the Palm Springs Zoning Municipal Code, the Tentative Tract Map shall be revised to identify the Special Flood Hazard Area(s) (SFHA's) and the elevations of the base



flood (BFE's). The final conformed copy of the approved Tentative Tract Map shall include the required information, including delineation of SFHA's and identification of associated BFE's.

- b. In accordance with Chapter 93.17.10 8.68.150 of the Palm Springs Zoning Municipal Code, a Flood Hazard Report at a minimum, the following items shall be submitted to the City by the applicant before construction or other development begins within any Special Flood Hazard Area (SFHA). The Flood Hazard Report may include, but not be limited to: plans in duplicate triplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, and equipment and their location, proposed locations of water supply, sanitary sewer, and other utilities; grading information showing existing and proposed contours, any proposed fill, and drainage facilities; and the location of the foregoing. The Flood Hazard Report submittals shall be subject to review and approval by the City Engineer. Specifically, the following information is also required:
  - i. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all proposed residential structures as required by Chapter 8.68.170(c)(1) of the Palm Springs Municipal Code. or
  - ii. Proposed elevation in relation to mean sea level to which any nonresidential structures will be floodproofed, if as required in Chapter 93.17.18(A)(3)(b) 8.68.170(c)(2) of the Palm Springs Zoning Municipal Code and detailed in FEMA Technical Bulletin TB 3-93.
  - iii. All appropriate certifications listed in Chapter 93.17.12(A) 8.68.140(e) of the Palm Springs Zoning Municipal Code.
  - iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - v. Base Flood Elevation (BFE) information as specified in Chapter 8.68.070 or Section 8.68.140(c)(2) of the Palm Springs Municipal Code;
  - vi. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Chapter 8.68.170(c)(2) of the Palm Springs Municipal Code.
  - vii. For a crawl-space foundation, location, and total net area of foundation openings as required in Chapter 8.68.170(c)(3) of the Palm Springs Municipal Code and detailed in FEMA Technical Bulletins 1-93 and 7-93.

- c. The applicant shall provide the Building Department with the elevation of the lowest floor (including basement). The elevation certification shall be done, on a form acceptable to FEMA, by a registered professional civil engineer or surveyor.
- d. In accordance with Chapter 93.17.18(C)(6) 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Conditional Letter of Map Revision (CLOMR). A complete application for the CLOMR, including all appropriate technical studies and hydraulic analyses, and payment of required FEMA application fees, shall be submitted to and approved by FEMA for review and approval, prior to approval of a grading plan and storm drain plan and issuance of grading permit. **Final City approvals associated with this project, including approval of a Grading Plan for any portion of this property, the approval of the storm drain plan, or approval of a Final Map, will not be given by the City, until approval of the applicant's CLOMR application to FEMA is provided to the City by evidence of a CLOMR issued by FEMA.**
- e. Within six months of information becoming available, the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR). In accordance with Chapter 93.17.18(C)(6) 8.68.140(A)5 and Chapter 8.68.140(D)2(b) of the Palm Springs Zoning Municipal Code and 44 CFR 60.3(d)(4), the applicant shall be required to submit an application to the Federal Emergency Management Agency (FEMA) for FEMA's issuance of a Letter of Map Revision (LOMR). A complete application for the LOMR, including all appropriate technical studies and hydraulic analyses, record drawings ("as-built's"), topographic surveying, and payment of required FEMA application fees, shall be submitted to and approved by FEMA for review and approval, prior to issuance of a certificate of occupancy building permit. **A Certificate of Occupancy Building Permit for construction of any building on this property currently located within a special flood hazard area will not be issued until the City receives final approval of the applicant's LOMR application to FEMA by evidence of a LOMR issued by FEMA.**
- f. The proposed drainage improvements (15, 20, and 30 feet wide concrete culverts) shown on the Preliminary Rough Grading Plan prepared by Rastra Engineering Inc., are not approved. Off-site drainage improvements shall be designed and constructed in accordance with the Master Drainage Plan for the Palm Springs Area, as required by the City Engineer. Submit storm drain improvement plans prepared by a California registered civil engineer to Riverside County Flood Control & Water Conservation District (RCFC) for

construction of those portions of the Line 41 storm drain system upstream and downstream of the project site, as required by the City Engineer. The Line 41 storm drain improvement plans shall be approved by RCFC prior to approval of a grading plan and issuance of a grading permit.

88. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
89. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site drive aisles into the on-site retention basins and the Line 41 storm drain system, as described in a Final Hydrology Study for the RainbowVision project. The Final Hydrology study for Tentative Tract Map 35623 shall include catch basin sizing, storm drain pipe sizing, and retention basin sizing calculations and other specifications for construction of required on-site storm drainage improvements.
90. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
91. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$7,522.00 per acre per Resolution No. 15189. Based on the 13.28 acre size of the project site as shown on the Tentative Tract Map, the project is responsible for payment of \$99,892.16 in drainage implementation fees. The applicant shall be eligible for credit up to the maximum drainage implementation fee of \$99,892.16 otherwise due under either development scenario identified herein. Payment of the applicant's fair share percentage of the construction cost of the Line 41 storm drain system, or costs associated with the applicant's design and construction of portions of the Line 41 storm drain system, either of which is in excess of the maximum drainage implementation fee of \$99,892.16 otherwise due, is the responsibility of the applicant, and are not reimbursable by the City.
92. This project may 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, may 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. If required, such 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.

## GENERAL

93. 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.
94. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer, Richard Begay (760-669-6907), or the Tribal Archaeologist, Pattie Tuck (760-669-6907), at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
95. All proposed utility lines shall be installed underground.
96. 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 north property line, 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.

97. 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.
98. 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.
99. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
100. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
101. 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.

102. 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.
103. 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.
104. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
105. In accordance with Section 66434 (g) of the Government Code, approved portions of right-of-way for Matthew Drive and Linden Way may be abandoned upon the filing of a Final Map identifying the abandonment of the right-of-way granted to the City of Palm Springs. Prior to approval of a Final Map, the applicant shall coordinate with each public utility company and determine specific requirements as to the abandonment and/or relocation of existing underground utilities that may exist within the public right-of-way to be abandoned. Prior to approval of a Final Map, the applicant shall provide to the City Engineer a letter of approval regarding the proposed abandonment of rights-of-way over Matthew Drive and Linden Way from each public utility agency.

#### TRAFFIC

106. As determined by the RainbowVision Resort Retirement Community P.D.D. Traffic Impact Study by Endo Engineering (as revised on May 3, 2007), the following mitigation measures will be required:

- a. A decorative street light shall be installed at the Main Entry on Matthew Drive and at the secondary entry on Linden Way.
  - b. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the project site at both site access points, in accordance with City of Palm Springs Standard Drawing No. 620 through 625, as required by the City Engineer.
107. Relocate and modify the existing traffic signal poles, conduit, pull boxes and all appurtenances located on the southwest corner of East Palm Canyon Drive (State Highway 111) and Gene Autry Trail/Matthew Drive, in accordance with the requirements of the City of Palm Springs and Caltrans. The applicant shall submit traffic signal modification plans prepared by a California registered civil engineer or traffic engineer for review and approval by the City Engineer. The traffic signal shall be relocated in conjunction with the widening of East Palm Canyon Drive, and prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
  108. Install traffic striping, signage and markings on East Palm Canyon Drive and Matthew Drive as required in conjunction with the widening of the streets. Submit traffic striping and signage plans, prepared by a California registered civil engineer, for review and approval by the City Engineer. Required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
  109. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the street frontages of the subject property.
  110. 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.
  111. Construction signing, lighting and barricading shall be provided for on all projects during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996 Part 6 "Temporary Traffic Control" of the California

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

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

**FIRE:**

113. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
114. **Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version 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.
115. **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) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
116. **Fire Sprinklers Required:** An automatic fire sprinkler system is required by local ordinance for entire building.
117. **Standpipe System:** An approved Class 1 standpipe system is required. (CBC 904.5.2)
118. **Fire Sprinkler Plan Submittal:** 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. A minimum of four copies must be submitted. Submittal to include manufacturers cut sheets on all material and equipment used. Submittal shall also include hydraulic calculations.

119. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases. A field analysis of existing hydrants has not been conducted to verify hydrant location or availability. This comment is included to make you aware that additional fire hydrants may be required.
120. **Fire Department Connections:** 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.
121. **Location of Fire Department Connections:** The connection inlets must face the street, and be located on the street side of the building. The face of the inlets shall be 18 inches horizontal from the back edge of sidewalk (or back of curb, if no sidewalk), and shall be 36 to 44 inches in height to center of inlets above finished grade. No landscape planting, walls, or other obstructions are permitted within 3 feet of Fire Department connections. The FDC and supporting piping shall be painted OSHA safety red.

The address of the building served shall be clearly indicated on the Fire Department Connection (FDC). A sign with this information shall be placed on or near the FDC. The sign shall be constructed of metal. The sign face, lettering, and attachment shall be made of weather and vandal resistant materials. Sign background will be bright red. Letters will be bright white. Sign format will be substantially as follows:

F. D. C.  
SERVES  
425  
S. SUNRISE WAY  
ALL BLDGS. IN COMPLEX

122. **Valve and water-flow monitoring:** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored where the number of sprinklers is one hundred or more. (Twenty or more in Group I, Divisions 1.1 and 1.2 occupancies.) 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. (1003.3.1 CFC)

123. **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:**

Private streets shall have a minimum width of at least 20 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. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

124. **Reduced Roadway Width:** Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads, traffic calming areas) that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint. (901.4 CFC)
125. **Access Gates:** Fire/Police/Ambulance access gates shall be at least **14'** in width when in the open position and equipped with a Knox (emergency access) key switch. A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
126. **Vertical Fire Apparatus Clearances:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 13 feet 6 inches. (902.2.2.1 CFC)
127. **Vertical Clearance for Underground Parking:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 8 feet 6 inches. (902.2.2.1 CFC)
128. **Underground Parking:** Automatic smoke removal system shall be required for subterranean parking.
129. **Secondary Access:** A secondary access shall be provided for all developments with 25 or more dwelling units. (Appendix III-D 2.1 CFC)
130. **Fire Apparatus Access Roads/Driveways:** Fire department access roads/driveways shall be provided so that no portion of the exterior wall of the first floor of any building will be more than **150 feet** from such roads. (902.2.1 CFC)
131. **Road Design or parking lot surface:** Fire apparatus access roads shall be designed and constructed as all weather capable and able to support a fire

truck weighing 73,000 pounds GVW. (902.2.2.2 CFC) The minimum inside turning radius is 30 feet, with an outside radius of 45 feet.

132. **Mid Rise/High Rise:** High-rise (5 stories or more) and mid-rise (3-4 stories) buildings shall be accessible on a minimum of two sides. Street access shall not be less than 10 feet (3048 mm) or more than 35 feet (10 668 mm) from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for fire fighting and rescue operations.
133. **Turn-Around Requirements:** Dead-end fire apparatus access roads in excess of **150 feet** in length shall be provided with approved provisions for the turning around of fire apparatus. (902.2.2.4 CFC) The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
134. **Rapid Entry System Approval:** The Knox Fire/Police/Ambulance Rapid Entry System is the only Key Box, Lock Vault, Key Cabinet, Key Switch, Padlock, FDC Cap, or Decal approved for use by the City of Palm Springs Fire Department.
135. **Emergency Key Box:** A Knox key box is required for access to the fire sprinkler riser. Box shall be mounted at 6 feet above grade, adjacent to the main entrance. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
136. **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.
137. **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 along the path of exit travel or near an exit door. Extinguishers located outdoors must be installed in weather and vandal resistant cabinets approved for this purpose.
138. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
139. **Audible Water Flow Alarms:** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall

- be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
140. **Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). 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.
  141. **Wiring Installation:** The installation of all Fire Alarm Wiring and Equipment shall be in accordance with NFPA 72, 760, NEC.
  142. **Radio Communications:** Must install an in-building Public Safety Radio Communications Coverage System composed of a radiating cable system or an internal multiple antenna system with FCC-certified bi-directional 800 MHz and 150 MHz (as required to meet the two indicated 150 MHz frequencies) amplifier(s), distribution system, and subcomponents shall be required for all buildings in excess of three stories, or has subterranean floors, or subterranean parking. This system must meet the City of Palm Springs Public Safety Radio System Coverage Specifications.
  143. **System Acceptance Test:** Upon completion of the installation of the Fire Alarm System, a satisfactory test of the entire system shall be made. The test shall be witnessed by the fire inspector.
  144. **Water Supply:** The water supply and location/s of fire hydrants shall be approved prior to any work being performed on the job site. (903.1 CFC)
  145. **Water Systems and Hydrants:** Where underground water mains are to be provided, they shall be installed, completed and in service with fire hydrants or standpipes (Or combinations thereof located as directed by the Fire Department) not later than the time when combustible materials are delivered to the construction site. (Sec. 903 CFC)
  146. **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. (1001.7.2 CFC)
  147. **Fire Flow:** Fire flow for this project is estimated to be:

- Building 1 Type V 1HR = 2,000 GPM with fire sprinklers.
- Building 2 Type V 1HR = 2,000 GPM with fire sprinklers.
- Building 3 Type V 1HR = 2,000 GPM with fire sprinklers.
- Building 4 Type V 1HR = 2,000 GPM with fire sprinklers.
- Grand Central Building Type II 1HR = 1,500 GPM with fire sprinklers.

#### COMMERCIAL COOKING IN GRAND CENTRAL BUILDING

148. **Fire Extinguishing System Required:** Approved UL 300 automatic fire-extinguishing systems shall be provided for the protection of commercial type-cooking equipment. (1005.2.1/2 CFC & NFPA 17A/96)
149. **Hood & Duct Fire Protection System Coverage:** The automatic fire extinguishing system used to protect ventilating hoods and ducts and cooking appliances shall be installed to include cooking surfaces, deep fat fryers, griddles, upright broilers, charbroilers, range tops, and grills. Protection shall also be provided for the enclosed plenum space within the hood above filters and exhaust ducts serving the hood. (1005.2.3.1 CFC)
150. **Hood & Duct Fire Protection System Plan Review Procedure:** Plans must be submitted directly to a Fire Department approved engineer for review and recommendation of approval. A list of approved engineers is attached. Once plans are recommended for approval, they will be forwarded to the Fire Department for final approval.
151. **Portable Fire Extinguishers for Food Processing Equipment:** In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. (1005.2.7 CFC) The preferred location is near the exit from the cooking equipment area. Show proposed location on the plans.
152. **Automatic Power and Fuel Shutoffs:** The automatic fire extinguishing system shall be interconnected to the fuel or current supply for cooking equipment. The interconnection shall shut off all cooking equipment and electrical receptacles which are located under the hood when the system is actuated. Shutoff valves or switches shall be of a type that requires manual operation to reset. (1005.2.4.1 CFC)
153. **Fire Suppression Systems Testing:** The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.
154. **Exhaust Fan Operation:** A hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated. (8.2.3.1 NFPA 96)

155. **Makeup/Replacement Air:** Replacement air quantity shall be adequate to prevent negative pressures in the commercial cooking area(s) from exceeding 4.98 kPa (0.02 in. water column). (8.3.1 NFPA 96)
156. **Listed Appliance Installation:** All listed appliances shall be installed in accordance with the terms of their listings and the manufacturer's instructions. (12.1.2.1 NFPA 96)
157. **Listed Exhaust Hood Systems:** Listed hood assemblies shall be installed in accordance with the terms of their listing and the manufacturer's instructions. (509.6 CMC & 5.4 NFPA 96)
158. **Construction site Security and Protection Fencing Required:** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)
159. **Fire Apparatus Access Gates:** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock. (8.04.260 PSMC)
160. **Access Gate Obstructions:** Entrances to roads, trails or other access ways, which have been closed with gates and barriers, shall be maintained clear at all times. (902.2.4.1 CFC).
161. **Access During Construction:** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs. (Sec. 902 CFC)

**ADA:**

162. **Curb ramps** -To comply with **CBC 1127B.5.1** curb ramps shall be constructed at each corner of street intersections and where a pedestrian way crosses a curb. These curb ramps shall comply with all curb ramp technical specifications regarding slope and detectable warnings. This means the curb ramps will be required on the sidewalk at all driveways leading into the site.
163. **Disabled Parking** - In order to properly identify the number of required disabled parking spaces, a determination will need to be made as to the type of occupancy the property will have. The **Site Plan** indicates five surface mounted

disabled parking spaces. Any underground parking will be treated like a parking structure and it shall provide disabled parking that meets the minimum 8 foot 2 inch height requirement as set forth in **CBC 1130B**.

164. **Site accessible route of travel – CBC 1114B.1.2** The site development and grading shall be designed to provide access to all entrances and exterior ground floor exits. The site plan indicated compliance with this requirement. However, there are a few locations on the plan that indicate decomposed granite as the material for the walk leading to landscaped areas. The use of "DG" may be allowed in the landscape areas as long as it remains stable, firm and slip resistant to allow a person with limited mobility or a wheelchair user to maneuver without difficulty. The use of concrete shall be used for all sidewalks.
165. The lap pool indicates a ramp that leads into the pool for people with mobility impairments. This complies with **CBC 1111B.4**
166. Since this project may have different aspects regarding the occupancy between residential, commercial and institutional, I would like to attend any future meeting with the developer to address disabled access requirements.

**END OF CONDITIONS**

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January 19, 2011

*VIA E-MAIL AND UPS OVERNIGHT MAIL*

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

*Re: Request for Extension of Planned Development District 334  
(City of Palm Springs Case No. 5.1135)*

Dear Mr. Robertson:

As you and I discussed on Wednesday, January 12, 2011, this office represents SHP III Riverside, LLC ("SHP III"), the owner of real property located at the southwest corner of East Palm Canyon Drive and Matthew Drive in the City of Palm Springs ("City"), APNs: 681-170-038 and 681-170-039 (the "Property"). On March 19, 2008, the City's City Council approved preliminary development plans for Planned Development District 334 ("PDD 334") and Tentative Tract Map 35623 (collectively, the "Approvals") for the development of a mixed-use retirement community (the "Project") on the Property. Pursuant to that approval, PDD 334 would have expired on March 19, 2010. On March 10, 2010, the City's Planning Commission adopted Resolution No. 6123 granting a one-year extension on PDD 334 so that it expires on March 18, 2011. The purpose of this letter is to request a second time extension for PDD 334. A check in the amount of \$881.00 (representing the City's applicable processing fee for this request) is enclosed.

The City's Municipal Code provides that extensions of a preliminary development plan may be allowed for good cause:

If, within two (2) years after the date of approval by the city council of the preliminary development plan, the final development plan, as indicated in Section 94.03.00(I), has not been approved by the planning commission, the



Edward O. Robertson  
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Page 2

procedures and actions which have taken place up to that time shall be null and void and the planned development district shall expire. Extensions of time may be allowed for good cause.

(Palm Springs Municipal Code § 94.03.00.H.)

Similarly, the Conditions of Approval approved by the Planning Commission in Resolution No. 6123 state:

“Preliminary development plans and architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.”

(See Resolution No. 6123, Condition of Approval #17.)

Pursuant to Municipal Code section 94.03.00.H and Condition of Approval #17, SHP III respectfully requests a second time extension on PDD 334. This request is justified by good cause for a number of reasons, including but not limited to the number of transactions involved that ultimately caused SHP III to acquire title to the Property and the development rights to the Project. As explained in my previous letter dated January 25, 2010, the history of the transactions affecting the ownership of the Property and the development rights associated with the Project unavoidably delayed its development.

In addition, even after that process concluded, the recent historic economic downturn impacted the ability to develop the Project. Recognizing the downturn's effect on development in California, the State legislature enacted two pieces of legislation that automatically extend by as much as 36 months the life of tentative maps that otherwise would have expired in 2010 and 2011. (See California Gov't Code §§ 66452.21 and 66452.22.) Pursuant to those enactments, Tentative Tract Map 35623, another element of the Approvals granted by the City Council, will remain valid until at least March 19, 2013. Extension of PDD 334 would therefore be consistent with extensions already in place for Tentative Tract Map 35623, as both constitute portions of the Approvals for the Project and the planned development and subdivision are inextricably linked. Accordingly, in order to ensure that the entire Project approved by both the Planning Commission and City Council remains a viable development project for the Property, an extension of PD 334 is supported by good cause.

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Page 3

Thank you for your consideration of this request. We look forward to hearing from you shortly regarding setting this matter for hearing before the Planning Commission.

Sincerely,

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

Robert D. Pontelle

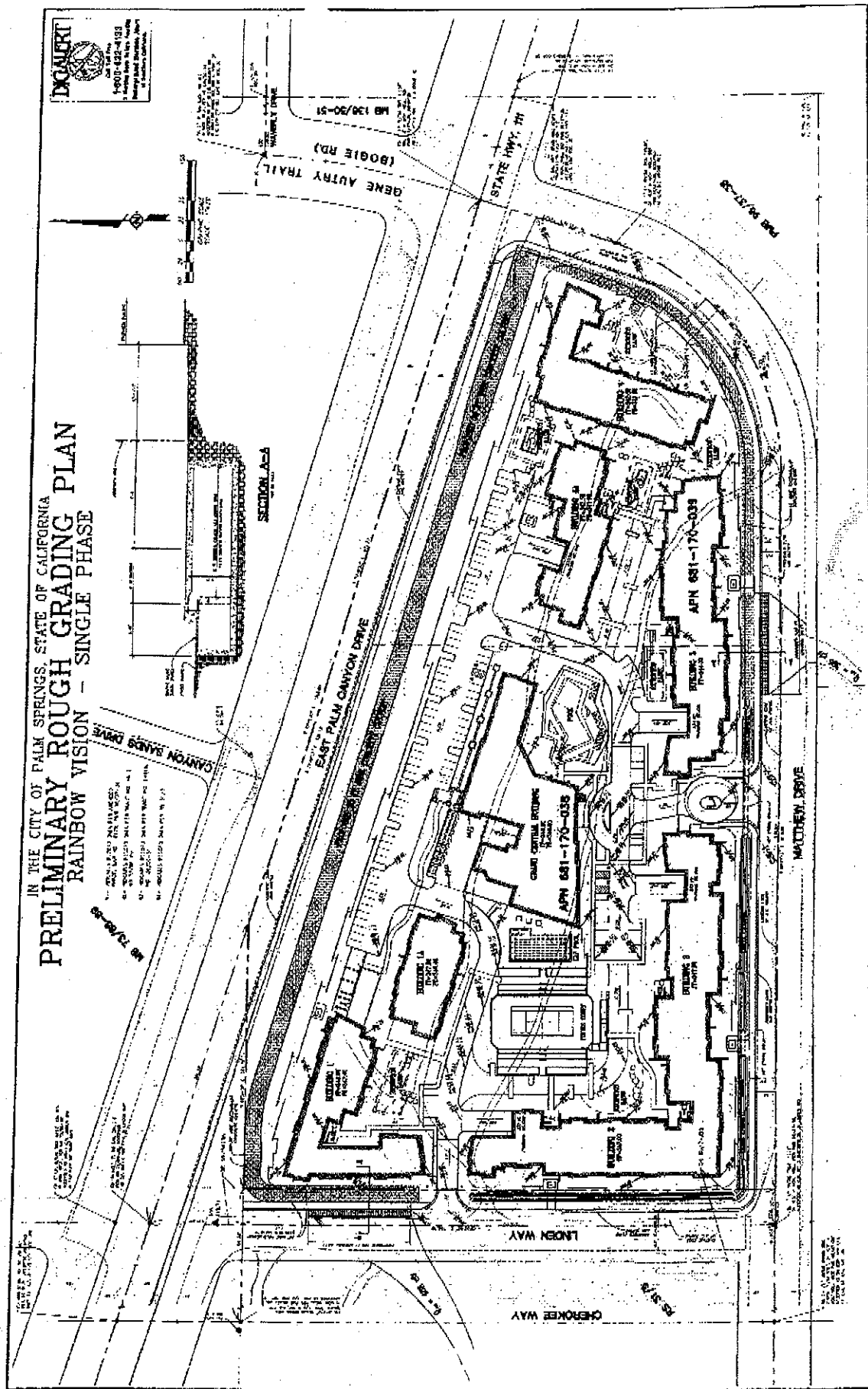
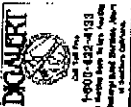
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Enclosure

cc: John Dark  
Joan Hayden

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51135

IN THE CITY OF PALM SPRINGS, STATE OF CALIFORNIA  
**PRELIMINARY ROUGH GRADING PLAN**  
**RAINBOW VISION - SINGLE PHASE**



- 1. ALL UTILITY LINES SHALL BE SHOWN AND DELETED AS NECESSARY.
- 2. ALL UTILITY LINES SHALL BE SHOWN AND DELETED AS NECESSARY.
- 3. ALL UTILITY LINES SHALL BE SHOWN AND DELETED AS NECESSARY.
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														RAINBOW VISION PRELIMINARY GRADING PLAN	
THIS PLAN PREPARED BY <b>PASTRA ENGINEERING, INC.</b> 221 N. PALM SPRINGS BLVD., SUITE 200 PALM SPRINGS, CALIFORNIA 92262 TEL: (760) 325-1133 FAX: (760) 325-1134															
DESIGN BY: [ ] DATE: [ ] CHECKED BY: [ ] DATE: [ ] GRANT BY: [ ] DATE: [ ] APPROVED BY: [ ] DATE: [ ]															
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PROJECT: RAINBOWWISSEY PALM SPRINGS  
 GROUP OF FIVE TOWNHOMES IN PALMDALE, CA

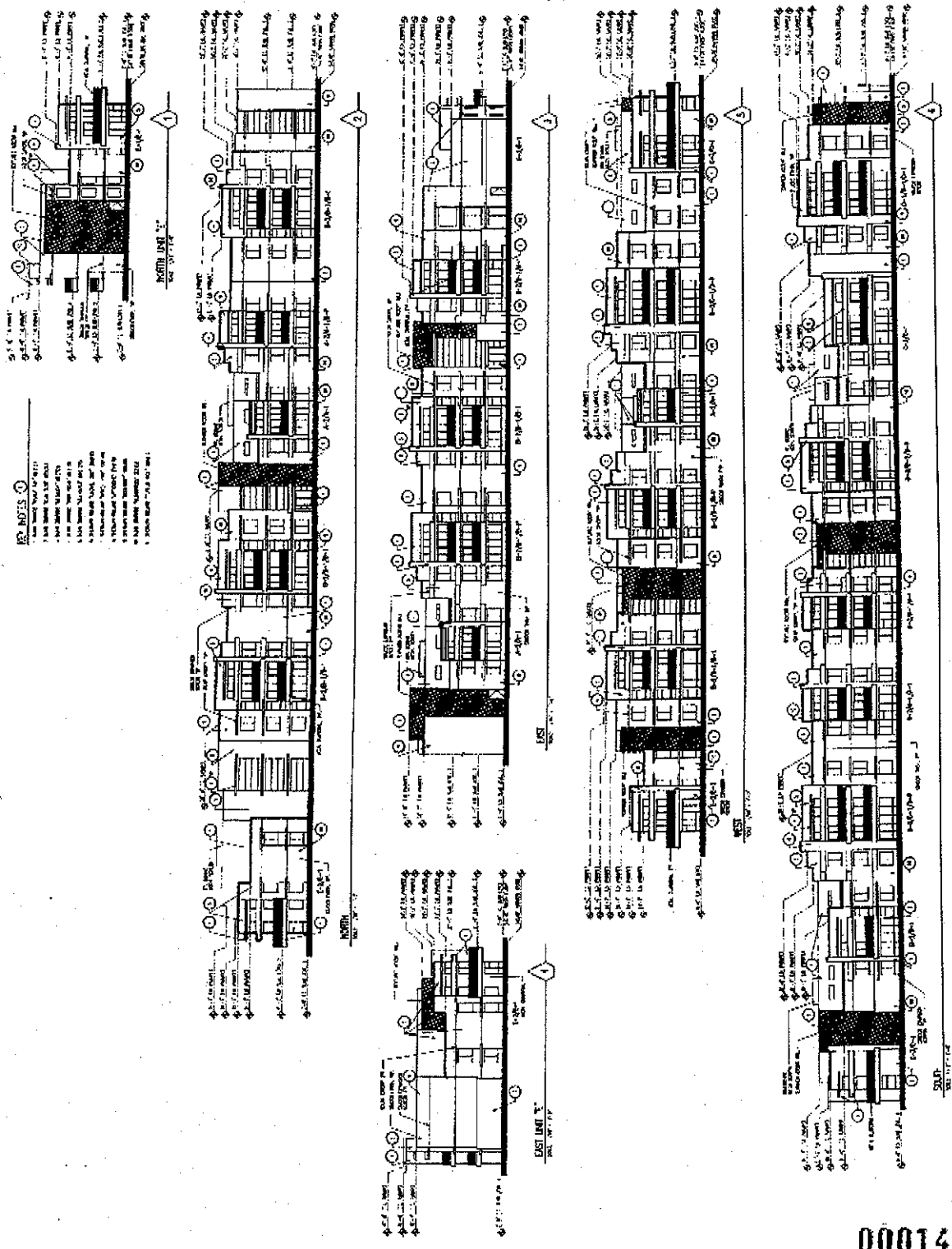


RAINBOWWISSEY PROPERTIES  
 ARCHITECTS AND ENGINEERS INC.

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CONDOMINIUM BUILDING 2  
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- NOTES:
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