



## Planning Commission Staff Report

Date: October 26, 2011  
Case No.: 3.3274 – MAJ Time Extension  
Type: Major Architectural Approval Time Extension Request  
Location: 1550 East Amado Road  
APN: 669-430-015, 669-430-016  
Applicant: Legacy Development International  
General Plan: Medium Density Residential (MDR)  
Zone: MR (Medium Density Residential – Section 14 Specific Plan)  
From: Craig A. Ewing, AICP, Director of Planning Services  
Project Planner: Glenn Mlaker, AICP, Assistant Planner

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### **PROJECT DESCRIPTION**

The applicant is requesting a one-year time extension for a previously approved Major Architectural Application for the construction of a 38-unit senior living condominium complex including off-street parking, landscaping and a community building on approximately 2.66 acres, located at 1550 East Amado Road, Section 14 (IL).

### **RECOMMENDATION**

That the Planning Commission approve a one-year time extension for Case 3.3274 - MAJ from September 24, 2011, to September 23, 2012, subject to attached revised conditions of approval.

### **PRIOR ACTION**

On September 24, 2008, the Planning Commission adopted a Categorical Exemption under the guidelines of the California Environmental Quality Act (CEQA); and approved the Major Architectural application (MAJ). The Commission also approved Tentative Tract Map 35998 and recommended its approval by the City Council, subject to conditions of approval.

On October 6, 2008, the project was reviewed by the Tribal Planning Commission of the Aqua Caliente Band of Cahuilla Indians.

On October 14, 2008 it was reviewed by the Tribal Council.

On November 5, 2008, the City Council approved Tentative Tract Map 35998 subject to conditions of approval.

On September 16, 2010 the Planning Commission granted a one-year time extension request from September 24, 2010 to September 23, 2011.

## **BACKGROUND**

The previously approved project consists of a major architectural application and tentative tract map for condominium purposes by John Skordoulis of Legacy Development International ("applicant"). The project is comprised of a thirty-eight unit senior housing complex with two guest casitas, underground parking, and common dining and social/recreation clubhouse, swimming pools, recreation areas and landscaping on a 2.66 acre (115,157 net square feet) lot at 1550 Amado Road.

The Planning Department of the Agua Caliente Band of Cahuilla Indians has been notified of this time extension request and had no objection to the request. The Tribal Council originally reviewed the project on October 14, 2008.

## **ANALYSIS**

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

Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Additionally, the applicant must demonstrate good cause for the time extension. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood would warrant denial of the time extension. The applicant submitted a letter of time extension request on September 14, 2011. The applicant has stated that construction has not commenced due to current market and economic conditions.

Staff has included amended conditions from the Engineering Department in response to changes to applicable Engineering standards and regulations. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions – Amado Road: #16; Grading: #30; and Drainage: #36.

## ENVIRONMENTAL DETERMINATION

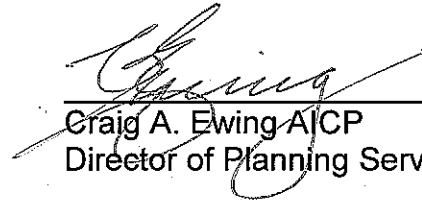
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the Environmental Quality Act (CEQA). A Categorical Exemption was previously adopted by the Planning Commission for the project. Further environmental documentation is not necessary because there are no new circumstances relating to the project that would result in any new significant environmental effects.

## CONCLUSION

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one year from September 24, 2011 to September 23, 2012 for Case 3.3274 MAJ subject to revised conditions of approval.



Glenn Mlaker, AICP  
Assistant Planner



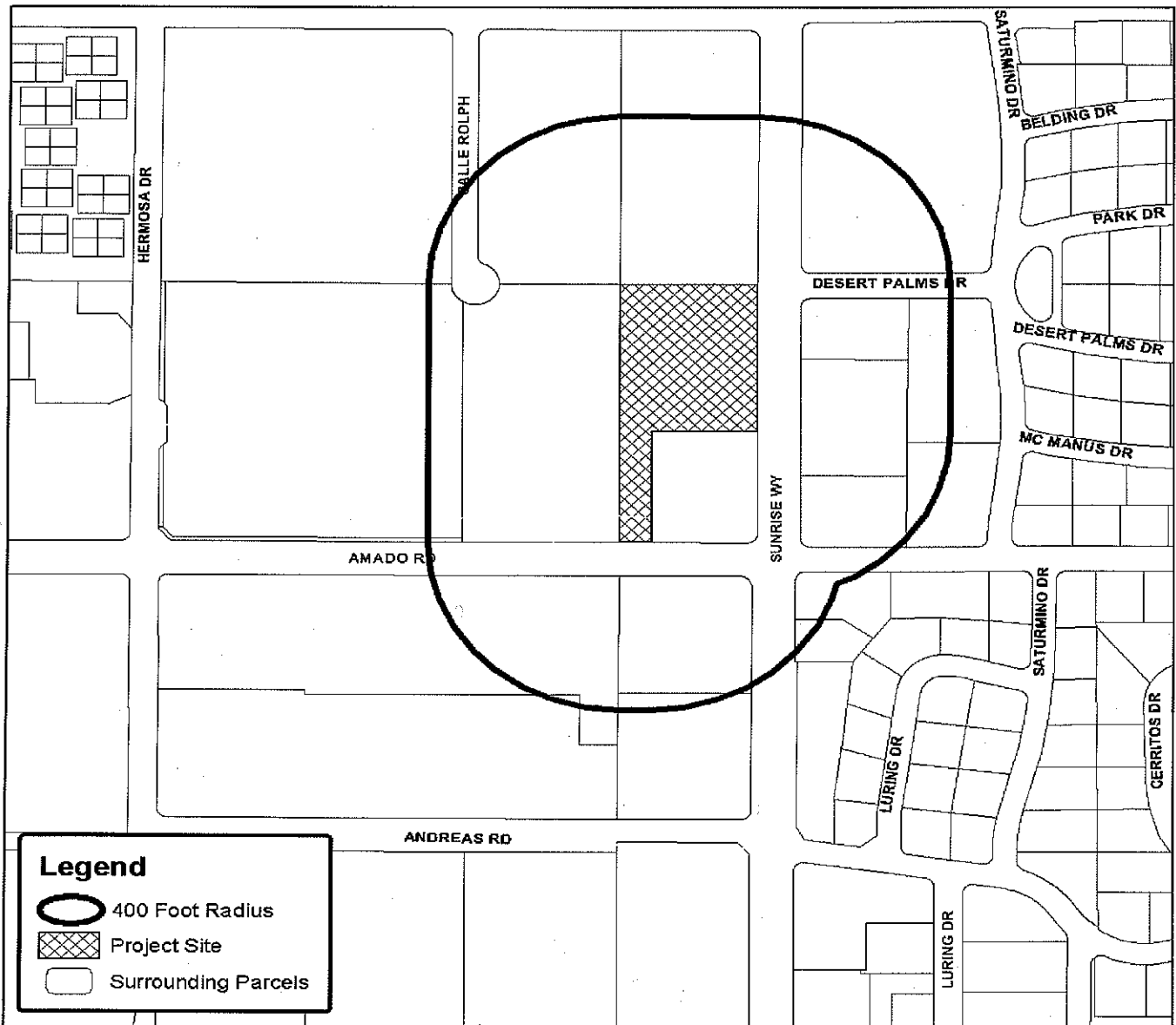
Craig A. Ewing AICP  
Director of Planning Services

### Attachments:

- Vicinity Map
- Draft Resolution
- Revised Conditions of Approval
- Letter Requesting Time Extension



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 3.3274 MAJ TE  
(Time Extension)

**APPLICANT:** John Skordoulis for  
Legacy Development  
International

**DESCRIPTION:** An application by Legacy Development International for a one year Time Extension on the approval of a major architectural application. The project is comprised of a thirty-eight unit senior housing complex with two guest casitas, underground parking, common dining and social/recreation clubhouse, swimming pools, recreation areas and landscaping located on a 2.66 acre lot at 1550 Amado Road, Zone MR, Section 14. (IL)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FROM SEPTEMBER 24, 2011 TO SEPTEMBER 23, 2012 FOR CASE 3.3274 - MAJ, A PREVIOUSLY APPROVED MAJOR ARCHITECTURAL APPLICATION FOR DEVELOPMENT OF A 38-UNIT SENIOR LIVING CONDOMINIUM COMPLEX AT 1550 EAST AMADO ROAD. ZONE MDR - SECTION 14 SPECIFIC PLAN (T4S/R4E).

WHEREAS, John Skordoulis of Legacy International LLC ("Applicant") has filed an application with the City pursuant to Chapter 94.04.0(H) of the Palm Springs Zoning Code for a one-year time extension to Case 3.3274 – MAJ, for the construction of a 38-unit senior living condominium complex including off-street parking, landscaping and a community building on approximately 2.66 acres, located at 1550 East Amado Road, Section 14 (IL).

WHEREAS, a notice of public hearing of the Planning Commission of Palm Springs, California was made pursuant to applicable law, and

WHEREAS, on October 24, 2011, a public hearing on the time extension request 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 guidelines of CEQA. A Categorical Exemption was previously adopted by the Planning Commission for the project. Further environmental documentation is not necessary because there are no changed circumstances on the project. The project will not result in any new significant environmental effects, and

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one year time extension from September 24, 2011 to September 23, 2012 for Case 3.3274 – MAJ, subject to revised conditions of approval as shown in Exhibit A.

ADOPTED this 26<sup>th</sup> day of October 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig E. Ewing, AICP  
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 3.3274 TTM 35998  
Olympian Villas Senior Housing  
1550 Amado Road

November 5, 2008  
Revised 1-12-11  
Revised 10-26-2011

**REVISED CONDITIONS OF APPROVAL**

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

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

**Administrative**

- ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 3.3274. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or

abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 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).
- ADM 6. 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.



- ADM 7. As the property is Indian trust land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council shall be paid prior to consideration of this project by the Planning Commission.
- ADM 8. The project is located within the reservation of the Agua Caliente Band of Cahuilla Indians. The project therefore is subject to fees associate with the Tribal Habitat Conservation Plan. Fees for THCP must be paid to the Tribe prior to issuance of grading permits.

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

- ADM 9. 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 CC&R's may be enforceable by the City, shall not be amended without City approval, shall require maintenance of all property in a good condition and in accordance with all ordinances.
- ADM 10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$631 filing fee shall also be paid to the City Planning Department for administrative review purposes.
- ADM 11. 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.

### **Cultural Resources**

- ADM 12. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ADM 13. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
- a. Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s)

shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning 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.

**ADDITIONAL CULTURAL RESOURCES CONDITIONS IMPOSED BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS TRIBAL PLANNING OFFICE:**

1. Prior to issuance of grading permits, the applicant shall pay the Valley Floor Conservation Area fee to the Tribe as required by the THCP.
2. Prior to any ground or habitat disturbance associated with any Covered Project on the Reservation on a site which provides potential burrowing owl habitat, the Covered Project Proponent shall cause a pre-construction survey of the site to be conducted for presence of the species.
  - a. Surveys and relocation, if applicable, shall be conducted in accordance with the California Department of Fish and Game (CDFG) Staff Report on Burrowing Owl Mitigation (1995) (see Attachment C) or other then-current protocols as directed by the Tribe.
  - b. Owls should be excluded from burrows in the Development Envelope and within an appropriate buffer zone by installing one-way doors in burrow entrances or other technique as deemed appropriate. The biological monitor must ensure through appropriate means (e.g., monitoring for owl use, excavating burrows) that the burrows to be impacted are not being used. The Tribe shall determine whether creation of artificial burrows is necessary as part of the relocation effort.
  - c. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that either: (a) the birds have not begun egg laying and incubation; or (b) that juveniles from

the occupied burrows are foraging independently and capable of independent survival.

3. That a Native American Monitor(s) be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. at the cost of the developer.
  - a. Should buried cultural deposits be encountered during project development and construction the Cultural Monitor has the right to halt destructive activities in the immediate vicinity of the find and shall notify a qualified archaeologist meeting Secretary of Interior standards to assess the find.
  - b. If significant Native American cultural resources are discovered the archaeologist shall prepare a Treatment Plan for submission to the THPO for approval.
  - c. Human remains encountered shall be handled consistent with the state law provisions and implementation.
  - d. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to the Tribe, etc.).
4. That the project contractor be subject to the State law regarding the discovery and disturbance of human remains should human remains be discovered during construction of the proposed project.
  - a. In that circumstance, destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.
  - b. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted.
  - c. The NAHC will make a determination of the Most Likely Descendent (MLD).
  - d. The City of Palm Springs and Developer will work with the designated MLD to determine the final disposition of the remains.

## PLANNING CONDITIONS

- PLN 1. The applicant agrees to accept and incorporate all conditions of approval and/or mitigation measures recommended for this project by the Tribal Council of the Agua Caliente Band of Cahuilla Indians.
- PLN 2. Prior to submittal for plan check, the project shall incorporate in its design significant new "sustainability features". These sustainability features shall reflect the City's recently adopted sustainability policies. Included in these sustainability features shall be the natural delighting features outlined by the AAC for the underground parking and at least five (5) outlets for electric cars. The proposed features shall be reviewed and approved by the Director of Planning Services.
- PLN 3. Final material and color selections shall be submitted for review and approval by the Planning Commission prior to issuance of Building Permit.
- PLN 4. Incorporate the design recommendations from the Architectural Advisory Committee which include:
- The project will need to be carefully detailed architecturally
  - Roof slope seems too low, evaluate and revise if possible.
  - Windows and screens need to be scaled and reviewed to assure a deep 'punched window' appearance
  - Provide skylights into the underground parking to reduce dependency on artificial lighting means
  - Evaluate the proportions and integration of the entry pediment with the adjacent facades
  - Raise the height of the entry pediment and study the proportions of the columns.
- PLN 5. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- PLN 6. The final development plans shall be submitted in accordance with Section 9403.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 7. 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.

- PLN 8. Architectural approval shall be valid for a period of one year. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- PLN 9. The project is subject to the State of California Water Efficient Landscape Ordinance ~~City of Palm Springs Water Efficient Landscape Ordinance~~. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. The landscape package shall be reviewed and provided a stamped approval by the Desert Water Agency prior to submittal to the Director of Planning. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 10. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 11. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 12. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
- PLN 13. ~~All materials on the flat portions of the roof shall be light reflective color.~~ Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 14. All awnings shall be maintained and periodically cleaned.
- PLN 15. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights,

and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.

- PLN 16. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
- PLN 17. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
- PLN 18. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
- PLN 19. The street address numbering/lettering shall not exceed eight inches in height.
- PLN 20. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.
- PLN 21. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 22. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 23. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 24. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. Refer to Chapter 8.4 of the Municipal Code for specific requirements.
- PLN 25. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
- PLN 26. The applicant shall provide all tenants with Conditions of Approval of this project.

PLN 27. Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.

PLN 28. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.

#### **POLICE DEPARTMENT CONDITIONS**

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

#### **BUILDING DEPARTMENT CONDITIONS**

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

#### **ENGINEERING CONDITIONS**

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**

ENG 1. The Engineering Division recommends deferral of off-site improvement items (identified as "**Deferred**") at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.

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

ENG 3. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

ENG 4. Master planned roadways (Sunrise Way and Amado Road) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City.

#### SUNRISE WAY

ENG 5. Dedicate additional right-of-way to provide the ultimate half street right-of-way width of 50 feet along the entire frontage.

ENG 6. Remove the existing curb and gutter and construct an 8 inch curb and gutter located 38 feet from centerline along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 7. Construct a 15 feet wide driveway approach located approximately 115 feet and 225 feet south of the north property line of the site, in accordance with City of Palm Springs Standard Drawing No. 201. The northerly driveway shall be restricted to ingress only and the southerly driveway shall be restricted to egress only. Traffic signage and striping shall be installed to enforce access restrictions.

ENG 8. Construct a 24 feet wide driveway approach located approximately 20 feet south of the north property line of the site in accordance with City of Palm Springs Standard Drawing No. 201. The access shall be gated and locked, utilizing a combination of a Tomar strobe-activated switch and an approved Knox key electric switch for emergency access as approved by the Fire Marshall.

ENG 9. Construct a meandering 5 feet wide sidewalk separated by a 4 feet wide landscaped parkway behind the curb, along the entire frontage in accordance with the Section 14 Final Master Development Plan Specific Plan (dated November 2004). The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

ENG 10. In accordance with the Section 14 Final Master Development Plan Specific Plan (dated November 2004), the applicant shall plant *Washingtonia robusta* palm trees with a trunk height of 38 to 42 feet along the Sunrise Way frontage, at 60 feet spacing, two canopy shade trees between each new palm tree at 30 feet spacing, and a 3 feet high evergreen hedge at the curb, as approved by the Director of Planning Services. The palm trees shall be uplighted, consistent with existing palm tree lighting along the Tahquitz Canyon Way corridor. The applicant shall be responsible for the perpetual maintenance of the new palm trees and other parkway landscaping along the



Sunrise Way frontage. The specific landscape improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

- ENG 11. Design and install an electrical system for installation of Sunrise Way decorative light fixtures (26 feet to 30 feet tall) consistent with the existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaires and supporting electrical system. The electrical system shall be operated by a separate electric meter, as approved by the City Engineer. The lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
- ENG 12. Construct a 14-foot wide raised, landscaped median island as specified by the City Engineer along the entire frontage. **Deferred**
- ENG 13. 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.

#### AMADO ROAD

- ENG 14. Dedicate an easement for sidewalk purposes as needed for those portions of sidewalk located outside of the public right-of-way.
- ENG 15. Remove the existing street improvements as necessary to construct a 50 feet wide driveway approach, in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be located approximately 30 feet east of the west property line of the site.
- ENG 16. 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 50 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.

#### ON-SITE

- ENG 17. All on-site drive aisles shall be two-way with a minimum 24 feet wide travel way (as measured from face of curb) where no on-street parking is proposed.
- ENG 18. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the surface access road and the emergency access drive aisle as necessary to enforce parking restrictions. A Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.
- ENG 19. The minimum pavement section for all on-site drive aisles and parking spaces shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 20. The emergency access drive aisle may be constructed of turf block or alternative materials, as approved by the Fire Marshall.
- ENG 21. 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

- ENG 22. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes. The on-site sewer system shall connect to the existing sewer main with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405.

## GRADING

ENG 23. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

i. Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.

c) 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 or site plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the associated Water Quality Management Plan.

ENG 24. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of

Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 25. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 26. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 27. 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 and restored, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization and restoration of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

Add the following condition as follows:

ENG 27a. 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).

ENG 28. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep-nuisance water from entering the public streets, roadways, or gutters.

~~ENG 29. Notice of Intent to comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) 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.~~

Modify the following condition as follows:

ENG 29. Notice of Intent to comply with Statewide California General Construction Stormwater Permit (Water Quality Order ~~99-08-DWQ as modified December 2, 2002~~ 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a

Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

Add the following condition as follows:

ENG 29a. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). The project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

~~ENG 30. In accordance with City of Palm Springs Municipal Code, Section 8.50.025 (e), 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.~~

Modify the following condition as follows:

ENG 30. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h) ~~8.50.025 (e)~~, the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.

ENG 31. 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.

Add the following conditions as follows:

ENG 31a. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of

occupancy will be issued until the required certification is provided to the City Engineer.

ENG 31b. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan to the Engineering Division prior to construction of any building foundation.

ENG 32. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

Add the following Section and conditions as follows:

#### WATER QUALITY MANAGEMENT PLAN

ENG 32a. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 32b. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 32c. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:

- (1) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- (2) Demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and
- (3) Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

## DRAINAGE

ENG 33. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a hydrology study to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.

ENG 34. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Sunrise Way or Amado Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

Delete the following condition as follows:

~~ENG 35. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and the on-site private drive aisles. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.~~

ENG 36. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

ENG 37. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### GENERAL

ENG 38. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the



City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 39. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
- ENG 40. All proposed utility lines shall be installed underground.
- ENG 41. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

- ENG 42. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 43. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 44. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 45. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 46. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.

#### MAP

- ENG 47. 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 there from, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
- ENG 48. 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 (Parcel) Map, or in the absence of a Final (Parcel) Map, shall be submitted and approved by the City Attorney prior to issuance of a Certificate of Occupancy.

ENG 49. 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.

#### TRAFFIC

- ENG 50. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development, in accordance with City of Palm Springs Standard Drawing No. 620 through 625.
- ENG 51. Install traffic signage at the emergency access driveway restricting access to emergency vehicles only.
- ENG 52. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 53. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ~~ENG 54. Construction signing, lighting and barricading shall be provided for on all projects 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, or subsequent additions in force at the time of construction.~~

#### TRAFFIC

Modify the following condition as follows:

ENG 54. 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 1996-September 26, 2006, or subsequent ~~additions~~ editions in force at the time of construction.

ENG 55. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

### **FIRE DEPARTMENT CONDITIONS**

These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 5/30/2008 and received by the Planning Department on 8/18/08. Additional requirements may be required at that time based on revisions to site plans.

Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID 1. 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.

FID 2. 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 as stated in the Palm Springs Municipal Code Chapter 11.03.

FID 3. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

Minimum Access Road Dimensions:

FID 4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet; 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 is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

FID 5. The 24' wide access road from Amado Road on the west side of the complex that transitions into the 24' turf block is designated as a fire lane.

FID 6. Access During Construction (CFC 503): 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.

FID 7. Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.

FID 8. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 8. Additional Access Required (CFC 503.1.2): The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access to multifamily

residential and one or two family dwelling where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. The secondary access from Sunrise Way meets fire department approval. The 16' gate shall utilize a combination of a Tomar strobe-activated switch and an approved Knox key electric switch.

- FID 9. Access Road Design Required (CFC 503.1.4): Entrance from Sunrise Way must provide both a left and right turn access into project site that must meet apparatus turning radius requirements. The fire code official shall evaluate access road design in terms of total response efficiency. The fire code official is authorized to make modifications to access road network design, access road routes and inter-connectivity with new or existing roads so that response efficiency is maintained.
- FID 10. Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 24 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- FID 11. Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 12. Turning radius (CFC 503.2.4): The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 13. Dead Ends (CFC 503.2.5): Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
- FID 14. Designated Fire Lanes: Private developments shall be not less than 24 feet wide (curb face to curb face) with no parking on either side. The 24' wide access road from Amado Road on the west side of the complex that transitions into the 24' turf block is designated as a fire lane.
- FID 15. Fire Lane Marking (CFC 503.3): Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.

- FID 16. Reduced Roadway Width: Areas with reduced roadway width at 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.
- FID 17. Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times.
- FID 18. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.
- FID 19. The Amado Road main gate and the Sunrise Way secondary gate shall utilize a combination of a Tomar strobe-activated switch and an approved Knox key electric switch.
- FID 20. Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access.
- FID 21. Approved security gates shall be a minimum of 15 feet in unobstructed drive width on each side with gate in open position.
- FID 22. In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.
- FID 23. If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.
- FID 24. A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

- FID 25. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 26. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 27. Location of Knox boxes: A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 28. Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 29. Fire Flow (CFC 508.3): Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 4,000 GPM for the multi story residential units and subterranean parking with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID 30. Fire Flow (CFC 508.3): Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM for the Club House with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID 31. Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 32. Elevator Recall Required (CFC 607.1): Elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- FID 33. NFPA 13 Sprinkler System required for the Club House Building and Subterranean Parking (903.3.1.1). Where the provisions of this code require



that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1.

- FID 34. NFPA 13R sprinkler system required for the multi-story residential units (903.3.1.2). Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R.
- FID 35. Audible Water Flow Alarms (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 36. Valve and Water-Flow Monitoring (CFC 903.4): All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 37. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 38. Standpipe Systems Required (CFC 905.3): Class 1 Standpipe system is required in addition to the automatic sprinkler system.
- FID 39. Portable Fire Extinguisher (CFC 906.1): Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.

Requirements for the Club House commercial kitchen:

- FID 40. Ventilating Hood & Duct System (CFC 904.11 & CMC 507.1): A Type I ventilating hood and duct system shall be provided for commercial-type food heat-processing equipment that produces smoke or grease-laden vapors.
- FID 41. Listed Duct Fire Wrap: The listed duct fire wrap shall provide a two-hour rating.

- FID 42. Fire Suppression Systems Testing (CFC 904.4 & NFPA 17A: 6.4.1): The hood and duct fire extinguishing system shall be function tested prior to final acceptance. Call the fire prevention secretary at 760-323-8186 for an inspection appointment.
- FID 43. Fire Extinguishing System Required (CFC 904.11): Approved UL 300 automatic fire-extinguishing systems shall be provided for the protection of commercial type-cooking equipment.
- FID 44. Automatic Power and Fuel Shutoffs (CFC 904.11.2 & CMC 513.4.1): 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.
- FID 45. Portable Fire Extinguishers for Food Processing Equipment (CFC 906.1 & 4): In addition to the fixed system, a fire extinguisher listed and labeled for Class K fires shall be installed within 30 feet of commercial food heat processing equipment, as measured along an unobstructed path of travel. The preferred location is near the exit from the cooking equipment area.
- FID 46. Cooking Hood System Clearances (CMC 507.2.1): Where enclosures are not required, hoods, grease removal devices, exhaust fans, and ducts shall have a clearance of at least 18 in. to combustible material, 3 in. to limited-combustible material, and 0 in. to noncombustible material. (4.2.1 NFPA 96) Where a hood, duct, or grease removal device is listed for clearances less than those required above the listing requirements shall be permitted.
- FID 47. Type I Cooking Hoods (CMC 508.1.1): Type I cooking hoods shall be constructed of and be supported by steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness or stainless steel not less than 0.94 mm (0.037 in.) (No. 20 MSG) in thickness.
- FID 48. Type I Cooking Hood Enclosure (CMC 508.2): All seams, joints, and penetrations of Type I cooking hood enclosure that direct and capture grease-laden vapors and exhaust gases shall have a liquid tight continuous external weld to the hood's lower outermost perimeter.
- FID 49. Grease Ducts (CMC 510.5.1): Grease ducts shall be constructed of and supported by carbon steel not less than 1.37 mm (0.054 in.) (No. 16 MSG) in thickness or stainless steel not less than 1.09 mm (0.043 in.) (No. 18 MSG) in thickness.

- FID 50. Grease Duct Construction (CMC 510.5.2.1): All seams, joints, penetrations, and duct-to-hood collar connections of grease ducts shall have a liquid tight continuous external weld.
- FID 51. Air Balance/Performance Test (CMC 511.2.2): Upon completion and before final approval of the installation of a ventilation system serving commercial food heat-processing equipment, a performance test shall be required to verify the rate of airflow and proper operation. Replacement air quantity shall be adequate to prevent negative pressures in the commercial cooking area(s) from exceeding 0.02 in. water column.
- FID 52. Exhaust Fan Operation (CMC 511.2.3): A hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated.
- FID 53. Exhaust/Makeup Air Operation (CMC 511.3): The exhaust and makeup air systems shall be connected by an electrical interlocking switch.
- FID 54. Fire Extinguishing System Annunciation (CMC 513.6.2): Where a fire alarm signaling system is serving the occupancy where the extinguishing system is located, the activation of the automatic fire-extinguishing system shall activate the fire alarm signaling system.
- FID 55. Listed Appliance Installation (CMC 515.1.2.1): All listed appliances shall be installed in accordance with the terms of their listings and the manufacturer's instructions.
- FID 56. Listed Equipment Installation: All listed equipment shall be installed in accordance with the terms of their listings and the manufacturer's instructions.

**END OF CONDITIONS**

CSA

Architecture  
Planning  
Interior Design

APN  
508-060-036

September 14, 2011

**Craig Ewing – Director of Planning, City of Palm Springs**

3200 East Tahquitz Canyon Way  
Palm Springs, California 92262

**RE: Olympian Villas, MAA 3.3274 & TTM 35998  
1550 Amado Road, Palm Springs, CA 92262**

Dear Mr. Ewing,

The owner of the above project (John Skordoulis) request a 1 additional year extension on the approval we received from the City Planning Commission for **Major Architectural Application**. This was obtained on September 24, 2008. We request an extension until September 24, 2012.

The owner (John Skordoulis) also request a 1 additional year extension on the approval we received from the City Council for approval of **Tentative Tract Map**. This was obtained on November 5, 2008. We request an extension until November 5, 2012.

The economic difficulties we are all experiencing and the difficulty in obtaining banking funds require more than the usual time. We are actively engaged in completing this project, but are not able to complete it within standard time constraints.

We sincerely appreciate you help in this matter.

Enclosed is a check for \$1,317.18, (To cover \$881.00 Compensation fee and \$436.18 Planning Commission Notification fee).

Sincerely,

*John Skordoulis 9-14-11*

**John Skordoulis**

cc: File