



## Planning Commission Staff Report

Date: November 22, 2011

Case No.: 5.1268 – CUP & 6.525-VAR

Application Type: Conditional Use Permit application to install and operate two 3-megawatt Wind Energy Conversion Systems (WECS), along with a Variance application to set up a 410 feet high commercial WECS

Location: North of 20<sup>th</sup> Avenue, South of 19<sup>th</sup> Avenue, West of McLane Street & East of Karen Avenue.

Applicant: WKN Wagner, LLC

Zone: E-I (Energy Industrial)

General Plan: RBC (Regional Business Center) with Wind Energy Overlay

APN: 666-330-001 & 666-320-026

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

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### PROJECT DESCRIPTION

The proposed project is a Conditional Use Permit (CUP) application to install and operate two new 3 megawatts (MW) wind energy conversion systems (WECS), and a 262.5 tall meteorological (met) tower on approximately 26 acres of land. In conjunction with the CUP, a Variance application has been filed to address height and setbacks requirements. The applicant is requesting a variance from the City height limit to allow approximately 410-foot height for the two turbines, and a 262.5-foot height for the met tower. The maximum height allowed for turbines within the City is 300 feet and a maximum of 200 feet for met towers. The proposed project will be located along the north side of 20<sup>th</sup> Avenue, south of 19<sup>th</sup>

Avenue, west of McLane Street and east of Karen Avenue. Specifically, the variance application will address the following:

- Installation of 2 new 3 megawatts (MW) wind turbine generators at a maximum height of 410.1 feet; the maximum allowed by the Code is 300 feet
- Installation of a 262.5 feet tall meteorological (met) tower; the maximum height allowed in the City is 200 feet.
- A reduction of safety setback from Southern California Edison (SCE) transmission line west of the project site; the required setback is 512.5 feet; the applicant is proposing 426 feet.
- A reduction of lot line setback requirement from an adjacent property to the east of the project site; the required setback is 512 feet; the applicant is proposing 452 feet.

### **RECOMMENDATION**

That the Planning Commission address the proposed Conditional Use Permit application and the Variance request for height and safety setback requirements, by WKN Wagner, LLC, to install and operate the proposed Wind Energy Conversion Systems by:

- Considering and adopting the Mitigated Negative Declaration (MND) for Case No. 5.1268-CUP and 6.525-VAR;
- Approving the Conditional Use Permit in accordance with the findings of Section 94.02.00.B of the City of Palm Springs Zoning Code; and
- Determine if findings can be made for the following Variances:
  1. Reduction of safety setback from the SCE transmission line setback requirement
  2. Exceeding the maximum height limit requirements for turbine generators
  3. Exceeding the maximum height limit requirement for meteorological tower

### **PRIOR ACTIONS**

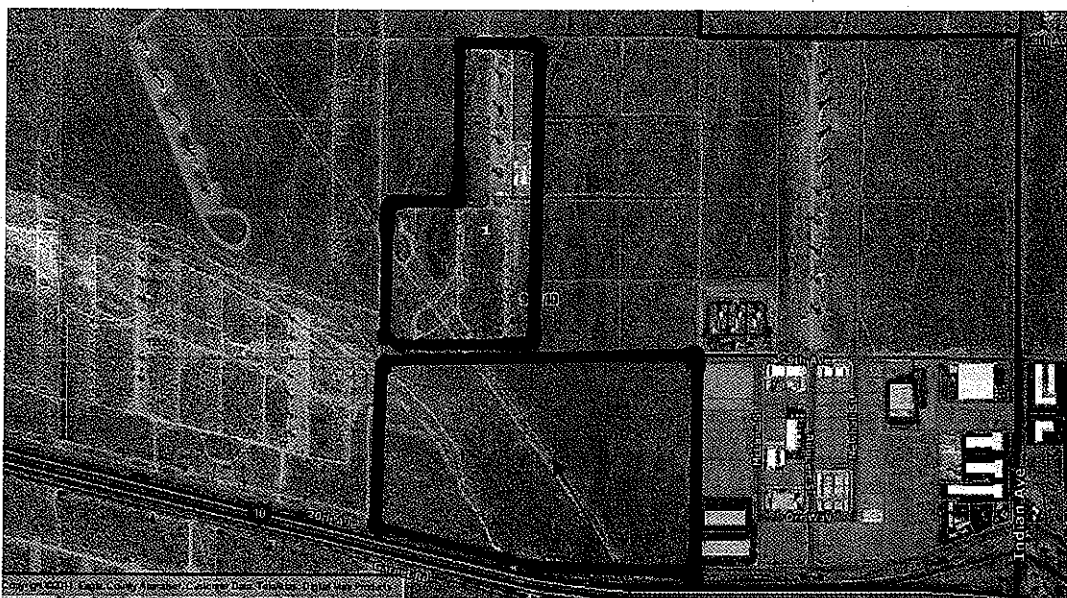
On July 14, 2011, the County of Riverside Airport Land Use Commission (ALUC) found the proposed project to be conditionally consistent with the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan.

## **BACKGROUND AND SETTING**

The applicant, WKN Wagner, LLC, has applied for a Conditional Use Permit to install and operate two (2) 3 megawatts (MW) Vestas V90 wind turbine generators (WTG), with accompanying permanent meteorological (met) tower. The proposed location is a vacant 26-acre land situated between 19<sup>th</sup> and 20<sup>th</sup> Avenues, west of McLane Street and east of Karen Avenue. There are existing wind farms to the immediate north and west of the property. To the immediate southeast of the property are two warehouse buildings and vacant lots in the McLane tract.

The proposed turbines are 410.1 feet tall with the blade in the 12-o'clock position, which is 110.1 feet (37%) over the current height limit of 300 feet in the City's Zoning Code. A meteorological (met) tower is also being proposed as part of the wind farm project. The met tower will be 262.5 feet tall; the maximum height allowed by the Code is 200 feet; the proposal is 63 feet higher than the current height limit for met towers in the City's Zoning Code. The project will require the approval of height variances to accommodate the proposed turbines and met tower. The project will include buried transmission lines connecting the two turbines to a proposed substation north of the project site. The transmission line would be approximately 4,250 feet long and would traverse north from the southernmost turbine on the proposed site to the project boundary, then northwesterly toward a proposed substation north of the site.

Two options are being evaluated for the future location of the substation; the first option is to have the substation on the west side of the adjacent property to the north where there is an existing Palm substation. The second option will have the substation along the southwestern portion also of the adjacent property. The two options were evaluated in the environmental Initial Study prepared for the project.



**SITE**

The proposed project will require the installation of access roadways to the turbines. The access roadways will be used primarily during the construction phase, and for maintenance purposes throughout the lifespan of the wind farm. Public access to the project site will be restricted by perimeter fencing and security gates. During construction, the access roadways will be at least 42 feet in width to accommodate deliveries and assembly-associated traffic. Construction vehicles will enter the site from 19<sup>th</sup> Avenue and stage along the internal roadways for delivery of turbine materials and assembly of the units. The site will be graded only where turbine pads and roadways will be placed, leaving the majority of the project site undisturbed and vacant. Temporary disturbed areas of construction roadways mostly along the shoulders will return to natural conditions at the end of onsite construction activities.

### **ANALYSIS**

The General Plan designation of the subject site is "RBC" (Regional Business Center) with Wind Energy Overlay. According to the General Plan Land Use Element, "*Wind Energy Conversion Systems (WECS) are permitted in areas designated with the overlay classification*". The zoning designation of the location is "E-I" (Energy Industrial). Pursuant to Section 92.20.02(B)(b), of the Zoning Code, "*Wind energy conversion systems are subject to the requirements and standards contained in Section 94.02.00(H)(8)*". Wind energy turbines, meteorological towers and specified accessory uses are permitted in this designation with the Planning Commission approval of a Conditional Use Permit application.

According to the provisions of Section 94.02.00(8)(a), of the Zoning Code, "*a conditional use permit for a commercial wind energy conversion system (WECS) is intended to regulate and provide for the installation of commercial WECS which are made feasible by the strong prevailing winds within certain areas of the city designated by the general plan. The conditions of the permit are meant to ensure that a safe and beneficial environment, for both the WECS development and the adjacent properties, is provided*".

Table 1: Surrounding land uses, General Plan, Zoning

	<b>Land Use</b>	<b>General Plan</b>	<b>Zoning</b>
North	Wind farm development	Regional Business Center with Wind Energy Overlay	E-I (Energy Industrial)
East	Industrial Buildings	Regional Business Center with Wind Energy Overlay	E-I (Energy Industrial)
South	Vacant Land / I-10 Frwy.	Regional Business Center with Wind Energy Overlay	E-I (Energy Industrial)
West	Wind farm development	Regional Business Center with Wind Energy Overlay	E-I (Energy Industrial)

Pursuant to Section 92.17.2.00 of the Palm Springs Zoning Code, "The "E-I" energy industrial zone is intended to provide areas for alternative energy development and limited industrial uses in those areas which by virtue of strong prevailing winds are ideally suited for large-scale development of wind energy. Alternative energy development is intended as the principal land use, with the permitted industrial uses serviced directly, and primarily, by alternative energy for electrical needs. The retention of open space is encouraged. No industrial use shall be permitted which, by the nature of its development or operation, will in any way adversely affect the resort environment of the city)" The proposed project site and its surroundings are primarily used for commercial WECS; therefore the proposed project is an appropriate use at the location.

Setback requirements:

Per Section 94.02.00(8)(e), Standard and Development Criteria, of the Zoning Code, all commercial WECS are required to meet certain setback requirements; these setback requirements are intended to address the issues concerning safety, security, scenic vistas, aesthetics and fire protection for citizens and adjacent properties. Each is discussed below.

Table 2. Required and Proposed Development Standards

DEVELOPMENT STANDARDS	REQUIRED STANDARDS	PROPOSED DEVELOPMENT STANDARDS
Permitted Zone	E-I (Energy Industrial)	E-I (Energy Industrial)
Height Limits	300 feet	410 feet: <b>Not in compliance</b>
Setbacks	No structures within 50'	None: <b>Complies</b>
Safety Setback; Transmission Lines	512.5 feet	426 feet: <b>Not in compliance</b>
Safety Setback; Residence	1,200 feet	None: <b>Complies</b>
Wind Access Setback	1263.1'	<b>Complies</b>
Lot Line Setback	512 feet.	452 feet <b>Not in compliance</b>
Scenic Setbacks	500 ft from I-10 Frwy.	<b>Complies</b>
Security	Fencing	Fencing to be provided: <b>Complies</b>

*Building Setbacks:*

Section 94.02.00(ii)(B) states...*no WECS shall be located closer than one thousand two hundred (1,200) feet from any residence, hotel, hospital, school, library, or convalescent home unless the owner of such structure waives, in writing, the setback requirement".* Staff has determined that there are no habitable structures, hotels, schools, libraries or hospitals within several miles of the site; therefore, with the exception of Lot Line and transmission lines setbacks, all other setback requirements have been met. The proposed turbines will be visible from public roads and highways; however, they will blend in with existing turbines within the area. The property containing the turbines will have fencing.

*Safety Setback; Transmission Lines:*

Pursuant to Section 94.02.00(8)(iii)(A), of the Zoning Code, "No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any above-ground electrical transmission line of more than twelve (12) kV". There is an existing Southern California Edison transmission line to the immediate west of the project site. According to the standards of the code stated above, the required setback for above ground transmission lines is 512.5 feet; the applicant has proposed 426 feet; a reduction of 86.5 feet or approximately 6%. As designed, the wind energy proposal is not in compliance with the Southern California Edison transmission line setback requirement; the applicant is requesting a variance from this setback requirement.

*Safety Setback: Lot lines:*

Section 94.02.00(iii)(A)(C), of the Zoning Code, states... "No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any lot line. No commercial WECS shall be located where the center of the tower is within two hundred (200) feet from any lot line of a lot which contains a dwelling". Furthermore, It states that "No building or structure shall be located closer than fifty (50) feet from any lot line" The proposed lot line setback along the eastern boundary is not in compliance with the code requirement; the applicant is also seeking a variance for this requirement. According the City's standards, 512 feet is required from the lot line to the eastern boundary of the project; the applicant has proposed 452 feet; a reduction of 60 feet or approximately 8.5%.

*Safety Setback; Residence:*

Section 94.02.00(ii)(B), of the Zoning Code, states... "No WECS shall be located closer than one thousand two hundred (1,200) feet from any residence, hotel, hospital, school, library or convalescent home unless the owner of such structure waives, in writing, the setback requirement". There are no habitable structures in close proximity to the location; the proposed project is in compliance with this requirement.

*Wind Access Setbacks:*

Section 94.02.00(IV)(A), of the Zoning Code, states... "No commercial WECS shall be located where the center of the tower is within a distance of five (5) rotor diameters from a lot line that is perpendicular to and downwind of, or within forty-five (45) degrees of perpendicular to and downwind of, the dominant wind direction". The proposed wind access setbacks for the project have been met.

**Scenic Setbacks:**

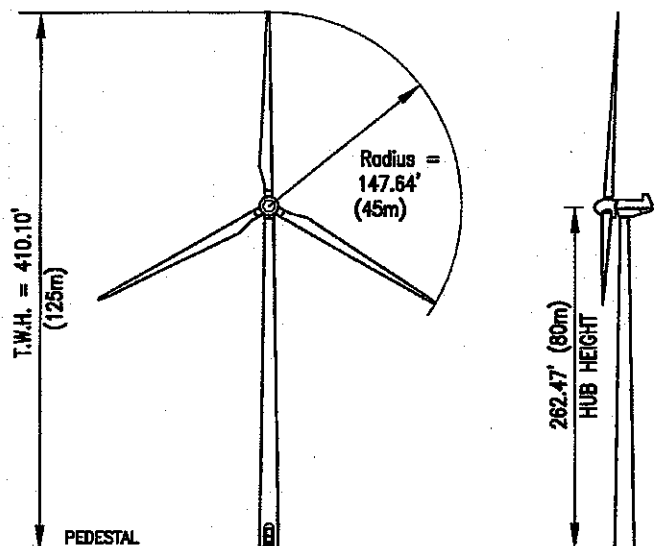
Section 94.02.00(8)(B)(F), of the Zoning Code, states... "No commercial WECS shall be located where the center of the tower is within 1.25 times the total WECS height from Dillon Road". The scenic setback requirements for the two turbines are in compliance with the Code.

**Request for a Variance:**

**Safety and Lot Line Setbacks**

A Variance request for safety and lot line setbacks at the northerly and easterly portions of the site is required for the project. The applicant is requesting relief from Section 94.02.00(h)(8)(e.iii)(C), which states... "No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any lot line" furthermore, it states that... "No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any above-ground electrical transmission line of more than twelve (12) kV".

As stated earlier, the required lot line setback for the project is 512.5 feet; the applicant has proposed 452 feet from the northern and eastern lot lines. The required safety setback from Southern California Edison transmission line is 512.5 feet; the applicant is proposing 426 feet. The proposed setbacks are approximately 1.1 times the total WECS height, instead of the 1.25 times as required by the City along the northern and eastern boundaries of the site. This is not consistent with the City's standard; however it is consistent with the County of Riverside setback requirements from lot lines and safety setback requirements. Findings in support of the variance request are provided in the required findings section of this report.



**PROPOSED WIND TURBINE ELEVATION**

MODEL: VESTAS V90 (3.0MW TURBINE)  
NOT TO SCALE

Height:

The applicant, WKN Wagner, LLC, is proposing to install new, larger, and more energy efficient turbines that exceed the 300 feet height allowed by the E-I zone. Also, a met tower proposed by the project would be 262.5 feet; 62.5 feet above the current 200 feet limit. A height variance is being requested for each of the two proposed wind turbines and the proposed met tower. The proposed turbines are manufactured by Vestas at 410 feet in height, which is 110 feet (37%) increase over the current ordinance limit of 300 feet. The applicant is requesting relief from the maximum height limit of 300 feet required by the Zoning Code for turbines. Pursuant to Section 94.02.00(H)(8)(xiii) of the Zoning Code, "*a variance application shall be filed concurrently if the approval of a height limit greater than 300 feet is proposed*".

According to the project proponents, these newer, taller turbine models are more efficient and capable of producing greater output of power than shorter models. Using fewer machines, to produce more power reduces the visual clutter associated with existing shorter models found in the area. In addition, the height of the proposed towers is designed by the turbine manufacturer for "blade sweep" safety, and to minimize ground-caused turbulence from affecting the blade rotation.

The increased height may be needed to take advantage of the wind conditions at the site; staff notes that the tallest turbines approved recently by the Commission in that vicinity is 340 feet. Denial of the variance request may not deprive the property of the ability to generate wind energy; however, under current technological conditions the proposed height is more in keeping with the state of the art.

Staff has difficulty making the required findings for a height variance yet believes that the additional height makes sense in that it will yield fewer machines generating more power. In the past, the Commission approved variance request for a maximum of 370 feet tall turbines for the Wind Energy Partners project because of the site's close proximity to the wash. In that case, the conclusion of the hydraulic study supported an additional height for the turbine's foundations which resulted in a height increase for the machines.

**REQUIRED FINDINGS:**

Conditional Use Permit:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

- a. *That the use applied for at the location set forth in the application is properly one which a Conditional Use Permit is authorized by the Zoning Ordinance.*



The project site is located within the "E-I" (Energy Industrial) zone. Section 94.02.00(H)(8) of the Zoning Code regulates WECS. Per requirements of this Section, the approval of a conditional use permit application is required for a commercial WECS project. The site of the proposed project is appropriate and will be subject to the CUP review within the E-I zone.

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

The proposed use is desirable in that it will generate additional power supply for the State of California via a renewable energy source (wind power). The proposed WECS facility is located within the Wind Energy Overlay zone, and is therefore compatible with permitted uses in the zoning designation. The project surrounding area is currently developed with WECS facility; this project will be an addition to the functional turbines in the immediate vicinity. Furthermore, the project is consistent with the following Land Use Element of the General Plan: "Wind Energy Conversion Systems (WECS) may be permitted in areas designated as Wind Energy Overlay" The proposed WECS facility will not be detrimental to existing or future uses specifically permitted in the area in which the proposed use is to be located.

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

The project site is adequate in size to accommodate the proposed WECS facility; also, the site is consistent with the requirements of the Energy Industrial zone. A variance application has been submitted to address lot line and transmission line setback requirements along the northern and eastern boundaries of the project site. With exception to the two setback requirements, all other setbacks are consistent with development standards required for WECS.

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

The subject site is accessed via 19<sup>th</sup> Avenue; this road connects to North Indian Canyon Drive and Interstate 10 Freeway. The proposed WECS facility is anticipated to generate minimal traffic; therefore it will not intensify uses on the site or in the area. The proposed project will require the installation of access roadways to the turbines. The access roadways will be used primarily during the construction phase, and for maintenance purposes throughout the lifespan of the wind farm. During construction, the access roadways will be at least 42 feet in width to accommodate deliveries and assembly-associated traffic. Construction vehicles will access the site from 19<sup>th</sup> Avenue and stage along the internal roadways for delivery of turbine materials and assembly of the units.

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

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure public health and safety. Adequate measures will be taken to make sure that the applicant complies with all the conditions of approval that addresses matters concerning public health, safety and general welfare. Furthermore, any future modifications to the site will be subject to review and approval of the Planning Commission.

Variance:

State law, as well as City of Palm Springs Zoning Code (Section 94.06.000.B), requires that the following four (4) findings be made for the granting of variance. Staff has analyzed the findings and offers the following comments:

- 1 *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

Staff has difficulty identifying special circumstances related to the subject property to physically distinguish it from others in the vicinity and under the same zone, in a way that relates to the height and setbacks of the proposed wind machines and met tower. What is clear, however, is that the technology supporting wind energy conversion has advanced such that more power can be generated from fewer machines. As a result, current technology creates an expectation for a greater level of wind energy generation. The privilege to generate such power levels could be achieved with smaller machines, but only on a larger site. Except for the provision of height and setbacks variances, the site is too small for the current level of power generation that can reasonably be expected at this time.

- 2 *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

Based on the proposed size and location of the two machines, the height and setbacks appear to be the least modifications to the applicable zoning standards to provide for reasonable power generation under current technologies.

- 3 *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and*

*improvements in the same vicinity and zone in which subject property is situated.*

Granting of the variance of safety and lot line setback requirements would not be materially detrimental to the public health, safety, convenience, or welfare. The variance request for both proposed turbines is regarding the reduction of setbacks along the northern and eastern boundaries of the property as well as a reduction in setbacks from the Southern California Edison (SCE) overhead power line west of the site. Setbacks to all habitable structures are met, so no material detriment to public safety would result from the granting of the variance.

*4 The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "RBC" Regional Business Center with Wind Energy Overlay; wind energy project is a permitted use in this designation with the planning commission approval of a CUP. The project is proposed in an area that is primarily used for wind energy, the project does not create incompatible circumstances, and the project is in conformance with setbacks to the adjacent wind projects. Based on these circumstances there would be no adverse effect to the General Plan of the City.

### **ENVIRONMENTAL ASSESSMENT**

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study will reduce impacts to less than significant levels. Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) was prepared. The Notice of Intent was circulated; public review and comments period commenced on August 30, 2011. Copies of the Draft MND were previously distributed to the Planning Commission as well. Furthermore, Notices of the Reports were sent to all applicable agencies and published in accordance with CEQA. The review period ended on September 28, 2011; responses to comments received have been made.

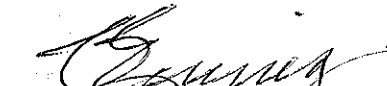
Staff has concluded that the MND covered the issues the City would want to see addressed, including topics such as land use policies, safety, aesthetics, biological resources, noise effects and traffic impacts during construction of the project. In addition to the mitigation measures included in the MND, staff has included conditions of approval in support of the Mitigated Negative Declaration.

## **NOTIFICATION**

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



Edward O. Robertson  
Principal Planner



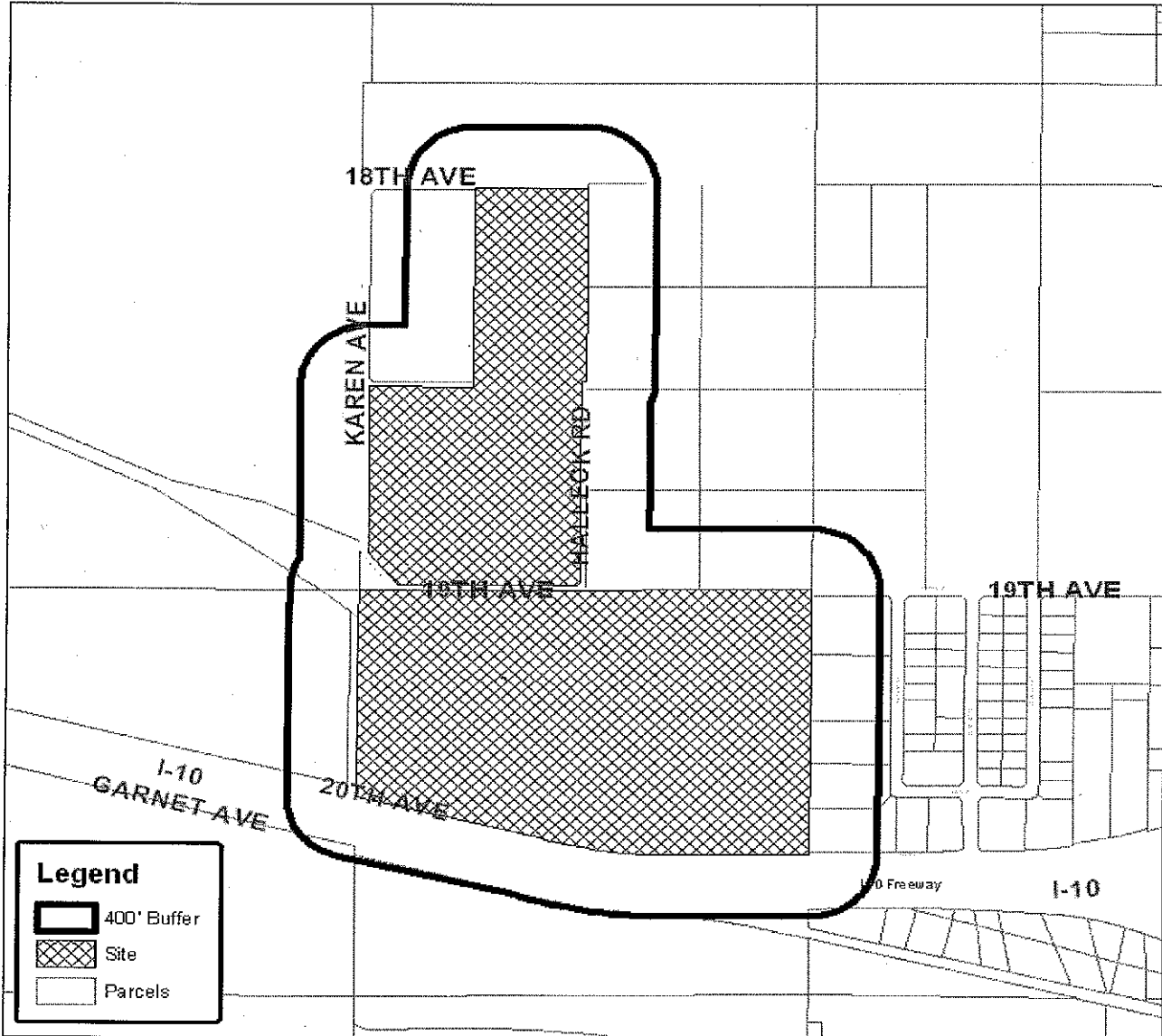
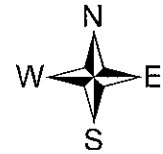
Craig A. Ewing, AICP  
Director of Planning Services

## **ATTACHMENTS**

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. Mitigation Monitoring & Reporting Program
5. Site & Elevation Plans



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1268 CUP &  
6.525 VAR

**APPLICANT:** WKN Wagner, LLC

**DESCRIPTION:** To consider applications by WKN Wagner, LLC, to install and operate two new 3-megawatts (MW) wind energy conversion systems (WECS) on approximately 26 acres of land and a variance application to address height and setbacks requirements along the north side of 20<sup>th</sup> Avenue, south of 19<sup>th</sup> Avenue, west of McLane Street and east of Karen Avenue.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND THEREBY APPROVING CONDITIONAL USE PERMIT APPLICATION CASE NUMBER 5.1268-CUP AND 6.525 VARIANCE REQUESTS TO EXCEED CITY HEIGHT LIMIT AND FOR REQUIRED SAFETY AND TRANSMISSION LINE SETBACK REDUCTION TO ALLOW THE INSTALLATION AND OPERATIONS OF TWO NEW WIND ENERGY CONVERSION SYSTEM (WECS) LOCATED NORTH OF 20<sup>TH</sup>, SOUTH OF 19<sup>TH</sup> AVENUE, WEST OF MCLANE & EAST OF KAREN AVENUE, ZONE E-I, SECTION 15.

WHEREAS, WKN Wagner, LLC, (Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Ordinance for a Conditional Use Permit (CUP) and a variance request to allow the installation and operation of a 3 megawatt wind energy conversion systems (WECS); and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1268-CUP and 6.522-VAR were given in accordance with applicable law; and

WHEREAS, on November 22, 2011, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and a Draft Mitigated Negative Declaration (MND) has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

### SECTION 1:

#### Conditional Use Permit:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

- a. *That the use applied for at the location set forth in the application is properly one which a Conditional Use Permit is authorized by the Zoning Ordinance.*

The project site is located within the "E-I" (Energy Industrial) zone. Section 94.02.00(H)(8) of the Zoning Code regulates WECS. Per requirements of this Section, the approval of a conditional use permit application is required for a commercial WECS project. The site of the proposed project is appropriate and will be subject to the CUP review within the E-I zone.

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

The proposed use is desirable in that it will generate additional power supply for the State of California via a renewable energy source (wind power). The proposed WECS facility is located within the Wind Energy Overlay zone, and is therefore compatible with permitted uses in the zoning designation. The project surrounding area is currently developed with WECS facility; this project will be an addition to the functional turbines in the immediate vicinity. Furthermore, the project is consistent with the following Land Use Element of the General Plan: "*Wind Energy Conversion Systems (WECS) may be permitted in areas designated as Wind Energy Overlay*" The proposed WECS facility will not be detrimental to existing or future uses specifically permitted in the area in which the proposed use is to be located.

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

The project site is adequate in size to accommodate the proposed WECS facility; also, the site is consistent with the requirements of the Energy Industrial zone. A variance application has been submitted to address lot line and transmission line setback requirements along the northern and eastern boundaries of the project site. With exception to the two setback requirements, all other setbacks are consistent with development standards required for WECS.

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

The subject site is accessed via 19<sup>th</sup> Avenue; this road connects to North Indian Canyon Drive and Interstate 10 Freeway. The proposed WECS facility is anticipated to generate minimal traffic; therefore it will not intensify uses on the site or in the area. The proposed project will require the installation of access roadways to the turbines. The access roadways will be used primarily during the construction phase, and for maintenance purposes throughout the lifespan of the wind farm. During construction, the access roadways will be at least 42 feet in width to accommodate deliveries and assembly-associated traffic. Construction vehicles will access the site from 19<sup>th</sup> Avenue

and stage along the internal roadways for delivery of turbine materials and assembly of the units.

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

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure public health and safety. Adequate measures will be taken to make sure that the applicant complies with all the conditions of approval that addresses matters concerning public health, safety and general welfare. Furthermore, any future modifications to the site will be subject to review and approval of the Planning Commission.

Variance:

State law, as well as City of Palm Springs Zoning Code (Section 94.06.000.B), requires that the following four (4) findings be made for the granting of variance. Staff has analyzed the findings in order below:

- 1 Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

Staff has difficulty identifying special circumstances related to the subject property to physically distinguish it from others in the vicinity and under the same zone, in a way that relates to the height and setbacks of the proposed wind machines and met tower. What is clear, however, is that the technology supporting wind energy conversion has advanced such that more power can be generated from fewer machines. As a result, current technology creates an expectation for a greater level of wind energy generation. The privilege to generate such power levels could be achieved with smaller machines, but only on a larger site. Except for the provision of height and setbacks variances, the site is too small for the current level of power generation that can reasonably be expected at this time.

- 2 Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

Based on the proposed size and location of the two machines, the height and setbacks appear to be the least modifications to the applicable zoning standards to provide for reasonable power generation under current technologies.



- 3 *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

Granting of the variance of safety and lot line setback requirements would not be materially detrimental to the public health, safety, convenience, or welfare. The variance request for both proposed turbines is regarding the reduction of setbacks along the northern and eastern boundaries of the property as well as a reduction in setbacks from the Southern California Edison (SCE) overhead power line west of the site. Setbacks to all habitable structures are met, so no material detriment to public safety would result from the granting of the variance.

- 4 *The granting of such variance will not adversely affect the general plan of the city.*

The General Plan designation of the subject property is "RBC" Regional Business Center with Wind Energy Overlay; wind energy project is a permitted use in this designation with the planning commission approval of a CUP. The project is proposed in an area that is primarily used for wind energy, the project does not create incompatible circumstances, and the project is in conformance with setbacks to the adjacent wind projects. Based on these circumstances there would be no adverse effect to the General Plan of the City.

#### SECTION 2:

Commencement of the Conditional Use Permit 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.

#### SECTION 3:

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby adopts the Mitigated Negative Declaration (MND), and approves Conditional Use Permit Case Number 5.1268-CUP for the installation and operation of two 3 megawatts turbine generators. Furthermore, the Commission hereby granted Variance application No. 6.525-VAR for the proposed project to allow the following:

- Installation of two new 3 megawatts (MW) wind turbine generators at a maximum height of 410.1 feet
- Installation of a 262.5 feet tall meteorological tower
- A reduction of safety setback from Southern California Edison (SCE) transmission line west of the project site from the required setback of 512.5 feet to 426 feet.

- A reduction of lot line setback requirement from the adjacent property to the east of the project site; from the required setback of 512 feet; to 452 feet.

The approvals are subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 22<sup>nd</sup> day of November 22, 2011.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

## EXHIBIT A

Case No. 5.1268-CUP & 6.522-VAR

North of 20<sup>th</sup> Avenue, South of 19<sup>th</sup> Avenue, West of McLane Street & East of Karen Avenue

November 22, 2011

### 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, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

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

#### PROJECT SPECIFIC CONDITIONS:

##### PLANNING DEPARTMENT:

PLN1. 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.

PLN1a. 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 5.1268 – CUP and 6.525-VAR. 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 further indemnification hereunder, 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.

- PLN2. Non-compliance with any of the conditions of this approval, or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Planning Services, may result in commencement of proceedings to revoke the Conditional Use Permit pursuant to Section 94.02.00 of the Zoning Code. In addition, violations of City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- PLN3. Commencement of the Conditional Use Permit 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.
- PLN4. The appeal period for a Conditional Use Permit application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
- PLN5. No storage facilities of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN6. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- PLN7. The following restrictions shall apply to the occupancy and use of the property included under this permit:
- a. Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property and public rights-of-way.
  - b. No building or structure shall be closer than fifty (50) feet from any road right-of-way or lot line and no building or structure shall exceed thirty (30) feet in total height unless otherwise approved by the Planning Commission.
  - c. No advertising sign or logo shall be placed or painted on any equipment. No more than one (1) unlighted advertising sign relating to the development shall be located on the project site. Prior to installation of any advertising signs, a sign permit shall be obtained from the Department of Planning and Zoning.
  - d. The South Coast Air Quality Management District, 2002 Coachella Valley PM-10 State Implementation Plan (SIP) regulations shall be implemented with regard to the use of unpaved public and private roads within the

properties used by WKN Wagner, LLC. The developer shall be responsible for monitoring average daily traffic counts, and if the average daily traffic using unpaved public and private roads within the properties used by WKN Wagner, LLC, exceeds the SIP thresholds, the facility operator shall be responsible for bringing the use of those roads within compliance of the SIP regulations, including posting speed limit signage or installing other speed control measures, installing permanent dust stabilizers, or paving.

- e. The permittee may be required to submit periodic monitoring reports containing data on the operations and environmental impacts of this WECS facility permit including, but not limited to noise, hydrogen production, safety maintenance, and sightings of threatened or endangered species. Upon written notice from the City of Palm Springs requiring such a report, the permittee shall prepare and submit the required report within forty-five (45) calendar days.

- PLN8. PRIOR TO GRADING PERMIT, the permittee shall obtain Wind Access Waivers from any affected adjoining properties
- PLN9. PRIOR TO FINAL BUILDING INSPECTION APPROVAL, the color of the turbine shall be off white, or desert tone color as approved by the City of Palm Springs Planning Commission.
- PLN10. PRIOR TO FINAL BUILDING INSPECTION APPROVAL, all new transmission lines connecting all the turbine wind generators shall be undergrounded by an underground cable system.
- PLN11. PRIOR TO FINAL BUILDING INSPECTION APPROVAL of the wind energy conversion systems, and the storage facility, legible signs warning of electrical and other hazards shall be posted at the gated entry points to the project site at a height of three to five feet above the ground.
- PLN12. PRIOR TO FINAL BUILDING INSPECTION APPROVAL, a secure six (6) foot high fence, shall be erected along the perimeter of the project site and shall be maintained at all times during the life of this permit. The fence shall be subject to the approval of the Department of Planning Services. Final design and locations for fencing may be modified with approval by the Planning Department.
- PLN13. All the mitigation measures contained in the Mitigated Negative Declaration (MND) shall be applicable to this project.
- PLN14. Whenever any existing commercial WECS are modified, or any new commercial WECS are installed, any commercial WECS on the site which are unsafe, inoperable or abandoned or for which the permit has expired shall

be removed by the owner or brought into compliance with the provisions of Section 94.02.00(X)(A) of the Palm Springs Zoning Code.

- PLN15. All safety hazards created by the installation and operation of the WECS shall be eliminated. Whenever the operation of any WECS is eliminated, the site shall be restored to its condition prior to installation. A bond, in an amount approved by the director of planning services, or other appropriate form of security, in a form approved by the city attorney, may be required to cover the cost of removal and site restoration.
- PLN16. Every unsafe or inoperable commercial WECS and every commercial WECS which has not generated power for twelve (12) consecutive months is declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal. The appropriate abatement method shall be determined by the director of planning services based upon the cost of abatement and the degree to which the WECS will meet the requirements of this section following abatement.

## **FIRE**

FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated June 16, 2011. Additional requirements may be required at that time based on revisions to site plans. Fire Department Conditions were based on the 2010 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 2 PLANS AND PERMITS**

When there are significant changes in occupancy, water supply, storage heights, type, and quantity of storage, storage configurations, Tenant Improvements or any other changes which may affect the fire sprinkler system design, the owner, tenant or contractor shall submit plans and secure permits. Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain two sets.

Plans shall be submitted to:

**City of Palm Springs  
Building and Safety Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262**

**Counter Hours: M – TH, 8:00 AM – 11:00 AM and 2:00 PM – 6:00 PM**

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. The minimum fee is \$ 208.00. These fees are established by

Resolution of the Palm Springs City Council. Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation. Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

**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.

- FID 3 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 4 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.
- FID 5 Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)
- FID 6 Turning radius (CFC 503.2.4):** 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 7 Plot Plan:** Prior to completion of the project, a 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
- FID 8 Premises Identification (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 numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other

occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

## **BUILDING**

1. The applicant shall obtain permits for all construction involved with the site.

## **ENGINEERING**

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

### **STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. The applicant shall apply for an Encroachment License for installation of private underground utilities within the public right-of-way of 19th Avenue. The application for the Encroachment License shall be approved by the City Council prior to issuance of permits related to the utility lines.
- ENG 4. As a condition of any Encroachment License granted to the applicant for the installation of private underground utilities in the public right-of-way, the applicant will be required to become a member of Underground Service Alert (USA) and to comply with applicable state law regarding the marking of underground utilities.

### **19TH AVENUE**

- ENG 5. Dedicate a half street public right-of-way width of 44 feet along the entire frontage of the property (identified by Assessor's Parcel No. 666-330-001), together with a property line - corner cut back at the southeast corner of the intersection of 19th Avenue and Karen Avenue in accordance with City of Palm Springs Standard Drawing No. 105. Additional right-of-way as needed for a pavement taper from the existing end of pavement (on the north side of the centerline of 19<sup>th</sup> Avenue) to the proposed minimum 24 feet wide 19th Avenue roadway on the south side of the centerline of 19th Avenue, shall be dedicated in conjunction with this project.



- ENG 6. Slope and/or construction easements shall be dedicated along the centerline of 19th Avenue as needed in conjunction with this project.
- ENG 7. Construct a minimum 20 feet wide 6 inch concrete driveway at the project entry, unless otherwise approved by the City Engineer, from the property line to the proposed edge of pavement. The access shall be gated and locked; and lock box key provided to the Fire Department for emergency access.
- ENG 8. Construction, use, and maintenance of the proposed off-site access roads shall comply with the Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.
- ENG 9. 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, for a minimum 24 feet wide travel way across the frontage of the property (within the dedicated right-of-way) to the project entry as required by the City Engineer. 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 10. Construct a turn-around area meeting the requirements of the Fire Marshall and City Engineer, at the project entry.

#### ON-SITE

- ENG 11. The on-site internal access roads shall be a minimum of 20 feet wide and be accessible to fire apparatus weighing up to 73,000 pounds in accordance with the fire code.
- ENG 12. Construction, use, and maintenance of the proposed on-site access roads shall comply with the Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.

#### GRADING

- ENG 13. The applicant shall employ an environmental consultant whose responsibility shall be to monitor the applicant's compliance with all required mitigation measures associated with the project on behalf of the City Engineer. The environmental consultant shall work independently of the applicant, and shall report to the City Engineer to identify measures satisfied in accordance with the Mitigated Negative Declaration adopted for the project. All applicable mitigation measures (including mitigation measures AQ-1, BIO-1 through BIO-7, CR-1 through CR-8, and T-1) shall be satisfied prior to issuance of a grading permit, or shall be satisfied during the course of construction, (as the

case may be), as determined by the City Engineer upon recommendation by the environmental consultant.

ENG 14. Submit a Rough Grading 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 <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 Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a) The first submittal of the Rough Grading 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 Site Plan; a copy of current Title Report; and a copy of Soils Report.

ENG 15. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 16. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed at the limits of grading and/or disturbed areas. 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 17. Temporary dust control 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 18. 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, temporary dust control perimeter fencing shall be removed, as required by the City Engineer.
- ENG 19. The applicant shall submit a letter from the California Department of Fish and Game authorizing construction of the project without an agreement.
- ENG 20. The applicant shall submit a copy of the Spill Prevention Control and Countermeasures Plan developed in accordance with the U.S. Code of Federal Regulations, Title 40, Part 112, prior to issuance of grading permit.
- ENG 21. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 22. 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 23. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), 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 24. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 25. 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. The City will not "final" the project until the required certification is provided to the City Engineer.
- ENG 26. All access roads shall be treated with a permanent soil stabilizer after completion of grading, and up to six inches of clean, washed gravel placed and thickness compacted onto the stabilized subgrade.
- ENG 27. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### DRAINAGE

- ENG 28. 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 runoff 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 runoff 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.

#### GENERAL

- ENG 29. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115.
- ENG 30. All proposed utility lines shall be installed underground.
- ENG 31. 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 32. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 33. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division, prior to issuance of a "final" approval by City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 34. 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.
- ENG 35. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

#### TRAFFIC

- ENG 36. Submit traffic striping and signage plans for 19th Avenue prepared by a California registered civil engineer, for review and approval by the City Engineer. Parking shall be prohibited within the surface of 19th Avenue that is required to be paved in conjunction with this development. The proposed west end of pavement on 19th Avenue, shall have road barricades and road

ends signs as required by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a "final" approval by the City.

- ENG 37. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.
- ENG 38. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

**END OF CONDITIONS**

## MITIGATION MONITORING AND REPORTING PROGRAM

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a less than significant level. A completed and signed checklist for each measure indicates that this measure has been complied with and implemented, and fulfills the City's monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

Mitigation Measures		Responsible Party	Timing of Compliance	Signature and Date of Compliance
<b>Air Quality</b>				
AQ-1	Restrict idling time to 15 minutes or less.	Construction Contractor	During Construction	
<b>Biological Resources</b>				
BIO-1	To eliminate potential unapproved or off-site grading incidents, earth-moving equipment should be confined to within the approved limits of grading during construction. The limits of grading should be demarcated so that construction equipment does not impact areas outside the approved limits of grading. All construction equipment and lay-down areas will be confined to areas within the construction site.	Construction Contractor	During Construction	

<p><b>BIO-2</b></p>	<p>A restoration plan has been developed to restore all temporary impact areas from construction activity to natural grade and control for invasive plants so that disturbed areas can return to native conditions. The BIO-1 and BIO-2 mitigation measures will be implemented by the project biologist under contract with the project applicant. The project biologist should prepare a report detailing the results of the wildlife salvage and construction monitoring efforts. The report should be submitted to the CDFG within two months of the completion of the monitoring activities.</p>	<p>Project Applicant/ Construction Contractor/Biologist</p>	<p>Post Construction, Prior to project operation</p>	
<p><b>BIO-3</b></p>	<p>Burrowing owls located within the project boundaries in areas that may be impacted by construction or decommissioning activity may require relocation. If necessary, temporary passive relocation measures should be initiated to mitigate for impacts to burrowing owls, and temporary relocation should be conducted in accordance with California Burrowing Owl Consortium—Burrowing Owl Mitigation Guidelines, and as outlined in the CVMSHCP. Passive relocation involves the use of one-way doors on burrows to prevent owls from returning to burrows in impact areas, and all relocation activity should be conducted by a qualified biologist. Owls should be temporarily relocated to undisturbed areas of the project site. If structures (wildlife burrows, standpipes, or other utilized elements) that have been recognized during pre-activity surveys as supporting either a nesting burrowing owl pair or resident owl are removed to accommodate the proposed project, these structures and burrows should be relocated or replaced on the project site. Relocated and replacement burrows should be established within suitable foraging habitat within the project site in accordance with accepted guidelines.</p>	<p>Project Applicant/ Biologist</p>	<p>During Construction</p>	



<b>BIO-4</b>	<p>Prior to the initiation of grading and during initial vegetation trimming, biologists should attempt to capture and relocate all reptiles within the impact area. Other ground dwelling wildlife, i.e. mammals, should be relocated if the opportunity presents itself. Wildlife will be relocated to preserved areas of the site when appropriate or to nearby permanent open space areas. It is assumed that a two-person team could adequately salvage the reptiles on approximately 25 acres per day.</p>	Project Applicant/ Biologist	Prior to Grading Activities	
<b>BIO-5</b>	<p>To prevent the take of nesting native bird species, all clearing and grubbing of the project site should take place between September 1 and February 14. Winter site clearing will ensure that nesting birds are not present and impacted. If construction is scheduled or ongoing near the perimeter of the grading footprint during bird nesting season (February 15 to August 31), qualified biologists should survey the area within 200 feet (or up to 300 feet, depending on topography or other factors, and 500 feet for raptors) of the grading activity to determine if grading is disturbing nesting birds. If nesting activity is being compromised, construction should be suspended in the vicinity of the nest until fledging is complete.</p>	Project Applicant/ Biologist/Construction Contractor	During Construction	

<p><b>BIO-6</b></p>	<p>The permanent fencing around the area of the met tower and the WTGs should aid in eliminating the impacts of litter intruding into the habitat surrounding the proposed facilities by trapping litter that might be generated within those areas, as well as litter from outside the areas of the WTGs and met tower as the regular winds blow it against the fences. The regular maintenance of the site should include weekly litter cleanup inside and outside the fences, during which all litter that has become attached to the fences is removed and disposed of properly.</p> <p>Containment and removal of litter would reduce the impact to a less than significant level. This measure should be implemented by the site operator. Weekly litter control will be included in the site's Policies and Procedures Manual. The site operator should present proof of the inclusion of this measure in the manual to the City Planning Department.</p>	<p>Site Operator</p>	<p>During Operation</p>	
<p><b>BIO-7</b></p>	<p>A worker environmental awareness program should be prepared and presented that include the penalties associated with violation of any of the resource protection laws governing the resources on the project site. The worker education program should include a handout detailing basic biology of the burrowing owl and other sensitive species that occur on the site, existing threats to their survival, and actions to be taken on the job site. The handout will also include a Signed Authorization page, whereby the person being trained acknowledges having been trained and accepted the conditions of work on-site.</p> <p>Though not related to an individual potential impact, the construction worker education program will serve to reduce the likelihood of most of the potential impacts resulting from project implementation.</p>	<p>Project Applicant</p>	<p>During Construction and Operation</p>	

**Cultural Resources**

<p><b>CR-1</b></p>	<p>In the event that cultural resources are exposed during construction, work in the immediate vicinity of the find must stop until a qualified archaeologist, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology, can evaluate the significance of the find. Construction activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5f; PRC 21082), additional work such as testing or data recovery may be warranted.</p>	<p>Project Applicant/ Construction Contractor</p>	<p>Ongoing during construction</p>	
<p><b>CR-2</b></p>	<p>The discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Riverside County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	<p>Construction Contractor</p>	<p>Ongoing during construction</p>	
<p><b>CR-3</b></p>	<p>A qualified paleontologist will be retained to supervise monitoring of construction excavations and to produce a paleontological monitoring and mitigation plan for the proposed project.</p>	<p>Project Applicant</p>	<p>Prior to and during construction</p>	

CR-4	<p>Ground disturbances in topsoil or younger Quaternary alluvial deposits of Holocene age will not require construction monitoring because these sediments are determined to have a low paleontological sensitivity. However, any substantial, project-related ground disturbances that could extend into the underlying paleontologically sensitive, older Quaternary alluvial deposits or the Imperial Formation will be monitored by a qualified paleontological monitor on a full-time basis, because these geologic deposits are considered to have a high paleontological sensitivity. The frequency of monitoring may be reduced at the discretion of the qualified paleontologist if the impacted sediments are determined to have a low potential to yield significant fossil resources upon further examination of the sediments during active excavations.</p>	Project Applicant/ Construction Contractor	During excavation activities	
CR-5	<p>Paleontological monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert excavation operations away from exposed fossils to professionally and efficiently recover the fossil specimens and collect associated data. All efforts to avoid delays in project schedules will be made. Monitors will be equipped with the necessary tools for the rapid removal of fossils and retrieval of associated data to prevent construction delays. This equipment will include handheld global positioning system receivers, digital cameras and cell phones, as well as a tool kit containing specimen containers and matrix sampling bags, field labels, field tools (awls, hammers, chisels, shovels, etc.) and plaster kits.</p>	Project Applicant/ Project Paleontologist	During excavation activities, if fossils are found	

CR-6	At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.	Project Applicant/ Project Paleontologist	During construction, if fossils are found	
CR-7	Upon the completion of fieldwork, recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility. The most likely repository is an accredited regional museum such as the LACM or the San Bernardino County Museum.	Project Applicant/ Project Paleontologist	After construction, if fossils are found	
CR-8	The qualified paleontologist will prepare a final monitoring and mitigation report to be filed with the client, the lead agency, and the repository. The report will include, but will not be limited to, a discussion of the results of the mitigation and monitoring program, an evaluation and analysis of the fossils collected (including an assessment of their significance, age, and geologic context), an itemized inventory of fossils collected, a confidential appendix of locality and specimen data with locality maps and photographs, and an appendix of curation agreements and other appropriate communications.	Project Applicant/ Project Paleontologist	After construction, if fossils are found	

**Transportation and Traffic**

**T-1**

To minimize impacts to traffic flow, a Traffic Management Plan should be developed and implemented consistent with the size and scope of the project construction activity. The following measures should be considered for inclusion in the Traffic Management Plan.

- Use appropriate signs, equipment, and traffic control measures that conform to the provisions in the Caltrans Traffic Manual and the Manual of Uniform Traffic Control Devices.
- Identify site-specific Riverside County and City of Palm Springs requirements in conjunction with the CUP Application review and approval process.
- Limit vehicular traffic to designated access roads, temporary work areas, worker parking areas, and the project site.
- Provide employee and contractor orientation and briefing information on the desired construction traffic access route.
- Schedule the heavy vehicle deliveries involving over-sized loads during off-peak travel hours whenever possible.
- The proposed project should route construction traffic onto Interstate 10 via the Indian Canyon Drive interchange and direct construction traffic to avoid making left-turn maneuvers from Dillon Road onto SR-62 at the unsignalized intersection of SR-62 with Dillon Road if feasible.

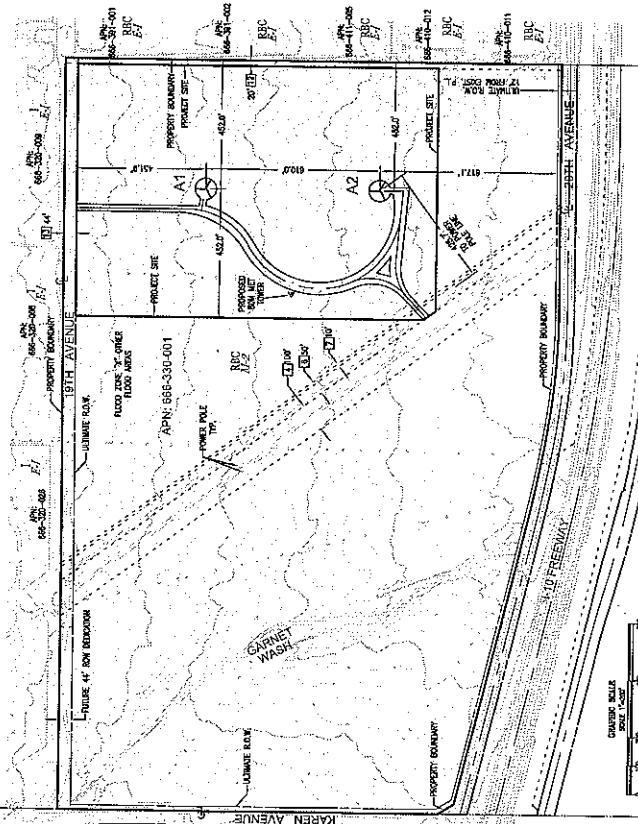
**Project Applicant**

**Prior to the start of construction**

# IN THE CITY OF PALM SPRINGS, STATE OF CALIFORNIA

## CONDITIONAL USE PERMIT

### WKN WAGNER WIND PROJECT



**UTILITY PROVIDERS**

ELECTRICAL: SARGENT & Lundy, Inc. (760) 331-4254  
 WATER: PALM SPRINGS WATER DISTRICT (760) 331-5961  
 GAS: PALM SPRINGS WATER DISTRICT (760) 331-5961  
 TELEPHONE: VERIZON COMMUNICATIONS (760) 331-4448  
 TELEVISION: VERIZON COMMUNICATIONS (760) 331-4448

**TOPOGRAPHIC MAPS**

TERRAIN MAP: 1982, 1987, 1992, 1997, 2002, 2007, 2012, 2017, 2022  
 AIR PHOTO: 1982, 1987, 1992, 1997, 2002, 2007, 2012, 2017, 2022

**FEMA FLOOD MAP DESIGNATION**

APN: 686-330-001  
 FLOOD ZONE: X-1 OVER FLOOD AREAS

**APPLICANT**

WKN WAGNER, LLC  
 1875 W. MAIN AVENUE, SUITE 100  
 PALM SPRINGS, CA 92260  
 TEL: (760) 331-4254  
 FAX: (760) 331-5961

**PROPERTY OWNER/LESSOR**

MPT FARM, LLC AND SONIA WILSON, LLC  
 1875 W. MAIN AVENUE, SUITE 100  
 PALM SPRINGS, CA 92260  
 TEL: (760) 331-4254  
 FAX: (760) 331-5961

**PROJECT SITE**

APN: 686-330-001  
 FLOOD ZONE: X-1 OVER FLOOD AREAS

**PROJECT DATA**

VEGETATION: 1875 W. MAIN AVENUE, SUITE 100  
 PROJECT NO: 1875 W. MAIN AVENUE, SUITE 100  
 PROJECT DATE: 1875 W. MAIN AVENUE, SUITE 100

**LEGAL DESCRIPTION**

ALL THAT PORTION OF THE SURFACES 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SHM 1N, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON MAP 1875 W. MAIN AVENUE, SUITE 100, AS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF RIVERSIDE, CALIFORNIA, RECORDED JANUARY 21, 1984 AS INSTRUMENT NO. 2001-258119 OF THE PUBLIC RECORDS OF THE COUNTY OF RIVERSIDE, CALIFORNIA.

**SCHOOL DISTRICT**

PALM SPRINGS UNIFIED SCHOOL DISTRICT (RFD 6, THURSDAY, CA)  
 1875 W. MAIN AVENUE, SUITE 100  
 PALM SPRINGS, CA 92260  
 TELEPHONE: (760) 331-4254

**EXPLANATORY NOTES**

- NO ADJACENT BALANCE OR PAID PARKING AREAS ARE PROVIDED IN CONNECTION WITH THIS PROJECT.
- NO SUBSURFACE SEPTIC DISPOSAL SYSTEMS ARE PROVIDED IN CONNECTION WITH THIS PROJECT.
- NO SUBSURFACE SEPTIC DISPOSAL SYSTEMS ARE PROVIDED IN CONNECTION WITH THIS PROJECT.
- SEWERAGE FROM THE PROJECT IS TO BE EXTENDED FROM THE MAIN SEWER LINE TO THE PROJECT SITE AND SHALL BE EXTENDED FROM THE MAIN SEWER LINE TO THE PROJECT SITE.
- SEWERAGE FROM THE PROJECT IS TO BE EXTENDED FROM THE MAIN SEWER LINE TO THE PROJECT SITE.
- SEWERAGE FROM THE PROJECT IS TO BE EXTENDED FROM THE MAIN SEWER LINE TO THE PROJECT SITE.

**ABBREVIATIONS**

PROPOSED TURBINE NUMBER  
 CENTERLINE  
 EXISTING USE  
 EXISTING ROADWAY  
 RIGHT-OF-WAY  
 ULTIMATE RIGHT-OF-WAY  
 PROJECT SITE/PROPERTY BOUNDARY AS NOTED  
 EXISTING ROAD LAND USE (RPL)

**PROPOSED WIND TURBINE ELEVATION**

WIND TURBINE TOWER (20M)  
 WIND TURBINE TOWER (20M)  
 WIND TURBINE TOWER (20M)

**TURBINE SITE DETAIL**

75' OBSERVATION TOWER (CONCRETE TOWER 500')  
 27' ACCESS ROAD  
 20' WIND TURBINE (BASE DIA. APPROX 15')

**NEIGHBORHOOD MAP**

1875 AVENUE  
 17TH AVENUE  
 16TH AVENUE  
 15TH AVENUE  
 14TH AVENUE  
 13TH AVENUE  
 12TH AVENUE  
 11TH AVENUE  
 10TH AVENUE  
 9TH AVENUE  
 8TH AVENUE  
 7TH AVENUE  
 6TH AVENUE  
 5TH AVENUE  
 4TH AVENUE  
 3RD AVENUE  
 2ND AVENUE  
 1ST AVENUE

**VICINITY MAP**

1875 AVENUE  
 17TH AVENUE  
 16TH AVENUE  
 15TH AVENUE  
 14TH AVENUE  
 13TH AVENUE  
 12TH AVENUE  
 11TH AVENUE  
 10TH AVENUE  
 9TH AVENUE  
 8TH AVENUE  
 7TH AVENUE  
 6TH AVENUE  
 5TH AVENUE  
 4TH AVENUE  
 3RD AVENUE  
 2ND AVENUE  
 1ST AVENUE

**ASSOCIATED PERMITS**

5.12830301 6.5252008  
 5.12830301 6.5252008

**CITY OF PALM SPRINGS**

CONDITIONAL USE PERMIT  
 WKN WAGNER WIND PROJECT  
 TITLE SHEET AND SITE PLAN  
 APPROVED BY: [Signature]  
 DATE: [Date]  
 SHEET 1 OF 2

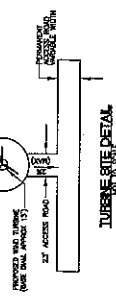
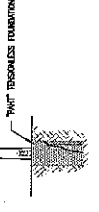
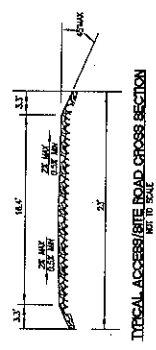
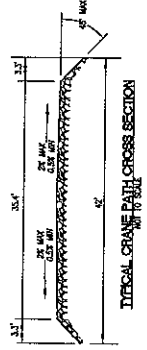
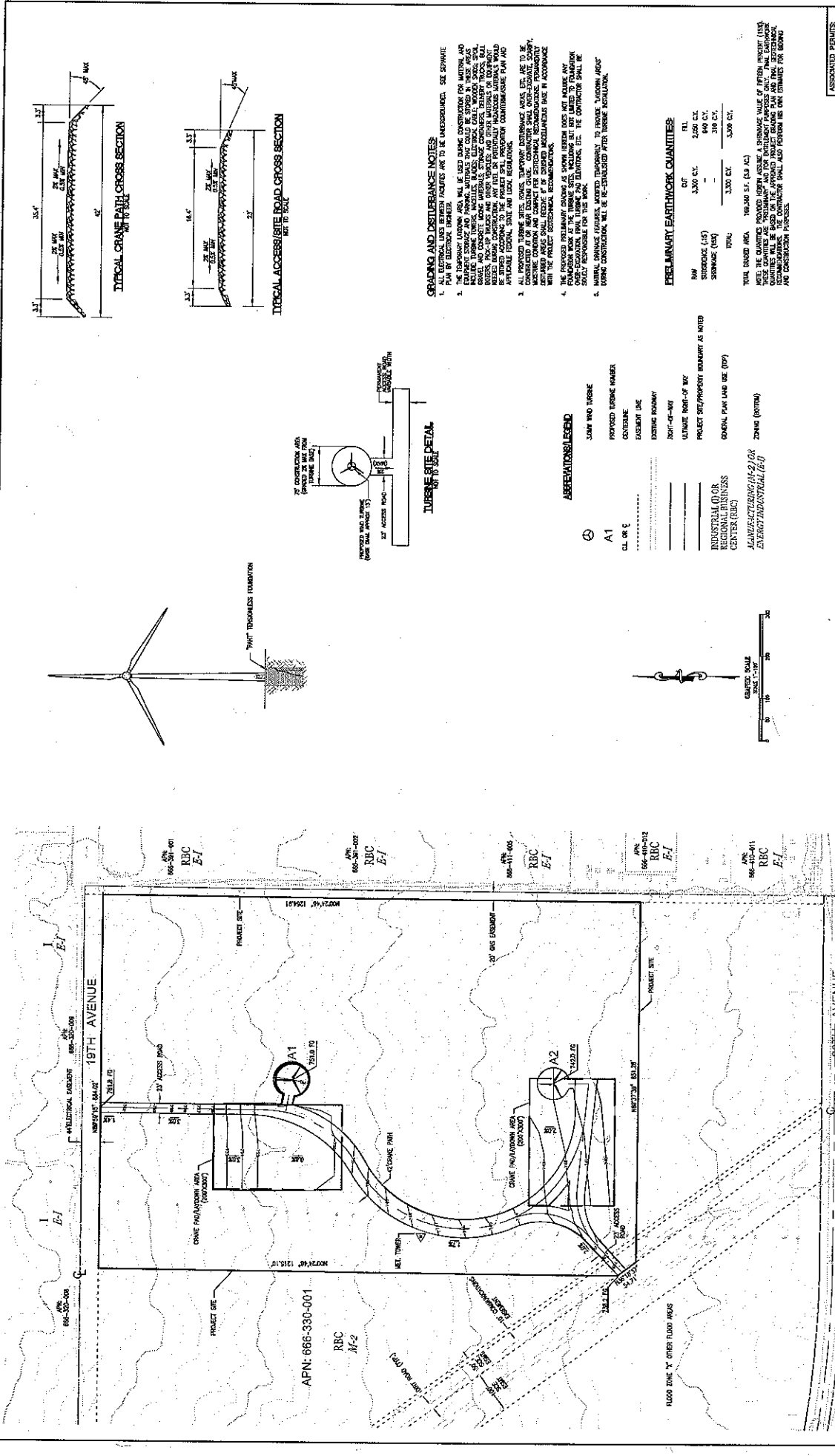
**REVISIONS**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

**ENGINEERING & SURVEY**

Environmental  
 Planning  
 Survey

73,245 El Paseo Drive, Suite 16, Palm Desert, CA 92260  
 T: 760.346.4750  
 F: 760.340.0098



- GRADING AND DISTURBANCE NOTES**
- 1. ALL ELECTRICAL LAYOUTS AND DISTURBANCES NOTED ARE TO BE UNDOUBLED. SEE SEPARATE PLAN BY ELECTRICAL ENGINEER.
  - 2. THE TEMPORARY LAYOUT AREA WILL BE USED DURING CONSTRUCTION FOR MATERIAL AND EQUIPMENT STORAGE. THIS AREA SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL ELECTRICAL LAYOUTS SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL ELECTRICAL LAYOUTS SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
  - 3. ALL PROPOSED TOWER SITES, TOWER FOUNDATION AREAS, ETC. ARE TO BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL ELECTRICAL LAYOUTS SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
  - 4. ALL PROPOSED CRANE PATHS, TOWER FOUNDATION AREAS, ETC. ARE TO BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL ELECTRICAL LAYOUTS SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
  - 5. ALL PROPOSED ACCESS/SITE ROADS, TOWER FOUNDATION AREAS, ETC. ARE TO BE RESTORED TO ORIGINAL OR BETTER CONDITION. ALL ELECTRICAL LAYOUTS SHALL BE MAINTAINED AND PROTECTED TO REMAIN UNDISTURBED. THIS AREA SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.

**PRELIMINARY LEATHERWORK QUANTITIES**

ITEM	QTY	UNIT	VALUE
RHW	1300	SF	2000.00
GRASS (L)	-	SF	0.00
SPRING (L)	1300	SF	2000.00
TOTAL GRASS AREA	1900	SF	2000.00

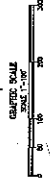
**ASSIGNED PERMITS**

5.1788SCP 6.523VAR	CITY OF PALM SPRINGS
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**CONDITIONAL USE PERMIT**  
**WKN WAGNER WND PROJECT**  
 PRELIMINARY GRADING PLAN  
 A. WAGNER WIND PROJECT, 10.000.000.000.

**ABBREVIATIONS LEGEND**

- ⊙ 30' FT INTO TURBINE
- 30' FT INTO TURBINE
- A1 PROPOSED TURBINE NUMBER
- CL OR ♯ CENTERLINE
- - - - - EXISTING LINE
- \_\_\_\_\_ EXISTING BOUNDARY
- -- -- 20' FT - 40' FT
- \_\_\_\_\_ ULTIMATE RIGHT-OF-WAY
- \_\_\_\_\_ PROJECT SITE/PROPERTY BOUNDARY AS NOTED
- \_\_\_\_\_ GENERAL PLAN LAND USE (TOP)
- \_\_\_\_\_ ZONING (BOTTOM)
- \_\_\_\_\_ ADJACENT ZONING (LEFT OR RIGHT)
- \_\_\_\_\_ ZONING (BOTTOM)



<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	BY	DESCRIPTION					<p>APN: 666-330-001</p> <p>RBC M-2</p>	<p>APN: 666-330-001</p> <p>RBC E-1</p>	<p>APN: 666-330-001</p> <p>RBC E-1</p>	<p>APN: 666-330-001</p> <p>RBC E-1</p>
NO.	DATE	BY	DESCRIPTION										
<p><b>CITY OF PALM SPRINGS</b></p> <p><b>WKN WAGNER WND PROJECT</b></p> <p><b>PRELIMINARY GRADING PLAN</b></p> <p><b>WKN WAGNER, LLC</b></p>		<p>Engineering • Survey</p> <p>Planning • Environmental</p>	<p>72-255 El Paseo Drive, Suite 15, Palm Desert, CA 92260</p> <p>T. 760.346.0150</p>	<p>APPROVED PERMITS</p> <table border="1"> <tr> <td>5.1788SCP 6.523VAR</td> <td>CITY OF PALM SPRINGS</td> </tr> </table>	5.1788SCP 6.523VAR	CITY OF PALM SPRINGS	<p>SHEET 2 OF 2</p>						
5.1788SCP 6.523VAR	CITY OF PALM SPRINGS												



# Existing Site Photos WKN Wagner Wind Project

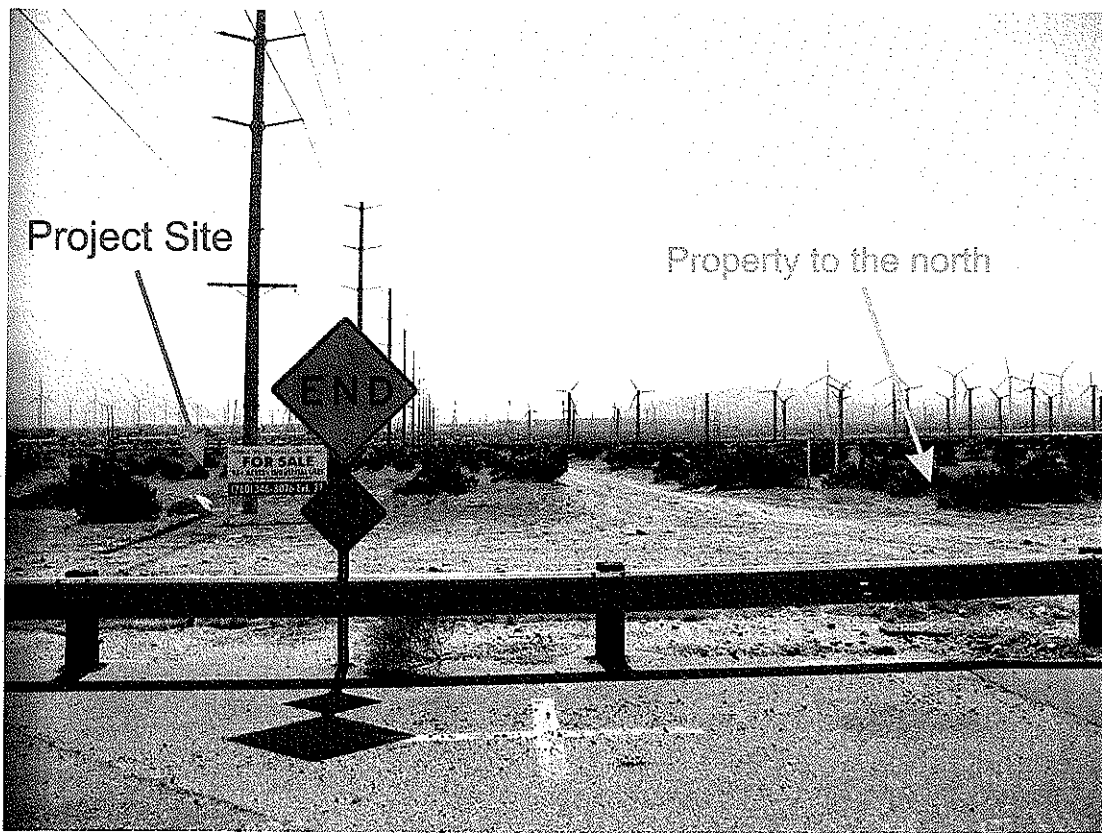


Photo taken from terminus of 19th Avenue facing southwest

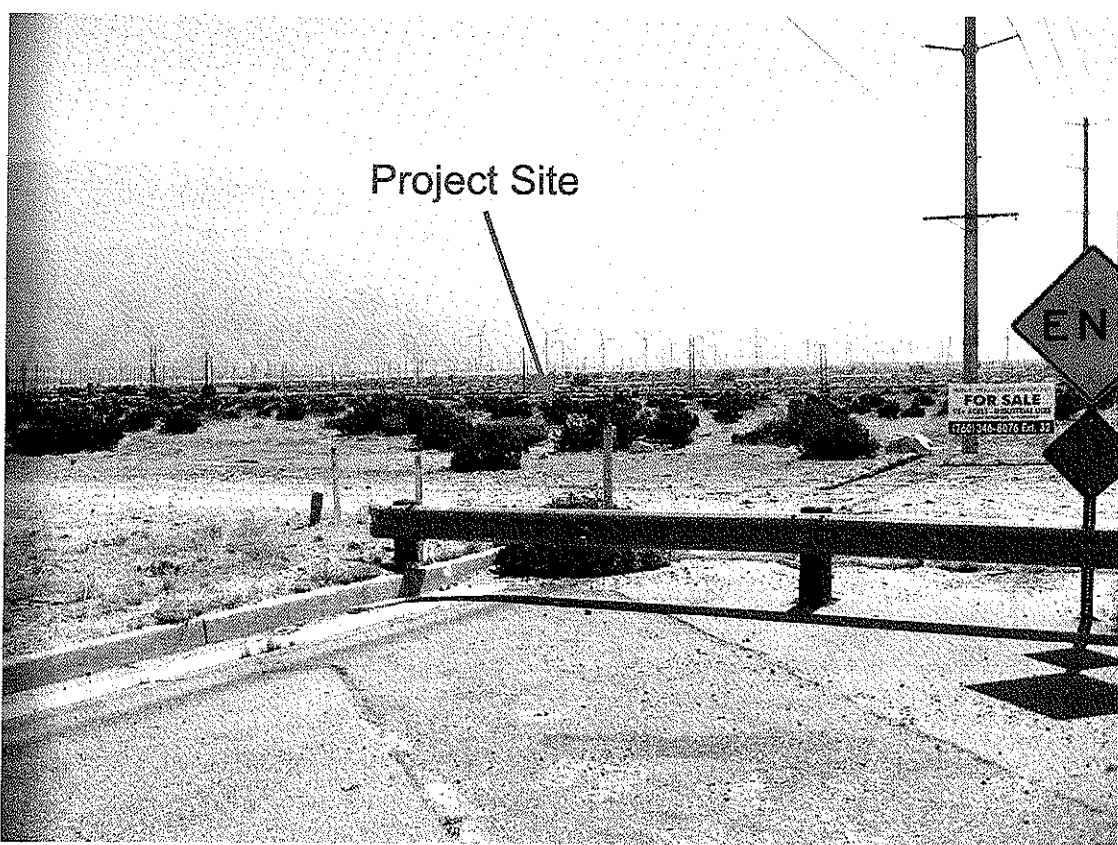
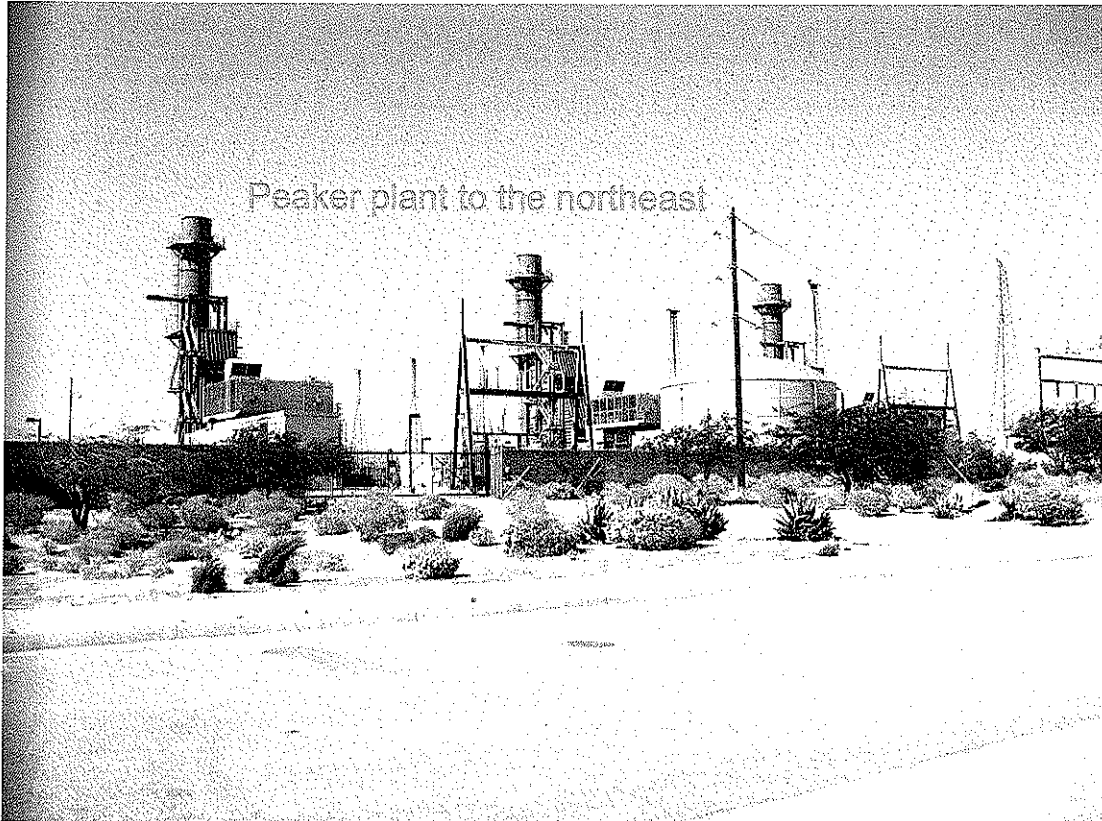
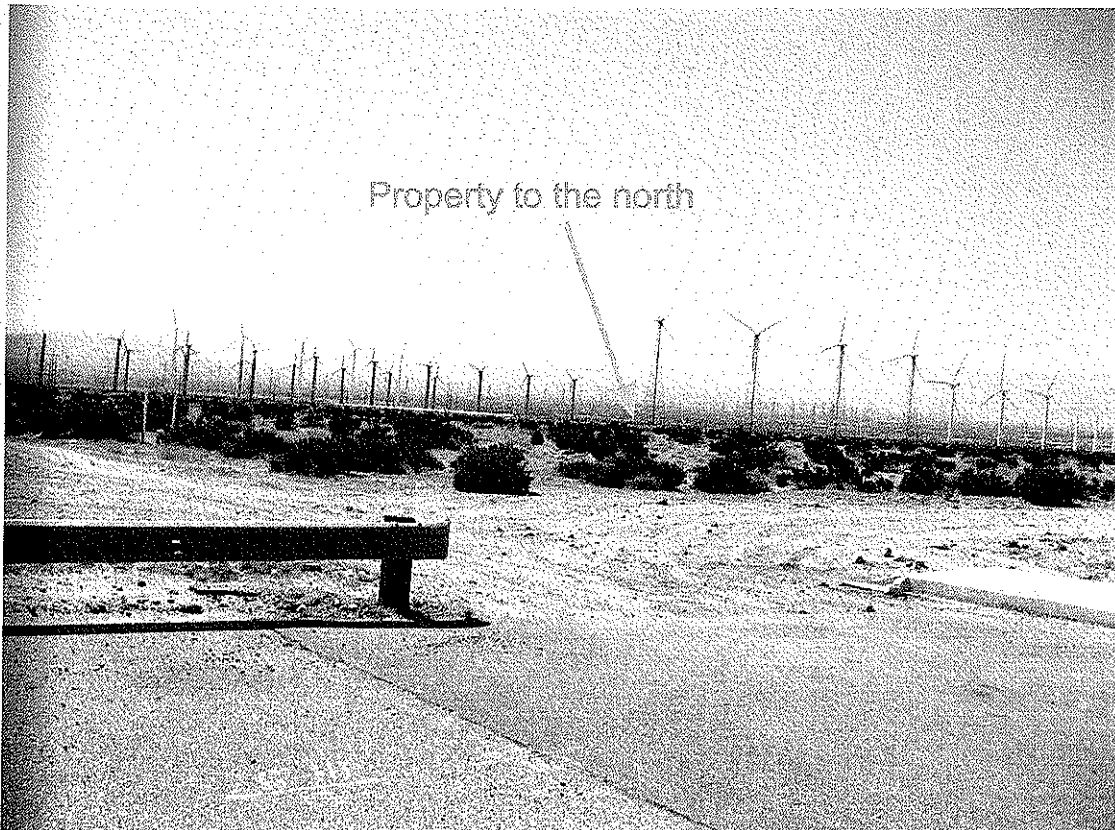


Photo taken from terminus of 19th Avenue facing southwest



Peaker plant to the northeast

Photo taken from terminus of 19th Avenue facing northeast



Property to the north

Photo taken from terminus of 19th Avenue facing northwest



Photo taken from terminus of 19th Avenue facing south



Photo taken from Roy's Desert Resource Center facing west