



Planning Commission Staff Report

Date: May 23, 2012

Case No.: 5.1177 – PD 348

Application Type: Time Extension for Planned Development District

Location: Northeast corner of Halleck Road and 19th Avenue

Applicant: Wintec Energy, LTD

Zone: E-I (Energy Industrial)

General Plan: E-I (Energy Industrial)

APNs: 666-320-006 & 666-320-008

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

Project Planner: Edward O Robertson, Principal Planner

PROJECT DESCRIPTION

The applicant, Wintec Energy LTD, is requesting a one-year time-extension for a previously approved Planned Development District 348 by BP West Coast Products, LLC, for the construction and operation of a fuel storage terminal and distribution facility. The new terminal will be located at the northeast corner of Halleck Road and 19th Avenue and includes six above ground fuel storage tanks and related facilities. The proposed pipeline that will supply fuel to the new terminal will extend from the existing Kinder Morgan fuel pipeline located south of Interstate 10 (I-10) Freeway within the Union Pacific Railroad right-of-way.

RECOMMENDATION

That the Planning Commission grant a one-year time extension for Planned Development District 348 (PDD 348) from April 20, 2012 to April 19, 2013.

PRIOR ACTIONS

On April 21, 2010, the City Council certified a Final Environmental Impact Report (FEIR) and approved Planned Development District 348 for the development of a fuel storage terminal and distribution facility on an approximately 20-acre site.

On March 10, 2010, the Planning Commission by a vote of 5-1-1, certified the Final EIR, approved Planned Development District 348 as proposed, and then recommended the certification of the FEIR and approval of PDD 348 to the City Council.

BACKGROUND AND SETTING

The previously approved project is a British Petroleum fuel storage terminal and pipeline extension to be developed on approximately 20-acre project site located west of Indian Avenue and north of 19th Avenue. The approved planned development district is for a relief from the maximum height of thirty feet (30') allowed within the Energy Industrial (E-I) zoning designation for the six above ground fuel storage tanks and related facilities. The proposed maximum height of the fuel tanks will range from approximately 35 feet to 45 feet. The project site is currently vacant and undeveloped with minimal vegetation. The subject site is adjacent to an energy farm with large wind mills. The visual character of the project area which is adjacent to Interstate-10 is mostly dominated by windmill energy farms.

The proposed fuel line that will supply the new facility will extend from the existing Kinder Morgan pipeline located south of the project site and south of Interstate 10 (I-10) Freeway. The existing pipeline is located within the Union Pacific Railroad (UPRR) right-of-way. The BP fuel line extension is planned to extend across the I-10 Freeway at approximately 6,200 feet west of Indian Avenue off ramp. As planned, the new fuel line will extend from the connection to Kinder Morgan pipeline north along Karen Avenue, then east along 19th Avenue to the new terminal site. Upon completion, the terminal is anticipated to serve as the major fuel distribution hub for Palm Springs, the Inland Empire, and the Coachella Valley areas.

ANALYSIS

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for the PD. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation. The applicant has requested a one-year time extension to commence construction for Planned Development District 348. In the letter of time extension request dated April 18, 2012, Wintec Energy stated that *"construction of the planned facility has been postponed due to the current depressed economic conditions"*. Based on this information, the applicant has demonstrated good cause for seeking an extension and for asserting that construction may commence within the requested period of time extension.

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

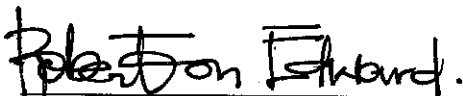
Staff received amended conditions from the Engineering Department in response to changes in applicable engineering standards and regulations. A list of these additions or modifications to the Conditions of Approval is as follows: Engineering Conditions – Streets; #11, 15, 19, 20, 32, and 33, Sanitary Sewer; #40 and 41, Grading; #53, 55A and 61A, Traffic #85. The Engineering Department also confirmed that traffic volumes around the project location have not changed appreciably to require revised analysis.

ENVIRONMENTAL ASSESSMENT

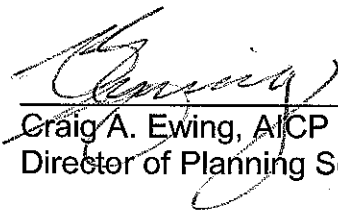
A Final Environmental Impact Report (EIR) was previously certified by the City Council on April 21, 2010, for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary at this time because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

NOTIFICATION

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



Edward O. Robertson
Principal Planner



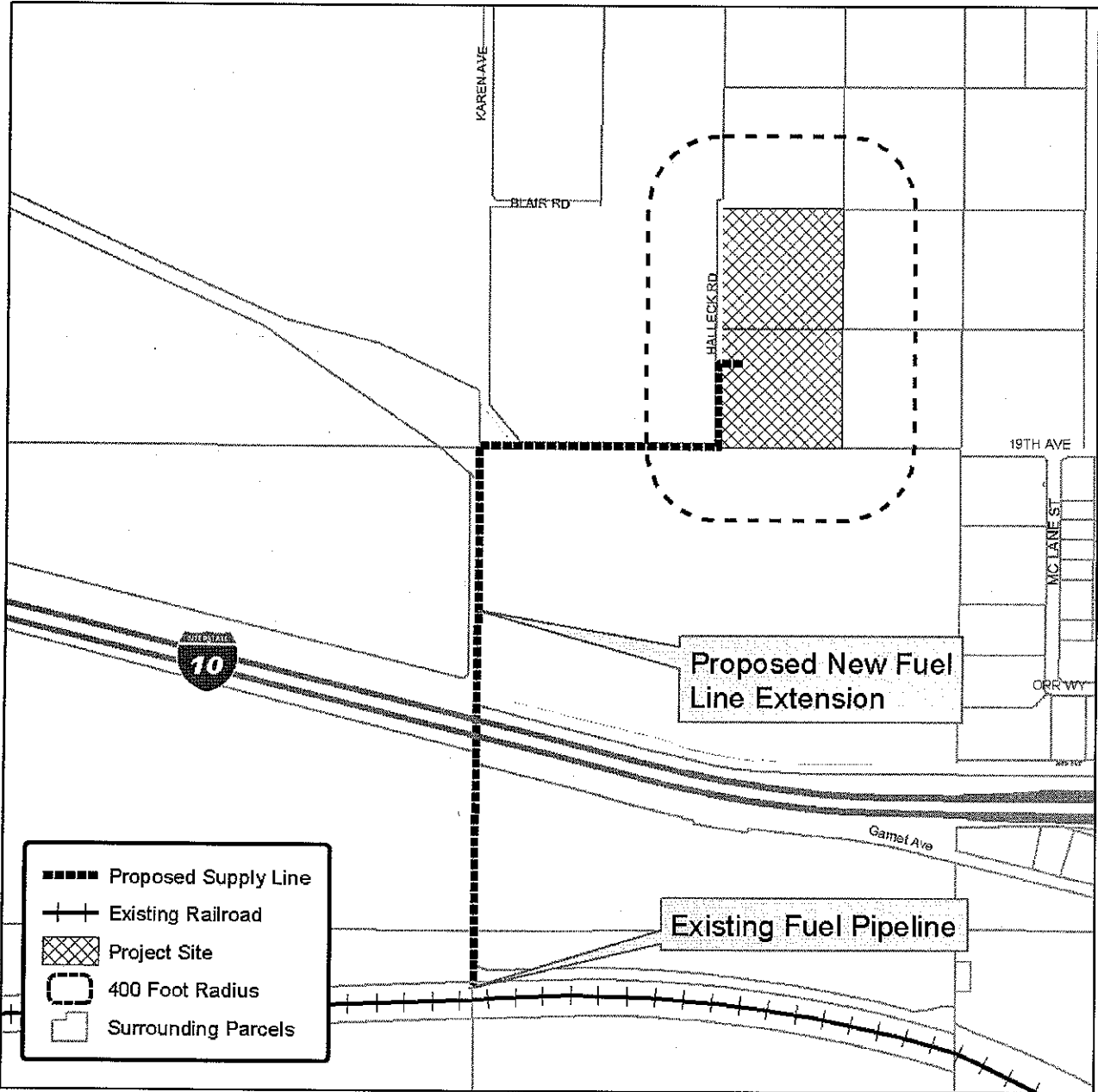
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Amended Conditions of Approval
4. Letter of Time Extension Request



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1177 PD 348-TE

APPLICANT: Wintec Energy, LTD

DESCRIPTION: Request for a one-year extension for a BP Petroleum fuel storage terminal and distribution center located at the northeast corner of 19th street and Halleck Road, Zone "E1", Section 15.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 348 FROM APRIL 20, 2012 TO APRIL 19, 2013; FOR THE DEVELOPMENT OF FUEL STORAGE AND DISTRIBUTION TERMINAL ON AN APPROXIMATELY 20-ACRE SITE LOCATED AT THE INTERSECTION OF 19TH AVENUE AND HALLECK ROAD, ZONE E1, SECTION 15.

WHEREAS, Wintec Energy, ("Applicant") has filed a request with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 348 located at the intersection of 19th Avenue and Halleck Road; and

WHEREAS, on May 23, 2012, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA).

WHEREAS, a Final Environmental Impact Report (EIR) was previously certified by the City Council on April 21, 2010, for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary at this time because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report, 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 for PD 348, from April 20, 2012 to April 19, 2013.

ADOPTED this 23rd day of May 2012.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case No. 5.1177-PD 348
BP Fuel Storage & Distribution Center
Northeast corner of Halleck Road & 19th Avenue

May 23, 2012

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case No. 5.1177-PD 348; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped 3.10.10, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Department.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case No. 5.1177-PD 348. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay

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

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, 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 7. Time Limit on Approval. Approval of the Planned Development District (PDD) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the

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

- ADM 11. Comply with City Noise Ordinance. 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.
- ADM 12. The applicant shall be required to submit a separate application for review and approval by the Director of Planning Services for the two additional fuel storage tanks in the future.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. Notice of Determination. An administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the City Council final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).
- ENV 3. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee of \$2,010.25 as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee of \$64.00 for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

- ENV 4. Mitigation Measures & Monitoring. All the mitigation measures contained in the environmental impact report (EIR) shall apply to this project. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the EIR will be included in the plans prior to grading permit.
- ENV 5. Cultural Resource Survey Required. 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.
- ENV 6. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- ENV 7. a). 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. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. 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 Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs

Municipal Code. The applicant shall submit a landscape and irrigation plan to the Desert Water Agency (DWA) for review and approval prior to submittal to the Planning Department for review and issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) 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 and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed for AAC Review. Prior to issuance of building permits for the project, the applicant submit for review by the AAC and final action by the Director of Planning Services, the following items:
- Final design of the administrative building roof;
 - Color of canopies over pipe racks to match final (aged) color of cor-ten steel roof of administrative building;
 - Enhancement of landscape plans with additional plantings; and
 - South property line block wall to be revised to provide street views of administrative building.
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan. Bright white should be avoided where possible."
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 11. Transportation Demand Requirement. 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 (projects with 100 or more employees)

POLICE DEPARTMENT CONDITIONS

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

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

MISSION SPRINGS WATER DISTRICT

- MSWD 1. Please see the attachment to the conditions of approval document

ENGINEERING DEPARTMENT CONDITIONS

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

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. The applicant shall obtain State permits and approval of plans for all work done within the Interstate 10 right-of-way. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any permits related to the fuel pipeline installation.

- ENG 3. The applicant shall obtain a United Pacific Railroad (UPRR) right-of-way entry permit or Railroad Agreement for all work done within UPRR right-of-way. A copy of an approved UPRR right-of-way entry permit or Railroad Agreement shall be provided to the City Engineer prior to the issuance of any permits related to the fuel pipeline installation.
- ENG 4. The applicant shall obtain all necessary approvals (Encroachment Permit and/or Cooperative Agreement) from the Riverside County Flood Control and Water Conservation District (RCFC) for all construction required within the RCFC properties identified by Assessor's Parcel Number (APN) 666-320-020, 668-400-011, or 668-411-008. A copy of RCFC required approvals shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.
- ENG 5. The applicant shall provide the City Engineer with an executed agreement with Kinder Morgan Energy Partners (KMEP) for connection of the proposed off-site 16 inch fuel pipeline to the KMEP 20 inch fuel pipeline. A copy of the executed agreement shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.
- ENG 6. 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 7. The public street improvements outlined in these conditions of approval are intended to convey to the applicant an accurate scope of required improvements, however, the City Engineer reserves the right to require additional improvements as may be determined in the course of the review and approval of street improvement plans.
- ENG 8. Costs associated with off-site street improvements may be reimbursed, pursuant to a Reimbursement Agreement approved by the City Council, in accordance with the policies established by Resolution 13487, and amended by Resolution 16031. Following completion and acceptance of off-site street improvements by the City Engineer, if reimbursement is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Reimbursement Agreement and a \$5,000 deposit for City staff time associated with the preparation of the Sewer Reimbursement Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Reimbursement Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Reimbursement Agreement. The Reimbursement Agreement is subject to the City Council's review and approval at a Public Hearing, and its approval is not guaranteed nor implied by this condition.

19TH AVENUE

- ENG 9. Dedicate the ultimate half street right-of-way width of 44 feet along the entire project frontage, together with a property line - corner cut back at the northeast corner of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 10. The applicant shall acquire off-site public street right-of-way width of 44 feet for the north half of 19th Avenue adjacent to that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009.
- ~~ENG 11. The applicant shall acquire off-site public street right-of-way width of 15 feet for a portion of the south half of 19th Avenue adjacent to that parcel identified by Assessor's Parcel No. 666-330-001. Additional right-of-way shall be acquired in the event cut or fill slopes to construct the new street improvements extend beyond 15 feet.~~
- ENG 12. Construct an 8 inch curb and gutter located 32 feet north of centerline extending from Halleck Road across the entire project frontage and that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009, with a 35 feet radius curb return and spandrel at the northwest and northeast corners of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 13. Construct the an 8 feet wide cross gutter across the north side of the intersection of 19th Avenue and Halleck Road with a flow line parallel with and located 32 feet north of the centerline of 19th Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 14. Construct a 30 feet wide and a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerlines of the driveway approaches shall be located approximately 45 feet and 165 feet (respectively) west of the east property line of the project site. The 30 feet wide driveway shall have one northbound lane for ingress only. The 24 feet wide driveway shall have one northbound ingress lane and one southbound shared left turn and right turn lane.
- ENG 15. Construct a sidewalk behind the curb across the entire 19th Avenue frontage, extending from Halleck Road to the east property line of that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009, in accordance with City of Palm Springs Standard Drawing No. 210, and having a width equal to sidewalks found along the frontage of that certain parcel identified by APN 666-320-01 ~~in the vicinity along the north side of 19th Avenue.~~

- ENG 16. Construct Type A curb ramps meeting current California State Accessibility standards on either side of the two proposed driveway approaches in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 17. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of 19th Avenue and Halleck Road, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 18. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter located 30 feet north of centerline to a redwood header located 12 feet south of the centerline, extending from Halleck Road across the entire project frontage and that certain parcel identified by Assessor's Parcel No. (APN) 666-320-009 in accordance with City of Palm Springs Standard Drawing No. 110 and 330. 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 19. Install a redwood header along the new edge of pavement located 12 feet south of the centerline of 19th Avenue, as necessary and as required by the City Engineer.
- ENG 20. Remove the existing signs and any other traffic control ~~end of road sign, traffic markers and barricade~~ on 19th Avenue at the east side of Halleck Road marking the end of the road and install new end of road signs, traffic markers and barricade on 19th Avenue at the west side of Halleck Road, as required by the City Engineer.

HALLECK ROAD

- ENG 21. Dedicate the ultimate half street right-of-way width of 30 feet along the entire project frontage, together with a property line - corner cut back at the northeast corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 22. Construct a 6 inch curb and gutter located 20 feet east of centerline along the entire project frontage extending to the north property line with a 35 feet radius curb return and spandrel at the northeast corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 23. Construct a 6 inch curb and gutter located 20 feet west of centerline from 19th Avenue extending 400 feet north with a 35 feet radius curb return and spandrel at the northwest corner of the intersection of Halleck Road and 19th Avenue, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 24. Construct a 30 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 315 feet north of the centerline of 19th Avenue. The driveway approach shall have one shared left turn and right turn lane for egress only.
- ENG 25. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the proposed driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 26. Construct a 5 feet wide sidewalk behind the curb along the entire project frontage extending to the north property line, in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 27. Construct 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, full width extending from proposed west edge of gutter located 18 feet west of centerline to proposed east edge of gutter located 18 feet east of centerline, from 19th Avenue extending 400 feet north, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 28. Construct 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, extending from a redwood header located 12 feet west of centerline to the proposed east edge of gutter located 18 feet east of centerline, from 400 feet north of 19th Avenue extending to the north property line, in accordance with City of Palm Springs Standard Drawing No. 110 and 310. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

- ENG 29. Construct a temporary cul-de-sac at the north end of Halleck Road, as approved by the City Engineer and Fire Marshall. The cul-de-sac shall be constructed 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.
- ENG 30. Install a redwood header along the new edge of pavement located 12 feet west of centerline of Halleck Road, as required by the City Engineer.
- ENG 31. Install new end of road signs, traffic markers and barricade at the north end of Halleck Road, as required by the City Engineer.

KAREN AVENUE

- ~~ENG 32. The applicant shall acquire off-site public street right-of-way width of 30 feet for the east half of Karen Avenue adjacent to that parcel identified by Assessor's Parcel No. 666-330-001, extending from 19th Avenue to 20th Avenue.~~

EMERGENCY VEHICLE ACCESS ROAD

- ENG 33. Construct a secondary emergency vehicle access road extending in 19th Avenue from Karen Avenue to Halleck Road, and extending in Karen Avenue from 19th Avenue to 20th Avenue, as necessary and as required by the City Engineer and Fire Marshall. The secondary emergency vehicle access road shall be designed and constructed at a minimum width of 24 feet, have approved all-weather surfacing sufficient to support an emergency vehicle weighing 73,000 pounds gross vehicle weight, and as required in accordance with Section 902.2.2.2 of the California Fire Code. The secondary emergency vehicle access road shall be constructed within existing or new public rights-of-way to be acquired as identified in these conditions of approval.

OFF-SITE PIPELINE INSTALLATION

- ENG 34. The alignment of the off-site fuel pipeline extending from south of Interstate 10 to the project site is subject to the review and approval by the City Engineer. The alignment shall be located within existing and new public rights-of-way to be acquired as identified in these conditions of approval and shall facilitate installation of other public utilities necessary for the future development of adjacent vacant properties. The applicant shall be required to obtain approvals by utility companies (MSWD, SCE, So Cal Gas, etc.) for the alignment and depth of the off-site fuel pipeline to ensure future utility service to the adjacent vacant properties is reasonably maintained.
- ENG 35. Construction of the off-site fuel pipeline located within private properties will require approval by the property owners, as evidenced by an executed

agreement, recorded easement, or other legally recognized approvals, subject to the review and approval by the City Engineer and/or the City Attorney. A copy of all necessary approvals shall be provided to the City Engineer prior to the issuance of any permit related to the fuel pipeline installation.

- ENG 36. Construction of the off-site fuel pipeline located within existing and new public rights-of-way to be acquired as identified in these conditions of approval will require an Encroachment License approved by the City Council, which shall be approved prior to issuance of any permit related to the fuel pipeline installation.
- ENG 37. As a condition of any Encroachment License granted to the applicant for the private underground utilities to be installed in 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.

ON-SITE

- ENG 38. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 39. The gated access points are 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 gated access points, meeting the approval of the Fire Marshall.

SANITARY SEWER

- ENG 40. Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. ~~The record property owner shall enter into a covenant agreeing to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the property. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant~~

~~deed shall be provided to verify current property ownership. 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 41. The applicant should contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for commercial uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and Regional Water Quality Control Board.
- ENG 42. This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of domestic water and/or sanitary sewer service to the property.
- ENG 43. If required by Mission Springs Water District (MSWD), submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. The plans shall be approved by MSWD prior to issuance of any building permits.
- ENG 44. If required by Mission Springs Water District (MSWD), construct public sewer lines for future operation and maintenance by MSWD along the entire frontage of the project site, or as may be required by MSWD.

GRADING

- ENG 45. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at

(909) 396-3752, or at www.AQMD.gov. 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.

a) 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 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 project-specific Water Quality Management Plan.

ENG 46. Prior to approval of a Grading Plan or issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 47. 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 48. 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 49. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

ENG 50. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 51. Notice of Intent 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 52. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The project applicant shall cause the approved final project-specific WQMP 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 53. 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 54. 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 55. 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 55A. The applicant shall provide pad elevation certifications for all building or structure pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building or structure foundation.
- ENG 56. 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).

- ENG 57. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 1 relating to burrowing owls. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 1 prior to approval of any grading plans or issuance of any permits.
- ENG 58. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 2 relating to desert tortoise. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 2 prior to approval of any grading plans or issuance of any permits.
- ENG 59. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Bio 3 relating to native and migratory bird species. A report certified by an Acceptable Biologist shall be submitted to the City Engineer certifying compliance with MM Bio 3 prior to approval of any grading plans or issuance of any permits.
- ENG 60. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Cultural 1 relating to paleontological resources. The applicant shall be required to provide an acceptable paleontological monitor to conduct periodic monitoring during site grading or earthmoving activities at a depth of 10-feet or greater within the project site and at a depth of 5 feet or greater along the alignment of the off-site fuel pipeline. Continuous monitoring shall be provided as may be determined by the paleontological monitor. A report certified by an acceptable paleontological monitor shall be submitted to the City Engineer certifying compliance with MM Cultural 1 prior to issuance of any permits.
- ENG 61. In accordance with the Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009, the applicant shall comply with Mitigation Measure (MM) Cultural 2 relating to historical resources. The applicant shall be required to have a field level survey for historical resources completed along that portion of the proposed off-site waterline alignment along Halleck Road between Blair Road and 18th Avenue prior to any ground disturbance within that area. If the alternative proposed off-site waterline alignment within Halleck Road is to be constructed, an historical resources study shall be submitted to the City Engineer certifying compliance with MM Cultural 2 prior to issuance of any permits related

to the off-site waterline. The applicant shall be required to comply with any additional mitigation measures identified in the historical resources study.

ENG 61A. 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 Final Environmental Impact Report (SCH. No. 2008011036) dated October 2009 and adopted for the project. All applicable mitigation measures 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.

WATER QUALITY MANAGEMENT PLAN

- ENG 62. 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 the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 63. 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 64. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) 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 (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

- ENG 65. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

- ENG 66. 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, as described in the Preliminary Hydrology Study for Project Cherry prepared by Albert A. Webb Associates (dated November, 2008), and to determine required stormwater runoff mitigation measures for the proposed development. Final sizing of the on-site retention basins, on-site storm drain lines, catch basins, and other specifications for construction of required on-site storm drainage improvements shall be finalized in the final hydrology study for this project and approved by the City Engineer. Redesign or changes to site configuration or layout consistent with the findings of the final hydrology study may be necessary upon review and approval of the final hydrology study.
- ENG 67. The eight petroleum storage tank containment areas shall be surrounded by berms as described in the Preliminary Hydrology Study for Project Cherry (dated November, 2008); a minimum 12 inch thick soil layer within the storage tank containment areas and adjacent berms shall be treated with a bentonite mixture, with shotcrete applied on the surface to prevent infiltration of contaminated runoff into the ground (or installation of a ClayMax liner or approved equal impervious membrane). In accordance with the Oil Pollution Prevention Regulations 40 Code of Federal Regulations (CFR) 112.7 and 112.8, drainage from the storage tank containment areas shall be restricted by valves. Drainage from within the storage tank containment areas shall be removed by evaporation, and shall not be released downstream except in cases of significant emergency as may be authorized in the project's Spill Prevention Control and Countermeasure (SPCC) Plan. A copy of the SPCC shall be furnished to the City Engineer prior to issuance of building permits.
- ENG 68. Construct on-site private storm drain improvements for drainage of on-site areas to the on-site retention basins. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to 19th Avenue or Halleck Road.
- ENG 69. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the

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

GENERAL

- ENG 70. 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 71. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work or fuel pipeline 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 72. All proposed utility lines shall be installed underground.
- ENG 73. 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 74. 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 75. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 76. 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 77. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 78. The applicant shall contact Mission Springs Water District at (760) 329-6448 to determine the requirements for extending water service to the project site. The applicant may be responsible for the design and construction of off-site water line improvements OR payment of applicable fair-share costs of off-site water line improvements constructed by others.
- ENG 79. 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.
- MAP
- ENG 80. The existing parcels identified by Assessor's Parcel Number (APN) 666-320-006 and 666-320-008 shall be merged, or otherwise, a Lot Line Adjustment shall be perfected to relocate the property line common to the two parcels to comply with applicable planning and building codes related to the setback of any structures to

the property line. An application for a Parcel Merger (or Lot Line Adjustment) shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application. The application shall be submitted to and approved by the City Engineer prior to issuance of a building permit.

TRAFFIC

- ENG 81. As determined by the Traffic Impact Study for the BP Palm Springs Logistics Center (dated May, 2008) submitted by Albert A. Webb Associates, the following mitigation measure(s) will be required:
- a) Install a 30 inch stop sign, stop bar, and "STOP" legend for southbound traffic at the intersection of Halleck Road and 19th Avenue in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - b) Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Halleck Road and the egress only driveway on Halleck Road in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - c) Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of 19th Avenue and the full access western driveway on 19th Avenue in accordance with City of Palm Springs Standard Drawing Nos. 620-625.
 - d) Submit traffic striping plans for 19th Avenue and Halleck Road, prepared by a California registered civil engineer, for review and approval 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 certificate of occupancy.
 - e) Applicant shall make fair share payment of 5.74 % (\$14,350.00), to the City of Palm Springs, for the installation of a future traffic signal at the intersection of Indian Canyon Drive and 19th Avenue. Payment shall be made prior to issuance of a building permit.
- ENG 82. Install appropriate signage on-site indicating that the eastern driveway on 19th Avenue is for ingress only.
- ENG 83. Install appropriate signage indicating that the Halleck Road driveway is for egress only.

- ENG 84. 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 85. 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 January 13, 2012, ~~September 26, 2006~~, or subsequent editions in force at the time of construction.
- ENG 86. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT:

- FID1. **Impact Fees:** The Applicant shall participate and contribute in any fee program, assessment district, community facilities district, or any other public financing that includes the Development as a part thereof as the City in its discretion may adopt or establish. This obligation shall be evidenced by a covenant running with the land in a form approved by the City Attorney.
- FID2. **Training Impact Fees:** The Applicant shall reimburse the fire department for the costs to train up to eight city firefighters per fiscal year in petroleum firefighting techniques. Reimbursement costs may include overtime, travel, lodging and meals and replacement of PPE's if damaged during recognized training classes.
- FID3. **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan shall be provided to the fire department. This shall clearly show all access points & fire hydrants.
- FID4. **2007 California Fire Code:** Applicant shall adhere to the 2007 California Fire Code for the design and maintenance of this facility. The following articles shall be adhered to:
- **Chapter 5 – Fire Service Features**
 - **Chapter 9 – Fire Protection Systems and Equipment**
 - **Chapter 27 – Hazardous Materials**
 - **Chapter 34 – Flammable and Combustible Liquids**

National Fire Protection Association Standards: The following nationally recognized standards will be adhered to:

- **NFPA 10 Portable Fire Extinguishers**

- NFPA 11 Low, Medium, High Expansion Foam
- NFPA 13 Installation of Sprinkler Systems
- NFPA 14 Installation of Standpipe and Hose Systems
- NFPA 15 Standard for Water Spray Fixed Systems for Fire Protection
- NFPA 16 Installation of Foam-water Sprinkler & Foam-water Spray Systems
- NFPA 24 Installation of Private Fire Service Mains
- NFPA 30 Flammable And Combustible Liquids
- NFPA 72 National Fire Alarm
- NFPA 385 Tank Vehicles for Flammable and Combustible Liquids
- NFPA 750: Standard on Water Mist Fire Protection Systems

American Petroleum Institute Standards: The following nationally recognized standards will be adhered to:

- Spec 12P – Specifications for Fiberglass Reinforced Plastic Tanks
- Standard 650 - Welded Steel Tanks for Oil Storage
- Standard 651 – Cathodic Protection of Aboveground Petroleum Storage Tanks
- Standard 653 - Tank Inspection, Repair, Alteration, and Reconstruction
- API RP 752 – Mgt of Hazards Associated with Location of Process Plant Buildings, CMA Managers Guide
- API RP 2350 – Overfill Protection of Storage Tanks in Petroleum Facilities

FID5. 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.

FID6. 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.

FID7. Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

- **Minimum Access Road Dimensions:**

1. 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.
2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.

FID8. 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.

FID9. 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. Two (2) separate access roads shall be provided and maintained. Site plan currently shows the main access from 19th street. A second fire department access road shall be required into this property from the west.

FID10. 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.

FID11. 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.

FID12. 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.

FID13. 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.

FID14.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 be replaced or repaired when necessary to provide adequate visibility.

FID15.Reduced Roadway Width CFC (503.3): Areas with reduced roadway width (such as entry and exit gates, entry and exit approach roads, traffic calming areas) that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint.

FID16.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 for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5".

FID17.Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

FID18.Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.

FID19.Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1):Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).

FID20. Fire Flow (CFC 508.3): Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of fire sprinklers based on Appendix B of the 2007 CFC.

FID21. Fire Flow (CFC 508.3): Fire flow requirements for the bulk storage tanks are estimated to be 5,200 GPM at a minimum pressure of 20 PSIG for a duration of approximately 4 hours. This water flow demand is in conjunction with the installed foam system and fixed 1,000 GPM monitors.

FID22. Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5): Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 5,200 gallons per minute (CFC Appendix B). Mission Springs Water Districts 12" water main to the property meets the fire flow demand. (CFC Appendix C)

FID23. Required On Site Water Storage: An on site 840,000 gallon water storage tank is required. The location of the project in relation to the San Andreas Fault demands a redundancy in water availability in the event of an earthquake.

FID24. Diesel Powered Fire Pump Required: An approved diesel powered fire pump with a rated 5,200 GPM meeting NFPA requirements is required to be installed at this site.

FID25. 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.

FID26. Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.

FID27. Water Systems and Hydrants (CFC 508.1, 508.2, 508.4, 901.5 & 1412.1): Underground private fire service mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC) Installation, testing, and inspection will meet the requirements of NFPA 24, 2002 Edition. Prior to final approval of the installation, contractor shall submit a completed Contractors Material & Test Certificate for Underground Piping to the Fire Department. (10.10 NFPA 24, 2002 Edition).

FID28. 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.

FID29.NFPA 13 Fire Sprinkler System is Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using C_p of 0.74 and l/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)

FID30.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.

FID31.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.

FID32.Central Station Protective Signaling Service (CFC 903.4.1): A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate. The Fire Department shall be notified immediately of change in service.

FID33.Fire Hydrant & FDC Location (CFC 912.2): A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.

FID34.Fire Department Connections (CFC 912.2.1 & 912.3): Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.

FID35.Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2007 Edition.

FID36.KMEP 16" Pipeline: All components of the 16" KMEP pipeline that includes the design, plan approval, construction, inspection and final will be conducted by the California State Fire Marshal's Pipeline Safety Division.

END OF CONDITIONS



18800 HALVECK RD
666-320-008

April 18, 2012

VIA HAND DELIVERY

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Request for One (1) Year Permit Extension
Case Number 5.1177
Planned Development District 348

Dear Mr. Ewing:


Wintec Energy, Ltd. is the purchaser of the twenty acres of land that is the subject of the referenced Case. We were the previous owner of this land and will regain title within the next forty-five days.

The purpose of this letter is to request a one (1) year extension of the Planned Development District 348 permit. The reason for this request is that construction of the planned facility has been postponed due to current depressed economic conditions. We believe that the proposed fuel logistics facility, particularly the portion of the facility that will store alternative fuels, will be of great value to the City of Palm Springs as well to the entire Coachella Valley as the economy recovers.

It is my understanding that no changes to the project have been proposed since it was approved by the City Council. We do not propose any changes at this time.

Enclosed is our check made payable to the City of Palm Springs in the amount of \$881.00 as payment for your processing fees. Should you require any additional information from me, please contact me at (760) 323-9490 Extension 127. Thank you for your attention to this matter.

Very truly yours,


Frederick W. Noble, Jr.

RECEIVED

APR 19 2012

PLANNING SERVICES
DEPARTMENT

Enclosure