



Planning Commission Staff Report

Date: September 26, 2012

Case No.: 5.0856-CUP

Type: Conditional Use Permit (CUP) – Time Extension

Location: 610 West Garnet Avenue

APN: 666-330-043, 058, 067 & 075

Applicant: Palm Springs Freeway Development, LLC

General Plan: RGB (Regional Business Center)

Zone: M-1-P (Planned Research & Development)

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

Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION:

The project is a request by the Palm Springs Freeway Development, LLC, for a one-year time extension for a previously approved Conditional Use Permit Case No, 5.0856. The CUP was approved by the Planning Commission on August 13, 2003, for the development of a 65-unit hotel with two drive-thru restaurants located at 610 West Garnet Avenue.

RECOMMENDATION:

That the Planning Commission approve a one-year time extension for Conditional Use Permit No. 5.0856-CUP, from August 13, 2012 to August 12, 2013.

BACKGROUND:

The applicant, Palm Springs Freeway Development, LLC, is requesting a time extension for a Conditional Use Permit to develop a 65-unit hotel with amenities, 60 foot tall freeway sign and two drive-thru restaurants. The CUP is required for the hotel use, as well as the two drive-thru restaurants. The project is to be located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10.

The subject property is a 3.02-acre parcel bounded by Garnet Avenue on the south, the new off/on ramps for Interstate 10 on the west, Interstate 10 on the north, and located west of the intersection of Garnet Avenue and N. Indian Canyon Drive. There is an existing Pilot truck stop gas station and fast food restaurant adjacent to the east; there is a vacant property to the west.

PRIOR ACTIONS:

On August 8, 2001, the Planning Commission reviewed the proposal and voted to approve the 65-unit hotel project with two restaurants.

On July 23, 2003, the Planning Commission approved a one year time extension.

On August 13, 2003, the Planning Commission approved an amendment to the CUP to allow for a 65-unit hotel project and a freeway sign with two restaurants. The amended CUP remained valid for two years from August 13, 2003, to August 12, 2005.

On July 13, 2005, a one-year time extension which expired on August 13, 2006 was approved by the Planning Commission.

On August 9, 2006, the Planning Commission approved a one-year time extension from August 13, 2006 to August 12, 2007.

On July 25, 2007, the Planning Commission approved a one-year time extension from August 13, 2007 to August 12, 2008.

On July 9, 2008, the Planning Commission approved a one-year time extension from August 13, 2008 to August 12, 2009.

On July 22, 2009, the Planning Commission approved a one-year time extension from August 13, 2009 to August 12, 2010.

On November 10, 2010, the Planning Commission approved a one-year time extension from August 13, 2010 to August 12, 2011.

On September 28, 2011, the Planning Commission approved a one-year time extension from August 13, 2011 to August 12, 2012.

ANALYSIS:


Pursuant to Section 94.04.01(H) of the Palm Springs Zoning Code, Architectural Approval is valid for two years and may be extended by the Planning Commission upon demonstration of good cause. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Currently a major reconstruction project realigning the on and off ramps at the I-10 and Indian Canyon Drive interchange has been completed. Two new ramps from the east bound lanes of Interstate 10 located directly west of the subject property have been completed and are now open to traffic. This road project has not adversely effect the original approval and Staff has determined that the character of the neighborhood has not changed in a way that would affect the project. Since the approval of the original entitlement, no changes in the applicable rules or in the character of the neighborhood other than mentioned above would warrant denial of the time extension.

The applicant submitted a letter of time extension request on July 30, 2012 and indicated that the time extension is needed to resolve waste water treatment issues.

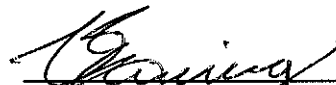
Staff received amended conditions from the Engineering Department. A list of these changes and modifications to the Conditions of Approval are as follows: Engineering Conditions – Grading #14a, 15; Drainage #20, 33, 33b, 33c, 33d, and 37.

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration of environmental impact was previously adopted by the Planning Commission on August 8, 2001. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Negative Declaration, Addendum Negative Declaration, or further environmental assessment is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. However Staff has determined that the development of the new interchange at Interstate 10 and Indian Canyon Drive has warranted the need to conduct a revised traffic analysis to meet the requirements of CEQA. The analysis concluded that the new traffic patterns will not cause traffic impacts beyond those already assessed in the adopted Mitigated Negative Declaration.



Glenn Mlaker, AICP
Assistant Planner



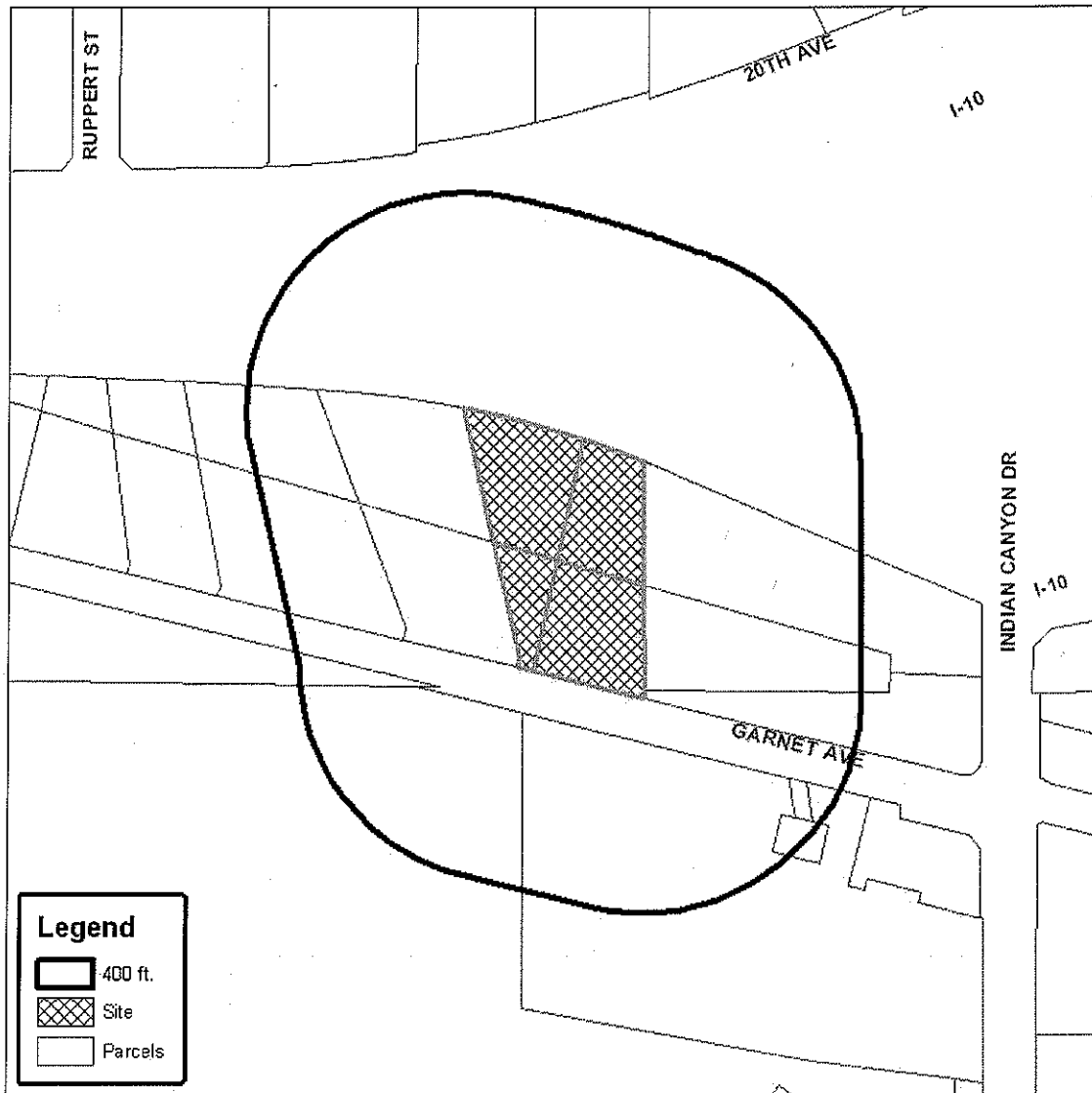
Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter of Request



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.0856 CUP – Time Ext.

APPLICANT: Freeway Development

DESCRIPTION: Request by Freeway Development for a one-year time extension request for a CUP to allow a 65-unit hotel with 2 drive-thru restaurants located at 610 w. Garnet Ave, Zone M-1-P, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF A ONE-YEAR TIME EXTENSION FROM AUGUST 13, 2012 TO AUGUST 12, 2013 FOR CASE NO. 5.0856 – CUP PALM SPRINGS FREEWAY DEVELOPMENT LLC, A PROPOSAL TO DEVELOP A 65-UNIT HOTEL, A FREEWAY SIGN AND TWO DRIVE-THRU RESTAURANTS LOCATED AT 610 GARNET AVENUE, ZONED M-1-P SECTION 15, APN 666-330-043

WHEREAS, Palm Springs Freeway Development, LLC (“Applicant”) has filed an application with the City pursuant to Section 94.02.00(F) of the Zoning Ordinance for an extension of time for Case No. 5.0856 Conditional Use Permit.

WHEREAS, on September 28, 2011 the Planning Commission approved a one year time extension from August 13, 2011 to August 12, 2012; and

WHEREAS, on September 26, 2012 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 the Mitigated Negative Declaration for this Case No. 5.0856 was previously adopted by the Planning Commission on August 1, 2001. It has been determined that the development of the new interchange at Interstate 10 and Indian Canyon Drive has warranted the need to conduct a revised traffic analysis to meet the requirements of CEQA. The analysis concluded that the new traffic patterns will not cause traffic impacts beyond those already assessed in the adopted Mitigated Negative Declaration.

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: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration is the controlling environmental documentation for this request.
2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.
3. A demonstration of good cause has been made and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension from August 13, 2012 to August 12, 2013, for Case No. 5.0856 – CUP.

ADOPTED this 26th day of September 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

CASE 5.0856-CUP
PALM SPRINGS FREEWAY DEVELOPMENT, LLC
610 W. GARNET AVENUE

REVISED CONDITIONS OF APPROVAL

August 13, 2012

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.

PLANNING DEPARTMENT:

Administrative

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.0856-CUP. 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.

3. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$78.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
4. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration will be included in the plans prior to Planning Commission consideration of the environmental assessment.
5. This 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.
6. 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.
7. The applicant shall provide all tenants with Conditions of Approval of this project.

Site Plans:

8. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. The landscape plans shall demonstrate 50% parking lot shading.

Grading:

9. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for requirements.
10. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
11. Drainage swales shall be provided adjacent to all curbs and sidewalks - 3' wide and 6" deep. The irrigation system shall be field tested prior to final approval of the project. Section 14.24.020 of the Municipal Code prohibits nuisance water from entering the public streets, roadways or gutters.

Landscape:

12. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape

Document Package to the Director of Planning and Building for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

13. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Engineering specifications.

Architectural:

14. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
15. All materials on the flat portions of the roof shall be earth tone in color.
16. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building. The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Screening shall be at least 6" above the equipment.
17. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
18. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
19. The street address numbering/lettering shall not exceed eight inches in height.
20. An exterior lighting plan in accordance with the lighting ordinance in effect at the time shall be submitted for review and approval by the Director of Planning and Zoning prior to issuance of building permits. A photometric study and manufacturer's cut sheets of all exterior light fixtures shall be submitted with the lighting plan.
21. Parking lot light fixtures shall align with stall striping and shall be located two to two feet from curb face. The locations of all fixtures shall be indicated on the site plan.
22. Plans meeting City standards for approval on the proposed trash and recyclable materials enclosure shall be submitted prior to issuance of a building permit.
23. Details of pool fencing (materials and color) and equipment area shall be submitted with final landscape plan.

24. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
25. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage of the property. Said transformer(s) must be adequately and decoratively screened.

Parking:

26. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces.
27. Parking lot shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details are to be provided with final landscape plans.
28. Parking stalls shall be delineated with 4 to 6 inch double stripe-hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall be provide wheel stops.
29. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
30. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
31. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
32. Final landscape plans shall include 4'-0" walls, berms and/or screening of parking lot and drive through stacking areas.

Fees:

33. The project site is located with the Fringe Toed Lizard Habitat Conservation Area. The developer shall pay a mitigation fee of \$600 per acre, prior to issuance of building permits.

Mitigation Measures:

34. One (1) street light shall be installed at the project driveway on Garnet Avenue

35. The existing traffic striping (double yellow centerline) shall be extended along the project frontage.
36. Sidewalks shall be installed along the project frontage.
37. The curb shall be painted red along the project frontage.
38. Existing traffic signals at Indian Canyon Drive and Garnet Avenue and at Indian Canyon Drive and Eastbound I-10 ramps shall be re-timed as deemed necessary by the City Engineer.

ENGINEERING DEPARTMENT:

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

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

STREETS

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- 4A. ~~The applicant shall dedicate a temporary construction easement to the State of California, Department of Transportation (Caltrans) as necessary to implement construction of the Indian Canyon Drive/Interstate 10 Interchange Project. The required easement shall be dedicated as required by the City Engineer, in coordination with the County of Riverside and Caltrans. Reconfiguration of on-site improvements shall be implemented as necessary to reflect the required temporary construction easement dedication for the Interstate 10 Interchange Project.~~

GARNET AVENUE

2. Construct a 32 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 120 feet west of the southeast corner of the site.
3. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 214. 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.

4. ~~Construct an 8 foot wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.~~
5. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

6. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
7. 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.

SANITARY SEWER

8. ~~Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. The sewer connection fee shall be paid prior to issuance of the current building permit (for future connection). The record property owner shall enter into a covenant agreeing to extend the private sewer lines the necessary distance 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 lot. 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 of \$135 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.~~
9. All on-site sewer systems shall be privately maintained.
10. ~~Submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. All bonds required by MSWD for the sewer service must be submitted to MSWD prior to the final design plans being signed. The plans shall be approved by MSWD prior to issuance of any building permits. In the event the applicant obtains a letter from MSWD to the City Engineer, indicating that MSWD has no future plans to extend sewer service to the property, this obligation shall be null and void. 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.

11. ~~Construct a sewer main across the entire Garnet Avenue frontage located 5 feet from centerline, including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer and in accordance with the Mission Springs Water District (MSWD) Master Sewer Plan, specifications, rules, and regulations. In the event the applicant obtains a letter from MSWD to the City Engineer, indicating that MSWD has no future plans to extend sewer service to the property, this obligation shall be null and void.~~
- 11A. The City recommends that the applicant 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 non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

GRADING

12. 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.
- 12A. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving Plan.

- 12B. 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; and a copy of the associated Hydrology Study/Report.
- 12C. 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.
- 12D. 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.
- 12E. 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.
- 12F. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, or the Tribal Archaeologist, at (760) 699-6800 to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
14. Notice of Intent to comply with Statewide California General Construction Stormwater Permit (Water Quality Order ~~99-08-DWQ as modified December 2, 2002~~ 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.
- 14A. 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). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, 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.

15. 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.
16. A 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 soils report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- 16A. 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.
- 16B. The applicant shall provide pad or finish floor elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
17. 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 Precise 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

18. 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. The Hydrology and Hydraulic Calculations for the development (prepared by IW Consulting Engineers, Inc., dated May 15, 2006) shall be finalized to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology report by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology report. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.

19. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to W. Garnet Avenue or the California Department of Transportation right-of-way. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
20. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

GENERAL

21. 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.

22. All proposed utility lines shall be installed underground.
23. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the south property line along the Garnet Avenue frontage, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, a copy of the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
24. 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.
25. 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.
26. 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.

27. 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.
28. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.
- 28A. 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

29. In accordance with Government Code 66426 (c), an application for a Tentative Parcel Map shall be submitted to the Planning Department if the subject property is proposed to be subdivided for purposes of sale, lease, or financing of commercial parcels within the proposed development.
30. The existing parcels identified by Assessor's Parcel Numbers (APN 666-430-013, 666-430-014, 666-430-018, and 666-430-019 ~~666-330-043, 666-330-058, 666-330-067, and 666-330-075~~) shall be merged; or the applicant shall otherwise demonstrate to the satisfaction of the City Engineer that the underlying parcel identified as Parcel 4 of Parcel Map 21921 has not been subdivided. An application for a parcel merger 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 for the parcel merger. The application shall be submitted to the City Engineer for review and approval prior to issuance of building permit, and shall be recorded prior to issuance of a building permit.

TRAFFIC

- ~~31. Install traffic striping and signage improvements on Garnet Avenue as required by the City Engineer. The curb along the Garnet Avenue frontage shall be painted red prohibiting on street parking along the Garnet Avenue frontage. Submit traffic striping and signage plans to the City Engineer for review and approval. 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.~~
32. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the site access on Garnet Avenue in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January

13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

33. If required by the City Engineer, the The applicant shall provide revised traffic signal timing plans for the intersection of Indian Avenue and Garnet Avenue to address increased traffic on Garnet Avenue generated by the project, for review and approval by the City Engineer. Revised traffic signal timing plans shall be provided for the Indian Avenue and Interstate 10 eastbound on-ramp and eastbound off-ramp, for review and approval by the California Department of Transportation (Caltrans). The revised signal timing plans shall be submitted to and approved by the City Engineer and Caltrans prior to issuance of a certificate of occupancy.
- 33A Any additional mitigation measures as determined by the approved version of the amended traffic analysis for the newly constructed on and off-ramps for Garnet Avenue from Interstate Highway 10, as well as the intersection of N. Indian Canyon Drive and Garnet Avenue, submitted by George Dunn (dated September, 2011), will be required to be incorporated into the project.
- 33B Applicant shall provide a detailed striping plan for review as part of the project evaluation process. The project driveway shall provide for a southbound left-turn lane and a southbound right-turn lane with a single entrance lane of sufficient width to accommodate larger vehicles.
- 33C Applicant shall provide a detailed striping plan including the maximum eastbound left-turn storage at Garnet Avenue and the project driveway.
- 33D After the two specific fast food tenants are identified, the adequacy of storage in the drive-through lanes of each fast food tenant, shall be re-accessed to determine if there is enough storage.
34. The applicant shall provide and install a 9,500 9,000 lumen high pressure sodium vapor safety street light with glare shield on a marbelite pole on the northwest corner of the site access and Garnet Avenue with the mast arm over Garnet Avenue. The developer shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light.
35. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
36. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Garnet Avenue frontage of the subject property.

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

END OF CONDITIONS

**PALM SPRINGS
FREEWAY DEVELOPMENT, LLC**

c/o: The Tahiti Group
P.O. Box 11291, San Bernardino, CA 92423
(909) 798-8750 - e-mail: tahiti.tahiti@verizon.net

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7/30/2012

Glenn Mlaker, AICP
Assistant Planner
CITY OF PALM SPRINGS
Post Office Box 2743
Palm Springs, CA 92263-2743

Re: Case No. 50856
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Dear Glenn:

As discussed, the subject project approvals are scheduled to expire on August 12, 2012.

We would appreciate it if the Planning Commission would grant an extension of this project to August 12, 2014.

Last year at approximately this time, and at the request of the City Engineering Department, we contracted for, and had prepared and submitted a comprehensive updated traffic study due to the new Interstate 10 - Indian Avenue interchange having been completed.

There continues to be a de-facto building moratorium in effect in this area of the City of Palm Springs due the long-continuing failure of our water-sewer servicing agency; Mission Springs Water District (MSWD) to bring wastewater service lines to our locale. In the mid-1990's that public agency acquired some 60 acres of land on Little Morongo Road, running from 20th Avenue northerly to approximately 18th Avenue, some (if not all) of that land acquired through eminent domain. The stated purpose of that acquisition was for the planned construction of wastewater treatment plant, and/or a sewer lift station. Nothing has been constructed to date, and an agenda from the district, to our knowledge is still in limbo.

Our subject project was approved by the City of Palm Springs with wastewater to be handled by sub-surface septic tank disposal, as had been and [for exiting businesses] still is....the practice in this area of Palm Springs.

RECEIVED

JUL 31 2012

PLANNINGSERVICES

666-330-043
m-l-p 15/7/14

However, on or about September 15, 2007, while we were in the process of attempting to obtain building permits to grade our project, we were advised by the State Water Resource Control Board in Palm Desert (SWRCB) that all such septic systems for commercial development projects were ... as of that date..... to be prohibited.

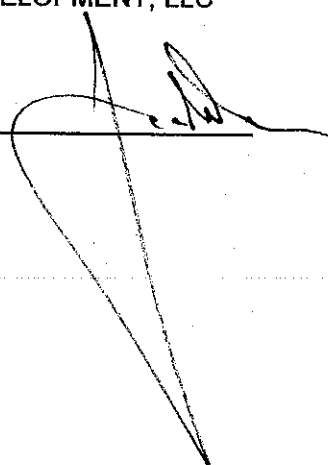
Since that time we have faced a classic 'Catch-22' challenge. We have an approved viable project, an improving market, a newly improved adjacent freeway, new improvements to Indian Avenue, construction interest costs at a recent-years low level, etc. Yet we have no practical way to dispose of our project sewage due to no fault of ours.

We continue to hear that MSWD is 'working on it', yet we have never seen a draft proposed voluntary assessment district budget which was supposedly to have been the mechanism to facilitate the construction of their new treatment plant. We continue to meet with them, call them, e-mail them ... all to no avail as of this date. There are other landowners - developers in our immediate proximity who also are anxiously powerlessly awaiting a resolution to this basic development requirement..... as are our marketing brokers ...please see attached memo from their office.

Please note that this request is for a two year time period. In view of the forgoing issue, we would appreciate it if that term could be approved; if City policy so allows.

Our check for \$881.00 for required fee is attached.

Thank you for your assistance.
PALM SPRINGS FREEWAY DEVELOPMENT, LLC



Jack D. Vander Woude, Manager

encl;