

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE NO. 5.1290 / PDD 361 / BLOCK "C-1", A PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR A HOTEL OF APPROXIMATELY 185 ROOMS, RESTAURANTS, MEETING ROOMS, RETAIL USES AND ANCILLARY USES, LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD

WHEREAS, on October 31, 2012, Palm Springs Promenade, LLC, ("applicant"), has filed an application with the City pursuant to the Museum Market Specific Plan, and Sections 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Code requesting approval of a Planned Development District (PDD 361 / Block C-1) for a hotel of approximately 185 rooms and various accessory and ancillary uses, and which also seeks adjustments in certain development standards of the Museum Market Plaza Specific Plan, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, APN's 513-560-008 and -009, zone Museum Market Plaza Specific Plan, Section 15/R4/T4; and

WHEREAS, on October 17, 2012, the City Council reviewed a project description of the proposed development and adopted an Addendum to the Museum Market Plaza Specific Plan Final Environmental Impact Report (EIR) and certified that the EIR, with the accompanying Statement of Overriding Considerations and Mitigation Monitoring Program, and the Addendum, is an adequate and complete analysis of the potential environmental impacts of the proposed project; and

WHEREAS, on November 13, 19 and 26, 2012, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted 6-0 to recommend denial, as presented, with comments to the Planning Commission; and

WHEREAS, on November 7, 2012, the Planning Commission conducted an orientation session on the proposed project, and on November 14 and 28, 2012, the Commission conducted a public hearing in accordance with applicable law; 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 project description and exhibits, the staff report and memoranda, and written and oral testimony presented at the meetings.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the Museum Market Plaza Specific Plan and Palm Springs Zoning Code Section 94.02.00 (Conditional Use Permit) and Section 94.03.00 (Planned Development District), the Planning Commission finds as follows:

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to the Museum Market Plaza Section III.C.1, hotels are permitted by right, but under Section III.D, hotels are subject to a Planned Development District permit if they are proposed at more than sixty (60) feet in height. Planned Development District permits are regulated in the Palm Springs Zoning Code under Sections 93.03, including Section 93.03.B, which states, "...the proposed uses as shown on the preliminary development plan for the PD are in conformity with the required findings and conditions as set forth in Section 94.02.00 (conditional use permit)..." Consequently, the proposed hotel, with a building height in excess of sixty (60) feet is properly one for which a conditional use permit is authorized by the zoning code and the project conforms to this finding.

2. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed hotel with ancillary and accessory uses will complement the retail commercial character of the City's downtown core and have been demonstrated to be necessary and desirable for the successful redevelopment of the site and surrounding area. The proposed development conforms to the land use plan of the Museum Market Plaza Specific Plan, which is the General Plan for the site. The proposed uses are expected to attract additional tourists, shoppers, workers and patrons such that the project will not be detrimental to, but is anticipated to enhance existing and future uses permitted in the Museum Market Plaza Specific Plan and adjacent Central Business District zone.

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

The proposed project is located on the westerly half of Block C of the Museum Market Plaza Specific Plan, which is also proposed under separate permits to be developed with an open courtyard and other retail commercial buildings. The site plan proposed for the hotel provides

adequate setbacks and stepbacks in conformance with the development standards of Museum Market Plaza Specific Plan Section III.D. The additional height above sixty (60) feet requested by the applicant is specifically recognized in Specific Plan Section III.D as allowable with approval of a Planned Development District permit, and this finding is met.

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

The hotel development is proposed on a site that is surrounded on four sides by public streets, including two major thoroughfares, N. Palm Canyon Drive and W. Tahquitz Canyon Way. A two-lane, undivided collector (Belardo Road) is proposed along the westerly property line, and a local street ("New Main Street") will be constructed along the north side of the site. The hotel entry will front on W. Tahquitz Canyon Way and support services will take access from Belardo Road. The traffic analysis for the project has concluded that the street pattern will be adequate to carry the type and quantity of traffic to be generated by the proposed use and this finding is met.

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

Conditions have been developed for the proposed site plan to address all development issues, including public improvements, mitigation measures, building construction, design and esthetics, minor modifications of the development standards of the Museum Market Plaza Specific Plan, an increase in proposed height and all other issues related to the public health, safety and general welfare, and are attached and made a part of this resolution; this finding is met.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1290 PDD 361 / Block C-1, a preliminary Planned Development District (PDD) within Block C of the Museum Market Plaza Specific Plan area for a hotel of approximately 185 rooms and various accessory and ancillary uses, including adjustments in certain Specific Plan development standards, including building height in excess of sixty (60) feet; located at the northeast corner of West Tahquitz Canyon Way and Belardo Road, as shown in the attached Exhibit A, subject to the conditions of approval noted in the attached Exhibit B.

Adopted this 5th day of December 2012.

AYES:

NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1290 / PDD 360
Downtown Palm Springs / Block c-1

December 5, 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.

PROJECT CONDITIONS

1. Review by the Planning Commission of the Final Planned Development of exterior elevation details at 40% and again at 70% construction drawings, including the following additional information:
 - a. All proposed colors, materials, finishes and building lighting.
2. Review by the AAC of conceptual landscape plan at time of 40% construction drawing review, with AAC review of detailed plans to follow.
3. Review by the AAC of exterior elevations for all individual tenancies.
4. Review by the AAC of landscape, lighting and hardscape plans, including all street furniture, subject to the following
 - a. Use a variety of plant materials in landscape palette.
5. Submission and review by AAC of a sign program for PDD 360 / Block c-1.

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 3.3605 – MAJ, except as modified by the conditions below.

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division, except as modified by the conditions below.

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 3.3467-MAJ. 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 Major Architectural Application (MAJ) 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 ½% for commercial projects or ¼% 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. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

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.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning or designee for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

PLN 2. 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 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.

PLN 4. 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 5. 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 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

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.

ENGINEERING DEPARTMENT CONDITIONS

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

ENG 3. 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 reasonable additional improvements as may be determined in the course of the review and approval of street improvement plans required by these conditions.

ENG 4. All proposed decorative pavement shall vary from location to location, but shall be the same type as approved by the City Engineer.

N. PALM CANYON DRIVE: ALL BLOCKS

ENG 5. Dedicate public utility easements for utilities located under the existing sidewalk in areas for which public right-of-way has been abandoned by Parcel Map No. 36446 or by separate instrument.

- ENG 6. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match existing sidewalk) for those portions of sidewalk located outside of the public right-of-way after abandonment of right-of-way on N. Palm Canyon Drive. Any existing underground utilities under the existing sidewalk, shall not be relocated in conjunction with this project.
- ENG 7. Remove sidewalk along the entire project frontage on Palm Canyon Drive except for the sidewalk composed of city-owned pavers adjacent to the edge of pavement.
- ENG 8. All broken or off grade street improvements shall be repaired or replaced.

BELARDO ROAD (LOT "B"): BLOCK c-1; CASE NO. 5.1290/PDD-361

- ENG 9. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") and New Main Street (Lot "A"), as required by the City Engineer.
- ENG 10. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") and existing Tahquitz Canyon Way, as required by the City Engineer.
- ENG 11. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 12. Belardo Road (Lot "B") shall have one northbound and one southbound lane, as well as parallel parking on both sides of Belardo Road (except at curb returns) along the frontage of Block c-1.
- ENG 13. Construct a 25 feet radius curb return at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 14. Construct zero curb face curb along the east side of Belardo Road (Lot "B") at the pedestrian entry into Block c-1. Bollards shall be placed along the east side of Belardo Road to protect the public and buildings from accidental vehicular contact. All bollards shall be maintained by the developer. All other curb on Belardo Road (Lot "B" and "C") shall be 6 inch curb.

- ENG 15. Remove existing street improvements on existing Tahquitz Canyon Way as necessary to construct a 25 feet radius curb return at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with existing Tahquitz Canyon Way, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of Belardo Road (Lot "B" in Block c-1) as shown on approved improvement plans, in accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.
- ENG 17. Construct a Type A curb ramp meeting current California State Accessibility standards at the southeast and southwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 18. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast and northwest corners of the intersection of Belardo Road (Lot "B") in Block c-1, with existing Tahquitz Canyon Way, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 19. 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, between the edges of proposed gutters on each side of the street along the Belardo Road (Lot "B") frontage in Block c-1, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 20. The intersection of Belardo Road (Lot "B") in Block c-1, with New Main Street (Lot "A") and existing Tahquitz Canyon Way, shall be constructed with enhanced or decorative paving.
- ENG 21. Belardo Road (Lot "B") grades shall meet the existing grades at the existing escalator located approximately 130 feet north of the south property line of proposed Parcel 4 (after abandonment of right-of-way), on the west side of the Belardo Road (Lot "B").

NEW MAIN STREET (LOT "A"): BLOCK b/b-1, BLOCK c, AND BLOCK c-1 AND WESTERLY TO EXISTING MUSEUM DRIVE

- ENG 22. Dedicate full street right-of-way width of 41 feet as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-backs at the northwest and southwest corners of the

intersection of New Main Street (Lot "A") and existing Palm Canyon Drive, as required by the City Engineer; and with property line – corner cut-backs at the northeast, northwest, southeast, and southwest corners of the intersection of New Main Street (Lot "A") and Belardo Road (Lot "C" and Lot "B", respectively).

- ENG 23. Dedicate full street right-of-way width of 41 feet from Belardo Road (Lots "C" and B") westerly to the west site property line.
- ENG 24. Dedicate a minimum sidewalk easement of 8 feet (or as needed to match proposed sidewalk) for those portions of sidewalk located outside of the public right-of-way.
- ENG 25. New Main Street (Lot "A") shall have one eastbound and one westbound lane, as well as parking on both sides of New Main Street (except at curb returns and curb pop-outs) to the west site property line.
- ENG 26. Remove street improvements as necessary to construct a 25 feet radius curb return at the northwest and southwest corners of the intersection of New Main Street (Lot "A") in Block c, with existing Palm Canyon Drive, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 27. Zero curb face curb shall be constructed on the south side of New Main Street from Palm Canyon Drive to proposed Belardo Road (Lot "B") in conjunction with the Downtown Palm Springs project.
- ENG 28. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of New Main Street (Lot "A") as shown on approved improvement plans, in accordance with City of Palm Springs Standard Drawing No. 210 and the Museum Market Plaza Specific Plan.
- ENG 29. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of New Main Street (Lot "A") in Block c-1, with existing Palm Canyon Drive, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 30. Construct a curb ramp meeting current California State Accessibility standards at the proposed entry into Block b-1.
- ENG 31. 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, between the edges of proposed gutters on each side of the street along the New Main Street (Lot "A"), in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. 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 32. The intersection of New Main Street (Lot "A"), with existing Palm Canyon Drive, Market Street, and Belardo Road (Lots "B" and "C"), shall be constructed with enhanced or decorative paving.
- ENG 33. At the west end of New Main Street (Lot "A"), the deck of the underground parking garage shall be removed and reconstructed in conjunction with the Downtown Palm Springs project.

TAHQUITZ CANYON WAY: BLOCK c-1

- ENG 34. Remove existing street improvements as necessary to construct a valet turn-out lane from a point approximately 70 feet west of the east site property line to a point approximately 265 feet west of the east site property line. A 4 feet wide median approximately 145 feet long shall be constructed between the valet turn-out lane and Tahquitz Canyon Way and shall be centered between the entry and exit of the valet turn-out lane at the east and west ends of the turn-out lane, respectively.
- ENG 35. Zero curb face curb shall be constructed on the north side of the valet turn-out lane in conjunction with the Downtown Palm Springs project. Bollards shall be placed along the north side of the valet turn-out lane to protect the public and buildings from accidental vehicular contact the hotel entryway in Block c-1. All bollards shall be maintained by the developer.
- ENG 36. 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 the zero curb face curb at north side of valet lane to clean sawcut edge of pavement, in accordance with City of Palm Springs Standard Drawing No. 110 and the Museum Market Plaza Specific Plan. 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

- ENG 37. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 38. All on-site sewer systems (not located in public streets) shall be privately maintained.

- ENG 39. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 40. Construct an 8 inch V.C.P. sewer main across the proposed Belardo Road (Lot "B" and Lot "C") frontage along Blocks b-1 and c-1, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the manhole located in Tahquitz Canyon Way at the intersection of the proposed Belardo Road (Lot "B").
- ENG 41. Construct an 8 inch V.C.P. sewer main across the proposed New Main Street (Lot "A") frontage along Blocks b, b-1, c, c-1, and west to Museum Drive, located 5 feet from centerline (or as required by the City Engineer), including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer. The new sewer line shall connect to the proposed manhole located at the intersection of Belardo Road and New Main Street (Lot "A").
- ENG 42. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 43. Any sewer connection fees shall be paid at the Building Department counter at time of building permit issuance.
- ENG 44. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING: BLOCK b, BLOCK b-1, BLOCK c, and BLOCK c-1

- ENG 45. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control

Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan or Tentative Parcel Map No. 36446; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report (one hydrology study for Blocks a, b, b-1, c and c-1); and a copy of the project-specific Final Water Quality Management Plan (one WQMP for Blocks a, b, b-1, c, and c-1).
- 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, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color or be decorative in nature; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 48. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 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. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. 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 51. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP) for all Blocks of the Downtown Palm Springs project. 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 Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 52. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 53. 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 54. 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 55. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 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 (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN: ALL BLOCKS

- ENG 57. This project shall 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, shall 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 (if any).
- ENG 58. A Final Project-Specific Water Quality Management Plan (WQMP) for Blocks A, b, b-1, c, and c-1 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 Plan.
- ENG 59. 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 Home Owners Association or 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 60. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), 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).

DRAINAGE: ALL BLOCKS

- ENG 61. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Provide a single hydrology study (for Block A, b, b-1, c, and c-1) to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
- ENG 62. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Palm Canyon Drive, Tahquitz Canyon Way, Museum Drive, existing sections of Belardo Road, proposed New Main Street (Lot A), proposed Belardo Road (Lot B and C), Andreas Road (Lot D), and Market Street (private alleyway). 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. Much of the drainage shall go into the existing public storm drain line in Tahquitz Canyon Way.

- ENG 63. Construct all necessary on-site storm drain improvements, including but not limited to catch basins and storm drain lines, for drainage of site into the on-site underground detention system(s) and other specifications for construction of required on-site storm drainage improvements, as described in a final Hydrology Study for the Downtown Palm Springs project (Tentative Parcel Map No. 36446), reviewed and approved by the City Engineer.
- ENG 64. All on-site storm drain systems shall be privately maintained.
- ENG 65. The underground stormwater detention system(s) shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required detention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater detention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the system(s), will be at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground detention system(s) are operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.
- ENG 66. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit unless developer can provide evidence that fee or a partial fee was paid by the Desert Fashion Plaza in previous years.

GENERAL: ALL BLOCKS

- ENG 67. 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, Mission Springs Water District, 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 68. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
- ENG 69. All proposed utility lines shall be installed underground.
- ENG 70. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line. 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 71. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 72. 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 73. 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 74. 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.
- ENG 75. If there are any lights from Lighting District No. 1, existing on Tahquitz Canyon Way and Museum Drive along the Tentative Parcel Map (TPM) 36446 frontage, those lights shall be removed in conjunction with this project.
- ENG 76. Note that some of the existing street lights shown on the Preliminary Grading and Drainage Plan for TPM36446, do not exist; corrections need to be made to this plan to reflect what actually exists.

MAP: ALL BLOCKS

- ENG 77. In accordance with Government Code Section 66411.1 (b), the Tentative Parcel Map is a subdivision of five or more lots (parcels), and is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by the Project Financing Agreement signed by Palm Springs Promenade, LLC and the City of Palm Springs on September 7, 2011 (in accordance with Government Code Section 66462) as amended.

TRAFFIC: ALL BLOCKS

- ENG 78. 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 79. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 80. Submit traffic striping and signage plans for New Main Street (Lot "A"), Belardo Road (Lot "B" and "C"), Andreas Road (Lot "D"), existing sections of Belardo Road on the west side of the Hyatt Hotel, and Market Street, 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.
- ENG 81. Relocate the existing traffic signal pole, conduit, pull boxes and all appurtenances located at the existing crosswalk on Palm Canyon Drive north of the intersection of New Main Street (Lot "A") and Palm Canyon Drive, in accordance with the requirements of the City of Palm Springs. The applicant shall submit traffic signal modification plans prepared by a California registered civil engineer or traffic engineer for review and approval by the City Engineer.

The traffic signal shall be installed and operational prior to issuance of the Certificate of Occupancy, unless otherwise allowed by the City Engineer. The existing crosswalk shall remain in place.

ENG 82. The applicant shall install a Type R6-1 "One Way" sign at the southwest corner of Andreas Road (Lot "D") and Palm Canyon Drive, facing eastbound traffic on Andreas Road, as required by the City Engineer.

ENG 83. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the following intersections 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.

- Southwest corner of New Main Street (Lot "A") and Tahquitz Canyon Way, facing eastbound traffic on New Main Street
- Northeast corner of New Main Street (Lot "A") and Museum Drive, facing westbound traffic on New Main Street
- Northeast corner of Andreas Road and proposed Belardo Road (Lot "C"), facing westbound traffic on Andreas Road
- Southwest corner of Andreas Road (Lot "D") and Palm Canyon Drive, facing eastbound traffic on Andreas Road
- Southeast corner of Market Street and Andreas Road (Lot "D"), facing northbound traffic on Market Street
- Northwest corner of Market Street and New Main Street (Lot "A"), facing southbound traffic on Market Street
- Southwest corner of existing east/west section of Belardo Road and proposed Belardo Road (Lot "C"), facing eastbound traffic on the existing east/west section of Belardo Road.

ENG 84. Install stop signs, stop bars, and "STOP" legends as necessary to create an "All-Way Stop Controlled" (AWSC) intersection, at the following intersections, 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.

- All corners of intersection of New Main Street (Lot "A") and proposed Belardo Road (Lot "B" and "C")
- All corners of intersection of Tahquitz Canyon Way (existing) and proposed Belardo Road (Lot "B")

ENG 85. Install a street name sign at all corners of all intersections that are a part of the Downtown Palm Springs project, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 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.

- ENG 86. 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, or subsequent editions in force at the time of construction.
- ENG 87. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.
- ENG 88. No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way.
- ENG 89. Parking shall be restricted along both sides of Lot "A", "B", "C", and "D" as necessary to maintain a minimum 24 feet wide clear two-way travel way, except for designated parallel parking spaces. Regulatory Type R26 "No Parking" signs shall be installed along Lot "A", Lot "B", Lot "C", and Lot "D", as necessary to enforce parking restrictions.
- ENG 90. Approximately one year after the opening of Downtown Palm Springs, a traffic study shall be submitted and approved by the City Engineer to determine if the current (at that time) traffic control devices are functioning optimally, and to determine if traffic signal warrants have been met for any intersection that is a part of Downtown Palm Springs (such as at the intersection of Tahquitz Canyon Way and Belardo Road (Lot "B")).
- ENG 91. Developer shall cooperate with any City-approved events in which public streets adjacent to the site are temporarily closed by assisting with and not interfering with said closures.