

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 3.605 – MAJ FOR THE DEVELOPMENT OF BLOCK A OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT, LOCATED AT THE NORTHWEST CORNER OF NORTH PALM CANYON DRIVE AND ANDREAS ROAD (NEW).

WHEREAS, Palm Springs Promenade, LLC, (“applicant”) has filed an application with the City, pursuant to the Museum Market Specific Plan and Section 94.04.00 of the Zoning Code, for a Major Architectural Application (Case No. 3.3605-MAJ) to allow the renovation and remodel of a one-story retail commercial portion of the existing Desert Fashion Plaza, located in Block A of the Museum Market Plaza Specific Plan and at the northwest corner of N. Palm Canyon Drive and Andreas Road (new), APN’s: 513-560-004 and -007), 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 approval, with conditions, 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: The Palm Springs Zoning Code Section 94.04.00(D) provides guidelines for the architectural review of development projects, with conformance evaluated based on the following guidelines:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;*

The project proposes the re-use of a portion of the existing Desert Fashion Plaza building, with public entries provided on N. Palm Canyon Drive and Andreas Road (new). The one-story retail commercial building maintains a low-rise appearance along N. Palm Canyon consistent with the building scale in the area, and sidewalks and other walkways are provided to accommodate the change in topography across the site. Pedestrian access is provided around the perimeter of the building via public sidewalks, as well as to the underground parking via exterior and interior stairways and exterior elevator.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The proposed re-use of the existing building maintains the low-rise scale of the site and the interior access to the lobby of the abutting Hyatt Hotel. The proposed architecture is of a contemporary style consistent with surrounding development, but introduces design elements, colors and materials of a higher quality than the existing development in the vicinity. The selection of design elements differs from those of the adjacent blocks within the Museum Market Plaza Specific Plan area, yet they contribute to the overall identity of an up-scale contemporary center.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;*

The existing building's overall height of twenty-eight (28) feet is maintained, though exterior elevations show certain taller elements at the entries and other locations. Portions of the building walls will be setback from existing locations to provide greater outdoor access and seating. Parapets and other design elements will provide screening of existing and proposed skylights and other rooftop equipment.

4. *Building design, materials and colors to be sympathetic with desert surroundings;*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously;*

The building architecture is contemporary in style, with a color and material palette that introduces muted desert colors, with limited use of accent colors via metal, stone and glass. Covered walkways for outdoor

seating, pedestrian circulation and solar control are integrated into the building design. Entries are highlighted with vertical elements to establish focal points.

6. *Consistency of composition and treatment;*

The building is proposed to be 're-skinned' with a consistent use of contemporary design elements. Corner and other restaurant locations will be distinguished from remainder of the building exterior with more color, and glass to connect indoor and outdoor seating.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

Landscape plans have not been submitted in sufficient detail to evaluate against this guideline and recommendations for further review are incorporated into the attached conditions of approval.

8. *Signs and graphics, as understood in architectural design including materials and colors;*

A sign program not been submitted to evaluate against this guideline and recommendations for further review are incorporated into the attached conditions of approval.

9. *The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.*

The Architectural Advisory Committee provided the following additional recommendations, which are incorporated into the conditions:

- i. Review by the AAC 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;
  - b. Those portions of the existing building to be removed and all new construction; and
  - c. Details on the building interface with the Hyatt Hotel building and lobby
- ii. Review by the AAC of the conceptual landscape at the time of the 40% construction drawing review, with AAC review of detailed plans to follow;

- iii. Review by the AAC of exterior elevations for all individual tenancies;
- iv. Review by the AAC of landscape lighting and hardscape plans, including all street furniture, subject to the follow:
  - a. Seek expansion of landscaping area from the proposed 10% of the site; and
  - b. Use a variety of plan materials in the landscape palette;
- v. Review by the AAC of street paving plans, and traffic movement patterns; and
- vi. Submission and review by AAC of a sign program for Block A.

NOW, THEREFORE, BE IT RESOLVED, that, based on the foregoing, the Planning Commission hereby approves Major Architectural Application Case No. 3.3605-MAJ for the renovation and remodel of a portion of the existing Desert Fashion Plaza, located in Block A of the Museum Market Plaza Specific Plan and at the northwest corner of N. Palm Canyon Drive and Andreas Road (new), subject to those conditions set forth in Exhibit A, attached hereto and made a part of this resolution.

ADOPTED this 5<sup>th</sup> day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO. \_\_\_\_\_

**EXHIBIT A**

Case 3.3605 MAJ  
Downtown Palm Springs / Block A

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 AAC 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;
  - b. Those portions of existing building to be removed and all new construction; and
  - c. Details on building interface with Hyatt Hotel building and lobby.
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. Seek expansion of landscaping areas from proposed 10% of site, and
  - b. Use a variety of plant materials in landscape palette.
5. Review by the AAC of street paving plans, and traffic movement patterns.
6. Submission and review by AAC of a sign program for Block A.

**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.

PALM CANYON DRIVE: BLOCK A AND BLOCK b

ENG 9. There shall be no vehicular access between Block A or Block b and Palm Canyon Drive, Andreas Road, or Belardo Road (Lot "C"). There will be vehicular access between Block A or Block b and New Main Street (Lot "A") and Market Street (a private alleyway easement).

ENG 10. Remove existing street improvements as necessary to construct the intersection of Palm Canyon Drive and Andreas Road. Construct a 25 feet radius curb return at the northwest and southwest corners of the intersection of Palm Canyon Drive and Andreas Road, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

ENG 11. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of Palm Canyon Drive and Andreas Road in accordance with City of Palm Springs Standard Drawing No. 212.

ANDREAS ROAD (LOT "D"): BLOCK A AND b/b-1

ENG 12. 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 property line - corner cut-backs at the intersection of Andreas Road (Lot "D") and Palm Canyon Drive Road, as required by the City Engineer.

- ENG 13. 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 14. Andreas Road shall have one eastbound and one westbound lane, as well as parallel parking on each side of Andreas Road (except at curb returns).
- ENG 15. Construct 6 inch curb along the north side of Andreas Road (Lot "D") as shown on the approved site plan for Tentative Parcel Map 36446. Construct a 25 feet radius 6 inch curb return at the northeast and southeast corners of the intersection of Andreas Road and Belardo Road (Lot "C"), in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 16. Zero curb face ribbon gutter shall be constructed on the south side of Andreas Road adjacent to Block b and b-1, in conjunction with the Downtown Palm Springs project.
- ENG 17. Zero curb face ribbon gutter shall be constructed on the north side of Andreas Road across from the intersection of Market Street, in conjunction with the Downtown Palm Springs project. Bollards shall be placed along this location to protect the public and buildings from accidental vehicular contact in Block A. All bollards shall be maintained by the developer.
- ENG 18. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of Andreas Road (Lot "D") 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 19. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast and southeast corners of the intersection of Andreas Road and Belardo Road (Lot "C"), in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 20. 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 entire Andreas Road frontage 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 21. The intersection of Andreas Road with Palm Canyon Drive, Market Street (private alleyway), and Belardo Road (Lot "C") shall be constructed with enhanced or decorative paving.

**BELARDO ROAD (PARCEL MAP LOT "C"): BLOCK A**

ENG 22. Dedicate full street right-of-way width of 41 feet and 2 inches as shown on the approved version of the site plan for Tentative Parcel Map No. 36446, together with a property line - corner cut-back at the southwest corner of the intersection of Belardo Road (Lot "C") and the existing section of Belardo Road (running along the west building line of the existing Hyatt Hotel), as required by the City Engineer.

ENG 23. 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 24. Remove existing street improvements as necessary to construct the intersection of the new section of Belardo Road (Lot "C") and the existing sections of Belardo Road (running east and then turning north behind the existing Hyatt Hotel).

ENG 25. Belardo Road (Lot "C") shall have one northbound and one southbound lane, as well as parallel parking on both sides of Belardo Road (except at curb returns). The new section of Belardo Road along the Block A frontage shall merge with the existing portion of Belardo Road located along the west building line of the existing Hyatt Hotel. The existing section of Belardo Road shall have a right-turn lane, one northbound lane, and one southbound lane into the Downtown Palm Springs project.

ENG 26. Construct 6 inch curb along both sides of Belardo Road (Lot "C") as shown on the approved site plan for Tentative Parcel Map 36446. Construct a 25 feet radius curb return at the southwest corner of the intersection of the new section of Belardo Road (Lot "C") and the existing section of Belardo Road running in the east/west direction, in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

ENG 27. Construct sidewalk ranging in width from 8 feet to 15 feet wide along both sides of Belardo Road (Lot "C") 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 28. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of Belardo Road (Lot "C"), and the existing section of Belardo Road (running east/west and then turning

north behind the existing Hyatt Hotel), in accordance with City of Palm Springs Standard Drawing No. 212.

- ENG 29. 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 "C") frontage in Block 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 30. The intersection of Belardo Road (Lot "C") with Andreas Road shall be constructed with enhanced or decorative paving.
- ENG 31. At the north end of Belardo Road (Lot "C") adjacent to Block A, the deck of the underground parking garage shall be removed and reconstructed in conjunction with the Downtown Palm Springs project.

#### BELARDO ROAD (LOT "C"): BLOCK A AND BLOCK b-1

- ENG 32. Belardo Road (Lot "C") shall cross over the existing underground parking garage. The crossing over the underground parking structure shall extend to the west property line of Belardo Road (Lot "C"); the airspace is owned by the Wessman Development Company.

#### SANITARY SEWER

- ENG 33. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 34. All on-site sewer systems (not located in public streets) shall be privately maintained.
- ENG 35. 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 36. 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 37. 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 38. 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 39. Any sewer connection fees shall be paid at the Building Department counter at time of building permit issuance.
- ENG 40. 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.

#### WATER QUALITY MANAGEMENT PLAN: ALL BLOCKS

- ENG 41. 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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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 48. All on-site storm drain systems shall be privately maintained.
- ENG 49. 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 50. 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 51. 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 52. 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 53. All proposed utility lines shall be installed underground.
- ENG 54. 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 55. 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 56. 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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.
- ENG 72. No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way.
- ENG 73. 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 74. 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 75. 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.