



## Planning Commission Staff Report

Date: January 9, 2013

Case No.: 5.0976 CUP-A Time Extension

Type: Time Extension of a Conditional Use Permit Amendment

Location: Southwest corner of 19<sup>th</sup> Avenue and McLane Street

APN: 666-391-001, 666-391-002 & 666-411-005

Applicant: Burrtec Waste Industries, Inc.

General Plan: RBC (Regional Business Center)

Zone: M-2 (Manufacturing)

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

Project Planner: Glenn Mlaker, AICP, Assistant Planner

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### **PROJECT DESCRIPTION:**

The project is a one-year time extension request by Burrtec Waste Industries, Inc. for a previously approved Conditional Use Permit (CUP) for the development of a municipal solid waste Materials Recovery Facility (MRF) and transfer station on an 11.84-acre site at the southwest corner of 19<sup>th</sup> Avenue and McLane Street.

### **RECOMMENDATION:**

That the Planning Commission approve a one-year time extension for Case 5.0976 CUP-A, from October 8, 2012 to October 7, 2013.

### **PRIOR ACTIONS:**

On July 28, 2004, the Planning Commission reviewed and approved the original project.

On October 8, 2008, the Planning Commission adopted the Mitigated Negative Declaration (MND) and approved the amended conditional use permit.

On October 8, 2010, the Planning Commission approved a one-year time extension for Case 5.0976 CUP-A from October 8, 2010 to October 7, 2011.

On October 16, 2011, the Planning Commission approved a one-year time extension for Case 5.0976 CUP-A from October 8, 2011 to October 7, 2012.

### **ANALYSIS:**

Pursuant to Section 94.02.00(F) of the Palm Springs Zoning Code, Conditional Use Permits are valid for two years and may be extended by the Planning Commission upon demonstration of good cause. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. Since the approval of the original entitlement, only one industrial building; the Lloyd's Pest Control, has been built in the general area. These uses are consistent with the zoning designation of the neighborhood and would not warrant denial of the time extension. The applicant submitted a letter of time extension request on September 12, 2012 and stated that construction has not commenced due to current market and economic conditions. The City's Ordinance has no specific findings for extension of time for previously approved projects; however, in reviewing the request, Staff considered if the circumstances below have changed such that the approval might need reconsideration. Staff's analysis is provided below on each of the factors to be considered by the Planning Commission.

1. *Any changes to the project's overall plan and site configuration.*

There are no changes to the projects overall plan and site configuration to warrant reconsideration of the approved Materials Recovery Facility (MRF). The approved plan for the construction of approximately 182,996-square foot MRF and waste transfer station has not been altered. The site currently is a vacant lot with native vegetation.

2. *Specific steps taken by the applicant over the past year to advance the project.*

According to the applicant, the recession has significantly affected the value of recycled materials such as paper and metal which are key factors in operating the facility. Burrtec has been developing a more efficient building interior to include process design, equipment layout, phasing plan and operational proformas that pencil out. In addition, California State recycling laws (AB341) have changed requiring mandatory commercial and multi-family recycling, which has required Burrtec to reprogram it facility.

3. *Recent developments and uses within the surrounding area.*

The proposed MRF site is located in an industrial park area with several existing warehouse buildings occupied by wind energy companies and other manufacturing businesses. A recent warehouse building was constructed for Lloyd's Pest Control in the general vicinity of the Burrtec parcel.

4. *The applicable policies of the General Plan, zoning ordinance and other regulations.*

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

5. *Any off-site improvements, installation of infrastructure and other changes within 400 feet radius of project site.*

The immediate area can be characterized as a developing industrial park containing several warehouse buildings with undisturbed vacant parcels with native vegetation. There is existing public infrastructure such as streets, curbs, and gutters located within the immediate developed area.

Staff believes that the applicant has demonstrated good cause in seeking ways to move the project forward and understands that fluctuating market forces for recycled materials has a profound impact on the viability of the Materials Recovery Facility. The request will allow Burrtec Waste Industries time to continue seeking options resulting in the construction of the facility.

Staff has included amended conditions from the Engineering Department in response to changes to applicable Engineering standards and regulations. A list of these changes to the Conditions of Approval are as follows: Engineering Conditions – Grading: #21, 21a; General #34, 41a; Traffic #46, 47, and 50.

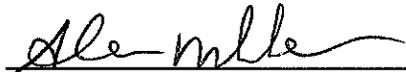
**ENVIRONMENTAL DETERMINATION:**

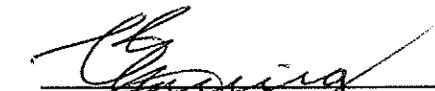
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration was previously adopted by the Planning Commission on October 8, 2008, for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Mitigated Negative Declaration, Addendum to the Mitigated Negative Declaration or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The time extension request would not result in any new environmental impacts beyond those already assessed in the adopted MND.

**CONCLUSION:**

Staff believes that the applicant has demonstrated good cause for an extension of time and recommends that the Planning Commission approve a time extension of one-year from October 8, 2012 to October 7, 2013, for Case 5.0976 CUP-A.

  
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Glenn Mlaker, AICP  
Assistant Planner

  
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Craig A. Ewing, AICP  
Director of Planning Services

Attachments:

- 1) 400' Radius Map
- 2) Draft Resolution & Revised Conditions of Approval
- 3) Letter of Time Extension Request
- 4) Site Plan
- 5) Planning Commission Staff Report Dated October 8, 2008
- 6) Planning Commission Minutes dated October 8, 2008

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FOR A CONDITIONAL USE PERMIT, CASE 5.0976 CUP-A, FOR BURRTEC WASTE INDUSTRIES, INC., FROM OCTOBER 8, 2012 TO OCTOBER 7, 2013; A PROPOSED MUNICIPAL SOLID WASTE MATERIALS RECOVERY FACILITY (MRF) AND TRANSFER STATION ON AN 11.84-ACRE SITE AT THE SOUTHWEST CORNER OF 19<sup>TH</sup> AVENUE & MCLANE STREET.

WHEREAS, Burrtec Waste Industries, Inc. ("Applicant") has filed an application with the City pursuant to Section 94.02.00(F) of the Palm Springs Zoning Code for a one-year time extension for case 5.0976 CUP AMND; and

WHEREAS, on January 9, 2013, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Mitigated Negative Declaration for this Case 5.0976 CUP AMND was previously approved by the Planning Commission on October 26, 2011. The preparation of additional environmental documentation is not necessary because there are no changed circumstances related to the project that will result in any new significant environment effects or a substantial increase in the severity of previously identified significant effects.

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(F), the Planning Commission finds:

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension of case 5.0796 CUP AMND from October 8, 2012 to October 7, 2013.

ADOPTED this 9th day of January 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

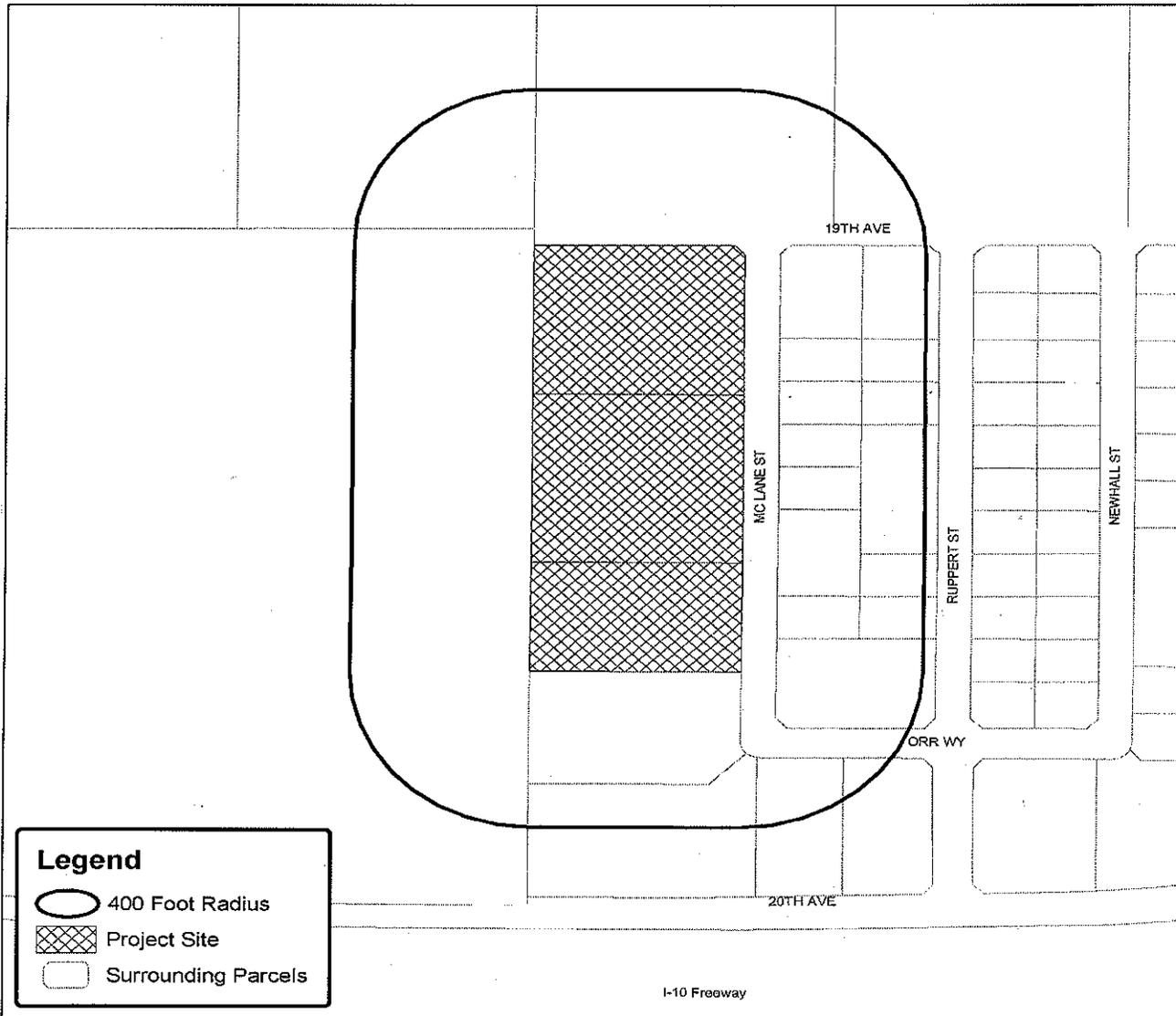
CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.0976 CUP-A

**APPLICANT:** Burrtec Waste Industries, Inc.

**DESCRIPTION:** A one-year time extension request for a Conditional Use Permit amendment to allow the development of a municipal solid waste Materials Recovery Facility (MRF) and Transfer Station at the southwest corner of 19<sup>th</sup> Avenue and McLane Street, M-2 Zone.

**RESOLUTION NO. 6236**

**EXHIBIT A**

**PLANNING COMMISSION  
REVISED CONDITIONS OF APPROVAL**

Case 5.0976 CUP-A  
Burrtec Waste Industries, Inc.

Southwest corner of  
19<sup>th</sup> Avenue and McLane Street

January 9, 2013

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.0976 CUP-A. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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 4. The project is located in an area defined as having an impact on fish and wildlife as defined in Section 711.4 of the Fish and Game Code; therefore a fee of \$1,876.75 plus an administrative fee of \$64.00 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid.
- ADM 5. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 6. Architectural approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 7. The Conditional Use Permit (CUP) approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provided all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. The appeal period for a CUP application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.

## ENVIROMENTAL ASSESSMENT

ENV 1. The Mitigation Measures in the Mitigated Negative Declaration (MND) shall apply. Mitigation Measures shall be included on final development plans and a signed agreement shall be submitted to the Planning Department indicating that the applicant agrees to implement all Mitigation Measures. Mitigation Measures are as follows:

- I.c-1** All buildings will be constructed of tilt-up concrete with architectural features.
- I.c-2** The site will be surrounded with 6 foot high decorative block walls, combination block walls with wrought iron fencing and landscaping that will block the view of operations areas from adjacent streets and properties.
- I.c-3** The facility operator shall collect all litter onsite, along walls and fences of the facility, and along primary local access roads on a daily basis.
- I.d-1** All exterior lighting shall be oriented and screened to minimize light glare at the property boundary.
- I.d-2** The use of reflective glass will reduce the potential for glare.
- III.a-1** Cut and fill quantities will be balanced to eliminate truck trips for import or export of dirt.
- III.a-2** The proposed project will comply with the provisions of Chapter 8.50 of the Palm Springs Municipal Code that establishes minimum requirements for construction activities to reduce fugitive dust and emissions. A plan to control fugitive dust through the implementation of reasonable dust control measures shall be prepared and submitted to the City for approval prior to the issuance of grading permits. The plan shall specify the dust control measures to be implemented.
- III.a-3** The project proponent shall comply with all applicable SCAQMD Rules and Regulations including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile or disturbed surface area beyond the property line of the emission source. Particulate matter on public roadways is also prohibited.
- III.a-4** Adequate watering techniques shall be employed to partially mitigate the impact of construction -related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface then watered again at the end of each day. Site watering will be as necessary to adequately mitigate blowing dust.
- III.a-5** Any vegetative cover to be utilized on-site shall be planted as soon

as possible to reduce the disturbed area subject to wind erosion. Systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.

- III.a-6** Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each workday the maximum vehicle speed on unpaved roads shall be 15 mph.
- III.a-7** Grading operations shall be suspended during the first and second stage ozone episodes or when winds exceed 25 mph, per PM<sub>10</sub> SIP.
- III.a-8** Any construction equipment using direct internal combustion engines shall use a diesel fuel with a maximum of 0.05% sulfur and a four-degree retard.
- III.a-9** Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through-traffic lanes.
- III.a-10** All building construction shall comply with energy use guidelines in Title 24 of the California Administrative Code.
- III.a-11** The use of energy efficient street lighting and parking lot lighting per the City Lighting Ordinance shall be required for all on-site to reduce emissions at the power generation facility serving the area.
- III.a-12** The facility will provide bike racks to support alternative travel for employees that will reduce potential emissions from employee trips.
- III.a-13** The project shall comply with all applicable SCAQMD Rule 403 relating to the control of fugitive dust.
- III.a-14** Perimeter walls and landscaping shall be constructed in a manner that assists in protecting the site from blowsand. All walls and landscaping shall be maintained on a regular basis to remove accumulated blowsand.
- III.a-15** Project transfer vehicles shall comply with SCAQMD Rule 1193 regarding the use of alternative fuel and dual fuel vehicles.
- III.a-16** The project shall comply with SCAQMD Rule 410 through the preparation and implementation of an Odor Management Plan.
- III.e-1** All waste materials will be received and handled within an enclosed structure.
- III.e-2** All incoming wastes will be removed from the site within 48 hours of its receipt. No long-term storage is permitted.
- III.e-3** Misting/deodorizing systems will be used in the MRF/transfer building to reduce the potential for dust and odors.
- III.e-4** The project shall comply with SQACMD Rule 402 relative to odor nuisances which states:

*"A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property."*

- VI.a-1** All facility construction shall be designed in compliance with the California Building code specifications for Seismic Zone 4.
- VI.a-2** All site construction shall comply with the recommendations of the Site Geotechnical Report prepared by Landmark Consultants, dated December 2003 which are summarized as follows:
- a. All surface improvements, debris, and vegetation should be removed from the construction area.
  - b. Existing surface soil should be removed to 36 inches below the building pad or existing grade extending five feet beyond all exterior walls. Exposed should be scarified to a depth of 8 inches, uniformly moisture conditioned to  $\pm 2\%$  of above optimum moisture content and re-compacted a minimum of 90% of the maximum density determined in accordance with ASTM methods.
  - c. Imported fill soil should be similar to soil or non-expansive, granular soil meeting the USCS classifications of SM, SP-SM, or SM with a maximum rock size of 3 inches.
  - d. Onsite soil that is free of debris, vegetation, and other deleterious matter may be suitable for trench backfill. Backfill soil within roadways should be placed in layers not more than 6 inches in thickness and mechanically compacted to a minimum of 90% of the ASTM D1557 maximum dry density except for the top 12 inches of the trench which shall be compacted to at least 95%.
  - e. The moisture condition of the building pad should be maintained during trenching and utility installation.
  - f. All site preparation and fill placement should be continuously observed and tested by a representative of a qualified geotechnical engineering firm.
  - g. Auxiliary structures such as free standing or retaining walls should have the existing soil beneath the structure prepared in a similar manner recommended for building pads.
  - h. Shallow spread footings and continuous wall footings are suitable to support structures provided they are founded on a layer of properly prepared and compacted soil. Foundations may be designed using an allowable soil bearing pressure of 2,000 psf.
  - i. All exterior foundations should be embedded a minimum of 18

- inches below the building support pad or lowest adjacent grade. Continuous wall footings should be a minimum of 12 inches wide. Spread footings should be a minimum of 24 inches wide.
- j. Concrete slabs should be a minimum of 6 inches thick within the transfer and recycling buildings. Concrete slabs in non-vehicular traffic areas may be 4 inches thick. All concrete slabs should be placed on properly compacted soil.
  - k. Foundation designs shall provide a minimum concrete cover of three inches around steel reinforcing or embedded components exposed to native soil or landscape water.
  - l. All site excavations should conform to requirements for Type C soil. Temporary excavations with depths of 4 feet or less may be cut nearly vertical for short durations. Slopes should be no steeper than 1.5:1. Excavations deeper than 4 feet will require shoring or slope inclination.
  - m. All permanent slopes should be no steeper than to reduce wind and rain erosion. Protected slopes with groundcover may be as steep as 2:1.
  - n. Walls with granular drained backfill may be designed for an assumed static earth pressure equivalent to that exerted by a fluid 45 pcf for unrestrained conditions and 60 pcf for restrained conditions.
  - o. Seismic earth pressure on unrestrained wall retain more than five feet of soil may be assumed to exert a uniform pressure distribution of psf against the back of wall where H is the height of the backfill. The total seismic load is assumed to act as a point load at above the base of wall.
  - p. Construction designs should comply with the latest edition of the CBC for Seismic Zone 4.
  - q. Pavement sections were based upon an R-value of 60 for subgrade and assumed traffic indices.
- VI.b-1** All grading will be performed in accordance with a grading permit issued by the City of Palm Springs.
- VI.b-2** An erosion control plan will be prepared and implemented during construction.
- VI.b-3** A PM<sub>10</sub> Plan will be prepared to mitigate dust generation from winds and vehicle/personnel activities.
- VI.b-4** Prior to issuance of grading permits, the developer must comply with the rules and regulations of the South Coast Air Quality Management District (SCAQMD) relative to dust mitigation including Rules 402 and 403.

- VII.a-1** The facility shall implement a hazardous waste screening and exclusion program to be included in the Transfer Processing Report. The Report shall be approved by the Riverside County Environmental Health Department (Local Enforcement Agency) as part of the State Solid Waste Facilities Permit. This shall include a load checking program consistent with Riverside County Ordinance 779.3. Any hazardous material found in the incoming waste stream will be removed, stored in an approved area, and disposed of within 90 days of receipt.
- VII.a-2** The facility operator will be required to prepare and file a hazardous materials business plan with the Fire Department and Riverside County Department of Environmental Health (serving as the State Local Enforcement Agency). The plan will identify all hazardous materials used and their storage and handling procedures.
- VII.a-3** Any County Household Hazardous Waste Roundup program operated from the site will be supervised by qualified professionals from the Riverside County Department of Waste Management or their designated licensed contractor who will provide all necessary containment and cleanup equipment for the program.
- VII.b-1** All vehicle maintenance will occur in enclosed buildings or on paved surfaces. Refueling will be performed on paved surfaces.
- VII.b-2** Spill kits including absorbent materials will be stationed throughout the facility including all areas of vehicle activity.
- VII.b-3** All facility employees will be trained in hazardous materials spill response and cleanup.
- VIII.a-1** The facility shall comply with all requirements and regulations of the regional Water Quality Control Board for construction and operation of the facility. This shall include the filing of a Notice of Intent under the program and the preparation of a Storm Water Pollution Prevention Plan for the construction and operation phases of the facility and the preparation and implementation of a Water Quality Management Plan (WQMP) for facility operation.
- VIII.d-1** The project will be required to contain the difference in storm run off between predevelopment and post-development conditions. The project proposes two retention basins with adequate capacity to contain additional run off. The final capacity of retention shall be approved by the City Engineer prior to the issuance of a grading permit based upon a hydrology study prepared by a qualified professional.
- VIII.d-2** All retention areas shall be landscaped and maintained by the project.
- VIII.d-3** The 16-foot wide drainage easement along the Street frontage shall be kept clear of obstructions including buildings, walls, and fences.

- VIII.d-4** All structures shall be flood proofed a minimum of 18 inches above surrounding ground surface.
- VIII.e-1** The project will be required to contain the difference in storm runoff between pre-development and post-development conditions. The project proposes two detention basins with adequate capacity to contain the incremental increase in runoff due to development.
- VIII.e-2** The project will be required to comply with the NPDES program and prepare and implement a SWPPP designed to manage surface pollutants during construction so they do not exit the site and a WQMP designed to manage surface pollutants during post-construction operations. These will include the implementation of Best Management Practices designed to reduce the potential for the release of pollutants and those designed to contain any pollutants onsite.
- VIII.h-1** Buildings shall be flood proofed by elevating the building pads a minimum of 18 inches above the adjacent flow line of improved streets and surrounding ground surface.
- XI.a-1** All wastes shall be dumped within an enclosed concrete tilt-up transfer Building.
- XI.a-2** Recyclables shall be dumped within the recycling building. No materials will be dumped outside.
- XI.a-3** All heavy equipment, such as bucket loaders, shall be operated within the enclosed transfer building or recycling building.
- XI.a-4** The sorting and baling of recyclables shall occur within the recycling building.
- XI.a-5** All site personnel shall be provided with ear protection while working within any building where waste transfer or recycling operations are conducted.
- XI.a-6** All heavy maintenance of equipment shall occur in enclosed structures including the waste transfer building, recycling building, and maintenance building.
- XI.a-7** All equipment and transfer trucks shall be equipped with approved muffler systems.
- XI.a-8** Waste Recycling and Transfer activities shall be limited to 7:00 a.m. to 6:00 p.m.
- XI.d-1** Construction activities shall be limited to those hours permitted under the City of Palm Springs Noise Ordinance.
- XI.d-2** All construction equipment shall be provided with approved muffler systems.
- XIII-1** All fire protection systems will be reviewed and approved by the City Fire Department.

- XIII-2** The facility will be connected to a domestic water system.
- XIII-3** The facility will be equipped with fire hydrants. Fire extinguishers will be provided in all buildings. All hydrant and extinguisher locations and sizes will be as approved by the City Fire Department.
- XIII-4** This facility will be equipped with automatic fire sprinkler systems. These systems will be designed to protect areas of buildings depending on the type of waste stream or process occurring within.
- XIII-5** A Fire Protection Plan will be prepared and implemented for the facility. This will include training and development of procedures for handling emergencies.
- XIII-6** The facility will be secured on all sides by walls and fences. Night security lighting will be provided throughout the site. Security detection systems will be installed in the office and adjacent structures.
- XV.a-1** Prior to start of facility operations, stop signs shall be installed at all project entrances to control traffic exiting the site onto 19<sup>th</sup> Avenue and McLane Street.
- XV.a-2** As part of the facility's final design, adequate sight distances shall be maintained at all entrances, per City of Palm Springs standards, at all project entrances to assure safe turning movements.
- XV.a-3** Prior to commencement of facility operations, project traffic signing and striping to control vehicular movements shall be installed.
- XV.a-4** Prior to commencement of facility operations, a traffic signal shall be installed per City of Palm Springs standards at the Indian Canyon Drive / 19<sup>th</sup> Avenue intersection.
- XV.a-5** Prior to commencement of facility operations, the northbound turn lane at the Indian Avenue/19th Avenue intersection shall be extended a length of 300 feet for stacking distance.
- XV.a-6** Prior to issuance of building permits, the project shall participate in the construction of a traffic signal at the intersection of 20<sup>th</sup> Avenue and Indian Canyon Drive through the payment of applicable traffic signal mitigation fees.
- XVI.a-1** Subsurface wastewater disposal systems shall be installed to dispose of all domestic wastewater. The system shall include the use of septic tanks and seepage pits that comply with the standards of the Regional Water Quality Control Board, the Riverside County Department of Environmental Health, and the City of Palm Springs. The system design will be based upon percolation tests provided by Landmark Consultants in their Report dated December 2003.
- XVI.g-1** The operator shall prepare a draft Transfer Processing Report for submittal and approval by the Department of Environmental Health Local Enforcement Agency.

**XVI.g-2** The facility operator shall file for and receive applicable permits and/or clearances from responsible agencies including, but not limited to the Regional Water Quality Control Board, South Coast Air Quality Management District, State EPA/Department of Toxic Substance Control, and affected local City and County agencies.

## PLANNING DEPARTMENT

- PLN 1. Should the subject use change from a Material Recovery Facility (MRF) and Transfer Station (TS) or should the operation of the MRF / TS change in a manner that would impact or require the need for parking in excess of 98 spaces, an amendment to this CUP shall be required.
- PLN 2. Outdoor storage and activities associated with permitted uses shall be adequately screened from view from any public street by a solid masonry wall. Such wall shall return along any interior side property line which is perpendicular to such public street for a distance of not less than twenty-five (25) feet. Other fencing may be of chain link, or other open style, if the entire length of such fence is landscaped so to screen the storage area from view. Such landscaping shall be allowed to grow to eight (8) feet in height and shall be adequately maintained and irrigated. Items shall not be stacked or stored higher than the wall if located within twenty-five (25) feet from any public street or residential property. All enclosures and stored materials must comply with fire department regulations for access and fire protection
- PLN 3. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 4. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 5. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 6. Separate architectural approval and permits shall be required for all signs.
- PLN 7. 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.
- PLN 8. All awnings shall be maintained and periodically cleaned.

- PLN 9. All roof mounted mechanical equipment shall be screened per the requirements Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.
- PLN 10. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
- PLN 11. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
- PLN 12. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
- PLN 13. The street address numbering/lettering shall not exceed eight inches in height.
- PLN 14. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 15. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 16. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 17. The project shall comply with the City of Palm Springs Transportation Demand Management (TDM) Ordinance which establishes transportation demand management requirements for the City of Palm Springs. Refer to Chapter 8.4 of the Municipal Code for specific requirements.
- PLN 18. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.
- PLN 19. The applicant shall provide all tenants with Conditions of Approval of this project.
- PLN 20. Standard parking spaces shall be 17 feet deep by 9 feet wide; compact sized spaces shall be 15 feet deep by 8 feet wide. Handicap parking spaces shall

be 18 feet deep by 9 feet wide plus a 5 foot walkway at the right side of the parking space; two (2) handicap spaces can share a common walkway. One in every eight (8) handicap accessible spaces, but not less than one (1), shall be served by an 8 foot walkway on the right side and shall be designated as "van accessible".

- PLN 21. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
- PLN 22. Curbs shall be installed at a minimum of five (5) feet from face of walls, fences, buildings, or other structures. Areas that are not part of the maneuvering area shall have curbs placed at a minimum of two (2) feet from the face of walls, fences or buildings adjoining driveways.
- PLN 23. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
- PLN 24. Islands of not less than nine (9) feet in width with a minimum of six (6) feet of planter shall be provided every ten (10) parking spaces. Additional islands may be necessary to comply with shading requirements.
- PLN 25. Shading requirements for parking lot areas as set forth in Section 93.06.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
- PLN 26. Parking stalls shall be delineated with a 4 to 6 inch double stripe - hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall provide wheel stops.
- PLN 27. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
- PLN 28. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

## **POLICE DEPARTMENT**

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

## **ACCESSIBILITY CONDITIONS**

- ADA 1. At least one of the disabled parking access aisles is required to meet the "van accessible" 8 foot wide dimension. In addition, the words NO PARKING are required to be painted in each access aisle. (CBC 1129B.3.2)
- ADA 2. Any elevation change will require ramping in the walkway located perpendicular to the disabled parking space(s) leading to the access aisles serving the disabled parking spaces.

## **BUILDING DEPARTMENT**

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

## **ENGINEERING DEPARTMENT**

### **STREETS**

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

### **19<sup>TH</sup> AVENUE**

- ENG 2. Remove existing street improvements as necessary to construct a 32 feet wide and a 26 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerlines of the proposed driveway approaches shall be located approximately 30 feet and 170 feet east of the west property line. The center driveway approach shall provide full access. The west driveway approach shall be for ingress only for trucks entering the load-out tunnel. Required striping and signage at the west driveway approach shall be submitted to the City Engineer for approval.
- ENG 3. Remove existing street improvements as necessary to construct a 44 feet wide main entrance driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 195 feet west of the centerline of McLane Street. There shall be 2 ingress lanes (14 feet and 12 feet wide) separated from one egress lane (14 feet wide) by a 4 feet wide median, or as shown on the approved site plan.
- ENG 4. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA

Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 5. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 6. Construct a Type A curb ramp meeting current California State Accessibility standards at the southwest corner of the intersection of 19th Avenue and McLane Street in accordance with City of Palm Springs Standard Drawing No. 212.

ENG 7. All broken or off grade street improvements shall be repaired or replaced.

#### MCLANE STREET

ENG 8. Remove existing street improvements as necessary to construct a 36 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the proposed driveway approach shall be located approximately 70 feet north of the south property line. The driveway approach shall be used by maintenance vehicles and for emergency access only.

ENG 9. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 10. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

ENG 11. An existing access easement, recorded in Book 1532, Page 136, on December 4, 1953, affects the westerly 30 feet of the property. The proposed site plan shall be revised to allow for the continuing use of this access easement, or, the developer shall coordinate the quitclaim of all rights to this access easement with the successors in interest to the access easement. If the proposed site plan is not revised, a copy of the recorded quitclaim granting the current property owner all right, title and interest to the access easement shall be provided to the City Engineer prior to approval of a grading plan for this property.

ENG 12. The minimum pavement section for drive aisles and parking spaces shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

## SANITARY SEWER

ENG 13. Construct private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. ~~The sewer connection fee shall be paid prior to issuance of the current building permit (for future connection). The record property owner shall enter into a covenant agreeing to extend the private sewer lines the necessary distance to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the lot. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.~~

ENG 14. The City recommends that the applicant contact the Riverside County Health Department and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

ENG 14a. This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of domestic water and/or sanitary sewer service to the property.

## GRADING

ENG 15. Submit a Precise Grading and Paving Plan prepared by a California registered civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the

Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at [www.AQMD.gov](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 Precise Grading and Paving plan.

- a. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the associated Water Quality Management Plan.

- ENG 16. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 17. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 18. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 19. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 20. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 21. Notice of Intent to comply with Statewide California General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002 2009-0009-DWQ as modified September 2, 2009) is required for the

proposed development via the California Regional Water Quality Control Board online SMARTS system (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.

ENG 21a. 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). 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. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

ENG 22. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h) 8.50.025-(e), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.

ENG 23. 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 23a. 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 23b. 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 24. 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

ENG 24a. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

ENG 24b. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 24c. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:

- (1) Demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
- (2) 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
- (3) Demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

ENG 24d. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by Standard Industrial Classification (SIC) code, prior to issuance of certificate of occupancy, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the

SWRCB and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

- ENG 25. 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 detention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property as described in the Hydrology and Hydraulic Study for the Transfer Station/Recycling Facility, prepared by K & A Engineering (dated March 14, 2008). The Hydrology and Hydraulic Study for the Transfer Station/Recycling Facility shall be amended to include catch basin sizing, storm drain pipe sizing and underground detention system sizing calculations and other specifications for construction of required on-site storm drainage improvements. Final detention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final 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.
- ENG 26. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to 19<sup>th</sup> Avenue or McLane Street. 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.
- ENG 27. This property is subject to the environmental constraints shown on an Environmental Constraints Sheet recorded in Book 20, Page 95, records of Riverside County. The property shall accept and convey off-site stormwater runoff as required by the Environmental Constraints Sheet recorded against the property. Provisions shall be made to adequately provide for conveyance of stormwater runoff as originally intended and shown on the rough grading plan for Parcel Map 20820. McLane Street shall be kept free of obstructions (including flow-restricting fencing) from the centerline of McLane Street to 55 feet west of centerline. All new buildings shall be elevated to a minimum height of 18 inches above the surrounding ground.
- ENG 28. The proposed wall along the west property line shall be designed to consider the effects of offsite stormwater runoff impacting the wall. Hydraulic and structural calculations shall be provided to demonstrate the ability of the proposed wall to withstand erosion and other impacts due to offsite stormwater runoff. The developer shall coordinate this analysis with the original hydrology study prepared for Parcel Map 20820 and provide a copy of same with required design calculations and analysis to the City Engineer for review and approval.

- ENG 29. Construct storm drain improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site areas into the on-site underground detention system.
- ENG 30. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
- ENG 31. ~~A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading 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 is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.~~
- ENG 32. Compliance with other agency requirements and/or permits shall be satisfied prior to issuance of a building permit including provisions for NPDES (clean water quality control) as may be required.

#### GENERAL

- ENG 33. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and

asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 34. 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, Richard Begay, or the Tribal Archaeologist, Patty Tuek 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 35. All proposed utility lines shall be installed underground.
- ENG 36. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 37. 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 38. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 39. 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 40. 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 41. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF) of ~~\$5,730.00 per acre~~. The LDMF shall be paid prior to issuance of Building Permit.
- ENG 41A The will bring a significant number of additional trucks transporting waste materials to the community from surrounding jurisdictions. Accordingly, the City may determine to establish a "host fee" to help recover street maintenance, litter abatement, code enforcement, and/or other costs resulting from the Project and/or similar facilities. Developer agrees to support the establishment of such fee and shall waive its right to protest or contest such fee, provided that the amount of such fee is established through appropriate study. The fee shall be paid prior to occupancy of the Project or as may otherwise be provided in a covenant agreement with City recorded against the subject parcel.

#### MAP

- ENG 42. The existing parcels identified as a portion of Parcel 4, Parcel 5, and Parcel 6 of Parcel Map 20820, Map Book 166, Page 70, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

#### TRAFFIC

- ENG 43. Install a traffic signal at the intersection of 19<sup>th</sup> Avenue and Indian Canyon Drive. The applicant shall submit traffic signal installation 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 a Certificate of Occupancy, unless otherwise allowed by the City Engineer. The applicant shall be responsible for 100% of the cost to design and install the traffic signal; however, the applicant's fair share cost of this improvement is 10.69%. Any other developer's fair share costs that the City may receive for this traffic signal may be reimbursed to the applicant subject to the terms of a reimbursement agreement, up to a maximum of 89.31% of the total cost.
- ENG 44. If reimbursement of costs associated with traffic mitigation measures is requested in writing by the applicant, the applicant shall submit a formal request for preparation of a Reimbursement Agreement and a \$2,500 deposit for City staff time associated with the preparation of the Reimbursement

Agreement, including City Attorney fees. The applicant shall be responsible for payment of all associated staff time and expenses necessary in the preparation and processing of the Reimbursement Agreement with the City Council, and shall submit additional deposits as necessary when requested by the City, which are included in the amount that may be reimbursed to the applicant through the Reimbursement Agreement. The Reimbursement Agreement is subject to the City Council's review and approval, and its approval is not guaranteed nor implied by this condition.

- ENG 45. Install traffic striping and signage improvements at the intersection of Indian Canyon Drive and 19<sup>th</sup> Avenue to provide a total of 300 feet of stacking distance in the northbound left-turn lane. Submit traffic striping and signage plans to the City Engineer for review and approval. Required traffic striping and signage improvements shall be completed prior to issuance of a certificate of occupancy.
- ~~ENG 46. Applicant shall make fair share payment of \$16,220.00, to the City of Palm Springs, for the installation of a future traffic signal at the intersection of Indian Canyon Drive and 20<sup>th</sup> Avenue. Payment shall be made prior to issuance of a building permit.~~
- ENG 47. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at all driveways with both ingress and egress 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.
- ENG 48. Install a "One Way" sign at the intersection of the parking area at the north end of the site and the west driveway from 19<sup>th</sup> Avenue leading to the load-out tunnel.
- ENG 49. 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 50. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012 ~~September 26, 2006~~, or subsequent editions in force at the time of construction.
- ENG 51. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

ENG 52. The Project will bring a significant number of additional trucks transporting waste materials to the community from surrounding jurisdictions. Accordingly, the City may determine to establish a "host fee" to help recover street maintenance, litter abatement, code enforcement, and/or other costs resulting from the Project and/or similar facilities. Developer agrees to support the establishment of such fee and shall waive its right to protest or contest such fee, provided that the amount of such fee is established through appropriate study. The fee shall be paid prior to occupancy of the Project or as may otherwise be provided in a covenant agreement with City recorded against the subject parcel.

## FIRE DEPARTMENT

- FID 1. **Impact Fees:** In order to ensure that the availability of adequate fire and emergency medical services to the Development, the Applicant shall participate and contribute in any fee program, assessment district, community facilities district, or any other public financing that includes the Development as a part thereof as the City in its discretion may adopt or establish. This obligation shall be evidenced by a covenant running with the land in a form approved by the City Attorney.
- FID 2. **Combustible Storage (CFC 315.3):** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.
- FID 3. **Storage Beneath Overhead Projections From Buildings (CFC 315.3.1):** Combustible materials stored or displayed outside of buildings that are protected by automatic sprinklers shall not be stored or displayed under non-sprinklered eaves, canopies or other projections or overhangs.
- FID 4. **Storage Height in Open Areas (CFC 315.3.2):** Storage in open areas shall not exceed 20 feet (6096 mm) in height.
- FID 5. **Roadway Dimensions:** Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 503.2.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.
- FID 6. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- FID 7. **Fences (CFC 503.1.5):** When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall be installed with a minimum of four (4) feet in width and be equipped with a key box and/or lock accessible from both sides in accordance with Section 506 herein.
- FID 8. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 9. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 10. **Dead Ends (CFC 503.2.5):** Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.
- FID 11. **Aerial Fire Access Roads (CFC 503.2.8):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 12. **Aerial Fire Access Road Width (CFC 503.2.8.1):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 13. **Aerial Access Proximity to Building (CFC 503.2.8.2):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 14. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

- FID 15. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 16. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 17. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 18. **Key Box Contents:** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
- FID 19. **Security Gates (CFC 503.6):** Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.
- FID 20. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be **1500 GPM** with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- |                        |                |                  |
|------------------------|----------------|------------------|
| • Office Building      | Type 1A        | 7650 S.F.        |
| • Loading Dock         | Type 1A        | 4250 S.F.        |
| • M.F.R. Building      | Type 1A        | 80000 S.F.       |
| • Transfer Building    | Type 1A        | 40000 S.F.       |
| • <u>Load Out Area</u> | <u>Type 1A</u> | <u>4050 S.F.</u> |
| TOTAL S.F. =           |                | 135950 S.F.      |
- FID 21. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 22. **Water Plan (CFC 501.3 & 901.2):** A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.

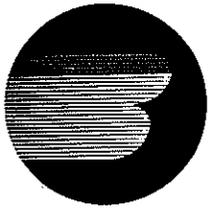
- FID 23. **NFPA 13 Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2002 Edition, except the seismic bracing and restraints shall comply with NFPA 13, 2007 Edition using Cp of 0.74 and l/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (16.1 NFPA 13, 2002 Edition and 10.10 NFPA 24, 2002 Edition)
- FID 24. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 25. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 26. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
- FID 27. **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID 28. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 29. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 30. **Storage Associated with Yard Waste and Recycling Facilities (CFC 1908):**

1. **Size of piles.** Piles shall not exceed 25 feet (7620 mm) in height, 150 feet (45 720 mm) in width and 250 feet (76 200mm) in length. (CFC 1908.3)
2. **Pile separation.** Piles shall be separated from adjacent piles by approved fire apparatus access roads. (CFC 1908.4)
3. **Combustible waste.** The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. (CFC 1908.5)

FID 31. **High-Piled Combustible Storage:** High-piled shall be in accordance with Chapter 23 of the 2007 California Fire Code.

FID 32. **High-Piled Construction Documents (CFC 2301.3):** At the time of building permit application for new structures designed to accommodate high-piled storage or for requesting a change of occupancy/use, and at the time of application for a storage permit, plans and specifications shall be submitted for review and approval. In addition to the information required by the *California Building Code*, the storage permit submittal shall include the information specified in this section. Following approval of the plans, a copy of the approved plans shall be maintained on the premises in an approved location.

**END OF CONDITIONS**



**BURRTEC**  
**WASTE INDUSTRIES, INC.**

September 12, 2012

*666-391-001, 002*

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

Re: Case 5.0976 CUP-A  
Request for Extension of Time

Dear Mr. Ewing:

Burrtec Waste Industries, Inc. requests a third Extension of Time for Case 5.0976 CUP-A for the proposed Materials Recovery Facility located at the southwest corner of 19<sup>th</sup> Avenue and McClane Street. General economic conditions continue to make the project economically unfeasible. However, recent signs of recovery in both recyclable material volumes and market prices have allowed us to reassess the project.

As part of our assessment, we are evaluating a smaller first phase project that will focus on the development of only the Materials Recovery Facility component of the project. The transfer station and other support uses would be developed as later phases.

We, therefore, request an extension of time for one additional year. If you have any questions or require additional information, please contact me at (909) 429-4200 or [gkoontz@burrtec.com](mailto:gkoontz@burrtec.com).

Sincerely,

Gary Koontz  
Facility Project Manager

**Glenn Mlaker**

---

**From:** Gary Koontz [gkoontz@burrtec.com]  
**Sent:** Thursday, December 13, 2012 11:07 AM  
**To:** Glenn Mlaker  
**Subject:** Re: Burrtec Materials Recovery Facility Time Extension

The site is proposed for a Materials Recovery Facility (MRF) to process recyclable materials from our local collection operations and those of Palm Springs Disposal. We will construct the facility for our use and operate it ourselves. There are no tenants.

The primary issues in building the facility are costs to construct and operate and changes in State recycling laws. The recession has significantly affected the value of recycled materials such as paper and metals that are a key factor in operating the facility. We have been working internally to come up with a process design, equipment layout, phasing plan, and operational proformas that pencil out. The recent approval of AB341 requiring mandatory commercial and multifamily recycling has also changed what sorting equipment we need.

To date, we have not done any offsite improvements and do not plan to until we determine what the facility is going to look like and when we will construct it.

Financing is not an issue, only how much we have to spend and how it proformas out.

On Thu, Dec 13, 2012 at 10:53 AM, Glenn Mlaker <[Glenn.Mlaker@palmsprings-ca.gov](mailto:Glenn.Mlaker@palmsprings-ca.gov)> wrote:

Hello Gary, in preparation for the City Planning Commission review for the time extension request for the Burrtec Materials Recovery Facility, additional information is needed. Please provide the following information:

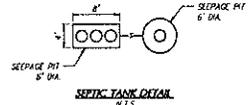
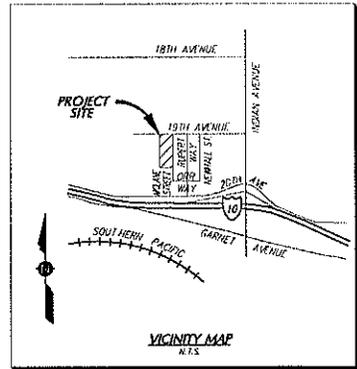
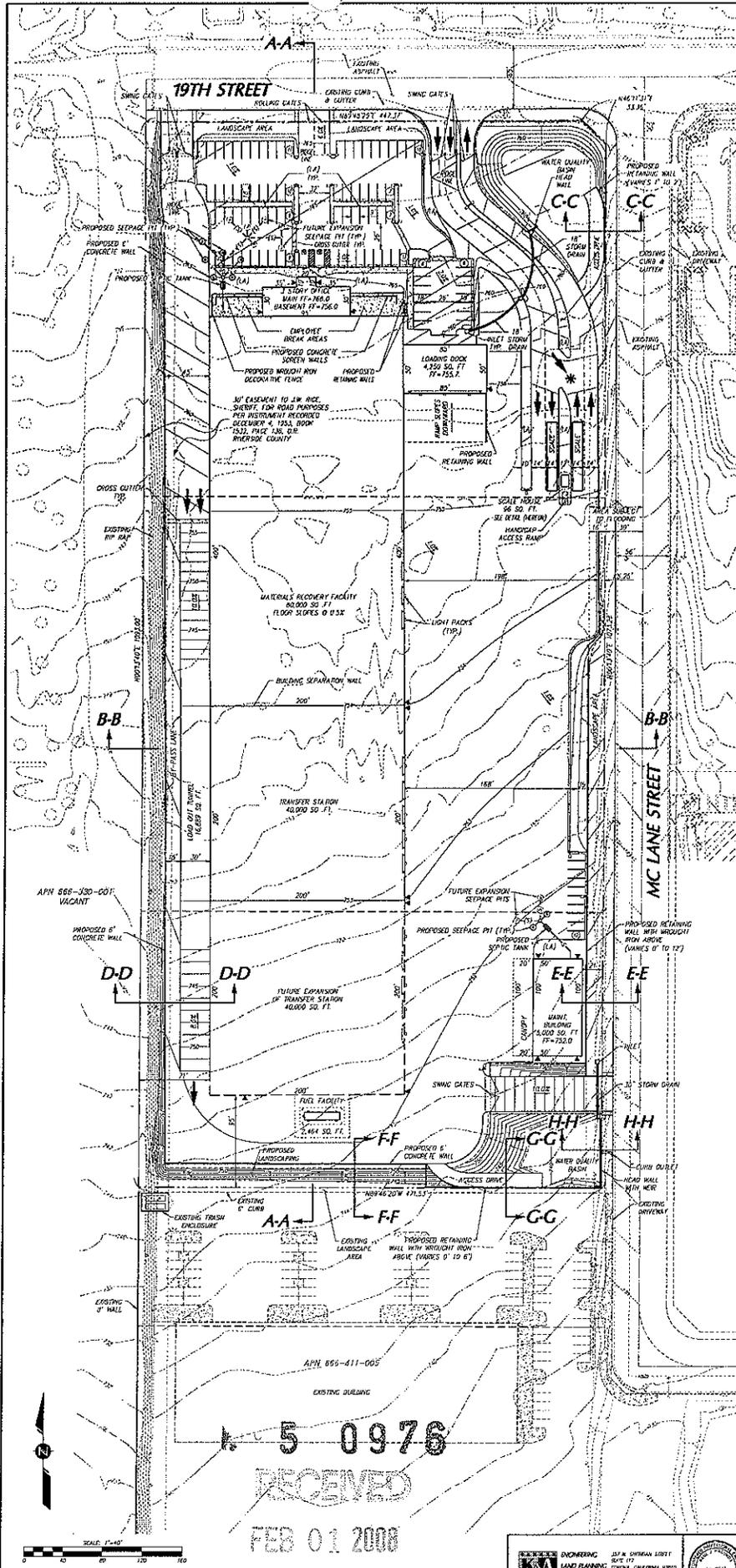
1. What specific actions have you taken over the last year to pursue commencement of the project?
2. Have you completed any off-site improvements surrounding the project site?
3. What have you done so far in terms of securing financing and tenants for the project?

You may PDF the response to me; with this your application will be scheduled for the next Planning Commission hearing in January 2013.

Please contact me if you have any questions.

Glenn Mlaker, AICP

Assistant Planner



- ABBREVIATIONS**
- FF FINISH FLOOR ELEVATION
  - FE FINISH GRADE
  - FS FINISH SURFACE
  - GB GRADE BREAK
  - WMP WAREHOUSE
  - LA LANDSCAPE AREA
  - SD STORM DRAIN
  - TOP OF CURB
  - IF TOP OF FOOTING
  - W WROUGHT IRON

- LEGEND**
- PROJECT BOUNDARY
  - CENTER LINE
  - SLOPE RATIO
  - TOP OF SLOPE
  - FLOW LINE
  - EXISTING GROUND CONTOUR
  - PROPOSED CONTOUR
  - DATUM LINE
  - DRAINED DRAIN INLET
  - PROPOSED HANDCAP PARKING SIGN
  - PROPOSED STREET LIGHT
  - PROPOSED STREET LIGHT (2 HEADS)
  - PROPOSED STREET LIGHT (1 HEAD)
  - PROPOSED LIGHT PACK
  - PROPOSED LANTERN
  - EXISTING STREET LIGHT
  - PROPOSED SEWAGE PIT
  - FUTURE EXPANSION SEWAGE PIT

**CONDITIONAL USE PERMIT**

**NOTES:**  
 DATE PREPARED: JANUARY 3, 2008  
**OWNERS:**  
 THE BURR GROUP  
 3020 CHERRY AVENUE  
 FORTNAVA, CA 92335  
 PHONE: (909) 429-4200  
 FAX: (909) 429-4250  
**AGENTS:**  
 BURNING WASTE INDUSTRIES, INC.  
 5020 CHERRY AVENUE  
 FORTNAVA, CA 92335  
 PHONE: (909) 429-4200  
 FAX: (909) 429-4250  
**REPRESENTATIVE:**  
 THE JAMARSON GROUP, INC.  
 1201 ANDERSON STREET, SUITE 200A  
 RIVERDALE, CA 92315  
 PHONE: (951) 328-0001  
 FAX: (951) 328-1114  
 GARY KOONIE  
**ENGINEER:**  
 K & A ENGINEERING, INC.  
 237 S. SHERRIN STREET, SUITE 117  
 CORONA, CA 92605  
 PHONE: (949) 275-1800  
 PROJECT NUMBER: 1408 PALMSPRING, P.C.  
**UTILITY PROVIDERS:**  
 A. PALM SPRINGS WATER DISTRICT  
 B. SOKER DISTRICT SEPTIC  
 C. ELECTRIC UTILITIES COMPANY  
 D. TELEPHONE VERIZON  
 E. CABLE TFC WARNER  
**AREA TABULATION:**  
 DATE PREPARED: JANUARY 3, 2008  
**LEGAL DESCRIPTION:**  
 PARCELS 4, 5, AND 6 OF PARCEL 20802  
 EXCEPT THAT PORTION AS SHOWN ON MAP  
 12550 RECORDED IN BOOK 315 PAGES 55  
 & 57 IN THE CITY OF PALM SPRINGS,  
 COUNTY OF RIVERSIDE, AS PER MAP  
 RECORDED IN BOOK 165, PAGE 70 OF  
 PARCEL MAPS IN THE OFFICE OF THE  
 COUNTY RECORDER OF SAID COUNTY.  
**ASSESSORS PARCEL NUMBER:**  
 658-331-091, 658-331-092,  
 658-411-029  
**GENERAL PLAN:**  
 INDUSTRIAL  
 AGRICULTURE  
 11.8 DROSS  
**EXISTING SPACE:**  
 EMPLOYEES/VISITOR: 100  
**ZONING:**  
 M-2  
**EARTHQUAKE CALCULATION:**  
 28.00 CY/2111  
 28,000 CY/111

BUILDING AREA TABULATION		
LAND USE	SQUARE FEET	% OF TOTAL SITE
BUILDINGS	191,599	37.14
PAVEMENT, PARKING & DRAINS	272,823	44.78
LANDSCAPING	36,351	6.68
<b>TOTAL</b>	<b>515,983</b>	<b>100</b>

BUILDING AREA TABULATION			
BUILDING	SQUARE FEET	CONSTRUCTION TYPE	% OF TOTAL SITE
ADMINISTRATIVE OFFICE (1 STORY)	2,900 (2,654)	U-N	0.57
NATIONALS RECOVERY FACILITY	103,000	U-N	19.97
TRANSFER STATION	40,000	U-N	7.75
TRANSFER STATION (UTURE)	40,000	U-N	7.75
MANUFACTURE BUILDING	5,000	U-N	0.97
FUEL FACILITY	2,454	U-N	0.48
LOADING DOCK	4,250	U-N	0.83
SCALE HOUSE	55	PRE-MANUFACTURED	0.01
LOAD OUT TUNNEL	16,889	U-N	3.27
<b>TOTAL</b>	<b>191,599</b>		<b>37.14</b>

THE PRIVATE ENGINEER SHOWING THESE PLANS IS RESPONSIBLE FOR ASSURING THE ACCURACY AND ACCEPTABILITY OF THE INFORMATION IN THE EVENT OF DISCREPANCY ARISING AFTER COUNTY APPROVAL OR DURING CONSTRUCTION. THE PRIVATE ENGINEER SHALL BE RESPONSIBLE FOR DETERMINING AN ACCEPTABLE SOLUTION AND REVISIONS TO THE PLANS FOR APPROVAL BY THE COUNTY.

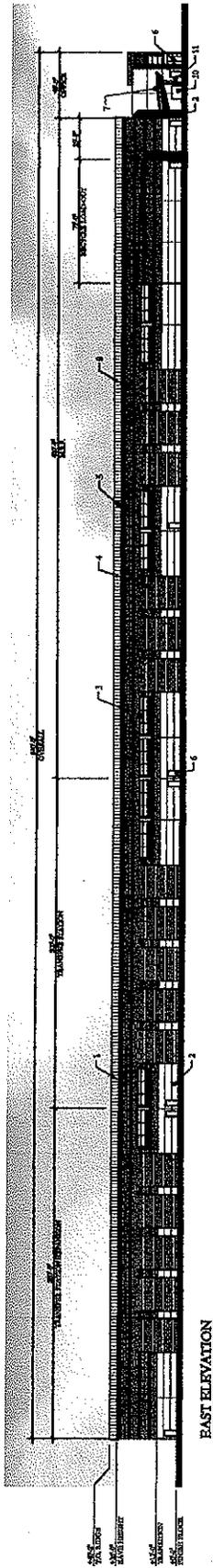
**ENGINEERING**  
**LAND PLANNING**  
**LANDSCAPING**

237 S. SHERRIN STREET, SUITE 117  
 CORONA, CALIFORNIA 92605  
 (949) 275-1800  
 FAX: (949) 275-1800

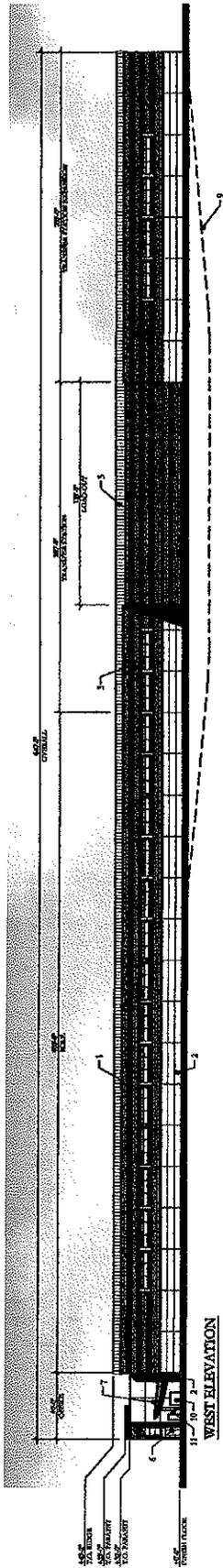
**PALM SPRINGS**  
**MATERIALS RECOVERY FACILITY / TRANSFER STATION**  
**AMENDED CUP. NO. 50976**

DATE: \_\_\_\_\_  
 REVISION: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 COUNTY OF RIVERSIDE

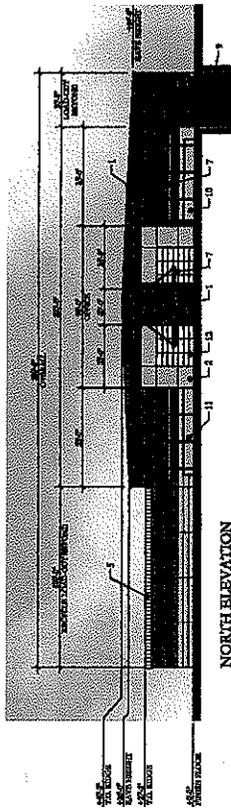
5 0976  
 RECEIVED  
 FEB 01 2008



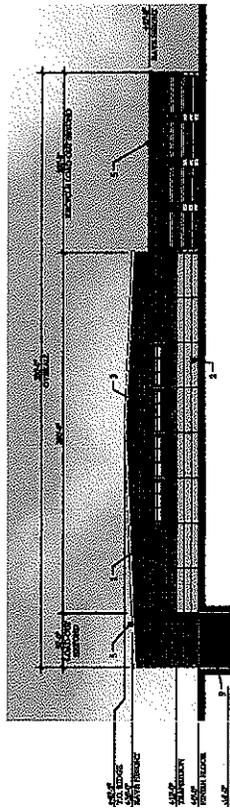
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

**LEGEND**  
T.O. = TOP OF

- KEYNOTES**
1. HORIZONTAL METAL WALL PANELS
  2. CONCRETE RETAINING WALL PANEL
  3. TRANSLUCENT PANEL/COVER
  4. SKEL UPHOOKS
  5. METAL ROOF PANEL
  6. MAIN DOORS
  7. METAL CANOPY
  8. LEGS
  9. RAMP TO LOAD/UNLOAD
  10. CONCRETE FENCE WALL AT BREAK AREA (SEVEN DASHED ON WEST ELEVATION)
  11. CANOPY FOOT
  12. STOREFRONT WINDOW SYSTEM

SCALE: 1"=30'-0"

ARCHITECTS  
ENGINEERS  
PLANNERS

JOB # 117 SERVED UNDER D



**PALM SPRINGS MATERIALS RECOVERY FACILITY**

PALM SPRINGS, CALIFORNIA

19TH AVENUE

ELEVATIONS

30 AUGUST 2000

RECEIVED

FEB 01 2000

PLANNING SERVICES

5 0976



## Planning Commission Staff Report

Date: October 8, 2008

Case No.: 5.0976 – CUP-A

Type: Amendment of a previously approved Conditional Use Permit

Location: Southwest corner of 19<sup>th</sup> Avenue and McLane Street

APN: 666-391-001, 666-391-002 & 666-411-005

Applicant: Burrtec Waste Industries Inc.

General Plan: RBC (Regional Business Center)

Zone: M-2 (Manufacturing)

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

Project Planner: David A. Newell, Associate Planner

---

### **PROJECT DESCRIPTION:**

The applicant has requested an amendment to a previously approved Conditional Use Permit (CUP) for the development of a municipal solid waste Materials Recovery Facility (MRF) and transfer station at the southwest corner of 19<sup>th</sup> Avenue and McLane Street.

### **RECOMMENDATION:**

That the Planning Commission adopt the Mitigated Negative Declaration (MND), determine the parking requirements for the proposed use and approve the CUP Amendment (Case 5.0976 CUP-A) to allow the development of a municipal solid waste MRF and transfer station on the 11.84-acre site at the southwest corner of 19<sup>th</sup> Avenue and McLane Street.

## **PRIOR ACTIONS:**

On October 20, 2003, the original project was reviewed by the Design Review Committee (DRC) (today's equivalent of the Architectural Advisory Committee) and recommended approval to the Planning Commission.

On July 28, 2004, the Planning Commission reviewed and approved the original project.

On April 7, 2008, the expanded site plan and building elevations of the new facility were reviewed by the Architectural Advisory Committee (AAC) and restudied for the following:

- Revise exterior elevations to reflect a better rhythm with more pronounced features
- Provide additional enhancements on the two bump outs on the north end of the building
- Enhance ventilation.

On July 9, 2008, the expanded site plan and revised building elevations were reviewed by the AAC and by a vote of 5-0-2 recommended for approval to the Planning Commission.

## **BACKGROUND AND SETTING:**

The proposed project is an amendment to a previously approved Conditional Use Permit for the development of a municipal solid waste Materials Recovery Facility (MRF) and Transfer Station. The original approval permitted the development of a MRF/transfer station with a maximum daily capacity of 750 tons of municipal solid waste, recyclables, greenwaste, and construction / demolition waste. The original permit allowed for the development of the following uses on a 4.85 acre site:

- **Transfer Building:** A 29,200 square foot building for the transfer of municipal solid wastes, greenwaste, and construction/demolition wastes. This building was divided into three sections for commercial collection vehicles, self-haul vehicles, and vehicles delivering greenwaste and construction/demolition wastes. It included two top-load loadout bays for loading transfer trailers.
- **Recycling Building:** A 10,000 square foot structure for the sorting and consolidation of recyclable materials. The structure included a 600 square foot household hazardous waste facility.
- **Administrative Office:** A 3,762 square foot office adjacent to the Recycling Building.
- **Education Center:** A 2,500 square foot public education facility located immediately adjacent to the Administrative Office.
- **Maintenance Facility:** A 3,200 square foot structure used for the maintenance of onsite heavy equipment and transfer trucks and trailers. Of the total area, 1,600 square feet was devoted to an employee breakroom and restroom/locker facilities.
- **Truck Scale:** A 75 square foot scalehouse and two 70-foot truck scales.
- **Parking:** 52 standard parking spaces for employees and visitors.

The vacant site is located within an existing industrial park. The site has been previously graded and is void of vegetation. The surrounding land uses are shown below in Table 1:

**Table 1:** The surrounding Land Uses are tabled below:

	General Plan	Zone	Land Use
North	IND (Industrial)	M-2 (Manufacturing)	Power Plant
South	RBC (Regional Business Center)	M-2 (Manufacturing)	Light Industrial / Warehousing
East	RBC (Regional Business Center)	M-2 (Manufacturing)	Light Industrial / Warehousing & Vacant
West	RBC (Regional Business Center)	E-1 (Energy Industrial)	Vacant

**PROPOSED PROJECT AND OPERATION:**

The new facility will occupy approximately 11.8 acres and contain approximately 182,996 square feet of floor area. The proposed amendment requests expansion and modification of the previous facility to include the following:

- Construct a 160,000 square foot Materials Recovery Facility (MRF) and Waste Transfer Station. The transfer station will use a tunnel design for loading transfer trucks. The MRF will cover the northerly 80,000 square feet and have a six-bay recyclable loading dock attached near the northeast corner of the building. The transfer station will cover the southerly 80,000 and will be developed in two phases of 40,000 square feet each.
- Construct a three-story administrative office, education center, and employee restroom/locker room attached to the north side of the MRF building.
- Construct a 5,000 square foot vehicle maintenance building.
- Construct a 96 square foot scalehouse and two 70-foot truck scales.
- Provide 88 standard parking spaces for employees and visitors.

The difference in floor area between the previously approved facility and the new one is shown below in Table 2:

**Table 2:** Floor Area of Original CUP and Proposed Amendment

Building Floor	Approved Plan	Proposed Plan
Transfer Building	29,200 sq. ft.	40,000 sq. ft.
Transfer Building Expansion	0 sq. ft.	40,000 sq. ft.
Materials Recovery Facility	10,000 sq. ft.	80,000 sq. ft.
Office	3,762 sq. ft.	5,350 sq. ft.
Education Center	2,500 sq. ft.	2,300 sq. ft.
Second Hand Store	1,650 sq. ft.	0 sq. ft.
Maintenance Building	1,600 sq. ft.	5,000 sq. ft.
Employee Break Area	1,600 sq. ft.	0 sq. ft. (now provided outdoors)
Hazardous Materials Area	600 sq. ft.	600 sq. ft.*
Load Out Tunnel	2,400 sq. ft.	6,000 sq. ft.
Loading Dock	400 sq. ft.	4,250 sq. ft.
Scale House	75 sq. ft.	96 sq. ft.
<b>Total</b>	<b>51,387 sq. ft.</b>	<b>182,996 sq. ft.</b>

\*Hazardous materials storage area located within MRF building.

The total permitted daily tonnage will remain at 750 tons per day. Operating hours will also remain the same as the original project. The total number of employees is expected to increase from 33 to approximately 81 due to the expanded recycling operation of the new facility. The majority of the recycling personnel will be scheduled to arrive during off-peak traffic hours.

All vehicles delivering waste or recyclables and all transfer trucks will use driveways located along 19<sup>th</sup> Avenue. They will enter the area using 19<sup>th</sup> Avenue from Indian Canyon Drive. Once onsite, vehicles delivering wastes and recyclables will stop at a scalehouse for weighing and payment of tipping fees. They will then enter the transfer station or MRF through a series of doors along the east side of the building. Once inside, facility traffic control personnel will direct them to a designated tipping area.

Materials entering the MRF are inspected for unacceptable materials and large recyclable items such as large pieces of cardboard and metals are removed by floor sorting personnel. The remaining materials are pushed onto an in-feed conveyor that moves the materials through a series of mechanical and manual sorting stations. Various materials such as papers, plastics, glass, and metals are removed and placed into individual storage containers or bunkers. Recovered materials may be baled prior to transfer off site or transported in trailers or containers.

Residual waste from the recycling activities is conveyed to the transfer station where it is mixed with incoming municipal solid waste (MSW). Wastes are inspected for unacceptable materials and floor sorted to remove large recyclable materials. The wastes are then pushed into one of two loadout ports located along the west side of the facility where the waste drops into an open-top transfer trailer. Once full, the trailers are cleaned of any external debris and covered with a tarp prior to exiting the site. All municipal solid waste is transferred to an approved sanitary landfill. Sites that may accept the MSW include the Lamb Canyon Landfill, south of Beaumont, the Badlands Landfill, east of Moreno Valley, and the El Sobrante Landfill, south of Corona.

The transfer station will also accept green/wood wastes and construction/demolition wastes. Vehicles delivering these materials to the site will be directed by facility traffic controllers to designated tipping area on the transfer floor. The materials will be inspected for unacceptable materials. Once an adequate amount of each material is accumulated, it will be loaded into a transfer trailer for transport to an approved processing facility.

**Table 3: Hours of operation for each component of the facility**

Activity	Days	Hours
Administration	Monday - Sunday	8:00 a.m. - 6:00 p.m.
Transfer Operations	Monday - Sunday	7:00 a.m. - 6:00 p.m.
Materials Receiving	Monday - Sunday	7:00 a.m. - 6:00 p.m.
Recyclable Processing	Monday - Sunday	7:00 a.m. - 6:00 p.m.
Facility Maintenance	Monday - Sunday	6:00 a.m. - 6:00 p.m.
Household Hazardous Waste (ABOP)	Monday - Saturday	7:00 a.m. - 6:00 p.m.
Recyclable Buy-Back Center	Monday - Saturday	7:00 a.m. - 6:00 p.m.

## **ANALYSIS:**

### General Plan

The General Plan designation for the site is "Regional Business Center". This designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The proposed project has an F.A.R. of approximately 0.35 as an Industrial use with accessory office space.

The project is consistent with the General Plan and assists in meeting various General Plan Goals and Policies as noted below.

- **Policy LU1.4:** *"Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City."*
- **Policy LU5.1:** *"Allow for and encourage the development of land uses that provide educational opportunities for the City's residents."*
- **Policy SA5.1:** *"Promote the proper disposal, handling, transport, delivery, treatment, recovery, recycling, and storage of hazardous materials in accordance with applicable federal, state, and local regulations."*
- **Policy SA5.11:** *"Continue to partner with the County of Riverside to provide needed programs such as the Household Hazardous Waste ABOP Program to provide disposal of household hazards at no cost to Palm Springs residents and participating agencies."*

The proposed project is a new use that will significantly assist the City and Coachella Valley in becoming a more sustainable region. The site will lessen environmental impacts of waste disposal by shortening truck disposal routes, increasing the amount of recovered recyclables and decreasing the amount of waste and pollution in landfills. The property will have an educational facility for visitors and provide another licensed facility that is able to properly collect and transfer hazardous materials for recycling / disposal. Therefore, the project is consistent with the objectives and policies of the General Plan.

### Zoning

The project is located within the "M-2" Zone. Pursuant to Section 92.17.1.01(D)(8) and (20) of the Palm Springs Zoning Code (PSZC), disposal service operations and the recycling of wood, metal and construction wastes are permitted uses by conditional use permit.

### Development Standards

A comparison of the applicant's proposal and the development standards found in the PSZC has been provided in Table 4. The project is consistent with all development standards included in the "M-2" Zone.

**Table 4: Property Development Standards of the M-2 Zone and Proposed Project**

	<b>M-2 (Industrial)</b>	<b>Proposed Project (approx.)</b>
Lot Area	40,000 square feet	515,913 square feet
Lot Width	200 feet	471.5 feet
Lot Depth	200 feet	1,093 feet
Setbacks:		
Front (19 <sup>th</sup> Ave.) Yard	25 feet	159 feet
Side (McLane St.) Yard	0 feet	21 feet
Side (Interior) Yard	0 feet	38 feet
Rear Yard	0 feet	95 feet
Building Height	Not greater than 40 feet	40 feet
Building Coverage	60%	16%
Landscape Coverage	25% of Front Yard Setback	80%+

*Site Plan*

The proposed site is an approximately 11.84-acre parcel located at the southwest corner of 19<sup>th</sup> Avenue and McLane Street. As designed, the site plan will consist of three buildings. The two smaller buildings are the scale house at 96 square feet and the maintenance building at 5,000 square feet. The largest building totaling approximately 177,900 square feet in area will consist of the following:

- Materials Recovery (approximately 80,000 square feet)
- Transfer Station (approximately 40,000 square feet)
- Transfer Station expansion (approximately 40,000 square feet to be constructed at a later date)
- Loading Dock (approximately 4,250 square feet)
- Load Out Tunnel (approximately 6,000 square feet)
- Administrative Office (approximately 5,350 square feet)
- Education Center (approximately 2,300 square feet)

The site will also contain a fuel facility with a canopy area of approximately 2,464 square feet. Two outdoor employee break areas covered by awnings will be located at the north side of the site adjacent to the building.

A six foot high masonry wall is being proposed near the west and south property lines. A combination retaining wall and wrought iron fence is being proposed near the east property line on the south half of the property, and a wrought iron fence is being proposed along east property line on the north half of the property. A wrought iron fence is proposed along the north property line. Landscaping is proposed along the east and north property boundaries.

*Access and Circulation*

The site has three vehicular access points from 19<sup>th</sup> Avenue and one from McLane Street. All vehicles delivering waste or recyclables and all transfer trucks will use the driveway located at the easterly entrance off 19<sup>th</sup> Avenue; employees and visitors will enter the site through the middle driveway along 19<sup>th</sup> Avenue; and trucks receiving the materials to be transferred to off-site will use the driveway located at the west entrance off 19<sup>th</sup> Avenue. The McLane Street entrance / exit is for employees only.

### *Parking*

The parking requirements for disposal service operations and recycling facilities is not specified in the PSZC. Pursuant to Section 93.06.00(B)(9) of the PSZC, "Uses Not Specified" states, "Where the parking requirement for a use is not specifically defined herein, the parking requirement for such use shall be determined by the planning commission in the manner set forth in Section 94.01.00; and such determination shall be based upon the requirement for the most comparable use specified herein."

Pursuant to Section 94.01.02(B) of the PSZC, "in permitting or classifying an unlisted use, the commission shall first make a finding that all of the conditions below exist." Staff has prepared suggested findings following each condition.

1. *That the use is in keeping with the stated intent and purpose of the zone; and*  
The "M-2" manufacturing zone "is intended to provide for the development of industrial uses which include fabrication, manufacturing, assembly or processing which do not in their maintenance, assembly, manufacture or plant operation create by-products to any degree which will adversely affect the resort-open space environment of the city." The disposal service operation and recycling facility uses are permitted on the site with the approval of a conditional use permit, pursuant to Section 92.17.1.01(D)(8) and (20) of the Palm Springs Zoning Code (PSZC).
2. *That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located; and*  
The proposed use is located within an industrial park and located near power generation facilities. There are no residential properties around the proposed site. The proposed off-street parking will be for the daily operations of the proposed use. Therefore, the proposed use will be compatible with the uses permitted in the zone wherein it is proposed to be located.
3. *That the subject use is similar to one (1) or more uses permitted in the zone within which it is proposed to be located; and*  
In determining the parking requirements for the proposed use, the closest similar use is a warehouse facility. The similar characteristics include the storage of materials and goods. The difference is that the proposed use will house large sorting and compaction machines with minor human supervision, or less impact than would normally be required by a warehouse use. Therefore, the subject use is similar to uses that are 2.5 times the impact of warehouse uses or the equivalent of one parking space per 2,000 square feet of gross floor area. This would require the site to provide 92 parking spaces for the 182,996 square foot project.  
Furthermore, the facility is only allowed to operate at a maximum capacity of 750 tons of waste per day. The facility operates with the employees outlined in Table 5. This table shows the impact of the facility's total staffing and the parking necessary.

**Table 5: Facility Staffing At 750 TPD**

Position	Administration	Transfer	MRF
Facility Manager	1		
Operations Supervisor	1		
Transportation Supervisor	1		
Accounting Clerk/Receptionist	1		
Transfer Station Supervisor		1	
MRF Supervisor			1
Buy-Back Clerk			1
Transfer Truck Drivers		6	
Load Checkers		2	
Scalehouse Operator	1		
Mechanics		2	2
Wheeled Loader Operator		2	2
Systems Technician			1
Sortline Operator			2
Truck Cleanout/Tarping		2	
MRF Sorters			40
Facility Cleanup		2	
Traffic Control		2	1
Litter Control		2	
Floor Sorters		2	
Baler Operator			1
Forklift Operator			2
Staff By Activity	5	23	53
Total Staff			81

The total employee parking required at the maximum capacity is 92 parking spaces. The total parking provided is 98 spaces. This leaves 17 parking spaces for guests and visitors.

4. *That the subject use will not cause substantial injury to the values of property in the zone within which it is proposed to be located."*

The subject use will have adequate off-street parking at its maximum capacity and not cause substantial injury to the values of properties in the zone within which it is proposed to be located.

Based on the above findings, staff believes that the subject use should provide one parking space per 2,000 square feet of gross floor area. Based on the proposed 182,996 square feet of gross floor area, the applicant would be required to provide 92 parking spaces. The project proposes 98 spaces. Staff has included Condition of Approval No. "PLN 1" in Exhibit A of the draft Resolution to ensure that the parking is evaluated by the Planning Commission upon changes in the operation.

#### *Architecture*

The building is designed as a simple rectangular mass. Building colors include grays, tans and appropriate accent colors, which are conducive to a desert environment while maintaining a distinct urban appeal. Materials include a mix of contemporary industrial elements such as concrete tilt-up panels, metal wall panels and translucent panels.

Consistency of composition is achieved by the repeating elements in a rhythmic pattern along the east and west elevations and a distinct symmetry on the north and south elevations of the main building.

## **REQUIRED FINDINGS:**

### Conditional Use Permit

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

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 Section 92.17.1.01(D)(8) & (20) of the Palm Springs Zoning Code, Disposal Waste Operations and Recycling Facilities are permitted with the approval of a Conditional Use Permit. The location is within an industrial park and will have easy access to a Major Thoroughfare.

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 General Plan designation for the site is "Regional Business Center". This designation allows for a Floor Area Ratio (F.A.R.) of 0.50 for Industrial uses and 0.35 for Office uses. The proposed project has an F.A.R. of approximately 0.35 as an Industrial use with accessory office space.

The project is consistent with the General Plan and assists in meeting various General Plan Goals and Policies as noted below.

- **Policy LU1.4:** "Encourage the expansion of existing facilities or the introduction of new uses that are considered to be of significant importance and contribute exceptional benefits to the City."
- **Policy LU5.1:** "Allow for and encourage the development of land uses that provide educational opportunities for the City's residents."
- **Policy SA5.1:** "Promote the proper disposal, handling, transport, delivery, treatment, recovery, recycling, and storage of hazardous materials in accordance with applicable federal, state, and local regulations."
- **Policy SA5.11:** "Continue to partner with the County of Riverside to provide needed programs such as the Household Hazardous Waste ABOP Program to provide disposal of household hazards at no cost to Palm Springs residents and participating agencies."

The proposed project is a new use that will significantly assist the City and Coachella Valley in becoming a more sustainable region. The site will lessen environmental impacts of waste disposal by shortening truck disposal routes, increasing amount of recovered recyclables and decreasing amount of waste and pollution in landfills. The property will have an educational facility for visitors and

provide another licensed facility that is able to properly collect and transfer hazardous materials for recycling / disposal. Therefore, the project is consistent with the objectives and policies of the General Plan.

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 project site is adequate to accommodate the project. There is sufficient area within the 11.84-acre site for large truck maneuverability. Lot coverage is less than the maximum prescribed in the Zoning Code. The project site includes adequate area for appropriate yards and setbacks. Landscaping is provided along the front yard and street front yard, and the use will be surrounded by a wall and/or decorative wrought iron fence.

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 traffic analysis prepared for the project indicates that after the installation of required improvements including a signal along Indian Canyon Drive, vicinal roadways will be of a sufficient design level to handle traffic generated by the project in addition to future anticipated traffic volumes.

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. Such conditions may include:*

- a. *Regulation of use*
- b. *Special yards, space and buffers*
- c. *Fences and walls*
- d. *Surfacing of parking areas subject to city specifications*
- e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
- f. *Regulation of points of vehicular ingress and egress*
- g. *Regulation of signs*
- h. *Requiring landscaping and maintenance thereof*
- i. *Requiring maintenance of grounds*
- j. *Regulation of noise, vibrations, odors, etc.*
- k. *Regulation of time for certain activities*
- l. *Time period within which the proposed use shall be developed*
- m. *Duration of use*
- n. *Dedication of property for public use*
- o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

### Architecture

The Palm Springs Zoning Code, Section 94.04.00(D)(1-9), provides guidelines for the Architectural review of development projects to determine that the proposed development will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance is evaluated, based on consideration of the following:

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 areas;*

The site layout, orientation and location of structures have been designed to accommodate the large machinery within the building as well as easy truck flow in and around the site. Open space and landscaping are consistent with the Palm Springs Zoning Code. Distinct pedestrian circulation is provided that is ADA compliant and parking areas include adequate maneuverability.

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;*

A majority of the buildings in the area are basic industrial warehouse buildings constructed with block, concrete and stucco exteriors. The project is harmonious with the character of existing development in the area in the sense that it does not stand out as a strong architectural style, but blends in with the mix. Additionally, the use of similar landscape plant materials creates harmony with the existing neighborhood.

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 project is consistent with the Zoning Code in terms of height, area and setbacks. Adequate open space and building design results in massing that does not overburden the site.

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;*  
*AND,*
6. *Consistency of composition and treatment,*

The building is designed as a simple rectangular mass. Building colors include grays, tans and appropriate accent colors, which are conducive to a desert

environment while maintaining a distinct urban appeal. Materials include a mix of contemporary industrial elements such as concrete tilt-up panels, metal wall panels and translucent panels. Consistency of composition is achieved by the repeating elements in a rhythmic pattern along the east and west elevations and a distinct symmetry on the north and south elevations of the main building.

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;*

The proposed landscaping is designed to operate well in the desert. The project site is vacant and has very little native vegetation. There are no landmark plants on the site. A final landscape plan and irrigation plan will be reviewed to ensure that the additional landscaping is a water efficient landscape and that a drip irrigation system is used.

#### **ENVIRONMENTAL DETERMINATION:**

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA). An environmental Initial Study (I.S.) was prepared and a Mitigated Negative Declaration was determined, noting that the project had the potential for significant impacts (including traffic, odors and hazardous materials). These impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. Local and State permitting and on-going monitoring of the facility are part of these mitigation measures as outlined in the Conditions of Approval and the Mitigation Monitoring & Reporting Program attached as Exhibit A and Exhibit B of the draft Resolution, respectively.

The environmental document (I.S.) was distributed to federal, state and local agencies for review and comments. Written comments were received from approximately eleven agencies and concerned citizens (see Attachment 5). Responses have been made to all comments. Furthermore, the applicant provided a public outreach meeting on September 15, 2008 (see attachment 6).

A Notice of Intent to adopt the Mitigated Negative Declaration (MND) was noticed and published on May 7, 2008.

#### **CONCLUSION:**

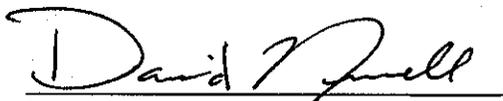
Based on the above analysis, Staff finds the project to be consistent with the General Plan and the Palm Springs Zoning Code. Staff recommends that the Planning Commission take the following actions:

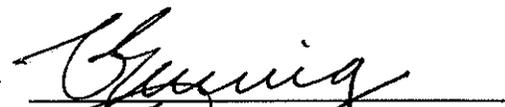
- Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;

- Determine that the subject use is similar to uses that are 2.5 times the impact of warehouse uses or the equivalent of one parking space per 2,000 square feet of gross floor area; and
- Approve Case No. 5.0976-CUP-A, subject to the attached conditions in Exhibit A and the Mitigation Monitoring and Reporting Program in Exhibit B.

**NOTIFICATION:**

A notice of this public hearing was mailed to all property owners within the required four hundred foot (400') radius of the property in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.

  
David A. Newell  
Associate Planner

  
Craig A. Ewing, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Draft Resolution w/ Exhibit A (Conditions of Approval) & Exhibit B (Mitigation Monitoring and Reporting Program)
3. Initial Study
4. Comments received from Initial Study
5. Public Outreach Program Memorandum from Applicant
6. Site Plan
7. MRF / TS Elevations
8. Maintenance Building Floor / Roof Plan
9. Maintenance Building Elevations
10. Scale House Site Plan and Elevations

~~Chair Hochanadel opened the Public Hearing, there being no appearances, the Public Hearing was continued.~~

~~M/S/C (Ringlein/Vice Chair Cohen, 6-0, 1 absent/Caffery) To continue to the meeting of October 22, 2008.~~

- 3B. Case 5.0976 CUP-A - An application by Burrtec Waste Industries Inc. for an amendment to the previously approved Conditional Use Permit for the development of a municipal solid waste Materials Recovery Facility (MRF) and transfer station located at the southwest corner of 19th Avenue and McLane Street, Zone M-2, Section 15, APNs: 666-391-001, -002 & 666-411-005. (Project Planner: David A. Newell, Associate Planner)**

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated October 8, 2008. Mr. Newell noted two corrections in the conditions of approval: page 7, VII.a-3 - ". . . Riverside County Health Department" should be . . . "Riverside County Department of Waste Management" and page 10, XVI.g-1 ". . . California Integrated Waste Management Board" should be . . . "Department of Environmental Health Local Enforcement Agency".

Discussion occurred on the types of classes that will be conducted in the education center.

Commissioner Donenfeld expressed concern with the number of visitor parking spaces needed for the educational classroom and the M-2 zone parking classification since this is clearly more than a warehouse use.

Chair Hochanadel opened the Public Hearing:

-Chuck Tobin, applicant, provided an overview of the recycling facility and was available for questions from the Commission.

-Rick Wade, Palm Springs Disposal, stated that the project is appropriate for this area and is consistent with both the county and city-wide waste management plan. Mr. Wade explained some of the benefits would include: a net reduction in trips and travel time, and new employment opportunities will be offered in the City.

There being no further appearances, the Public Hearing was closed.

Commissioner Conrad complimented the design team on the material board for an industrial building and noted that this project has been long-awaited. Discussion occurred on the maximum off street parking.

Mr. Tobin provided further details pertaining to trucks running during off-peak hours to avoid traffic congestion, the on-site litter program and housekeeping methods to help reduce odors.

Commissioner Scott questioned planning condition #7 pertaining to "flat portions of the roof shall be a light reflective color". Staff responded that a new condition will be developed on the basis of more technical measures of reflectance and light.

Further discussion occurred on the types of materials this facility will process and recycle.

M/S/C (Conrad/Donenfeld, 6-0, 1 absent/Caffery) To adopt the Mitigated Negative Declaration (MND), determine the parking requirements for the proposed use and approve the CUP Amendment (Case 5.0976 CUP-A), as amended:

-PL Condition #7 - All materials on the flat portions of the roof shall be an off white non-reflective color.

-Env. 1, VII.a-3 - ". . . Riverside County Health Department" shall be . . . "Riverside County Department of Waste Management".

-Env. 1, XVI.g-1 ". . . "California Integrated Waste Management Board" shall be . . . "Department of Environmental Health Local Enforcement Agency".

Mr. Tobin expressed appreciation to the planning and engineering staff for their dedication and hard work with the many issues associated with this facility.

~~3C. Case 5.1211 - An application by the City of Palm Springs to amend the Palm Springs Zoning Code relating to the establishment of policies and standards for outdoor accessory uses and religious institutions. (Project Planner: Craig A. Ewing, Director of Planning)~~

Staff noted further review is needed and requested a continuance to the meeting of October 22, 2008.

Chair Hochanadel opened the Public Hearing; there being no appearances, the Public Hearing was continued to the meeting of October 22, 2008.

~~M/S/C (Binglein/Scott, 6-0, 1 absent/Caffery) To continue, to the meeting of October 22, 2008.~~