



## AGENDA MEMO – PLANNING

### PLANNING COMMISSION

**MEETING DATE:** JUNE 12, 2013  
**DEPARTMENT:** PLANNING  
**ITEM DESCRIPTION:** TIME EXTENSION FOR A PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT, INCLUDING 80 TOWN HOMES, 22 LIVE-WORK UNITS, AND 15,000-SQUARE FEET OF RETAIL  
**OWNER / APPLICANT:** PALM CANYON 102 L.P.  
**ADDRESS:** SOUTH PALM CANYON DR. AND MESQUITE AVE.

\*\* STAFF RECOMMENDATION \*\*

CASE NUMBER	RECOMMENDATION
5.1056 Time Ext. PDD 314	Staff recommends APPROVAL

### CASE 5.1056 TE

\*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

The project is a request by Dave Hilliard of Palm Canyon 102, LP for a one-year time extension on a previously approved mixed use development consisting of eighty (80) residential town-home units, twenty six (26) live-work units and approximately 15,000 square feet of retail uses. The project commonly known as the "Cameron", was approved as a planned development district (PDD 314), and is located at a currently vacant parcel along South Palm Canyon Drive and south of Mesquite Avenue.

### ISSUES

- Time extension is the sixth request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
7/6/2006	The City Council voted unanimously to approve the preliminary Planned Development District and Tentative Tract Map 33575 for the project.
5/5/2012	The Planning Commission voted 7-0 to approve a one-year time extension for the project from July 12, 2012 to July 11, 2013.

*Details of Application Request*

	<i>Allowed/Required</i>		<i>Proposed PD 341</i>	
	<i>R-3</i>	<i>C-1</i>	<i>Residential</i>	<i>Commercial</i>
<i>Building Setbacks:</i>				
<i>Front – Palm Canyon Dr.</i>	25 feet	5 feet		6 to 68 feet
<i>Side Front – Mesquite Ave.</i>	20 feet	5 feet	60 feet	36 feet
<i>Rear – Random Rd.</i>	32 feet	5 feet	40 feet	300 feet
<i>Side – Tahquitz Canyon Wash</i>	32 feet	0 feet	58 feet	90 to 100 feet
<i>Open Space</i>	45%	50% of setback areas	53%	
<i>Building Height</i>	24 feet	30 feet	31 to 32 feet	
<i>Density</i>	254 Units		106 Units / 15,000 sq ft retail	

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>General Plan</i>	<i>Zoning</i>
Subject Property	Vacant	Mixed Use (MXD)	R-3 and C-1
North	Wash Area	Watercourse	N/A
South	Commercial	TRC / VLD (Tourist Resort / Very Low Density Residential)	C-1 and R-1-C
East	Multi-Family / Hotel	TRC / HD (Tourist Resort / High Density Residential)	R-3 and R-2
West	Commercial	TRC / HD (Tourist Resort)	C-1

## ANALYSIS

Pursuant to Section 94.02.00(F) of the Palm Springs Zoning Code, Major Architectural Approvals 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. The mixed-use (medium density residential / commercial) use is consistent with the General Plan and zoning designation of the neighborhood and would not warrant denial of the time extension.

The applicant submitted a letter of time extension request on April 3, 2013 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.*

The applicant's response: "Although we have investigated different site configurations, we believe that the existing PDD approval is the most viable alternative for this particular site given the frontage on Palm Canyon Drive and the depth of the site which abuts the surrounding residential neighborhood."

Staff concurs with the applicant's response regarding overall site configuration.

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

The applicant's response: "In the past year, we have taken steps in connection with: a) market analysis and pricing, b) on-site project delivery and construction phasing, and c) updated budgeting for on-site construction and off-site street improvements related to tract map conditions. We have updated our construction costs with local sub-contractors and engineers to provide the labor and materials necessary to complete construction. Regarding the market analysis and pricing, we continue to monitor new home sales activity and update our budgets accordingly."

Staff believes that the applicant has continued to take steps that will advance the project in the future.

3. Has financing been secured for the project?

The applicant's response: "Regarding the retail tenancy, we are working with Palm Springs – based agents who represent commercial and retail tenants. The market has improved but it is not yet strong enough to generate significant pre-leasing in new construction. As a result, the retail components are projected to be the final phase of the development. We can obtain construction financing for the residential portion of the development, but the loan amounts available are somewhat below our projections. As such, we will be required to invest additional equity into the development, which we are prepared to do. The property is currently unencumbered and as such, we have the capacity to obtain financing."

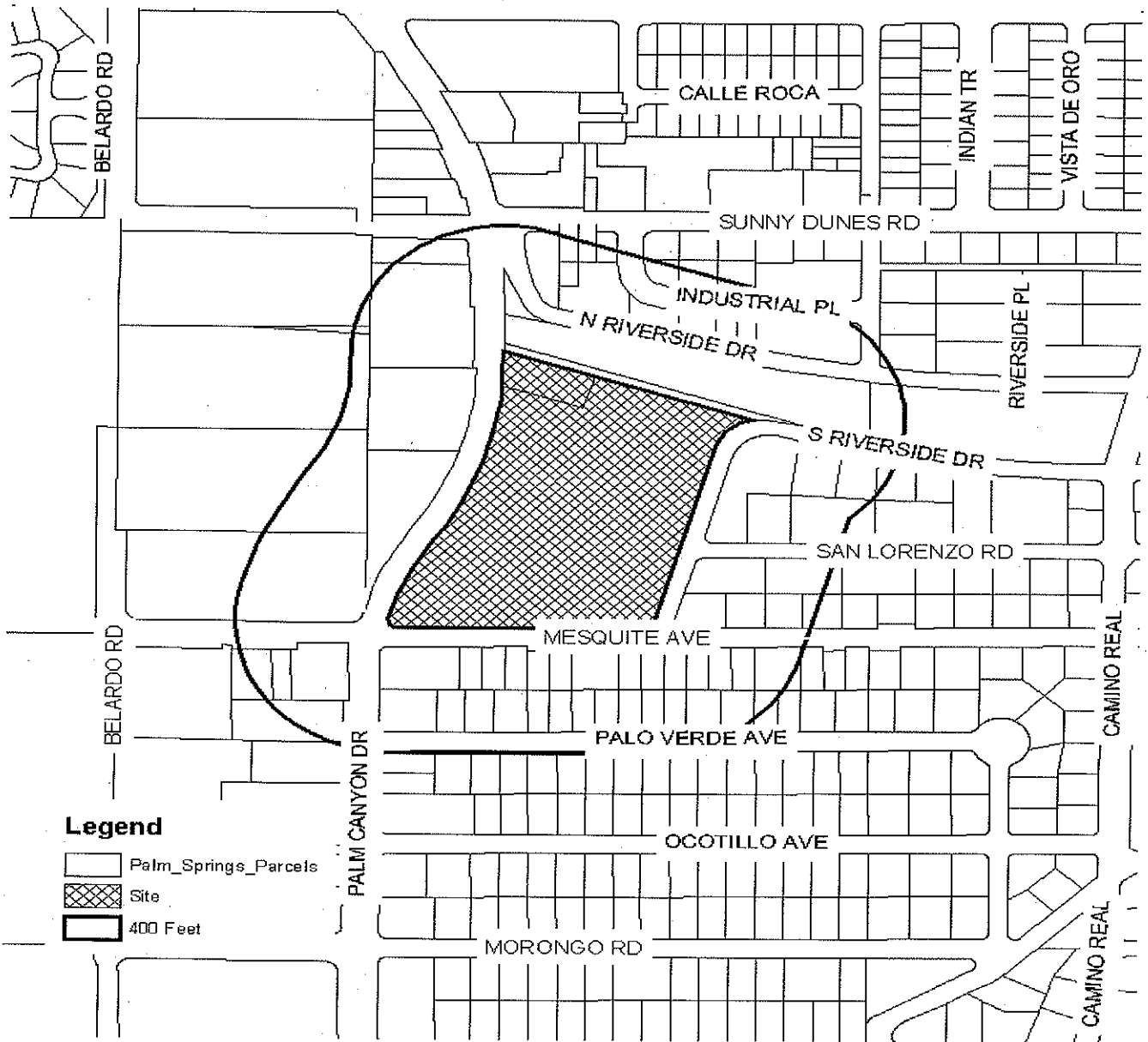
Staff received amended conditions from the Engineering Department in response to changes in applicable engineering standards and regulations. A list of these changes to the Conditions of Approval is as follows: Engineering Conditions – Grading # 44, 46; Drainage # 55A; General # 62; Traffic # 75.

**ENVIRONMENTAL DETERMINATION:**




A time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A mitigated negative declaration and mitigation monitoring program was previously approved by City Council on July 12, 2006. 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 environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension request could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration.



# Department of Planning Services Vicinity Map



**Legend**

-  Palm\_Springs\_Parcels
-  Site
-  400 Feet

## CITY OF PALM SPRINGS

**CASE :** 5.1056 PD-314  
TIME EXTENSION

**APPLICANT:** PALM CANYON 102, LP  
The Cameron

**DESCRIPTION:** A time extension request of one year for a previously approved project at 850 & 990 South Palm Canyon Drive, Zone C-1, APN: 508-172-005, 508-172-007 and 508-172-009.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR A MIXED USE DEVELOPMENT CONSISTING OF EIGHTY RESIDENTIAL TOWN-HOME UNITS, TWENTY SIX LIVE-WORK UNITS AND APPROXIMATELY 15,000 SQUARE FEET OF RETAIL USES LOCATED AT 850 AND 990 SOUTH PALM CANYON DRIVE AND MESQUITE AVENUE, ZONE PDD 314, SECTION 23; APN 508-172-005, 007 and 009.

WHEREAS, David Hilliard of Palm Canyon 102, LP ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 314 located at 850 and 990 South Palm Canyon Drive; and.

WHEREAS, on May 25, 2011, the Planning Commission approved a one-year time extension for Case 5.1162 / PD 342 from July 12, 2011 to July 11, 2012.

WHEREAS, on June 12, 2013, a public meeting on the application was held by the Planning Commission in accordance with applicable law; and

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

WHEREAS a Mitigated Negative Declaration and Mitigation Monitoring Program was previously adopted by the City Council on July 12, 2006 for this project. 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 environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the proposed time extension could not result in any new environmental impacts beyond those already assessed in the previously adopted mitigated negative declaration; and

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for Case 5.1056-PD 314 from July 12, 2013 to July 11, 2014, subject to revised engineering conditions.

ADOPTED this 13th day of June, 2013.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Margo Wheeler, AICP  
Director of Planning Services

## EXHIBIT A

Case No. 5.1056-PD-314-TTM 33575

June 12, 2013

### REVISED CONDITIONS OF APPROVAL

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

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

#### PROJECT SPECIFIC CONDITIONS

##### **Administrative:**

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1056, Planned Development District 314 (PD 314) and Tentative Tract Map 33575 (TTM 33575) 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.
3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, 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.



4. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
5. Prior to issuance of a building permit, Fringe Toed Lizard Mitigation fees shall be submitted.
6. 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 or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision 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 Services 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.
7. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee shall be payable prior to the issuance of building permits.
8. As the property is Indian trust land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council shall be paid prior to consideration of this project by the Planning Commission.

#### Environmental Assessment

9. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are as follows:
10. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

#### CC&R's

14. The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&R's shall be enforceable by the City, shall not be amended without City approval, shall require maintenance of all property in a good condition and in accordance with all ordinances.
15. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$10,000 or the review of the CC&R's by the City Attorney. A \$250 filing fee shall also be paid to the City Planning Department for administrative review purposes.
16. The CCR's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.

#### Additional Permits

17. The applicant/developer/property owner shall be required to design and construct a custom bus shelter, which is consistent with the project architecture. The bus shelter design shall comply with Sunline Transit bus shelter design criteria and shall be submitted to Sunline Transit for review and comment prior to City review and approval. The property owner shall maintain the bus shelter for the life of the project, unless a separate maintenance agreement between the property owner and Sunline Transit is entered into. This condition modifies Engineering Condition No 18.

#### Cultural Resources

18. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
19. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
  - a) Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services and after the consultation the Director shall have the authority to halt

destructive construction and shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

- b) Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Services Department prior to final inspection.

#### Final Design

- 20. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, Department of Public Works, and Department of Parks and Recreation, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
- 21. The final development plans shall be submitted in accordance with Section 94.03.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- 22. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

#### Public Safety CFD

- 23. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index

escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

#### GENERAL CONDITIONS/CODE REQUIREMENTS

24. 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.
25. The Tentative Tract Map and Planned Development approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provide 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.
26. The appeal period for a Planned Development District 314 (PD 314) and Tentative Tract Map 33575 (TTM 33575) application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
27. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive.
28. 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 Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
29. 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.
30. 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.
31. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
32. All materials on the flat portions of the roof shall be earth tone in color.
33. All awnings shall be maintained and periodically cleaned.
34. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(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.

35. 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.
36. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
37. 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.
38. The street address numbering/lettering shall not exceed eight inches in height.
39. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
40. Submit plans meeting City standard for approval on the proposed trash and recyclable materials enclosure prior to issuance of a building permit.
41. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.
42. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
43. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
44. 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.
45. 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.
46. 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.
47. The applicant shall provide all tenants with Conditions of Approval of this project.
48. Loading space facilities shall be provided in accordance with Section 9307.00 of the Zoning Ordinance. Said facilities shall be indicated on the site plan and approved prior to issuance of building permits.

49. 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".
50. 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.
51. Compact and handicapped spaces shall be appropriately marked per Section 93.06.00.C.10.
52. 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.
53. Parking lot light fixtures shall align with stall striping and shall be located two to three feet from curb face.
54. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces. Additional islands may be necessary to comply with shading requirements.
55. Shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details to be provided with final landscape plan.
56. 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.
57. 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.
58. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.

#### Waste Disposal

59. Trash cans shall be screened from view and kept within fifty (50) feet of the street.

**POLICE DEPARTMENT:**

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

**BUILDING DEPARTMENT:**

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

**FIRE:**

1. Comply with all fire regulations.

**ENGINEERING DEPARTMENT:**

**STREETS**

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Encroachments of buildings or other structures within the public right-of-way shall require approval of an Encroachment Agreement or Encroachment License by the City Engineer and/or City Council (as required). The applicant shall apply for an Encroachment Agreement or License, as necessary, prior to issuance of a building permit for buildings or structures that encroach within the public right-of-way.
3. Submit street improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of building permit.
- 3a. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.

**SOUTH PALM CANYON DRIVE**

4. Dedicate an additional 10 feet to provide the ultimate half street right-of-way width of 50 feet along the entire frontage, together with a property line corner cut-back at the southwest corner of the subject property in accordance with City of Palm Springs Standard Drawing No. 105.
5. Condition # 5 deleted.

6. The existing palm trees located along the South Palm Canyon Drive frontage shall be relocated and transplanted by the applicant in conjunction with the associated street widening; or the applicant may furnish and install new *Washingtonia filifera* palm trees along the South Palm Canyon Drive frontage, at equal spacing, as approved by the Director of Planning. The applicant shall be responsible for installation of a new irrigation and electrical system for the palm trees to the satisfaction of the City Engineer.
7. New or transplanted palm trees shall be subject to a one-year plant establishment period guaranteed for a period of 90 days from the date of acceptance by the City Engineer. Any palm trees that fail during the one-year plant establishment 90-day landscape maintenance period shall be replaced with a new palm tree of similar trunk diameter and height to the satisfaction of the City Engineer, and shall be subject to a subsequent one-year plant establishment 90-day landscape maintenance period. The applicant shall ensure that adequate irrigation of new palm trees is provided during the plant establishment period, until such time as the existing irrigation system is sufficient to irrigate the palm trees.
8. Remove the existing curb and gutter located 32 36 feet east of centerline and replace with an 8 inch curb and gutter located 38 feet east of centerline along the entire frontage, with a 35 foot radius curb return at the northeast corner of the intersection of South Palm Canyon Drive and Mesquite Avenue in accordance with City of Palm Springs Standard Drawing No. 200 and 206. Provide a transition between the proposed main entrance and the Tahquitz Creek Bridge, acceptable to the City Engineer, to provide for the reduction in roadway width from the proposed 38 feet to the existing roadway width at the bridge.
9. Remove the existing cross-gutter located across the east leg of the South Palm Canyon Drive and Mesquite Avenue intersection and construct a new 8 feet wide cross-gutter in accordance with City of Palm Springs Standard Drawing No. 200 and 206, as necessary to facilitate the required street improvements.
10. Construct a new 36 feet wide street intersection for the Main Entry with the centerline of the Main Entry aligned with the existing driveway access to Rock Garden Cafe on the west side of South Palm Canyon Drive. The Main Entry shall consist of a divided entry with one entrance lane and one exit lane (14 feet wide each), and a landscaped median (8 feet wide), for a total width of 36 feet, or as otherwise approved by the City Engineer or required by the Fire Marshall. The Main Entry shall be constructed as a 36 feet wide driveway approach, in accordance with City of Palm Springs Standard Drawing No. 205. The median at the Main Entry shall not be constructed within the public right-of-way.
11. Construct a 24 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 460 feet north of the centerline of Mesquite Avenue, as shown on the approved site plan. Access shall be limited to right-turn in and right-turn out only.
12. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the Main Entry and secondary entry driveway approaches in accordance with City of Palm Springs Standard Drawing No. 214. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer



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

13. Construct an 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. The sidewalk shall be constructed of colored Portland cement concrete. The admixture shall be Desert Sand, Palm Springs Tan, or approved equal color by the Engineering Division.
14. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of South Palm Canyon Drive and Mesquite Avenue in accordance with City of Palm Springs Standard Drawing No. 212.
15. Construct a 14-foot wide landscaped median island along the entire frontage. Provide a 50 feet long southbound left turn pocket, and a 50 feet long northbound left turn pocket at the Main Entry (aligned with the existing access to Rock Garden Cafe) with 90 feet long bay tapers; and a 200 feet long southbound left turn pocket at Mesquite Avenue with a 90 feet long bay taper. The left turn pockets shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer. The median shall be constructed as necessary to pass stormwater runoff from the west side to the east side of South Palm Canyon Drive, as may be determined during final engineering design, subject to the review and approval by the City Engineer.
16. Submit landscaping and irrigation system improvement plans for review and approval by the City Engineer and Director of Planning. The irrigation system shall be separately metered from the parkway landscaping to be maintained by the applicant, for future use by the City upon acceptance of the landscaping by the City. The plans shall be approved in conjunction with the street improvement plans for the median and prior to issuance of a building permit, unless otherwise allowed by the City Engineer.
17. All median landscaping shall be guaranteed for a period of one year 90-days from the date of acceptance by the City Engineer. Any landscaping that fails during the one-year 90-day landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one-year 90-day landscape maintenance period.
18. Condition # 18 deleted.
19. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 340. 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.
20. Install a catch basin of appropriate size to accommodate the stormwater runoff tributary to the existing low point along South Palm Canyon Drive (between the Tahquitz Creek bridge and Mesquite Avenue). Install a storm drain connection pipe (HDPE pipe as allowed by the City Engineer) from the catch basin extending north within the South Palm Canyon Drive right-of-way,

to a new outlet in the Tahquitz Creek. The public storm drain shall not be connected to or extended on-site. The applicant shall coordinate with Riverside County Flood Control District (RCFC) for review and approval of a new outlet structure into the Tahquitz Creek immediately downstream from the Tahquitz Creek bridge. Submit storm drain improvement plans for review and approval by the City Engineer and RCFC.

#### MESQUITE AVENUE

21. Dedicate an additional right-of-way of 4 feet concentric with the back of the new sidewalk adjacent to the proposed 175 feet long westbound right-turn lane at the intersection with South Palm Canyon Drive and Mesquite Avenue, extending from South Palm Canyon Drive to the Mesquite Avenue driveway, as required by the City Engineer.
22. Remove the existing curb and gutter located 20 feet north of centerline and replace with a 6 inch curb and gutter located 26 feet north of centerline from South Palm Canyon Drive with an appropriate transition to 20 feet north of centerline adjacent to and west of the Mesquite Avenue driveway. The curb and gutter shall be constructed in accordance with City of Palm Springs Standard Drawing No. 200. The street shall be widened to provide a 20 feet wide eastbound lane, a 12 feet wide shared left-turn/through lane, and a 14 feet wide dedicated right-turn lane.
23. Construct a 28 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 295 feet east of the centerline of South Palm Canyon Drive, as shown on the approved site plan.
24. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 214. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
25. Construct an 8 feet wide sidewalk behind the curb from South Plan Canyon to the Mesquite driveway and a 5 foot side walk from the driveway to Random Road in accordance with City of Palm Springs Standard Drawing No. 210.
26. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest corner of the intersection of Mesquite Avenue and Random Road in accordance with City of Palm Springs Standard Drawing No. 212.
27. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed or existing gutter to clean sawcut edge of pavement where required. 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.
28. All broken or off grade street improvements shall be repaired or replaced.

## RANDOM ROAD

29. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
30. Construct a 20 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201. The centerline of the driveway approach shall be located approximately 305 feet north of the centerline of Mesquite Avenue, aligned with San Lorenzo Road. Access shall be limited to emergency access only. The access shall be gated and locked with a "knex box", with access provided as required to the Fire Department. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gates, meeting the approval of the Fire Marshall.
31. All broken or off grade street improvements shall be repaired or replaced.

## ON-SITE PRIVATE STREETS

32. The on-site layout of streets and parking spaces is subject to further review and approval by the City Engineer. Adjustment of proposed street alignments, and deletion or relocation of proposed parking spaces may be required during review of construction plans for on-site improvements during final engineering, as required by the City Engineer. Approval of the preliminary site plan does not constitute approval of the on-site layout of streets and parking spaces as proposed.
33. Dedicate an easement extending from back of curb to back of curb to the City of Palm Springs for service and emergency vehicles and personnel access over the private streets.
34. All two-way on-site streets shall be a minimum of 24 feet wide (as measured from curb face or edge of travel way).
35. All on-site streets shall be constructed with concrete wedge curbs and cross-gutters as necessary to accept and convey on-site stormwater runoff to the on-site storm drain system, in accordance with applicable City Standards.
36. Construct pavement with a minimum pavement section of 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.
37. Parking shall be restricted along both sides of the on-site streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
38. Proposed parking spaces located on Lot "E" shall be deleted. Lot "E" shall be provided as a minimum 20 feet wide emergency access driveway to Random Road, as required by the Fire Marshall.

- 38A. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

#### SANITARY SEWER

39. All sanitary facilities shall be connected to the public sewer system.
40. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.
41. An on-site private sewer system shall be constructed to collect sewage from the development and connect to the existing public sewer system. Sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary provided sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Connection of the on-site private sewer system to the public sewer main shall be made as a standard lateral connection into the existing public sewer mains located in Mesquite Avenue and Random Road in accordance with City of Palm Springs Standard Drawing No. 405. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

#### GRADING

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

- b. 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 the approved tentative tract map; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.
- 42C. 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.
- 42D. 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 ground to resist wind loading.
- 42E. 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.
- 42F. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
43. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
44. ~~A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to issuance of a grading permit.~~ Notice of Intent to comply with California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.
- 44A. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

45. 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.
46. 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 ~~Building Department and to the Engineering Division~~ with the first submittal of a grading plan (if required) or prior to issuance of any permit approval of the Grading Plan.
- 46A. 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.
- 46B. 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.
47. 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).

#### DRAINAGE

48. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to Palm Springs Master Storm Drain Line 29 through an on-site storm drain system. Stormwater runoff may not be released directly to Storm Drain Line 29 or adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
49. 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.
50. The on-site storm drain system, including storm drain pipe sizing, catch basin sizing and other specifications for construction of required on-site storm drainage improvements shall be finalized in a Hydrology Report, subject to review and approval by the City Engineer, for this development.

51. Submit storm drain improvement plans for all on-site private storm drain improvements for review and approval by the City Engineer.
52. Construct storm drainage improvements, including but not limited to, catch basins and storm drain lines, for drainage of the development into Storm Drain Line 29, subject to the review and approval by the City of Palm Springs and Riverside County Flood Control District (RCFC).
53. The applicant shall construct Palm Springs Master Storm Drain Line 29 from the Tahquitz Creek outlet extending up Random Road to Mesquite Avenue. The applicant shall coordinate with Riverside County Flood Control District (RCFC) for the design and installation of Storm Drain Line 29, including associated catch basins and storm drain connector pipes, along both sides of Random Road up to the intersection with Mesquite Avenue. The construction of Storm Drain Line 29 shall be completed prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
54. The project shall ~~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, shall ~~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 (if any).
55. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- 55A. 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 (if any).

## GENERAL

56. 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.
- 56A. On phases or elements of construction following initial site grading (e.g., sewer, storm drain, or other utility work requiring trenching) associated with this project, the applicant shall be responsible for coordinating the scheduled construction with the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. Unless the project site has previously been waived from any requirements for Tribal monitoring, it is the applicant's responsibility to notify the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, for any subsequent phases or elements of construction that might require Tribal monitoring. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during construction, and to arrange payment of any required fees associated with Tribal monitoring. Tribal monitoring requirements may extend to off-site construction performed by utility companies on behalf of the applicant (e.g. utility line extensions in off-site streets), which shall be the responsibility of the applicant to coordinate and arrange payment of any required fees for the utility companies.
57. All proposed utility lines shall be installed underground.
58. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. A detailed plan approved by the owner(s) of the affected utilities depicting all above ground facilities in the area of the project to be undergrounded, shall be submitted to the Engineering Division prior to approval of any grading plan. The existing overhead utilities across the north property line meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans.



When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Utility undergrounding shall be completed prior to issuance of a certificate of occupancy.

59. All existing utilities shall be shown on the grading/street plans. The existing and proposed service laterals shall be shown from the main line to the property line.
60. 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) and 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.
61. 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 certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
62. 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.
63. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.
- 63A. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

#### MAP

64. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.
65. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map.
66. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII

drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file) and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

## TRAFFIC

67. The applicant shall install traffic calming measures as approved by the City Engineer and the neighborhood, including but not limited to, an entrance statement, monument sign, or other features, at the intersection of Mesquite Avenue and Random Road.
68. Relocate and modify the existing traffic signal at the intersection of South Palm Canyon Drive and Mesquite Avenue, in conjunction with the associated widening of South Palm Canyon Drive. The applicant shall submit traffic signal modification plans prepared by a California registered Civil Engineer or Traffic Engineer for review and approval by the City Engineer. The traffic signal shall be installed and operational prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
69. Install a traffic signal at the intersection of South Palm Canyon Drive and the Main Entry. 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 50%. 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 50% of the total cost.
70. 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.
71. Install traffic striping and signage improvements at the intersection of South Palm Canyon Drive and Mesquite Avenue to provide a 12 feet wide westbound left-turn lane, and a 14 feet wide exclusive westbound right-turn lane. Parking shall be prohibited along the north side of Mesquite Avenue, west of the Mesquite Avenue driveway. 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.

72. A minimum of 48 inches of clearance shall be provided on public sidewalks for handicap accessibility. Minimum clearance on public sidewalks shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk; or by the relocation of any obstructions within the public sidewalk along the South Palm Canyon Drive, Mesquite Avenue, and Random Road frontages of the subject property.
73. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
74. Submit traffic striping plans for South Palm Canyon Drive and Mesquite Avenue, prepared by a California registered civil engineer, for review and approval by the City Engineer. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
75. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the secondary driveway on South Palm Canyon Drive and the Mesquite Avenue driveway, 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.
76. Install stop controls at on-site street intersections, as required by the City Engineer.
77. A decorative street light shall be provided as part of the Mesquite Avenue and Random Road intersection traffic calming program, to the satisfaction of the Director of Planning and City Engineer. The applicant shall be responsible for providing and maintaining electrical service to the decorative street light.
78. 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.
79. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

**END OF CONDITIONS**

RECEIVED

MAY 13 2013

PLANNINGSERVICES  
DEPARTMENT

**PALM CANYON 102, L.P.**

c/o Symphony Development  
Suite 225  
10866 Wilshire Boulevard  
Los Angeles, CA 90024  
Tel: (310) 474-7379 – Fax: (310) 474-8580

May 9, 2013

Glenn Mlaker  
Assistant Planner  
City of Palm Springs, Planning Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263-2743

RE: The Cameron / TTM 33575 – Case #5.1056, PD #314  
Time Extension Request

Dear Mr. Mlaker,

In connection with the above referenced application, we would like to provide additional information to support our request. In the past year, while we have seen an improvement in the residential market, we have only begun to see an improvement in the commercial and retail leasing market. The availability of construction financing for a mixed use development like ours remains limited. You had asked that I address several different questions in connection with our application. This letter addresses those questions.

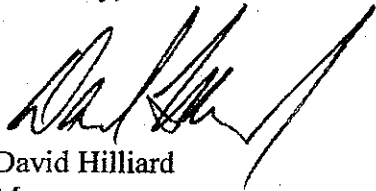
- 1) Site Configuration: Although we have investigated different site configurations, we believe that the existing PDD approval is the most viable alternative for this particular site given the frontage on Palm Canyon and the depth of the site which abuts the surrounding residential neighborhood. Please see the attached site plan and unit layout for reference purposes.
- 2) Steps taken to advance the project: In the past year, we have taken steps in connection with a) market analysis and pricing, b) on-site project delivery and construction phasing, and c) updated budgeting for on-site construction and off-site street improvements related to tract map conditions. We have updated our construction costs with local sub-contractors and engineers to provide the labor and materials necessary to complete construction. Regarding the market analysis and pricing, we continue to monitor new home sales activity and update our budgets accordingly.
- 3) Construction Financing and Tenant Commitments: Regarding the retail tenancy, we are working with Palm Springs-based agents who represent

Glenn Mlaker, Assistant Planner  
City of Palm Springs Planning Department  
May 9, 2013 – Page 2

commercial and retail tenants. The market has improved but is not yet strong enough to generate significant pre-leasing in new construction. As a result, the retail components are projected to be the final phase of the development. We can obtain construction financing for the residential portion of the development, but the loan amounts available are somewhat below our projections. As such, we will be required to invest additional equity into the development, which we are prepared to do. The property is currently unencumbered and as such, we have the capacity to obtain financing. In speaking with construction lenders for the retail/commercial portion of the development, we are informed that pre-leasing of approximately 50% of the rentable area will be required to obtain a loan. Furthermore, based on today's market, retail shop and restaurant rents are not yet high enough to support financing required to cover the cost of new construction.

As you are no doubt aware, the market has improved and we expect it to continue to improve. We would like to commence construction within the next 12 months. In the meantime, it is very important for us to have our PDD and Tentative Map approvals extended. If you have additional questions about the status of the development, please contact me. Thank you very much.

Sincerely,



David Hilliard  
Manager

DAH:mm  
Enc.