



CITY COUNCIL STAFF REPORT

DATE: July 3, 2013 Consent Calendar

SUBJECT: CASE NO. 5.1001 – APPROVAL OF A CONFORMITY REPORT FOR THE PHASE II VILLAGE TRADITIONS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, AT THE NORTHEAST CORNER OF EAST RAMON ROAD AND CALLE EL SEGUNDO, ZONE HR, SECTION 14.

FROM: David H. Ready, City Manager

BY: Planning Services Department

SUMMARY

The Agua Caliente Band of Cahuilla Indians (ACBCI or Tribe) proposes to modify the partially built Village Traditions project located on Tribal Trust land in Section 14 and subject to the Agreement for Tribal / City Land Use Coordination ("Agreement"). This memo is presented as the City's (draft) Conformity Report as required by the Agreement. As detailed in this report, the Council may approve the Conformity Report, transmit it to the Tribe for their consideration and conclude its review of the project.

RECOMMENDATION:

Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT ON THE PROPOSED PHASE II VILLAGE TRADITIONS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, ZONE HR, SECTION 14; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1001."

PRIOR ACTIONS:

On May 21, 2013, the Planning Department for the Agua Caliente Band of Cahuilla Indians met with the City Planning Department to submit and discuss the Project Report on the revised Village Traditions project.

On June 19, 2013, the City Planning Department prepared the Administrative Analysis for City Council review and approval, as required by Agreement.

On June 21, 2013, the Tribe submitted a letter to the City stating no comments on the Administrative Analysis.

PROJECT ANALYSIS:

General Plan			
Land Use Designation	Density	Request	Compliance
HDR (High Density Residential)	15-30 dwelling units / acre	Residential use at 8.0 d.u. / ac.	Yes

Zoning – Uses & Lot Standards (Per Section 14 Specific Plan)				
	HR / R-4 Zone	Constructed / Existing	Proposed	Compliance
Uses permitted	Multi-family Residential permitted. Single Family Residential (SFR) specifically prohibited	Multi-family Residential	Combination of (e) Multi-family Residential & Single Family Residential	No, (Yes, with PDD approval)
Density	Min. of 1,000 sq. ft. of lot area per unit for multi-family	5,990 sq. ft. of lot area per unit	5,445 sq. ft. of lot area per unit	Yes
Lot Standards				
Min. Area	2 gross acres	11.65 acres		Yes
Min. Width	130 feet	484 feet (Individual lots typically 45 feet)		Yes
Min. Depth	155 feet	829 feet (Individual lots typically 75 feet)		Yes

Zoning – Building Development Standards (Per Section 14 Specific Plan)				
	HR / R-4 Zone	Constructed / Existing	Proposed	Compliance
Building Height	30 feet and 2-3 stories	28 feet and 2 stories	26 feet and 2 stories	Yes
Yard Setbacks				
Front	30 feet	30 feet	10 feet	No (Yes, with PDD approval)
Side	20 feet	20 feet	5 feet	No (Yes, with PDD approval)
Rear	20 feet	10 feet	4 feet	No (Yes, with PDD approval)
Pool / spas	5 feet	> 5 feet	3 feet	No (Yes, with PDD approval)
Distance Between Buildings	15 feet	15 feet	10 feet	No (Yes, with PDD approval)
Lot Coverage	45% minimum usable landscape open space	45%	45% or more	Yes
Off-street Parking	2 spaces / single family residence Condos in a PDD: 1.5 spaces per 2 bedroom unit; plus 1 guest parking space for every 4 units	48 existing Guest parking requires 12 spaces, 22 provided	52 single-family dwelling units require 104 covered parking spaces; 104 proposed	Yes

While the project does not conform to all development standards of the Section 14 Specific Plan, similar projects with similar setbacks have been approved by the City through the Planned Development District process.

SUGGESTED CONDITIONS OF APPROVAL:

The City has developed a set of suggested conditions for consideration by the Tribe in its review of the project. These conditions are attached and made a part of this Conformity Report; they include recommendations for compliance with City and State ordinances and the payment of impact fees.

LAND USE COORDINATION AGREEMENT:

As previously noted in the Administrative Analysis, the project site is located on Tribal Trust Land and subject to the Land Use Coordination Agreement established by the Palm Springs City Council and ACBCI Tribal Council. This Agreement recognizes the Tribe's sovereign authority within the Reservation and provides for City review and comment on projects proposed on Tribal Trust Property, including the Village Traditions site.

Staff reviewed the project in light of the requirements of the Land Use Coordination Agreement which describes a specific process for review (see attached). The table below summarizes the timeframe of coordinated review:

SECTION	TIMELINE REQUIRED	TIMELINE
1. PRE-SUBMITAL	N/A	FEBRUARY 5, 2013
2. SUBMISSION OF PROJECT REPORT	90 DAYS PRIOR TO TRIBAL APPROVAL	MAY 21, 2013
3. ADMINISTRATIVE REVIEW	CC REVIEW 30 DAYS AFTER SUBMISSION OF ITEM 2	JUNE 19, 2013
4. CONFORMITY REPORT	CC ADOPTS WITHIN 30 DAYS OF RECEIVING ITEM 3	JULY 19, 2013
5. JOINT MEETING	CITY AND TRIBAL COUNCILS WITHIN 30 DAYS OF ADOPTING ITEM 4	AUGUST 19, 2013
6. FINAL TRIBAL ACTION	90 DAYS AFTER ITEM 2	NO SOONER THAN AUGUST 19, 2013

Section 7 of the Agreement states that *"with the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."* Since the revised residential project is less intense than the previous approval, not significantly different from the original project (i.e. two-story residential project) and generally conforming to the Section 14 Master Plan, both City and Tribal staffs sought to expedite the review process and deemed the following waivers acceptable:

1. Portion of Section 2. "...at least ninety (90) days prior to Tribal approval of the project..."
2. Portion of Section 5. Joint Meeting. "...Within thirty (30) days (of the City Council's adoption of the Conformity Report), the Tribal Council and City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the project more conforming with the rules, regulations, and ordinances of both the City and Tribe."

Therefore, in support and continued maintenance of the cooperative relationship between the City and the Tribe, staff recommends that the City Council revise the procedures of the Agreement as described above, and in concert with the Tribe's agreement, by waiving the ninety (90) day review period and joint Council Meeting for this project.

CONCLUSION:

Phase II of the Village Traditions project generally conforms to the standards of the HR Zone of the Section 14 Specific Plan (Master Plan) and associated provisions of the Palm Springs Zoning Ordinance. Staff has prepared this report as the project's Conformity Report for approval by the City Council under the terms of the Agreement for Tribal / City Land Use Coordination on Certain Parcels. Staff recommends the City Council approve the Conformity Report for Case 5.1001 (with attached suggested conditions of approval) for the transmittal to the Tribal Council and also waive certain review requirements required by the Agreement.

NOTIFICATION:

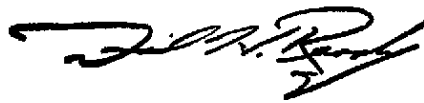
A public hearing notice is not required for this project.

FISCAL IMPACT:

No fiscal impact. This was determined in the Administrative Analysis prepared on June 19, 2013.



Margo Wheeler, AICP
Director of Planning Services



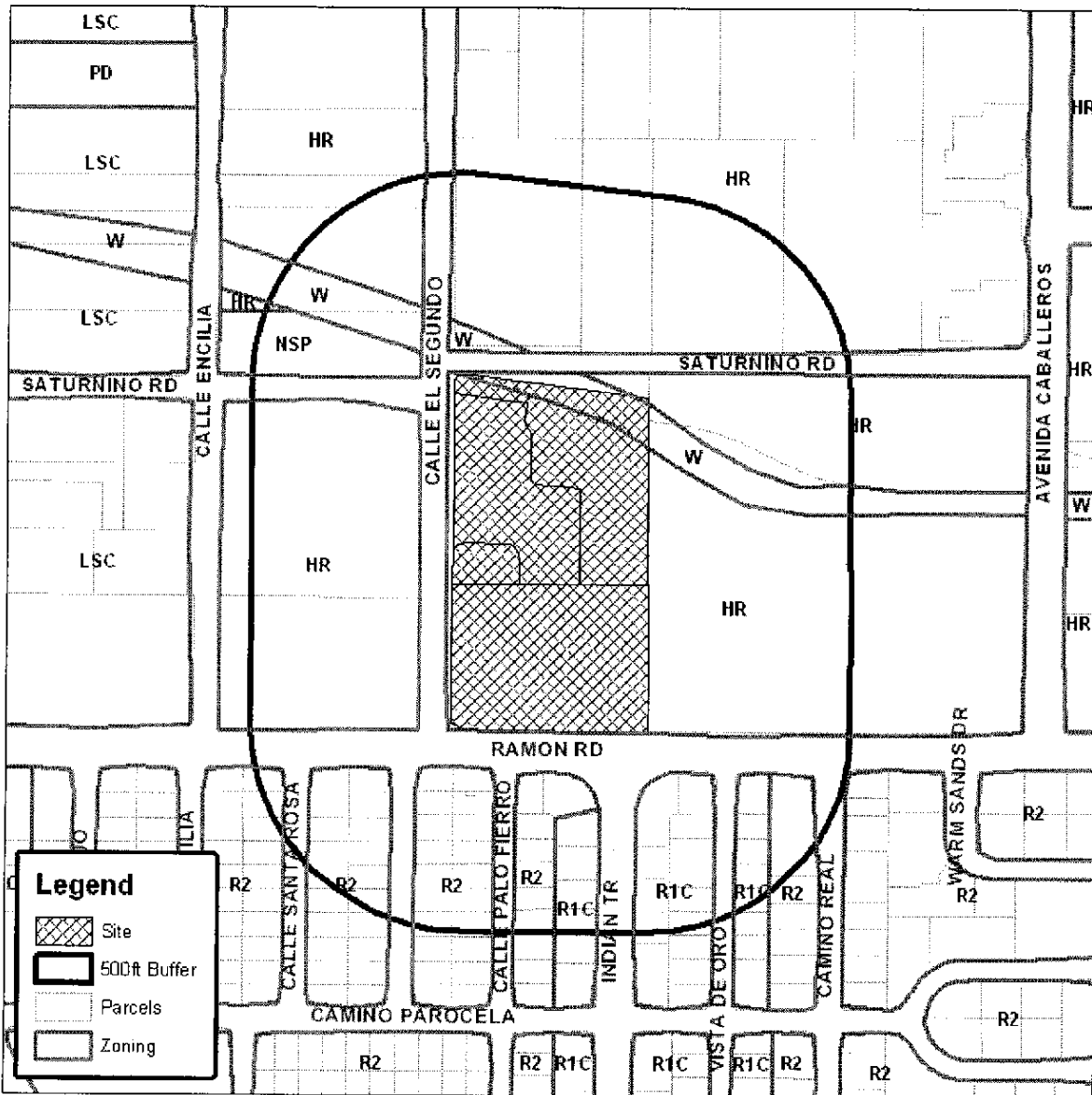
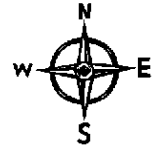
David H. Ready, Esq., Ph.D.
City Manager

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution with Recommended Conditions of Approval
3. Tribal / City Land Use Coordination Agreement
4. Village Traditions Phase II Project Report



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1001 Conformity Report

APPLICANT: Agua Caliente Band of Cahuilla Indians

DESCRIPTION: A conformity report to modify the Village Traditions project to develop the remaining vacant area with 52 detached, two-story residences on 6.5 acres located at the northeast corner of Ramon Road and Calle El Segundo, Zone HR, Section 14.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS APPROVING A CONFORMITY REPORT ON THE PROPOSED PHASE II VILLAGE TRADITIONS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, ZONE HR, SECTION 14; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL FOR CASE 5.1001.

WHEREAS, on December 15, 1998, the City Council of Palm Springs and the Tribal Council of the Agua Caliente Band of Cahuilla Indians ("Tribe") entered into a "Land Use Coordination Agreement" which provides for City review and comment on projects outside of the "Land Use Agreement" of 1977, while retaining the Tribe's final approval and authority over projects on Tribal Land; and

WHEREAS on February 3, 1999, the City and the Tribe amended the "Land Use Agreement" of 1977 with Supplement No. 5, which exempted all Tribal lands from the "Land Use Agreement" of 1977 subject to the aforementioned "Land Use Coordination Agreement"; and

WHEREAS, pursuant to Section 8 of said Agreement, the City Council and Tribal Council may waive procedural requirements of the Agreement, as follows:

"8. Waiver. With the approval of both parties, any part of the foregoing process may be waived if the Project is not deemed significant or if the project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated."

; and

WHEREAS, on May 21, 2013, the Tribe submitted to the City a Project Report for Phase II of the Village Traditions project located at the northeast corner of E. Ramon Road and Calle El Segundo, on roughly 11.65 gross acres of Tribal Trust land within Section 14; and

WHEREAS, said Project Report was transmitted to the City for review and comment under the terms of the Agreement, including an Administrative Analysis completed on June 19, 2013, and a Conformity Report reviewed on July 3, 2013; and

WHEREAS, on July 3, 2013, the City Council conducted a public meeting at which meeting the Council considered the matter, including the Tribe's Project Report, a draft Conformity Report and related exhibits; and

WHEREAS, the City Council has concluded that the proposed Phase II of the Village Traditions project generally conforms to the standards of the HR Zone of the Section 14 Specific Plan (Master Plan), and associated provisions of the Palm Springs Zoning Ordinance, such that it is "not deemed significant under the terms of the Agreement and such that the certain procedures may be waived under Section 7 of the Agreement."

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Conformity Report (dated July 3, 2013), including the suggested conditions contained in Exhibit "A" attached and made a part thereto, is hereby approved and staff is directed to transmit said Report to the Tribe.

SECTION 2. The following requirements of the Agreement for Tribal / City Land Use Coordination on Certain Parcels are hereby waived for Phase II of the Village Traditions project, Case 5.1001:

- Portion of Section 2. "...at least ninety (90) days prior to Tribal approval of the project..."
- Portion of Section 5. Joint Meeting. "...*Within thirty (30) days (of the City Council's adoption of the Conformity Report), the Tribal Council and City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the project more conforming with the rules, regulations, and ordinances of both the City and Tribe.*"

ADOPTED THIS 3rd day of July, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A

Case No. 5.1001 Conformity Report Phase II of Village Traditions

Northeast Corner of Ramon Road and Calle El Segundo

July 3, 2013

RECOMMENDED CONDITIONS OF APPROVAL

The recommended conditions below are provided by the Planning Director, Building Official, Fire Chief and City Engineer or their designee, depending on which department recommended the condition.

PLANNING DEPARTMENT

- PLN 1. Outdoor Lighting Conformance. It is recommended that an exterior lighting plan, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, be submitted for approval by the Department of Planning Services or Tribal Planning Department prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. It is recommended that the project conform to the City's Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances, including the State of California's Water Efficient Landscape Ordinance. It is recommended that landscape plans be approved by the Riverside County Agricultural Commissioner's Office.
- PLN 3. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 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.

- PLN 4. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- PLN 5. Impact Fees. The developer shall pay to the City or designated entity (e.g. Palm Springs Unified School District) all related impact fees, including, but not limited to, sewer and drainage fees, public art fees and regional impact fees (TUMF).

ENGINEERING & PUBLIC WORKS DEPARTMENT

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

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

- ENG 1. It is recommended that a City of Palm Springs Encroachment Permit be issued for construction of any improvements within the public right-of-way.
- ENG 2. Street improvement plans have been submitted to and approved by the City Engineer for this project; refer to Drawing Numbers 4727-1, 4727-2A and 4727-3 on file with the Public Works and Engineering Department.
- ENG 3. It is recommended that the applicant submit street improvement plans prepared by a registered California Civil Engineer to the Engineering Division for Ramon Road. It is recommended that the plan(s) be approved by the City Engineer prior to issuance of any building permits.

- ENG 4. When public dedications of easements or rights-of-way over Tribal Allottee or Tribal Trust land are required, the applicant shall be responsible for compliance with all Bureau of Indian Affairs (B.I.A.) requirements, including obtaining appraisals and payment of just compensation to the underlying owner. It is the applicant's responsibility to determine what additional costs or other requirements may be necessary to obtain any required public dedications as identified by the City for this development. Required public dedications for easements or rights-of-way are perpetual and have no term or duration; dedications of easements or rights-of-way restricted to a duration or term, or made in connection with an underlying Indian Lease, shall not be accepted.

RAMON ROAD

- ENG 5. It is recommended that the applicant dedicate an easement for pedestrian purposes for those portions of the meandering sidewalk that leave the public right-of-way.
- ENG 6. It is recommended that the six existing driveway approaches along the Ramon Road frontage be removed and replaced as necessary with 8 inch curb and gutter to match existing on either side of each driveway approach in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 7. It is recommended that the applicant construct a 24 feet wide emergency access driveway approach with its centerline located approximately 360 feet east of the centerline of Calle El Segundo in accordance with City of Palm Springs Standard Drawing No. 201. It is recommended that the access be gated and locked; and a lock box key provided to the Fire Department for emergency access.
- ENG 8. In accordance with the Section 14 Master Development Plan Specific Plan, it is recommended that the applicant remove the existing 5 feet wide sidewalk and construct a meandering 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 9. It is recommended that the applicant remove the existing damaged meandering sidewalk located at the southeast corner of the site along Ramon Road and construct a meandering 8 feet wide sidewalk behind the curb in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 10. It is recommended that the applicant coordinate with Sunline Transit Agency to evaluate relocation of the existing bus stop and construction of a new bus turn-out, including installation of a bus stop shelter, with a design compatible to project architecture as approved by Sunline Transit Agency and the Director of Planning Services.

- ENG 11. If a bus turn-out is recommended by Sunline Transit Agency, it is recommended that additional right-of-way be dedicated for those portions of the bus turn-out and adjacent sidewalk and bus shelter located outside of the existing public right-of-way.
- ENG 12. It is recommended that the applicant repair or replace all broken or off grade street improvements along the project frontage.

CALLE EL SEGUNDO

- ENG 13. It is recommended that the applicant construct a 25 feet radius curb return at the southeast corner of the intersection of Calle El Segundo and Saturnino Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 14. It is recommended that the applicant remove the existing construction entrance driveway approach south of the Main Entry and replace with 6 inch curb and gutter with a 5 feet wide sidewalk separated 4 feet behind the curb in accordance with City of Palm Springs Standard Drawing No. 200 and 210, respectively, when Village Traditions has been constructed in its entirety.
- ENG 15. In accordance with the Section 14 Master Development Plan Specific Plan, it is recommended that the applicant construct a 5 feet wide sidewalk separated 4 feet behind the curb immediately south of the Baristo Channel in accordance with City of Palm Springs Standard Drawing No. 210, to match existing sidewalk constructed during Village Traditions Phase 1.
- ENG 16. It is recommended that the applicant construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Ramon Road and Calle El Segundo, in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 17. It is recommended that a minimum pavement section of 3 inches of asphalt concrete pavement over 6 inches crushed miscellaneous base be constructed 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 northern section of the Calle El Segundo frontage (adjacent to the Baristo Channel) in accordance with City of Palm Springs Standard Drawing No. 110 and 325. If an alternative pavement section is proposed, the City recommends that the proposed pavement section be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

- ENG 18. It is recommended that the applicant extend the existing drainage culvert for the Baristo Channel, as necessary to facilitate the widening of Calle El Segundo and Saturnino Road, in accordance with the Section 14 Master Development Plan Specific Plan. Plans for the extension of the existing drainage culvert should be submitted to Riverside County Flood Control and Water Conservation District (RCFC) for review and approval, and an encroachment permit for its extension should be obtained from RCFC prior to construction of the recommended street improvements.
- ENG 19. It is recommended that the applicant repair or replace all broken or off grade street improvements along the project frontage.

SATURNINO ROAD

- ENG 20. It is recommended that the applicant construct 6 inch curb and gutter, 20 feet south of centerline along the entire frontage, with a 25 feet radius curb return at the southeast corner of the intersection of Saturnino Road and Calle El Segundo in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 21. In accordance with the Section 14 Master Development Plan Specific Plan, it is recommended that the applicant construct a 5 feet wide sidewalk separated 5 feet behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 22. It is recommended that the applicant construct a Type B curb ramp meeting current California State Accessibility standards at the southeast corner of the intersection of Saturnino Road and Calle El Segundo in accordance with City of Palm Springs Standard Drawing No. 213.
- ENG 23. It is recommended that the applicant construct a minimum pavement section of 3 inches of 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 gutter to clean sawcut edge of pavement along the entire Saturnino Road frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 325. If an alternative pavement section is proposed, the City recommends that the proposed pavement section be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 24. It is recommended that the applicant repair or replace all broken or off grade street improvements along the project frontage.

SANITARY SEWER

ENG 25. It is recommended that all sanitary facilities be connected to the public sewer system and that new laterals not be connected at manholes.

WATER QUALITY MANAGEMENT PLAN

ENG 26. It is recommended that a Final Project-Specific Water Quality Management Plan (WQMP) for the entire Village Traditions site be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. It is recommended that the WQMP 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 not recommended. It is recommended that construction of operational BMP's be incorporated into a Precise Grading and Paving Plan.

ENG 27. It is recommended that prior to issuance of any grading or building permits, the property owner 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 Homeowner's Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent.

ENG 28. It is recommended that prior to issuance of certificate of occupancy or final approvals, the applicant: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

ENG 29. It is recommended that direct release of on-site nuisance water or stormwater runoff not be permitted to Ramon Road, Calle El Segundo, or Saturnino Road. It is recommended that provisions for the interception of

nuisance water from entering adjacent public streets from the project site 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 30. It is recommended that all stormwater runoff passing through the site be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, it is recommended that on-site retention or other facilities be utilized to contain the increased stormwater runoff generated by the development of the property; or, it is recommended that an on-site drainage system be constructed to convey stormwater runoff to the Baristo Channel, as allowed by Riverside County Flood Control District. It is recommended that the existing retention basin located near the southeast corner of the site be maintained by the Homeowner's Association (HOA).

ENG 31. It is recommended that the applicant pay to the City of Palm Springs applicable flood control and drainage implementation fees of \$9,212 per acre.

GENERAL

ENG 32. It is recommended that 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 33. It is recommended that all proposed utility lines be installed underground.

ENG 34. It is recommended that all existing utilities be shown on any improvement plans approved by the City, and that the proposed service laterals be shown from the main line to the property line.

ENG 35. It is recommended that any original improvement plans prepared for the proposed development and approved by the City Engineer be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a certificate of occupancy. It is recommended that any modifications or changes to approved improvement plans be submitted to the City Engineer for approval prior to construction.

ENG 36. It is recommended that nothing be constructed or planted in the public right-of-way 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 37. It is recommended that all proposed trees within the public right-of-way and within 10 feet of the public sidewalk have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.

MAP

ENG 38. It is recommended that an updated access easement document (including the amended legal description and exhibit) be recorded to reflect any minor alignment changes to the private interior street system in Phase 2.

ENG 39. It is recommended that the Homeowner's Association (HOA) for Village Traditions accept maintenance of the Village Traditions parkway landscaping within the public right-of-way on Ramon Road, Calle El Segundo, and Saturnino Road.

TRAFFIC

ENG 40. It is recommended that a traffic signal be installed at the off-set intersection of Ramon Road with Calle El Segundo and Calle Abronia, in accordance with the recommendations from the traffic impact study for El Segundo Residential Tract prepared by Endo Engineering, dated March 2004. If installed, the applicant may request reimbursement of 94.1% of the cost of the traffic signal through a reimbursement agreement with the City of Palm Springs. If not installed, it is recommended that the applicant pay the proportionate fair share cost of \$8,850 (or 5.9%) to the City, as recommended by the traffic impact study.

ENG 41. It is recommended that a minimum of 48 inches of clearance shall be provided on public sidewalks for handicap accessibility.

ENG 42. It is recommended that all damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights,

associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

- ENG 43. It is recommended that a street name sign be installed at the intersection of Calle El Segundo and the Main Entry, in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 44. It is recommended that construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 45. It is recommended that the Transportation Uniform Mitigation Fee be paid in accordance with the Coachella Valley Association of Governments fee structure for condominium units.

FIRE DEPARTMENT

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated May 21, 2013. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3 **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers,

main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

FID 4 PLANS AND PERMITS

When there are significant changes in occupancy, water supply, storage heights, type, and quantity of storage, storage configurations, Tenant Improvements or any other changes which may affect the fire sprinkler system design, the owner, tenant or contractor shall submit plans and secure permits.

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain two sets.

Plans shall be submitted to:

**City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262**

Counter Hours: M – TH, 8:00 AM – 6:00 PM

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. The minimum fee is \$ 208.00. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.

- FID 5 **Public Safety CFD:** 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 etseq, 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.
- FID 6 **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 7 **Access Road Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 8 **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.
- FID 9 **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 operational at all times. Electric gate

operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

FID 10 Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

- **Minimum Access Road Dimensions:**

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, 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** is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.
2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
3. Roads must be 40 feet wide when parking is not restricted.

FID 11 Dimensions (CFC 503.2.1): Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

FID 12 **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 13 **Turning radius (CFC 503.2.4):** 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 14 **Required Turn Arouds:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of 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 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

FID 15 **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.

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. Decomposed granite (DG), grass, dirt, sand and other materials that can wash away, develop ruts or be dug up shall not be used. Interlocking pavers, turf block or other similar materials may be allowed, subject to the provision of proper base material and compliance with City Engineering Department compaction requirements. Prior to permit sign-off, compaction test results shall be submitted to the City Engineering Department for approval.

FID 16 **Premises Identification (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 numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for SFR occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building

cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

- FID 17 **Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5):** Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 750 gallons per minute (with fire sprinklers) (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on lot street frontages. (CFC Appendix C)
- FID 18 **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 19 **NFPA 13D 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 standard 13D, 2010 Edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.
- FID 20 **Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3; CRC R315):** Provide and install Residential Smoke and Carbon Monoxide Alarms (Kidde SM120X Relay / Power Supply Module connected to multi-station Kidde smoke and carbon monoxide alarms or equal system and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm, carbon monoxide alarm or fire sprinkler flow switch causes all smoke and carbon monoxide alarms within the dwelling to sound and activate the exterior horn/strobe.
- The wiring of this system shall be in accordance with Kidde SM120X Relay / Power Supply Module manual and Figure 2 (see attached). The 120 volt device wired to turn on when alarm sounds is the exterior horn / strobe. The pull for fire device is the fire sprinkler flow switch.
- FID 21 **Additional Residential Smoke Alarm Requirements (NFPA 72: 29.5.1.3):** Where the interior floor area for a given level of a dwelling

unit, excluding garage areas, is greater than 1,000 Sq. Ft., the additional requirements are that all points on the ceiling shall have:

- a. A smoke alarm within a distance of 30 ft travel distance or
- b. An equivalent of one smoke alarm per 500 Sq. Ft. of floor area.

One smoke alarm per 500 Sq. Ft. is evaluated by dividing the total interior square footage of floor area per level by 500 Sq. Ft.

FID 22 Carbon Monoxide Alarm or Detector Locations (NFPA 720: 9.4.1.1 & 9.4.1.2; CRC R315.3): Carbon monoxide alarms or detectors shall be installed as follows:

- (1) Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedrooms
- (2) On every occupiable level of a dwelling unit, including basements, excluding attics and crawl spaces
- (3) Other locations where required by applicable laws, codes, or standards

Each alarm or detector shall be located on the wall, ceiling, or other location as specified in the manufacturer's published instructions that accompany the unit.

FID 23 Audible Residential 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. The horn/strobe shall be outdoor rated.

END OF RECOMMENDED CONDITIONS OF APPROVAL

**AGREEMENT FOR TRIBAL/CITY
LAND USE COORDINATION ON CERTAIN PARCELS**

THIS AGREEMENT FOR TRIBAL/CITY LAND USE REVIEW ON CERTAIN PARCELS ("Agreement") is made this 15th day of December, 1998 by and between the AGUA CALIENTE BAND OF CAHUILLA INDIANS, acting through its Tribal Council (the "Tribe"), and the CITY OF PALM SPRINGS, CALIFORNIA, acting through its City Council, a municipal corporation (the "City"). This Agreement is made with reference to the following:

RECITALS:

A. **WHEREAS**, the Tribe is a federally-recognized Indian tribe which exercises its sovereign authority over the lands of the Agua Caliente Indian Reservation according to a Constitution approved by the Commissioner of Indian Affairs, as well as applicable federal law, with portions of the City of Palm Springs located within the boundaries of its federal Indian reservation; and

B. **WHEREAS**, the City of Palm Springs is a charter city, possessing full powers with respect to municipal affairs to regulate the territory under its jurisdiction and in accordance with the California Constitution, its charter, and State law. The trust lands of the Agua Caliente Indian Reservation are interspersed in a checkerboard pattern within that portion of the City located within the Reservation; and

C. **WHEREAS**, both the Tribe and the City wish to cooperate in promoting the orderly and expeditious use and development of all lands of the Agua Caliente Indian Reservation to their highest and best use, consistent with principles of sound planning and the sovereignty of the Tribe; and

D. **WHEREAS**, on July 26, 1977, the Tribe and the City entered into that certain Agreement No. 1324 (hereinafter the "Land Use Agreement"), adopted by City Council Resolution No. 12298. Pursuant to that Agreement, the parties agreed that applications for issuance of permits and development pertaining to any Trust lands would initially be processed through the City, with the City collecting its normal fees and charges. Any party aggrieved by an action of the City Council in any such planning and zoning matters was given the right to appeal any action of the City to the Tribal Council, with the Tribal Council having the ability, following a noticed hearing, to affirm, reverse, or modify any decision of the City Council on any matter affecting Indian Trust Lands, with the decision of the Tribal Council being final, after consideration of the recommendation of the Indian Planning Commission, as well as applicable federal and tribal law; and

E. **WHEREAS**, the Land Use Agreement has been amended from time to time, by Supplements 2, 3, and 4, and most recently by Supplement No. 5, which would exempt all land acquired by the Tribe from regulation by the City, including: Application of all laws, ordinances, and codes; application of all fees, including drainage, sewer, school, Uniform Transportation Mitigation fees, building and other fees. The taking of title to parcels into trust by the United States for the Tribe would exempt such property from regular City taxes such as property taxes, sales taxes, transient occupancy taxes, and others; and

F. **WHEREAS**, the Tribe has generally supported development consistent with the City's General Plan and other ordinances and regulations but has the authority to adopt its own land use plan and policies; and

G. **WHEREAS**, the Tribe has commenced a program, when economically feasible, to reacquire any Trust Land which has been sold in fee. To facilitate Indian development on such Land, the Tribe would like to have an expedited process for City review and comment on said projects. The Tribe is willing to consider such review and comment, if given in a timely manner. The City believes that the opportunity to provide review and comment, but not approval, of such projects would be valuable to assure that such projects are integrated with surrounding development and to assure that the City's and the Tribe's normal development standards are maintained insofar as possible. In addition, both parties believe that all development throughout the City on both Tribal and non-Tribal land should make a fair share contribution in exaction, fees or other consideration to pay for the burdens imposed by the development on the City or for the benefits received by the development from the City.

IN CONSIDERATION OF THE FOREGOING, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **Pre-submittal**. Prior to the initiation of a Project on Tribal Land and initiation of the process detailed below, the Tribe, where feasible, will consult with the City to determine the scope and significance of the Project and its appropriate level of review. This consultation will normally, but not necessarily, be satisfied by a meeting between the Tribal Planning Department and City Department of Planning and Building.

2. **Submission of Report**. When any new development or substantial expansion or renovation of a project is proposed on land located within the Reservation and has been acquired by the Tribe, at least ninety (90) days prior to Tribal approval of the project, including preliminary or schematic design, the Tribe shall submit to the City a report on the Project ("Project Report"). As used herein, "Reservation" means those lands whose legal description is set forth in Exhibit A Hereto. The Project Report shall include a description of the Project, the preliminary or schematic plans and drawings for the Project, environmental documents per NEPA, if any, or any equivalent Tribal document, an analysis of the compatibility of the proposed Project with the City's and the Tribe's development standards, an analysis of the fiscal impact of the Project, and a statement identifying any manner in which the Project would be exempt from, or not conform to, any ordinance, rule, regulation, or standards of the City or of the Tribe. The Tribe shall provide any explanation of any of the foregoing, as they shall deem reasonable or necessary. The Indian Planning Commission, and other Tribal bodies, will develop this report in accordance with applicable federal and Tribal law. The level of detail provided in the Project Report should be as follows: if a minor project, then similar to the level of detail normally required by the City for architectural review; if a major project, then similar to the level of detail which would be required by the City for Planned Development District permit. The determination of whether a project is major or minor shall require the agreement of the chief staff planning official of each party but, in the event of a disagreement, the opinion of the Tribe's planning official shall govern. It is the intent of the parties that this process be undertaken, not at the point at which the land is acquired by the Tribe, but when

development is contemplated, and when the development can be described and its impacts forecast

3. **Administrative Review.** Upon receipt of a Project Report, the City Manager shall distribute the Project Report to appropriate departments, including Police, Fire, Finance, Public Works, Planning and Building, and such other departments as the City Manager shall deem relevant, such as Parks and Recreation, Tourism, Economic Development, and so forth. It shall be the purpose of this administrative review to determine how well the Project conforms with the City's existing rules and regulations; any health and safety, or welfare concerns; the adequacy of police and fire safety services, and other services of the City necessary for the Project; compatibility of the project with surrounding properties; and the fiscal impact of the Project. The purpose of the fiscal impact analysis shall be to determine whether the Project will pay the normal City fees, taxes, charges, and assessments; to the extent that any of such revenues will not accrue to the City, what will be the resulting financial impact therefrom; what other direct and indirect financial impacts, negative or positive, will result; and what the overall economic impact will be of the Project on the City. Within thirty (30) days of the City Manager's receipt of the Report from the Tribe, the City shall prepare the "Administrative Analysis" of the foregoing information and shall submit the Administrative Analysis to the City Council for its review and approval.

4. **City Council Conformity Report.** The City Council shall have thirty (30) days from the submission of the Administrative Analysis to prepare the City Council's Conformity Report ("Conformity Report"). The Conformity Report shall be adopted by the City Council at a public meeting. At the same time that the City Manager submits the Administrative Report to the City Council, a copy of the same shall be submitted to the Tribe. The Tribe shall have ten (10) days to prepare its comments on the Administrative Analysis for submission to the City Council to be considered at the time the City Council determines the Conformity Report. The Conformity Report shall contain the same subject matter as the Administrative Analysis.

5. **Joint Meeting.** Upon the City Council's adoption of the Conformity Report, the Project Report shall be immediately submitted to the Tribal Council. Within thirty (30) days, the Tribal Council and the City Council shall schedule a Joint Meeting to discuss the Conformity Report and whether any measures should be taken to make the Project more conforming with the rules, regulations, and ordinances of both the City and the Tribe.

6. **Final Tribal Action.** At the Joint Meeting, or following the Joint Meeting, the Tribal Council may take any action authorized by its Constitution, Bylaws, rules, and ordinances concerning the Project. The Tribal Council shall be free to disregard any or all comments in the Conformity Report or otherwise made by the City Council and may approve or modify the Project in any way the Tribal Council deems appropriate. It is expressly understood by the parties hereto that the Tribal Council retains full and complete sovereignty to administer Tribal lands in accordance with the Constitution, Bylaws, and Ordinances of the Tribe and applicable federal law. This Agreement deals solely with the consultation process in which the City is being given the opportunity to review and comment on certain projects being undertaken by the Tribe, and the Tribal Council retains full and complete authority to make final decisions concerning the development of Tribal Land under its Constitution and applicable federal and Tribal law.

7. **Waiver.** With the approval of both parties, any portion of the foregoing process may be waived if the Project is not deemed significant, if the Project is found to be conforming, or if due to the exigencies of time the normal process cannot be accommodated.

8. **Amendments.** This Agreement maybe amended by mutual agreement by the parties, provided that neither party may terminate this Agreement, without prejudice to any legal position thereafter asserted, upon thirty (30) days written notice to the other party.

9. **Approval.** This Agreement shall be approved by Resolutions of the Tribal Council and the City Council.

10. **Lands Located Inside Reservation and Owned in Fee by Parties Other than the Tribe.** This Agreement will not affect, alter, increase, or decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of parcels of land located within the Reservation, which are owned in fee by parties other than the Tribe. The parties recognize that federal law already allocates such jurisdiction over such parcels.

11. **Lands Located outside Reservation.** The parties recognize that federal law provides to the City notice and an opportunity to express its views on the subject of the proposed taking of title into trust for the Tribe of parcels located outside the Reservation but within the city limits of the City in 25 C.F.R. §151.11(d), as well as time in which to challenge such a proposed action before it occurs, in 25 C.R.F. §151.12(b). Otherwise, this Agreement will not affect, alter, increase, or decrease in any way the jurisdiction that either the City or the Tribe may have over the use or development of such parcels of land. The parties recognize that federal law already allocates such jurisdiction over such parcels.

IN WITNESS WHEREOF, the parties have executed this Agreement by their respective authorized officers on the day and year first above written.

CITY OF PALM SPRINGS, CALIFORNIA
a municipal corporation

By: Will Kleindienst
Will Kleindienst, Mayor

Attest:

Judith Sumich
Judith Sumich, City Clerk

Approved as to form:

David Aleshire
David Aleshire, City Attorney

AGUA CALIENTE BAND OF CAHUILLA INDIANS,
a federally-recognized Indian tribe

by: Richard M. Milanovich
Richard M. Milanovich, Chairman

Approved as to form:

Art Bunce
Art Bunce, Tribal Attorney

APPROVED BY THE CITY COUNCIL
BY RES. NO. 19450, 1-6-99
A1324-1A



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: June 19, 2013
To: City Council
 Tom Davis, AICP, Chief Planning & Development Officer
From: Margo Wheeler, AICP, Director of Planning Services
Subject: Administrative Analysis of Revised Village Traditions Project
 NE Corner of Ramon Road and Calle El Segundo
 Planning Case No. 5.1001

2013 JUN 20 AM 9:25
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 CITY CLERK

SUMMARY

Under the Tribal / City Land Use Review Agreement (“Agreement”), the City is to prepare an Administrative Analysis and Conformity Report for proposed projects on reservation lands owned by the Agua Caliente Band of Cahuilla Indians (Tribe). The Tribe proposes to modify the partially built Village Traditions project at the NE Corner of Ramon Road and Calle El Segundo. The Administrative Analysis of the revised project is contained herein. The Conformity Report is scheduled to be on the July 3, 2013, City Council agenda.

BACKGROUND:

When any new development or substantial renovation of a project is proposed on land within the reservation owned by the Tribe, the City and Tribe have agreed to adhere to a project review processing schedule. In order to comply with the agreement, the following schedule has been prepared:

ITEM	TIMELINE REQUIRED	TIMELINE
1. PRE-SUBMITAL	N/A	FEBRUARY 5, 2013
2. SUBMISSION OF PROJECT REPORT	90 DAYS PRIOR TO TRIBAL APPROVAL	MAY 21, 2013
3. ADMINISTRATIVE REVIEW	CC REVIEW 30 DAYS AFTER SUBMISSION OF ITEM 2	JUNE 19, 2013
4. CONFORMITY REPORT	CC ADOPTS WITHIN 30 DAYS OF RECEIVING ITEM 3	JULY 19, 2013
5. JOINT MEETING ¹	CITY AND TRIBAL COUNCILS WITHIN 30 DAYS OF ADOPTING ITEM 4	AUGUST 19, 2013
6. FINAL TRIBAL ACTION	90 DAY AFTER ITEM 2	NO SOONER THAN AUGUST 19, 2013

1 As a result of the conclusions contained in the Staff Analysis below, staff will be requesting a waiver of Item 5, a joint meeting between the City Council and the Tribal Council.

PROPOSED PROJECT:

The attached Project Report provides detailed analysis on the revised project. In sum, six buildings containing twenty-four multi-family residential units and a recreation building center has been constructed on 3.3 acres of the overall 9.8-acre site. The remaining 6.5 acres will be developed with 52 detached, two-story single-family residences with private pool and yard areas.

STAFF ANALYSIS:

The purpose of the Administrative Analysis is to determine how well the Project conforms with the City's existing rules and regulations; any health and safety, or welfare concerns; the adequacy of police and fire safety services, and other services of the city necessary for the Project; compatibility of the project with surrounding properties; and the fiscal impact of the Project. The purpose of the fiscal impact analysis shall be to determine whether the Project will pay the normal City fees, taxes charges, and assessments; to the extent that any of such revenues will not accrue to the city, what will be the resulting financial impact therefrom; what other direct and indirect financial impacts, negative or positive, will result and what the overall economic impact will be of the Project on the city.

The Project Report was reviewed by the Police, Fire, Planning, Building & Safety and Engineering & Public Works departments. In summary, no significant impacts are anticipated as the project is less intense than previously approved. The following responses were received

- **Police Department.** No significant financial impact to Police Department Services. PSPD Memorandum attached.
- **Fire Department.** No significant financial impact to Fire Department Services. Two triennial code adoptions have occurred since original project. Changes of note include Public Safety CFD language, Carbon Monoxide detector requirements, and Code section reference numbers. These will be reflected in the Conformity Report.
- **Planning Department.** No significant financial impact if impact fees are paid. The proposed project is less dense than previously approved. Compatibility of revised project with surrounding properties will be similar to previously approved project. Height of buildings will be slightly less than previous approval.
- **Building & Safety.** No significant financial impact if sewer connection, public art and park fees are paid for each dwelling unit. These fees relate to services provided by the City for this development and are standardized for all single family developments within the City limits.
- **Engineering & Public Works.** The three public perimeter streets (Ramon Road, Calle El Segundo, and Saturnino Road) are built out or will be built out in conjunction with the Village Traditions project. The City maintains these public streets whether or not Village Traditions exists or not. So, there is not an appreciable increase in street maintenance for the City as a result of the 3 perimeter streets being upgraded in conjunction with the project. For Phase 2 of the project, there is a decrease of 28 in the total number of 104 units originally proposed for the project in 2005; a total of 76 units will be constructed, including the additional 52 single family residences proposed in Phase 2.

In response the above, staff will prepare a Conformity Report with recommended Conditions of Approval should the Tribe approve the project. The Report will be on the City Council agenda of July 3rd.

Attachments:

- 1. Village Traditions Project Report**
- 2. Tribal / City Land Use Review Agreement**
- 3. Palm Spring Police Department Memorandum**