



CITY COUNCIL STAFF REPORT

DATE: July 3, 2013

PUBLIC HEARING

SUBJECT: CRESCENDO, LLC FOR A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE (PDD 364, CASE 5.1297) TO ALLOW A TWO-STORY, DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND A TENTATIVE TRACT MAP (TTM 36548) TO SUBDIVIDE 6.37 ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREA PARCELS AND PRIVATE STREETS LOCATED ON THE WEST SIDE OF BEALRDO, SOUTH OF MORONGO ROAD.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a Planned Development District in-lieu of change of zone for the construction of 43 two-story, detached single family residences within a gated community with private streets. A Tentative Tract Map (TTM 36548) is proposed to subdivide the 6.37-acre lot into 43 residential lots, common area and private streets. The project name is "Dakota."

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1297 PDD 364 TO CONSTRUCT 43 TWO-STORY, DETACHED SINGLE FAMILY RESIDENCES AND TENTATIVE TRACT MAP 36548 FOR THE SUBDIVISION OF ROUGHLY 6.37-ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREA AND PRIVATE STREETS LOCATED AT ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD."
3. Waive reading and introduce by title only for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN

ITEM NO. 1.D.

PLANNED DEVELOPMENT DISTRICT

LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD.”

PRIOR ACTIONS:

On May 1, 2005, the property was acquired by the applicant.

On April 18, 2007, the City Council approved a Planned Development District and Tentative Tract Map for a 66-unit clustered town-home complex, clubhouse and recreation facility for the subject site. The project was known as “Edge at Belardo.” On April 18, 2007, the City Council also adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

On March 4, 2013, the applicant submitted an application to modify the previously approved project by, among other things, reducing the total number of units to 43.

On April 8, 2013, the Architectural Advisory Committee (AAC) reviewed and unanimously voted to recommend approval of the project.

On May 8, 2013, the Planning Commission unanimously approved and recommended approval of the project to the City Council, subject to conditions attached to this report. The Commission modified Conditions Nos. PLN 4 to require pedestrian access to site and PLN 19 to note that the hillside area will be dedicated to the City (instead of retained).

BACKGROUND AND SETTING

The project site is located at the base of the San Jacinto Mountains. The terrain of the existing site varies significantly. The triangularly-shaped lot is predominately flat until reaching the mountain toe of slope on the westerly and southerly sides of the property. Adjacent to the site, a curb and sidewalk exist on the west side of Belardo Road.



SUBJECT SITE

Table 1: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Apartment complex (104 units)	High Density Residential	R-3
South	Vacant / mountains	Open Space – Mountain	O-20
East	Shopping complex and vacant	Neighborhood/Community Commercial	PD-131
West	Vacant / mountains	Open Space – Mountain	O-20

The applicant proposes to modify the terrain by cutting approximately 10,000 cubic yards of dirt and filling roughly 18,000 cubic yards. Building pad elevations will raise about fifteen feet from Belardo Road on the east to the mountain slope on the west. Access to the site will include four entry points from Belardo Road and three of the four will be controlled by gates.

There are two floor plans proposed. Plan A will be approximately 1,581 square feet in size and contain a 471-square foot garage. Plan B is proposed at 1,821 square feet in size and include a 488-square foot garage. Each plan includes the garage, living room, kitchen and a bathroom on the first floor and two bedrooms and private bathrooms on the second floor. All lots will have individual pools and spas. There are no community pools or recreation areas.

The entire site and all individual lots will be enclosed by walls. The wall proposed along Belardo Road will include a combination of a low planter terrace, retaining and garden split-face CMU wall and glass panel, which will reach heights of up to ten feet above the curb.

PLANNED DEVELOPMENT DISTRICT

STAFF ANALYSIS:

PLANNED DEVELOPMENT DISTRICT

General Plan			
Land Use Designation	Density	PDD 364	Compliance
HDR (High Density Residential)	15-30 dwelling units / acre	Residential use at 6.37 d.u. / ac.	Yes

Zoning – Uses & Lot Standards			
	Existing: R-3 Zone	Proposed: PDD 364	Compliance
Uses permitted	Single Family Residential (SFR) specifically prohibited	SFR's proposed as a permitted use on individual lots	No, per PDD
Density	Min. of 2,000 sq. ft. of lot area / unit for multi-family	4,650 sq. ft. of lot area / per unit ¹	Yes
Lot Standards			
Min. Area	20,000 sq. ft. (7,500 sq. ft. typical minimum lot size for R-1-D Zone)	2,930 sq. ft. (Avg. 3,534 sq. ft.)	No, per PDD
Min. Width	130 feet	31 feet	No, per PDD
Min. Depth	150 feet	92 feet	No, per PDD

Zoning – Building Development Standards			
	Existing: R-3 Zone	Proposed: PDD 364	Compliance
Building Height	24 feet and 2 stories	24 feet and 2 stories	Yes
Yard Setbacks			
Garages	25 feet	5 feet min.	No, per PDD
Front	25 feet	5 feet min.	No, per PDD
Interior Side	Buildings over 12 feet in height to have equal setback to height	3 feet to 6 feet, 3 feet is typical throughout	No, per PDD
Corner Street Side	20 feet	5 feet to 10 feet	No, per PDD
Rear	Buildings over 12 feet in height to have equal setback to height	28 feet to 41 feet	Yes
Pool / spas	5 feet	3 feet	No, per PDD
Distance Between Buildings	15 feet	6 feet	No, per PDD
Lot Coverage	45% minimum usable landscape open space for R-3; however, typical R-1 max. lot coverage is 35%	Overall (incl. hillside): 65% open space. Individual Lot Coverage: 34% Avg. with range of 21% to 41%	Yes
Off-street Parking	2 spaces / single family residence Condos in a PDD: 1.5 spaces per 2 bdrm unit; plus 1 guest parking space for every 4 units	43 single family dwelling units require 86 covered parking spaces; 86 provided Guest parking requires 12 spaces, 22 provided	Yes

Public Benefit Policy for Planned Development Districts

In September 2008, the City Council adopted a policy requiring that PDD's provide a specific "public benefit" proportionate to the nature, type and extent of the relief granted from the development standards and requirements.

¹ Density calculation based on exclusion of hillside slope areas in excess of 30% (approx. 77,513 sq. ft.), pursuant to Section 93.13.00 of Zoning Code.

The applicant is seeking the following adjustments in the underlying development standards with the PDD:

- Permitting single-family residential in R-3 Zoning where specifically prohibited;
- Modifying R-3 development standards as follows:
 - Reduced minimum lot dimensions and sizes for single family residences from 7,500 square feet to an average of 3,534 square feet (minimum proposed lot size is 2,930 square feet and 5,653 square feet is the maximum proposed lot size);
 - Reduced garage, front and side yard setbacks;
 - Reduced pool setbacks from 5 feet to 3 feet.

The applicant is proposing the following as the Public Benefit of the project:

- Project as public benefit: less intense use; activate development on Belardo Road corridor to support commercial uses downtown; construction jobs and future jobs
- Key features of the project: preserving open space / hillside area by dedicating hillside to the City.

REQUIRED FINDINGS:

Planned Development District in Lieu of a Change of Zone

Pursuant to PSZC Section 94.03.00 "Planned Development Districts in lieu of a Change of Zone" findings shall be made in support of approval of the PDD application in accordance with Section 94.07.00 (Zone Change) of the Zoning Code. Those findings are listed below with Staff's analysis.

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The General Plan land use designation of the subject site is HDR (High Density Residential). The proposed project includes single family residences at a density of 6.37 dwelling units per net acre, which is well below the maximum density of 30 dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates private streets that conform to the minimum widths required. The project includes adequate means of emergency access. The project proposes lot sizes that are adequate to provide usable outdoor space, including small pools and spas. Thus, the project is deemed consistent with this finding.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The applicant proposes two-story single family dwelling units on small, individual lots in a gated community. San Jacinto Mountains are located to the west and south of the project site; multi-family residential exists to the north; and vacant land and a shopping complex exist to the east. Although the high density residential land use designation would also permit development of greater densities than that proposed, there is demand in the new home market at this time to support this type of development. The use would not be detrimental to adjacent property or residents in this area due to a less intense project and zoning.

A draft set of conditions of approval are proposed in the attached Exhibit A.

Tentative Tract Map

Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

- a. *The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The TTM proposes individual residential lots with open space, common area and private streets. The proposed density is well below the maximum permitted by the HDR General Plan land use designation. Private streets will provide adequate access to residents and emergency vehicles seeking entrance to individual properties. No specific plans are associated with the subject property.

- b. *The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed project design and improvements are generally not consistent with the R-3 zone in which the property is located. The PDD proposes a set of development standards and design details with smaller setbacks than would otherwise be required by the underlying zone. The overall density is less than the minimum allowable for the zone and the average lot size is smaller than required by the zone. Improvements proposed include single family homes which are prohibited in the R-3 zone. The applicant seeks approval to change the zone by permitting single family uses on these specific parcels at this location. With the approval of the PDD, the project will be consistent with this finding.

c. The site is physically suited for this type of development.

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential lots. Each lot is proposed to accommodate a two-story residence. A total of 43 residences are proposed on the 6.37-acre site. The site has adequate vehicular access with four proposed driveways to the public street, Belardo Road. The site is physically suited for this type of development.

d. The site is physically suited for the proposed density of development.

The project proposes 43 single family dwelling units on approximately 6.37 acres or roughly 6.4 du/ac which is less than the allowable density under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration was previously adopted. Mitigation measures from the previously adopted Mitigation Monitoring and Reporting Program have been included which will reduce potential impacts to less than significant levels. The site was partially developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

ENVIRONMENTAL DETERMINATION:

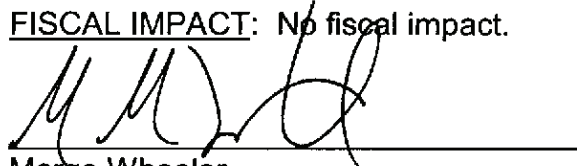
The City Council adopted a Mitigated Negative Declaration for the project on April 18, 2007. No further environmental documentation is required because: (i) there are no substantial changes in the proposed project requiring major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the proposed project is being undertaken which will require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was certified showing that:

- (a) the proposed project will have one or more significant effects not discussed in the Mitigated Negative Declaration;
- (b) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration;
- (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted; or
- (d) mitigation measures or alternatives considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted. (Public Resources Code § 21166; CEQA Guidelines § 15162.) See attached memorandum.

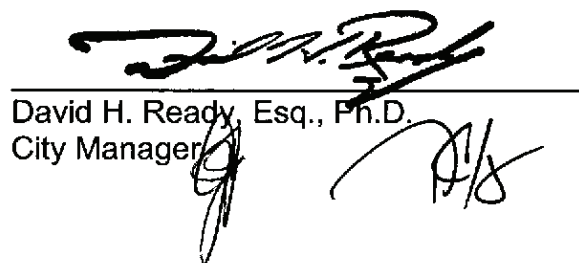
NOTIFICATION:

A notice was mailed to all listed property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff has not received any correspondence from the public.

FISCAL IMPACT: No fiscal impact.



Margo Wheeler
Director of Planning Services



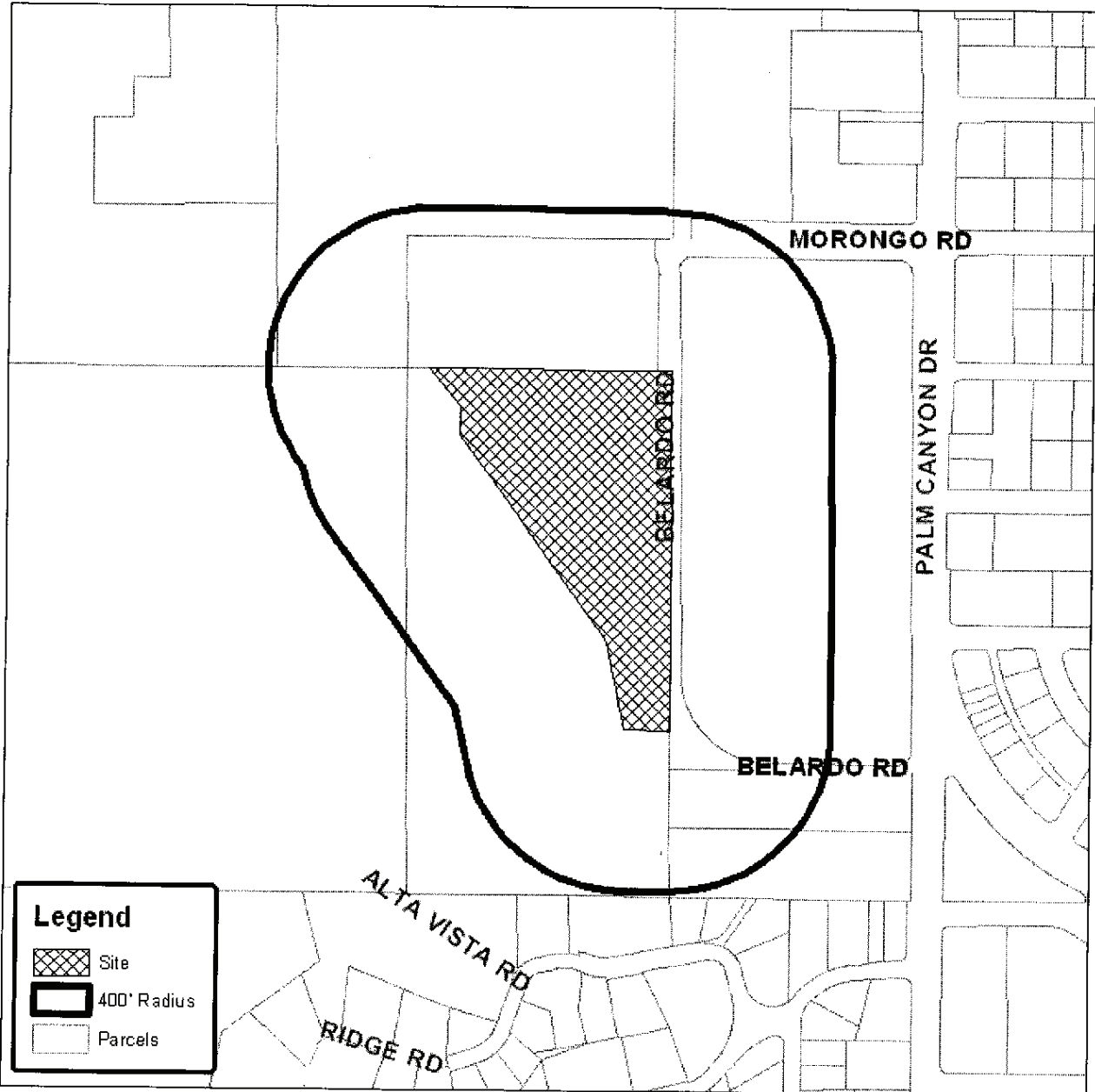
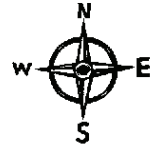
David H. Ready, Esq., Ph.D.
City Manager

Attachments:

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Draft Ordinance for City Council for PDD in lieu of Change of Zone
- Site Plan, elevations, landscape plan, perspective images
- Letter from the Tribe dated June 18, 2013 – Adding COA
- Memo re CEQA Determination for the Dakota Single-Family Residential Project



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1297 PD 364 & TPM 36548

APPLICANT: Crescendo, LLC

DESCRIPTION: A request to construct a 43-unit detached single-family residential development on approximately 6.37 acres of vacant land located on the west side of Belardo Road, south of Morongo Road, Zone R-3, Section 22.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1297 PDD 364 TO CONSTRUCT 43 TWO-STORY, DETACHED SINGLE FAMILY RESIDENCES AND TENTATIVE TRACT MAP 36548 FOR THE SUBDIVISION OF ROUGHLY 6.37-ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREA AND PRIVATE STREETS LOCATED AT ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD.

WHEREAS, on March 4, 2013, Crescendo, LLC (the "Applicant") filed an application pursuant to Zoning Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) for a Planned Development District (PDD) in lieu of zone change to construct 43 two-story, detached single family residences on approximately 6.37 acres located on the west side of Belardo Road, south of Morongo Road, identified as APN 513-300-057; and

WHEREAS, the Applicant submitted an application pursuant to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act for Tentative Tract Map 36548; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1297 PD 364 and TTM 36548, was given in accordance with applicable law; and

WHEREAS, on May 8, 2013, a public hearing on the applications was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing the Planning Commission 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 and voted 4-0 to approve the preliminary PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council and approve the Tentative Tract Map by Resolution, subject to Conditions of Approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1297 PDD 364 / TTM 36548, was given in accordance with applicable law; and

WHEREAS, on July 3, 2013, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, and all written and oral testimony presented; and

WHEREAS, on April 18, 2007, the City Council approved a prior version of this project which included a 66-unit clustered townhome complex, clubhouse, and recreation facility at the subject site; and

WHEREAS, on April 18, 2007, pursuant to the California Environmental Quality Act ("CEQA"), the City Council also adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the prior version of this project.

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

SECTION 1. No further environmental documentation is required because the project, as proposed is a residential use, as was previously analyzed, however, the proposed project reduces density by 23 units compared to the approved project, and reduces maximum building heights from three stories to two stories, and reduces overall building sizes. The reduction in density will result in a proportionate reduction in impacts as compared to the approved project. The Council therefore finds that (i) there are no substantial changes in the proposed project requiring major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the proposed project is being undertaken which will require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was certified showing that: (a) the proposed project will have one or more significant effects not discussed in the Mitigated Negative Declaration; (b) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted. (Public Resources Code § 21166; CEQA Guidelines § 15162.)

SECTION 2. *Planned Development District Findings.* Findings for a Planned Development District in lieu of a Change of Zone are found in Zoning Code Section 93.07.00 (Change of Zone). The proposed project is evaluated against the findings as follows:

- a. *The proposed planned development is consistent and in conformity with the general plan and report.*

The General Plan land use designation of the subject site is HDR (High Density Residential). The proposed project includes single family residences at a

density of 6.37 dwelling units per net acre, which is well below the maximum density of 30 dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

b. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.

The density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates private streets that conform to the minimum widths required. The project includes adequate means of emergency access. The project proposes lot sizes that are adequate to provide usable outdoor space, including small pools and spas. Thus, the project is deemed consistent with this finding.

c. The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.

The applicant proposes two-story single family dwelling units on small, individual lots in a gated community. San Jacinto Mountains are located to the west and south of the project site; multi-family residential exists to the north; and vacant land and a shopping complex exist to the east. Although the high density residential land use designation would also permit development of greater densities than that proposed, there is demand in the new home market at this time to support this type of development. The use would not be detrimental to adjacent property or residents in this area due to a less intense project and zoning.

SECTION 3. *Findings for the Tentative Tract Map.* The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.

The TTM proposes individual residential lots with open space, common area and private streets. The proposed density is well below the maximum permitted by the HDR General Plan land use designation. Private streets will provide adequate access to residents and emergency vehicles seeking entrance to individual properties. No specific plans are associated with the subject property.

b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.

The proposed project design and improvements are generally not consistent with the R-3 zone in which the property is located. The PDD proposes a set of development standards and design details with smaller setbacks than would otherwise be required by the underlying zone. The overall density is less than the minimum allowable for the zone and the average lot size is smaller than required by the zone. Improvements proposed include single family homes which are prohibited in the R-3 zone. The applicant seeks approval to change the zone by permitting single family uses on these specific parcels at this location based on the specific design proposed. The changes proposed in the PDD are expected to benefit the area by providing a less dense development which will enhance neighborhood character and provide a more aesthetically positive interface with the surrounding area. With the approval of the PDD, the project will be consistent with this finding.

c. The site is physically suited for this type of development.

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential lots. Each lot is proposed to accommodate a two-story residence. A total of 43 residences are proposed on the 6.37-acre site. The site has adequate vehicular access with four proposed driveways to the public street, Belardo Road. The site is physically suited for this type of development.

d. The site is physically suited for the proposed density of development.

The project proposes 43 single family dwelling units on approximately 6.37 acres or roughly 6.4 du/ac which is less than the allowable density under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act. A Mitigated Negative Declaration was previously adopted for a more dense project on the site. The current project modifies the previously approved project by reducing densities and building height, thereby reducing impacts from the previously approved project. Mitigation measures from the previously adopted Mitigation Monitoring and Reporting Program have been included which will reduce potential impacts to less than significant levels.. The site was partially developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats

f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot.

g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council approves preliminary development plans for Case 5.1297 PDD 364, a Planned Development District establishing the PDD in lieu of a Change of Zone; changing the zone / land use classification from R-3 to PD 364; approving the Preliminary Development Plans; and, approving Case TTM 36548 to subdivide the roughly 6.37 acres into 43 residential lots, common area and private streets, subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

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. 5.1297 PDD 364 and TTM 36548
"Dakota"

Planned Development District and Tentative Tract Map
West side of Belardo Road and South of Morongo Road
(1501 South Belardo Road)

July 3, 2013

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1297 PDD 364 TTM 36548); except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (March 6, 2013), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 36548, date stamped April 18, 2013. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

- ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1297 PDD 364 TTM 36548. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 8. Time Limit on Approval. Approval of the (Planned Development District (PDD) and Tentative Tract Map (TTM) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.
- ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 10. 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.

- ADM 11. 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).
- ADM 12. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to consideration of this project by the Planning Commission.
- ADM 13. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 14. CC&R's 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 for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances
- ADM 15. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
 - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to

be recorded.

- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

- ADM 16. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes
- ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (only applies to projects that are Categorically Exempt from CEQA).
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 3. Mitigation Monitoring. The mitigation measures of the Mitigated Negative Declaration shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the Mitigated Negative Declaration will be included in the plans prior to Planning Commission consideration of

the environmental assessment. Mitigation measures are defined in the approved project description.

ENV 4. Cultural Resource Survey Required. 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.

ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.

a). 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. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. 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 Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning 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. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside

County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) 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 and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. Each gated area shall have pedestrian access to Belardo Road.
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 10. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of

signalization will be permitted, except approved alarm systems.

- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and guests. Location and design shall be approved by the Director of Planning.
- PLN 15. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 16. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 17. Development Standards.
Setbacks for individual lots shall be as follows:
- a. Front Yard: 5 feet
 - b. Side Yards: 3 feet
 - c. Street Side Yards: 5 feet
 - d. Rear Yard: 28 feet
 - e. Pool/spa setbacks: 3 feet
- Distance Between Buildings: 6 feet
- PLN 18. Hillside Open Space. The hillside area shown as Lot HH on TTM 36548 shall be dedicated as open space.
- PLN 19. (add any additional conditions imposed by the Planning Commission or City

Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. 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.

BELARDO ROAD

- ENG 4. Dedicate a property line - corner cut back at each side of the Street "A" intersection with Belardo Road in accordance with City of Palm Springs Standard Drawing No. 105.

- ENG 5. Dedicate abutters rights of access to Belardo Road along the entire frontage of the project, excluding the four approved access points; vehicular access to Belardo Road shall be prohibited except through the four approved access points.
- ENG 6. Remove existing street improvements as necessary to construct a Main Entry and new street intersection (Street "A") located approximately 110 feet south of the north site property line. The Main Entry shall be constructed with 25 feet radius curb returns and Type A curb ramps meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of Belardo Road and Street "A" in accordance with City of Palm Springs Standard Drawing No. 200 & 206, and 212, respectively.
- ENG 7. Remove existing street improvements as necessary to construct three driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. Construct a driveway approach (26 feet wide) at the southeast end of Street "B"; construct a driveway approach (25 feet wide) approximately 165 feet south of the centerline of the Street "B" driveway approach for the benefit of access to residential Lots 40, 41, and 42; construct a driveway approach (16 feet wide) approximately 295 feet south of the centerline of the Street "B" driveway approach for the benefit of access to residential Lot 43.
- ENG 8. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE PRIVATE STREETS

- ENG 9. Dedicate an easement for public utility purposes, including sewers, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.
- ENG 10. Street "A" shall be two-way with a minimum travelway width of 30 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, a mow strip at roadway grade, or other approved curbs along both sides of the street, and a centerline gutter, as necessary to accept and convey street surface drainage of Street "A" to the drainage system, in accordance with applicable City standards. Construct a Type B2 gutter, modified to 3 feet wide, along the centerline of Street "A" in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 11. Streets "B" through "D" shall be two-way with a minimum travelway width of 25 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, a mow strip at roadway grade, or other approved curbs on both sides of the streets, and a centerline gutter, as necessary to accept and convey street surface drainage of the on-site streets to the drainage system, in accordance with applicable City standards. Construct a Type B2 gutter, modified to 3 feet wide, along the centerlines of the on-site private Streets "B"

through "D" in accordance with City of Palm Springs Standard Drawing No. 200.

- ENG 12. The minimum pavement section for all on-site pavement shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of the proposed gutters (or mow strips) of the on-site private streets. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 13. Parking shall be restricted along both sides of the on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Alternatively, the guest parking areas scattered throughout the development, shall be used in lieu of on-street parallel parking. 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&Rs) required for the development.
- ENG 14. The gated Main Entry on Belardo Road is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements around the Main Entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 50 feet shall be provided between the back of sidewalk on Belardo Road and the gated entry directory/control panel, with an approved maneuvering area provided between the directory/control panel and the entry gates. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. A Knox key operated switch shall be installed at every automatic gate. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch when required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of 1/4 inch) when required by the fire code official. 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.
- ENG 15. The gated entry at Street "B" shall be for egress only.

SANITARY SEWER

- ENG 16. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 17. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 18. The proposed connection of the sewer system to the existing private sewer manhole in Belardo Road, and the existing private sewer system across the Plaza Del Sol Shopping Center is not approved. The existing on-site private sewer system in the Plaza Del Sol Shopping Center is not an approved public sewer system. As necessary to provide public sewer service to Tentative Tract Map 36548, the applicant shall construct one of the following alternatives:

Alternative A: The applicant may extend an 8 inch V.C.P. sewer main in Morongo Road from the existing terminal sewer manhole located approximately 100 feet east of S. Palm Canyon Drive extending westerly to Belardo Road; and in Belardo Road from Morongo Road extending southerly to the proposed public sewer manhole located adjacent to the northeast corner of the TM36548 site; the proposed on-site public sewer system shall connect to this proposed sewer manhole. An alternative sewer alignment, within public rights-of-way may be approved by the City Engineer. If this alternative is constructed, the existing on-site private sewer system servicing the Plaza Del Sol Apartments (Assessor's Parcel No. 513-300-045), shall be connected to the extended public sewer system within Belardo Road; the existing terminal manhole and 8 inch V.C.P. sewer main extending to Belardo Road from the Plaza Del Sol Shopping Center shall be removed to a point within the Plaza Del Sol Shopping Center, as required by the City Engineer.

Alternative B: The applicant may construct a public sewer main from the Street "B" driveway across Belardo Road to Tribal Allottee Parcel 67B within that parcel identified by Assessor's Parcel No. 513-300-038 (Plaza Del Sol Shopping Center) a minimum of 10 feet away from the most southern portion of the Steinmart Building and connect to a proposed sewer manhole on the west side of S. Palm Canyon Drive. A public sewer easement shall be attained across the Tribal Allottee parcel 67B for the Alternative B public sewer main. When public dedications of easements or rights-of-way over Tribal Allottee land are required, the applicant shall be responsible for compliance with all Bureau of Indian Affairs (BIA) requirements, including payment of any BIA fees, 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 "without limitation as to tenure"; easements granted with a defined term, or

made in connection with an underlying Indian Land Lease, shall not be accepted. Upon completion of Alternative B improvements by the applicant, and as a condition of acceptance by the City Engineer, the applicant shall prepare for the City Engineer's approval, an Affidavit of Completion in accordance with Section 169.16, Title 25, of the Code of Federal Regulations, for any improvements constructed by the applicant for which an easement was dedicated to the City through the Bureau of Indian Affairs. The Affidavit of Completion shall be provided to and approved by the City Engineer prior to final acceptance of the project, including issuance of a final certificate of occupancy. The applicant shall be responsible for obtaining the necessary form for the Affidavit of Completion from the Palm Springs Agency of the Bureau of Indian Affairs, and for having it completed as necessary by the applicant's Engineer of Record.

- ENG 19. Construct an 8 inch V.C.P. sewer main across the entire on-site private street frontages located 5 feet from centerline or as required by the City Engineer and connect to the extended public sewer system in Belardo Road at the northeast corner of the site or alternatively, connect to an extended public sewer system going from the project from the "B" Street driveway across Belardo Road to the Plaza Del Sol Shopping Center onto Tribal Allottee Parcel 67B. All sewer mains constructed by the applicant and to become part of the public sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. A computer disc of the video recording shall be provided to the City Engineer for review. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.
- ENG 20. The applicant shall dedicate a 15 feet wide public sewer easement across Lot 1, common area Lot 43, and residential Lots 40, 42, and 43. The required sewer easements shall be located entirely within the named lots. The easement shall be kept clear and free of any and all obstructions to allow for the continued operation and maintenance of the proposed public sewer main within the easements. Construction of permanent structures, swimming pools and equipment, or other improvements determined to be an obstruction of the public sewer easement shall not be allowed. Planting of large trees or other planting material with invasive or deep root structures shall be restricted. Access to the public sewer easements from Belardo Road, Street "B", and the two southern driveways shall be maintained, including, if necessary, 15 feet wide gates with lock and access provided to the City of Palm Springs sewer maintenance personnel. Provisions for the maintenance of the public sewer easements, acceptable to the City Engineer, shall be included in the CC&Rs for the tract. Notice shall be clearly included in the CC&Rs defining restrictions of development within the easements.
- ENG 21. Provisions for maintenance of the public sewer easements, acceptable to the City Engineer, shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development. Notice shall be clearly included in the CC&Rs defining the restrictions of development within the easements across

Lot 1, common area Lot AA, and residential Lots 40, 42, and 43. The CC&Rs shall advise the property owners of the City's right to enter the site, clear and remove any and all improvements and/or obstructions within the easements, and give the City the right to charge all costs incurred in enforcing this provision to the owners of Lots 1, common area Lot AA, and residential Lots 40, 42, and 43. The CC&Rs shall also advise the property owners of the fact that the City is not required to replace in like kind, any landscaping or other improvements within the public sewer easements in the event repair or replacement of the existing sewer main is required, and that the City shall be limited to leaving the property in a rough graded condition following any such repair or replacement.

- ENG 22. Applicant shall construct an 8 inch V.C.P. sewer main across the entire on-site private street frontages located 5 feet from centerline or as required by the City Engineer and connect to the extended public sewer system in Belardo Road adjacent to the northeast corner of the TTM36548 site or alternatively, to connect to the proposed public sewer main across the Tribal Allottee parcel running easterly to the proposed public sewer manhole on the west side of S. Palm Canyon Drive. The on-site sewer system will not be accepted for public maintenance until the system has been accepted by the City.
- ENG 23. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

- ENG 24. Common space Lot HH shall not be graded by applicant. A Grading plan submitted to the City Engineer for review and approval shall incorporate this grading restriction. Lot HH shall be dedicated to the City on the Final Map for open space, recreation, or other purposes, as approved by the City Engineer.
- ENG 25. Submit a Precise Grading & Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has

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

- b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan.

- ENG 26. Prior to approval of a Grading Plan or issuance of any permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 27. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 28. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 29. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

- ENG 30. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.
- ENG 31. In accordance with the Geologic Evaluation for Rock Fall Hazard Report prepared by Earth Systems, dated June 9, 2006, the following mitigation measures shall be required:
- a. The proposed retaining wall along the toe of slope of the mountains shall be utilized as a debris wall. The wall shall have a minimum of 2 feet of freeboard with a v-channel constructed on the slope-facing side to manage stormwater runoff. The v-channel shall require routine maintenance to clean accumulated debris that may roll or wash down the slope and collect behind the wall. Provisions for maintenance of the v-channel shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development.
 - b. Structure setbacks shall be a minimum of 10 feet from the toe of slope.
- ENG 32. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 33. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 34. This project requires the preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 35. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 36. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the

grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

- ENG 37. 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. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 38. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 39. 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. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 40. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&Rs) required for the development.

- ENG 41. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 42. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 43. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:
- (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
 - (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and
 - (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 44. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. The applicant shall obtain approval from Riverside County Flood Control & Water Conservation District (RCFC) for connection of proposed storm drain improvements to the existing regional flood control system identified as Palm Springs Line 28-B. Verification of the capacity of Palm Springs Line 28-B for the additional stormwater runoff accepted and conveyed by Tentative Tract Map 36548 shall be determined, subject to review and approval by RCFC and the City Engineer. RCFC approval shall be required for any connection of proposed storm drain facilities to the existing RCFC facility. The applicant shall be required to obtain an

Encroachment Permit from RCFC for connection of proposed storm drain improvements to Palm Springs Line 28-B. A copy of the Encroachment Permit shall be provided to the City Engineer, prior to approval of on-site storm drain improvement plans.

- ENG 45. The Preliminary Hydrology Analysis for Tentative Tract No. 36548, prepared by Sanborn A/E, Inc., dated March, 2013, shall be finalized to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final storm drain system sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology analysis by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology analysis. In the event additional capacity is unavailable within Palm Springs Line 28-B, the applicant shall be required to revise the Hydrology Analysis to identify additional stormwater runoff mitigation measures necessary to contain the increased stormwater runoff generated from Tentative Tract Map 36548.
- ENG 46. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.
- ENG 47. Construct drainage improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site streets, as described in the Preliminary Hydrology Analysis for Tentative Tract No. 36548, prepared by Sanborn A/E, Inc., dated March, 2013. The hydrology analysis for Tentative Tract Map 36548 shall be amended to include catch basin sizing and storm drain pipe sizing, and other specifications for construction of required on-site storm drainage improvements.
- ENG 48. 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&Rs) required for this project.
- ENG 49. 15 feet wide easements for storm drainage purposes shall be reserved over Lots 1 through 10, common area lots DD (on each side of the Main Entry), residential Lots 21, 24 and 25, 26 and 27, 33 and 34, common area Lots AA and BB, and residential Lot 38 and 39, and Lot 40 through Lot 43 (or others, as may be required) for those portions of the on-site private storm drain system that cross individual lots.
- ENG 50. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$7,271.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit. Drainage fees may be waived upon verification of prior costs paid related to the construction of the Palm Springs Storm Drain Line, Lateral 28B.

GENERAL

- ENG 51. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 52. All proposed utility lines shall be installed underground.
- ENG 53. All existing utilities shall be shown on the improvement plans for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 54. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 55. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 56. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 57. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 58. 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.
- ENG 59. A copy of draft Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&Rs shall be approved by the City Attorney prior to approval of the Final Map, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.
- ENG 60. 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 2004 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

- ENG 61. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks. 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 Belardo Road frontage of the subject property.
- ENG 62. 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 63. Applicant shall restripe the bike lane using thermoplastic material along the project frontage on the west side of Belardo Road. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.
- ENG 64. Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Belardo Road and the Main Entry, as well as at the Street "B" driveway access south of the Main Entry, in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 65. If identified by a name, install a street name sign at the intersection of Belardo Road _____ 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 66. Install stop controls at on-site street intersections, as may be required by the City Engineer. Stop signs within the development may be customized, provided the sign maintains the minimum standards for stop signs in 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, subject to review and approval by the City Engineer.
- ENG 67. The applicant shall provide and install two 9,500 lumen high pressure sodium vapor decorative safety street lights with glare shields on marbelite poles on the _____ corner of Belardo Road and the Main Entry with the mast arm over Belardo Road. The decorative nature of the street lights shall be similar to the style within the project or within the Plaza Del Sol Shopping Center. The applicant shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street lights.
- ENG 68. 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 69. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

GENERAL CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated February 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 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.

- 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.

FID 24 Wildland-Urban Interface Fire Area: This building site is located in a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

FID 25 Construction Methods & Requirements Within Established Limits (CFC 4905.2): Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

1. California Building Code Chapter 7A,
2. California Residential Code Section R327
3. California Reference Standards Code Chapter 12-7A
4. and this chapter

FID 26 Establishment Of Limits (CFC 4905.3) The establishment of limits for the Wildland-Urban Interface Fire Area's required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility areas or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area. This wildland-urban interface area has been designated as a "Severe Fire Hazard Zone".

END OF CONDITIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 364 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD.

WHEREAS, Crescendo, LLC. ("the Applicant") filed an application pursuant to Zoning Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) for a Planned Development District (PDD) in lieu of zone change to construct 43 two-story, detached single family residences on approximately 6.37 acres located on the west side of Belardo Road, south of Morongo Road, identified as APN 513-300-057; and

WHEREAS, the applicant submitted an application pursuant to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act for Tentative Tract Map 36548; and

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs for Case 5.1297 PDD 364 / TTM 36548 was given in accordance with applicable law; and

WHEREAS, on May 8, 2013, a public meeting on Case 5.1297 PDD 364 / TTM 36548 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing the Planning Commission 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 and voted 4-0 to approve the preliminary PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council and approve the Tentative Tract Map by Resolution, subject to Conditions of Approval; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1297 PDD 364 / TTM 36548, was given in accordance with applicable law; and

WHEREAS, on July 3, 2013, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1297 PDD 364 / TTM 36548; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, and all written and oral testimony presented; and

WHEREAS, on April 18, 2007, the City Council approved a prior version of this project which included a 66-unit clustered townhome complex, clubhouse, and recreation facility at the subject site; and

WHEREAS, on April 18, 2007, pursuant to the California Environmental Quality Act ("CEQA"), the City Council also adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the prior version of this project.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. No further environmental documentation is required because the project, as proposed is a residential use, as was previously analyzed, however, the proposed project reduces density by 23 units compared to the previously approved project, and reduces maximum building heights from three stories to two stories, and reduces overall building sizes. The reduction in density will result in a proportionate reduction in impacts as compared to the approved project. The Council therefore finds that (i) there are no substantial changes in the proposed project requiring major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the proposed project is being undertaken which will require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was certified showing that: (a) the proposed project will have one or more significant effects not discussed in the Mitigated Negative Declaration; (b) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the mitigation

measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects, but the mitigation measures or alternatives have not been adopted. (Public Resources Code § 21166; CEQA Guidelines § 15162.)

SECTION 2: Pursuant to Zoning Code Section 94.07.00 (Change of Zone), "the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property":

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The General Plan land use designation of the subject site is HDR (High Density Residential). The proposed project includes single family residences at a density of 6.37 dwelling units per net acre, which is well below the maximum density of 30 dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

2. *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates private streets that conform to the minimum widths required. The project includes adequate means of emergency access. The project proposes lot sizes that are adequate to provide usable outdoor space, including small pools and spas. Thus, the project is deemed consistent with this finding.

3. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The applicant proposes two-story single family dwelling units on small, individual lots in a gated community. San Jacinto Mountains are located to the west and south of the project site; multi-family residential exists to the north; and vacant land and a shopping complex exist to the east. Although the high density residential land use designation would also permit development of greater

densities than that proposed, there is demand in the new home market at this time to support this type of development. The use would not be detrimental to adjacent property or residents in this area due to a less intense project and zoning.

SECTION 3. The City Council adopts an ordinance to approve the zone map change which changes the land use classification / zoning designation from R-3 to PD 364 for a roughly 6.37-acre area on the west side of Belardo Road, south of Morongo Road in conjunction with Case 5.1297 PDD 364 / TTM 36548 subject to the conditions of approval attached as Exhibit "A" to Resolution No. _____.

SECTION 4. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. Publication. The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 3rd day of July, 2013.

ATTEST:

MAYOR

City Clerk

APPROVED AS TO FORM



City Attorney

Date 06-29-2013

CERTIFICATION:

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

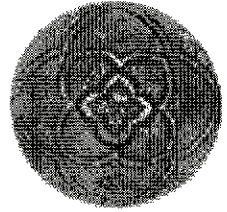
I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



June 18, 2013

[VIA EMAIL TO:david.newell@palmsprings-ca.gov]

Palm Springs
Mr. David A. Newell
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Planned Development District in lieu of a change of zone (PDD 364) and Tentative Tract Map

Dear Mr. David A. Newell,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Dakota, 1501 South Belardo Road project. The project area is located within the boundaries of the ACBCI Reservation. A records check of the ACBCI registry indicates that previous surveys in the area were positive for the presence of cultural resources. For this reason, the ACBCI THPO requests the following:

- *Contact information for the individual responsible for coordinating archaeological compliance.

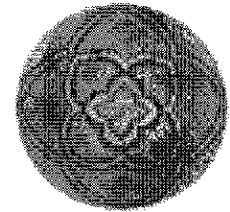
- *A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.

- *The presence of an approved Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Officer.

- *Please provide our office with updates or a status report of the project as it progresses.

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



☒*Should human remains be discovered during construction of the proposed project, the project contractor would be subject to either the State law regarding the discovery and disturbance of human remains or the Tribal burial protocol. In either circumstance all destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City and Developer will work with the designated MLD to determine the final disposition of the remains.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at keskew@aguacaliente.net.

Cordially,

A handwritten signature in cursive script that reads "Katie Eskew".

Katie Eskew
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS



CITY COUNCIL STAFF MEMORANDUM

DATE: July 3, 2013 PUBLIC HEARING

SUBJECT: CEQA Determination for the Dakota Single-Family Residential Project

CASE: 5.1297-PDD-364 /TTM 36548 – DAKOTA

FROM: David H. Ready, City Manager

BY: Department of Planning Services

On April 18, 2007, the City Council adopted a Mitigated Negative Declaration (MND), a Mitigation Monitoring and Reporting Program, and approved Case No. 5.1108-PDD 326 a Planned Development District and Tentative Tract Map (TTM 34580) for a 66-unit clustered town-home residential complex, a clubhouse, recreation area, a swimming pool and six lettered lots. This development is commonly known as the "Edge at Belardo". The Tentative Tract Map (TTM 34580) was approved for the subdivision of the approximately 6.9-acre parcel into 66 residential and six lettered lots. The subject property is located along 1501-1601 Belardo Road.

On March 4, 2013, the owner of the previously approved Edge at Belardo project submitted an application to modify the previously approved project. The modified project calls for forty-three (43) two-story, single-family residential units. On May 8, 2013, the Planning Commission at its regularly scheduled public hearing meeting reviewed and unanimously approved the proposed Planned Development District in-lieu of change of zone for the construction of 43 two-story detached single-family residences within a gated community with private streets. The project also includes a Tentative Tract Map (TTM 36548) to subdivide the 6.37-acre lot into 43 residential lots, common areas and private streets.

Staff conducted an environmental analysis of the modified project under CEQA and made a finding that "Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent MND, Addendum to the MND or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The modified development, a proposal for forty-three (43) single-family residential units would not result in any new environmental impacts beyond those already assessed in the previously adopted Mitigated Negative Declaration."

The Table below compares the previously approved PDD 326 and the modified proposal, PDD 364.

	Approved PDD 326 "The Edge"	Proposed PDD 364 "The Dakota"
Location	1501-1601 Belardo Road	1501-1601 Belardo Road
Proposed Use	Multi-Family Residential	Single-Family Residential
Lot Size	6.9 Acres	6.9 Acres
Site Circulation	Ingress, egress, access, parking all meet City Standards	Ingress, egress, access, parking all meet City Standards
Units	66 Town Homes	43 Single-Family Residential Units
Density	10.1 Dwelling Units Per Acre	6.4 Dwelling Units Per Acre
Coverage	22%	18.4%
Height	Up to Three Stories allowed	Maximum of Two Stories allowed
Open Space	54%	65%
Mitigation	Mitigation Measures from MND	Same Mitigation Measures Apply

Staff evaluated the modified project and determined that its environmental effects would be the same or less than the project as evaluated in the MND. (*See Snarled Traffic Obstructs Progress v. San Francisco*, (1999) 74 Cal. App. 4th 793 (a reduced version of a previously approved project did not result in any new significant effects or a substantial increase in the severity of previously identified effects).) Specifically:

Aesthetics:

The overall permitted height of the project has been reduced resulting in reduced aesthetic impacts, including reduced impacts to view corridors. The conclusions in the original MND apply to the modified project.

Agriculture Resources:

The project site is surrounded by developed residential or commercial property and the neither the site nor its adjacent uses are designated as farmland or are subject to a Williamson Act contract. The conclusions in the original MND apply to the modified project.

Air Quality:

The proposed single-family residential development is not likely to create additional impacts beyond those already evaluated in the MND. Given the fact that the new project is less in size and scope, the development is likely to have less construction and operational-related emissions. The conclusions and mitigation measures in the MND apply to the modified project.

Biological Resources:

The project site is still located in a developed, urban area and the project site was previously developed and disturbed. The conclusions in the MND apply to the modified project.

Cultural Resources:

The project site is still located in a developed, urban area and the project site was previously developed and disturbed. The conclusions and mitigation measures in the MND apply to the modified project.

Geology and Soils:

The geologic conditions of the project site are unchanged. The conclusions and mitigation measures in the MND apply to the modified project.

Hazards and Hazardous Materials:

The conclusions and mitigation measures in the MND apply to the modified project.

Hydrology and Water Quality:

The modified project is less intense than the project analyzed in the MND. The conclusions in the MND apply to the modified project.

Land Use:

The proposed changes to the project have not changed the designated land use of the subject site; moreover there are no significant changes in the surrounding land uses that could change the circumstances of the project. The surrounding land uses are predominantly residential and commercial and that has not changed since the MND was adopted. The original project was approved for a 66-unit multi-family residential development; the changed project is proposing a 43-lot single-family residential development; in light of this, staff made a determination that there is no conflict with the applicable land use designation. The conclusions and mitigation measures in the MND apply to the modified project.

Mineral Resources:

No significant mineral resources have been identified in the project area. The conclusions and mitigation measures in the MND apply to the modified project.

Noise:

As with the original project, it is not anticipated that the changed project will generate additional noise in the project area. As with all construction activities within the City, the applicant will be conditioned to comply with all construction regulations including construction hours prescribed in the City's Municipal Code. The conclusions and mitigation measures in the MND apply to the modified project.

Population and Housing:

The modified project is less intense than the project analyzed in the MND. The conclusions in the MND apply to the modified project.

Public Services:

The modified project is less intense than the project analyzed in the MND. The conclusions in the MND apply to the modified project.

Recreation:

The modified project is less intense than the project analyzed in the MND. The conclusions in the MND apply to the modified project.

Traffic:

The new project is proposing to build 43 single-family residential units; this represents a 35% decrease, because the change is less than the previously approved project, it is highly unlikely that the changed project would cause an increase in traffic that will be substantial when compared to the existing traffic load and capacity of Belardo Road and South Palm Canyon. The only change in the immediate vicinity of the project location is the construction of the "Chairman Richard M. Milanovich Memorial Bridge" north of the site and according to the City Engineer, while the completion of the bridge will enhance ease of circulation in the area, the bridge is not expected to change traffic patterns or increase traffic levels in the immediate community. The conclusions and mitigation measures in the MND apply to the modified project.

Utilities and Service Systems:

The modified project is less intense than the project analyzed in the MND. The conclusions in the MND apply to the modified project.

Findings:

The modified development, a proposal to develop forty-three (43) single-family residential units on approximately 6.4-acre land, would not result in any new environmental impacts beyond those already assessed in the previously adopted Mitigated Negative Declaration. No further environmental review is required. (Public Resources Code § 21166; CEQA Guidelines § 15162.)

Attachments:

-MND

**CITY OF PALM SPRINGS
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION**

1. Project title:
The Edge – Case 5.1108 TTM 34580
2. Lead agency name and address:
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262
3. Contact person and phone number:
Edward O. Robertson, Principal Planner
(760) 323-8245
4. Project location:
Between 1501 and 1601 Belardo Road
5. Project sponsor's name and address:
Wessman Holdings, LLC
300 South Palm Canyon Drive
Palm Springs, CA 92262
6. General plan designation:
H43 / 21 High Density Hotel / Multi-family Residential
7. Zoning:
R-3 Multi-Family and Hotel Zone
8. Description of project:

The proposed project is for a Planned Development District and Tentative Tract map for sixty-SIX contemporary town-home lots, and a 12,924 square foot recreational area proposed on approximately 6.9-acre vacant parcel. Six lettered streets are proposed and five private driveways. The homes are grouped in clusters ranging from five clustered together to two. Building coverage totals approximately 1.5 acres, parking and driveways total approximately 1.6 acres, and open space totals approximately 3.6 acres.

The subdivision proposes lots for units ranging from 1,100 square feet to 1,590 square feet in size. A lot line merger will be recorded before final approval of the subdivision map. The overall density of sixty-six lots on 6.9 acres is substantially less than the 140 units that would be allowed by the H43 / 21 General Plan designation. The request for the PDD is to be able to request certain departures from the strict application of the zoning ordinance regarding setbacks and height.



The project proposes that 54% of the project will be preserved as permanent open space. Fencing will be allowed as necessary to enclose individual pools. Access to the project will be from Belardo Road, which contains all utilities at the street level, including a storm drain. The old entry will be maintained as a secondary point of access as well as a service entry. The Tentative Tract Map is being requested to subdivide the site into sixty-six lots.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

The site is consisted of a mix of residential, vacation, commercial, and undeveloped properties. Tahquitz Mesa Villa Apartments are to the north, and Plaza Del Sol (a commercial center) is to the east. The south contains undeveloped land, residential properties, and the Inn at Palm Springs, with the Vagabond Inn beyond. Undeveloped mountainous property and residential properties are to the west.

North: Multi-family residential

South: Vacant land

East: Shopping Center, Commercial

West: Vacant land / a mountain

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None



FIGURE 1 – VICINITY MAP

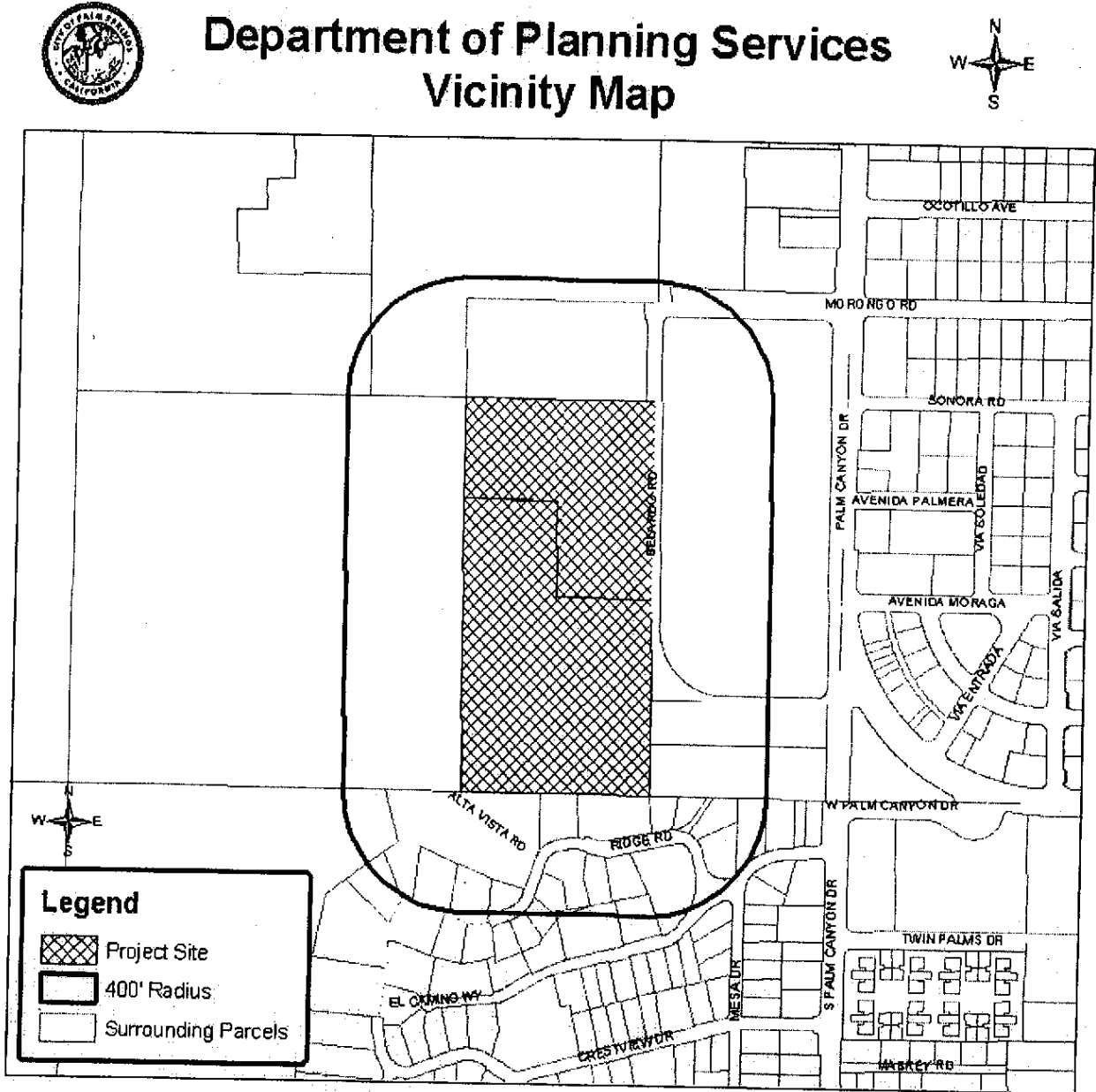


FIGURE 3 – PROPOSED PROJECT SITE PLAN

DENSITY SUMMARY

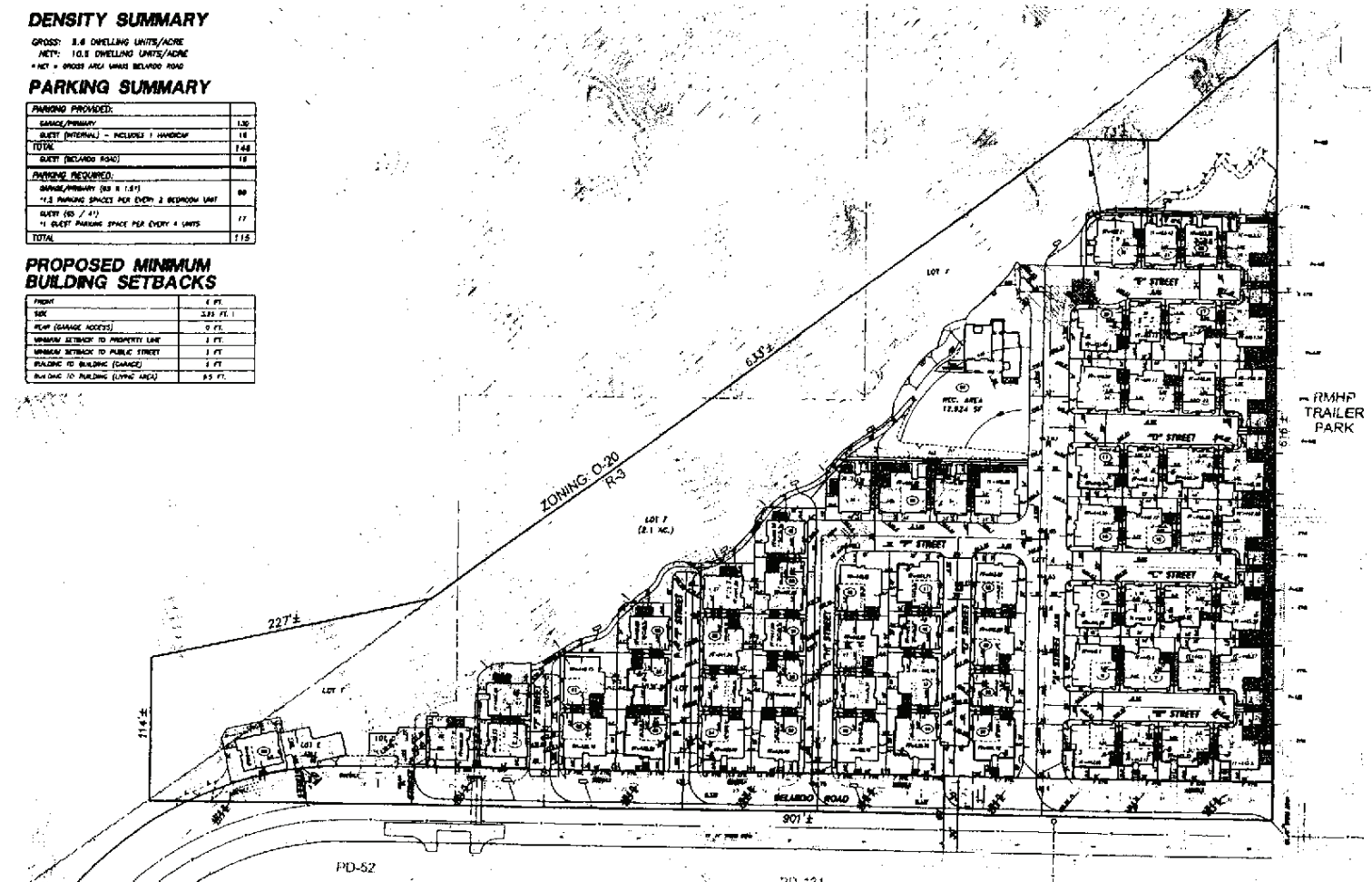
GROSS: 8.6 DWELLING UNITS/ACRE
 NET: 10.8 DWELLING UNITS/ACRE
 *NET = GROSS AREA MINUS BELTWAY ROAD

PARKING SUMMARY

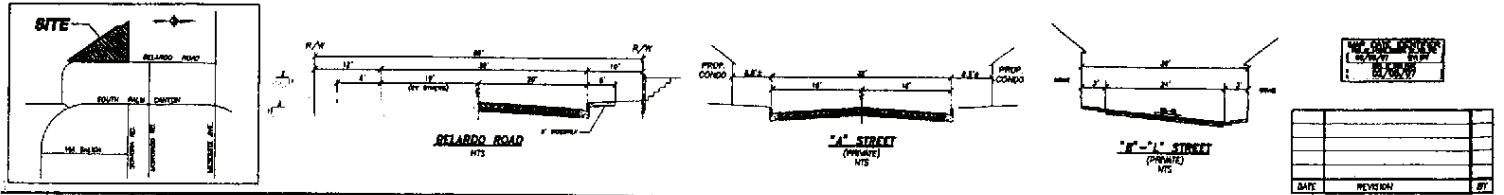
PARKING PROVIDED:	
Garage/Primary	130
Guest (Internal) - Includes 1 Handicap	18
TOTAL	148
Guest (Belardo Road)	
	18
PARKING REQUIRED:	
Garage/Primary (80 @ 1.5:1)	80
*1.3 Parking Spaces per every 2 Bedroom Unit	
Guest (50 @ 1:1)	50
*1 Guest Parking Space per every 4 Units	
TOTAL	130

PROPOSED MINIMUM BUILDING SETBACKS

FRONT	5 FT.
REAR	5 FT.
REAR (GARAGE ACCESS)	5 FT.
MINIMUM SETBACK TO PROPERTY LINE	5 FT.
MINIMUM SETBACK TO PUBLIC STREET	5 FT.
BUILDING TO BUILDING (GARAGE)	5 FT.
BUILDING TO BUILDING (LIVING AREA)	5.5 FT.



VICINITY MAP



PLOTTED BY: John Tang DATE:



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

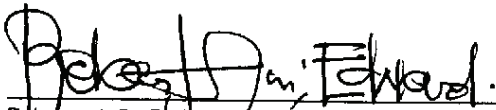
- | | | |
|--------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |



DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Edward O. Robertson
Principal Planner

1.24.07
Date



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.



- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) **Less Than Significant Impact.** The project site is located on Belardo Road . It is not located near scenic vistas or state scenic highways. The proposed project is for sixty-five town-home lots, one single-family home, and a 12,924 square foot recreational area.

The site slopes gently to the east and is covered with rocks and boulders along the western boundary, and course sand and gravel over the remainder of the site. The site has been severely impacted by human improvements along the western boundary. Remnants of a small, abandoned house, garden, and unidentified concrete structures are examples of these impacts. Trash is routinely illegally dumped onto the site and the site has become an encampment for the homeless. Development would remove the adverse conditions developing on the vacant site.

The proposed project will be located against the toe of the mountain, however, the project will be located behind a two-story commercial parcel, and adjacent to a two-story multi-family residential development. View corridors to the mountain will exist through the private streets that provide views to the mountain from Belardo Road. The view would primarily be from the commercial unit east of the site.

d) **Less Than Significant Impact.** Construction of the project would have some lighting impacts, characteristic of a very low density residential area. However, it is not anticipated that the project will create substantial light and glare that could affect nighttime views. The type of lighting proposed would be required to comply with City's "dark sky" ordinance pursuant to standards outlined in Section 93.21.00 of the zoning ordinance. Therefore, there will be a less than significant impact to day or nighttime views in the area due to light and glare.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact.** The Farmland Mapping and Monitoring Program of the California Resources Agency have not designated this area as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impact to farmland would occur.
- b) **No Impact.** The proposed project site is zoned for multi-family residential use and is not covered by a Williamson Act contract. Furthermore, no Williamson Act Contracts are located in the immediate vicinity of the project site. Therefore, no impacts to Williamson Act Contracts would occur.
- c) **No Impact.** The proposed project is designated multi-family residential; the surrounding land consists of developed commercial or residential property. Implementation of the proposed project would, therefore, not result in conversion of farmland to non-agricultural uses. No Impacts to conversion of agricultural land will occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Air Quality analysis is based on a report by Endo Engineering (Appendix A).

a-c) **Less Than Significant Impact.** The proposed project is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). Development at the project site will be governed by the 2003 Air Quality Management Plan (2003 AQMP) and the 2002 Coachella Valley PM₁₀ State Implementation Plan (CVPM₁₀ SIP). CEQA requires that projects be consistent with the applicable AQMP.

The project would result in development intensities that are lower than what is allowed under the current General Plan land use designation. The Palm Springs General Plan is the basis for the AQMP emissions inventories, which is a key underlying assumption associated with the AQMP. Projects that are consistent with local General Plan land use development intensities are considered consistent with the air quality related regional plans including: the current AQMP, the Coachella Valley PM₁₀ SIP and other applicable regional plans.

The proposed project is not expected to exceed the SCAQMD daily or quarterly construction emission thresholds of significance during construction activities on site. The nominal threshold of significance considered by the AQMD for project development is when a minimum of 7 acres of land is being graded on a given day or when 70 homes are being constructed simultaneously. In the case of the subject development, the site area totals 6.9 acres with a 65 residential lots proposed.



Project-related motor vehicle and area source emissions are not projected to exceed the SCAQMD operational emission significance thresholds since the total number of units will be less than the threshold established by SCAQMD.

Operational emissions from the project would be within established thresholds and construction emissions exceeding daily thresholds would be mitigated through implementation of measures from the *South Coast Air Quality Management District CEQA Handbook*. Therefore, the project is not anticipated to conflict with or obstruct implementation of the 2003 AQMP. This impact is considered less than significant.

- d) **Less Than Significant Impact with Mitigation Incorporated.** Construction activities are a minor source of organic gas emissions. Solvents in adhesives, non-waterbase paints, thinners, some insulating materials and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. The URBEMIS-2002 for Windows (Version 7.4.2) program estimates maximum emissions from site grading, construction worker trips, stationary and mobile equipment, architectural coatings and asphalt off-gassing.

Table 1: Air Quality Significance Thresholds

Mass Daily Thresholds^a		
<u>Pollutant</u>	<u>Construction^b</u>	<u>Operation^c</u>
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs) and Odor Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk \geq 10 in 1 million Hazard Index \geq 1.0 (project increment) Hazard Index \geq 3.0 (facility-wide)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
Ambient Air Quality for Criteria Pollutants^d		
NO2 1-hour average annual average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.25 ppm (state) 0.053 ppm (federal)	
PM10 24-hour average annual geometric average annual arithmetic mean	10.4 $\mu\text{g}/\text{m}^3$ (recommended for construction) ^e 2.5 $\mu\text{g}/\text{m}^3$ (operation) 1.0 $\mu\text{g}/\text{m}^3$ 20 $\mu\text{g}/\text{m}^3$	



Sulfate 24-hour average	25 µg/m ³
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) 9.0 ppm (state/federal)

^a Source: SCAQMD CEQA Handbook (SCAQMD, 1993)

^b Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

^c **For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.**

^d Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.

^e Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million µg/m³ = microgram per cubic meter ≥ greater than or equal to

(Source: SCAQMD; Rev. January 2006, emphasis added)



Table 1: Air Quality Significance Thresholds

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Sulfate 24-hour average	25 $\mu\text{g}/\text{m}^3$	
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) 9.0 ppm (state/federal)	

^a Source: SCAQMD CEQA Handbook (SCAQMD, 1993)

^b Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

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° Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million $\mu\text{g}/\text{m}^3$ = microgram per cubic meter \geq greater than or equal to

(Source: SCAQMD: Rev. January 2006, emphasis added)

Table III-1

ESTIMATED EMISSIONS RESULTING FROM PROJECT CONSTRUCTION ACTIVITIES (POUNDS/DAY)



Emissions Source	ROG (Lbs./Day)	NO _x (Lbs./Day)	CO (Lbs./Day)	PM ₁₀ (Lbs./Day)
Demolition Phase				
- Fugitive Dust	-	-	-	3.15
- Off-Road Diesel	7.09	54.10	52.33	2.42
- On-Road Diesel	1.24	21.33	4.63	0.63
- Worker Trips	0.05	0.08	1.61	0.00
Subtotal	8.38	75.51	58.57	6.20
Site Grading Phase				
- Fugitive Dust	-	-	-	5.00
- Off-Road Diesel	5.19	35.83	41.26	1.52
- Worker Trips	0.05	0.08	1.61	0.00
Subtotal	5.24	35.91	42.87	6.52
Construction Process				
- Off-Road Diesel	3.16	25.25	22.47	1.17
- Worker Trips	0.04	0.02	0.45	0.01
Subtotal	3.20	25.27	22.92	1.18
Architectural Coatings				
- Off-Gasing	32.69	-	-	-
- Worker Trips	0.03	0.02	0.35	0.01
Subtotal	32.72	0.02	0.35	0.01
Asphalt Paving Process				
- Off-Gasing	0.48	-	-	-
- Off-Road Diesel	3.27	20.50	26.96	0.68
- On-Road Diesel	0.09	1.70	0.34	0.04
- Worker Trips	0.02	0.01	0.25	0.00
Subtotal	3.86	22.21	27.55	0.72
Maximum All Phases ^b	32.72	75.51	58.57	6.52
Daily Threshold	75	100	550	150
Threshold Exceeded	No	No	No	No

- a. Refer to the URBEMIS2002 printouts in an attachment. The PM₁₀ emissions include exhaust and fugitive dust emissions, assuming 0.5 acres per day are disturbed during grading. Twice daily watering of exposed surfaces was assumed as well as reduced speeds (<15 mph) on unpaved surfaces on-site.
- b. Building construction activities were assumed to occur in several phases. The maximum emission projections for any phase are shown and assume 8 single-family dwelling units are constructed. Not all building activities will occur simultaneously on-site.

The major air quality impacts resulting from project construction would be increased ROG, NO_x, CO, SO₂, and PM₁₀ emissions primarily from off road diesel, worker trips, off road diesel, and on road diesel. As shown in Table III-1, thresholds would not be exceeded on a pounds per day basis for any pollutant and would be below thresholds for pounds per day during construction.

Mitigation measures are provided consistent with the provisions of the South Coast Air Quality Management District CEQA Handbook to mitigate construction-related air quality emissions both for the project and cumulatively. In addition, the project would be



required to comply with Chapter 8.50 of the Palm Springs Municipal Code (which requires that projects obtain an approved Fugitive Dust Mitigation Plan prior to commencing construction) and Section 8.04.230 and 8.04.240 of the Palm Springs Municipal Code (which address erosion control associated with grading projects and outlines measures required to assure that no debris is washed, blown by wind or otherwise deposited onto streets or adjacent property). The project must also comply with SCAQMD's Rule 403 to mitigate emissions to a less than significant level.

The mitigation measures below shall be implemented during all grading and construction phases of the project and enforced/monitored by the City of Palm Springs and the SCAQMD. Implementation of these mitigation measures would reduce construction-related emissions and are considered adequate by the District to reduce emissions to less than significant.

Mitigation Measures

- MM III-1 Earth-moving activities on the project site shall be suspended during first and second stage ozone episodes or when winds exceed 25 MPH, pursuant to the Coachella Valley PM₁₀ State Implementation Plan and SCAQMD Rule 403.1.
 - MM III-2 Adequate watering techniques shall be employed on the project site to mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day, as part of the construction specifications.
 - MM III-3 Any construction access roads to the project site shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed limit on unpaved road surfaces shall be 15 mph.
 - MM III-4 All trucks shall maintain at least two feet of freeboard.
 - MM III-5 Trucks hauling dirt, sand, soil or other loose dirt material off-site, shall be covered and washed off before leaving the site.
 - MM III-6 Adjacent streets shall be swept if silt is carried over to adjacent public thoroughfares.
 - MM III-7 As part of the construction specifications, any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.
 - MM III-8 Construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours and shall minimize obstruction of through-traffic lanes.
- e) **Less Than Significant Impact.** The project is not located in a high-density area, near a school, hospital, assisted living facility, or other facility that would house people with lowered immune systems. However, single-family residential development is located to the east, and to the west. Homes within the Smoke Tree Ranch also exist to the south of the proposed development. To the north of the project site is a neighborhood shopping



center with the service corridor of that center immediately northerly of the subject development. Those developments may potentially be exposed to a minor amount of nuisance dust and heavy equipment emission odors (e.g. diesel exhaust) during construction. The duration of exposure to air emissions and dust would be relatively short. Furthermore, exhaust from construction equipment dissipates rapidly. Based on the short-term duration, rapid dissipation of construction emissions, and setbacks between the project site and adjacent residential areas, this impact is considered less than significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less Than Significant Impact.** A biological assessment and Impact Analysis was conducted on the approximately seven-acre site proposed for development by James W. Cornett Ecological Consultants. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The proposed project site is located in a developed, urban area of Palm Springs, and no sensitive habitat occurs onsite. Therefore, the project would not result in impacts to endangered, threatened, or rare species or their habitats.



- b) **No Impact.** The site is not identified as having any natural community that could be affected by the project. Therefore, the project would not have an adverse effect on any riparian habitat or other sensitive natural community.
- c) **No Impact.** Section 404 of the Clean Water Act regulates the dredge and/or fill of waters and wetlands of the United States, specifically relating to how these activities may cause an adverse effect to, or loss of, federal wetland/water resources. Regulatory responsibility falls under the jurisdictional authority of the U.S. Army Corps of Engineers (ACOE). Under Section 404, any development or activity which may result in temporary or permanent impacts to these federally-protected resources must prepare a Pre-Construction Notification for review, and potential permitting, by the ACOE. The site does not contain any wetland areas or waters. Therefore, no impact to federally protected wetlands as defined by Section 404 would occur.
- d) **No Impact.** The project site is located within an existing urban area and is currently vacant. There are no wildlife corridors on or through the project site, and the proposed project will not interfere with the movement of any species or biological resource. The proposed project is not located within a watercourse, thus the project would not substantially interfere with the movement of any native resident or migratory fish. No impact is anticipated.
- e) **No Impact.** A single plant association or community was found on the site: The Sonoran Creosote bush (*Larrea tridentata*). The Sonoran creosote bush shrub community dominates the vegetation of the project site and is the pervasive plant community throughout the Colorado Desert of California. A small number of Palo Verde trees are growing on the site. The Palo Verde is not considered a significant tree and the existing trees on the site have been damaged by the influence of illegal dumping, the use of the site as an informal parking lot and human interaction with the site. The project does not propose any removal or disturbance of sensitive biological resources or landmark trees. Therefore, no conflicts with local policies or ordinances protecting biological resources would occur.
- f) **No Impact.** No Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) covers the project site that has been yet been adopted by the City of Springs. The Coachella Valley Association of Governments (CVAG) has prepared a draft regional "Coachella Valley Multi-Species Habitat Conservation Plan" (CVMSHCP) that encompasses threatened, endangered, and sensitive species and their habitats. This plan has not yet been approved. In addition, the project does not lie within the Agua Caliente Tribal lands and is not included within the Tribal Conservation Plan (Tribal HCP). Therefore, the project site would not conflict with an approved HCP and no mitigation is required.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in " 15064.5?"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to " 15064.5?"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

According to the Environmental Site Assessment Report by Earth Systems Southwest in 2004, ESSW aerial photo archives were reviewed to evaluate the history of the site. In 1974, the northeast corner of the site was developed as part of a mobile home park. Approximately four dozen homes were on-site as well as light duty paved roads. Some objects associated with an adjacent residence were stored on site near the south boundary. In 1984, the mobile home park was razed and since then wild vegetation had re-established itself and illegal dumping has occurred through the site.

The topographic map produced by the USGS and the photo-revised 7.5 minute map of 1988 depicts the site as undeveloped land and identifies the site as part of the Agua Caliente Indian Reservation.

- a) **No Impact.** The subject property is not listed as a historical resource, according to Section 15064.5, therefore causing no impact.
- b) **Less Than Significant With Mitigation Incorporated.** As the subject property may have been used by early Agua Caliente ancestors, it is possible that buried cultural materials may be discovered during any earth-moving operations associated with the project. In that event, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds. During ground disturbing project activity the potential to inadvertently encounter paleontological or cultural resources during project construction is always possible. Therefore, the impact is considered less than significant with mitigation incorporated.

Mitigation Measures

1. **MM V-1** As there is always a possibility of buried cultural and paleontological resources in a project area, 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.

2. MM-V-2

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. The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted 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. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate the find. 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. Human remains discovered shall be handled consistent with state law provisions.

- c) **No Impact.** Although grading activity is planned, because the site has been previously developed and disturbed, there is little chance of uncovering any paleontological resources on the site. Should buried deposits be encountered during construction activities, activities shall be halted and a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) shall be notified to analyze deposits. An Archaeologist may be required to prepare a mitigation plan for submissions to the State Historic Preservation Officer.
- d) **No Impact.** Since the site has been previously developed and disturbed, uncovering any buried human remains is highly unlikely. In the event of discovery of human remains, the human remains discovered shall be handled consistent with state law provisions.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. i) **Less Than Significant Impact.** The site is located within an active seismic area within approximately 10 miles of the San Andreas fault system. Well-delineated fault lines cross through this region as shown on California Geological Survey (CGS) maps; however, no active faults are mapped in the immediate vicinity of the site. The project site does not lie within a currently delineated State of California, Alquist-Priolo Earthquake Fault Zone. Therefore, active fault rupture is unlikely to occur at the project site. Ground rupture is generally considered most likely to occur along pre-existing faults (Smith, Peroni & Fox, 1992). Therefore, active fault rupture is unlikely to occur at the project site. Compliance with



Uniform Building Code (UBC) will reduce potential impacts to a less than significant level.

- ii) **Less Than Significant Impact.** High levels of ground shaking may occur during future large magnitude Southern California earthquakes, particularly on the San Andreas Fault. All structures on the property will be subjected to this shaking, and could be seriously damaged if not properly designed. This potential impact could be reduced to a level of less than significant through ensuring that the structural design of all buildings is performed by knowledgeable structural engineers familiar with conservative seismic design principles. As a performance standard the project will be required to be constructed to conform to the California Building Code (CBC) requirements for Seismic Zone 4.
 - iii) **No Impact.** Liquefaction is the loss of soil strength from sudden shock (usually earthquake shaking), causing the soil to become a fluid mass. In general, for the effects of liquefaction to be manifested at the surface, groundwater levels must be within 50 feet of the ground surface and the soils within the saturated zone must also be susceptible to liquefaction. The potential for liquefaction is very low across most of the City of Palm Springs. The potential for liquefaction to occur at this site is considered negligible because the depth of groundwater around the site is approximately 196 feet deep according to Ms. Debbie Rapport of the Desert Water Agency. The project does not lie within the Riverside County designated liquefaction hazard zone. Therefore, no impact would occur.
 - iv) **No Impact.** The elevation on the parcel is approximately 440 feet above sea level. The site slopes gradually toward the northeast with storm runoff generally characterized as sheet flow interspersed by localized high and low points. Sheet flow storm runoff currently remains on site as the very low overall site density and the "pioneer" grading design keep storm flows from concentrating and virtually all storm water is naturally percolated on site. The City of Palm Springs General Plan indicates that potential landslide hazard is primarily located in hillsides or mountainous areas of the City. Therefore, no impact would occur.
- b) **Less Than Significant Impact.** During infrastructure construction operations, the project has the potential to cause airborne and waterborne erosion. Standard City protocols would be enforced during review of engineering design plans (e.g., grading and erosion control requirements).

The site totals approximately seven acres and projects larger than 1 acre in size require compliance with National Pollution Discharge elimination System (NPDES) criteria, preparation of a Storm Water Pollution Prevention Plan (SWPPP), and the inclusion of appropriate best management practices (BMPs) to control soil erosion as well as off-site discharge of pollutants to surface waters. The project will also be required to prepare a Fugitive Dust (PM10) Mitigation Plan in compliance with adopted procedures of the SCAQMD and the City. Paving of streets and planting of landscaping will stabilize soil during the long-term operational phase of the project (home occupancy). For these reasons, project implementation will not result in substantial soil erosion problems or the loss of topsoil and no mitigation is required. Therefore, impacts are considered less than significant.



Compliance with these procedures will be required prior to issuance of grading permits and implemented throughout the project's construction period. These procedures will ensure that potential erosion is controlled during the construction process.

- c) **Less Than Significant Impact.** Ground subsidence from seismic events or hydroconsolidation is a potential hazard in the Coachella Valley area. The elevation on the parcel ranges from approximately 40 feet above mean sea level on the northeast half to approximately 700 feet above mean sea level near the center of the west boundary. Three quarters of the site is steep mountainous terrain while the northeast corner is relatively flat. Surface water in the area generally drains to the east. Based on the observations collected on April 17 and May 31, 2006 by Earth Systems Southwest Company:

Slope Instability

The hillside is grossly stable; there is no evidence to suggest a possibility of mass failure.

Soil Liquefaction

See a. iii above.

Ground Subsidence

The potential for seismically induced ground subsidence is considered to be slight to moderate at or near the site. The hillside slopes at approximately 2:1. Boulders or cobbles released during a seismic event should not travel far and would probably not reach far beyond the toe of the slope. The boulders and cobbles are flat, thus if released would tend to slide down the hill instead of rolling and bouncing. Adherence to the mitigation measures in the Geologic Evaluation for Rock Fall Hazard report would reduce potential settlement problems to a less than significant level.

Mitigation Measures

MM-VII-1

1. On the site plans dated May 31, 2006, a proposed retaining wall is shown near the toe of the slope extending along most of the southeast side of the project site. This proposed retaining wall should be utilized as a debris wall. The wall should have approximately two feet of freeboard with a v-channel constructed on the slope-facing side to manage stormwater runoff. The v-channel will require routine maintenance to clean accumulated debris that may roll or wash down the slope and collect behind the wall.

MM-VII-2

2. Use structural setbacks from the toe of the slopes. In general, that proposed structures should be setback a minimum of 10 feet from the toe of the slope.

A representative of ESSW should observe the subject improvements at least once during construction, immediately after construction, and on an annual basis to determine if new hazards have developed due to natural weathering and down-slope movement of material.

- d) **No Impact.** Site soils have a very low potential to be expansive. Therefore, no impact would occur.



- e) **No Impact.** No septic tanks or alternative wastewater disposal systems would be constructed as part of the proposed project. Therefore, no impact would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **Less Than Significant Impact.** Implementation of the project would result in the development of new residential units and private open space components. Although small quantities of commercially available hazardous material could be used within the



residential component, these materials would not be used in sufficient quantities to pose a threat to human or environmental health.

Construction of the project would involve the use of a small amount of heavy equipment, which uses small amounts of oils and fuels and other potentially flammable substances. During construction, equipment would require refueling and minor maintenance on location, which could lead to fuel and oil spills. The contractor would be required to identify a staging area for storing materials and equipment. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. The use and handling of hazardous materials during construction activities would occur in accordance with applicable Federal, State, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements.

No waterways are located on the site and the project would be required to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit. The project contractor would be required to file a Notice of Intent under the State's NPDES General Construction Permit. This permit requires that a Storm Water Pollutant Prevention Plan be prepared specifying Best Management Practices to reduce construction related-impacts on the project site. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. As part of the building permitting process, all plans are reviewed for compliance with applicable Building and Fire Department requirements, pursuant to the Uniform Building and Fire Codes, and all other related City requirements. Therefore, implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material.

- c) **No Impact.** An elementary school located in the Desert School District is located approximately 6/10 mile northeast of the subject property and Palm Springs High School is located approximately one and a half miles of the project site. As described in VII.a, the proposed project would include the construction of residential infrastructure and eventually residential components. There are two possible septic systems and a web of septic pipes likely associated with the former Mobile Home Park. Septic systems can provide a pathway for contaminants to be released into the ground id contaminants are disposed into the waste water system. No information that indicates the disposal of hazardous materials has been found, and it is unlikely that the systems were used in that manner. The operation of the project would not result in the routine use, transport, or disposal of substantial quantities of hazardous materials. Therefore, no impact would occur.
- d) **No Impact.** The proposed site is not located on the list of hazardous materials site compiled pursuant to Government Code Section 65962.5 and would not pose a significant hazard to the public or the environment. Therefore, no impact would occur.
- e) **No Impact.** The project is not located within the boundaries of the Riverside County Airport Land Use Compatibility Plan for Palm Springs International Airport and would not conflict with airport operations. Therefore, implementation of the proposed project would not expose people to air related hazards. Therefore, no impact would occur.
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip. Therefore, implementation of the proposed project would not expose people to air related hazards. Therefore, no impact would occur.



- g) **No Impact.** The project would not impair implementation or physically interfere with an adopted emergency plan or emergency plan or emergency evacuation plan, although the project would be reviewed by the City Fire Department to ensure consistency with emergency response and evacuation needs. Therefore, no impact would occur.
- h) **No Impact.** The project is in a semi-urban area and development of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wild fire. Therefore, no impact would occur.

Mitigation Measures

MM-VII-I

- 1. **A survey may be necessary to evaluate whether hazardous materials have been released in association with these on-site septic systems. Future development of the site shall include the removal of the septic systems.**



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- b) **Less Than Significant Impact.** The project would include a total of 65 residences. The project would be required to meet all City, regional and state applicable water quality standards or waste discharge requirements thereby avoiding violation of such standards or requirements. Therefore, compliance with all standards would ensure that potentially significant impacts will be reduced to less than significant.

As regards to wastewater, the proposed project would connect to the City's sanitary sewer system, which would convey project wastewater to the Palm Springs Wastewater Treatment Plant (WWTP). Operation of, and any future expansion of the WWTP are overseen by the Regional Water Quality Control Board. Compliance with existing NPDES regulations and discharge requirements of the RWQCB would ensure that potentially significant impacts would be reduced to less than significant. Therefore, the project would not violate any waste discharge requirement on a City, State or Federal level. This impact is considered less than significant.

The project proposes to use water supplied by the Desert Water Agency (DWA). Based upon the minimal number of new homes proposed (66), and the use of drought-tolerant landscape materials, the project is not anticipated to substantially deplete groundwater supplies, interfere substantially with groundwater recharge, or substantially increase demand for water. Based on water demand for the proposed project as described in XVI.a, the DWA has sufficient water supply to generate water supply for the project, as does the City WWTP as described in XVI.a. Therefore, the impact is considered less than significant.

- a,c-e) **No Impact.** The proposed project would add approximately 3.1 acres of impervious surface.. The site is relatively rugged and level towards the adjacent properties northerly. The elevation on the parcel is approximately 440 feet above sea level. The site slopes gradually toward the east with storm runoff generally characterized as sheet flow interspersed by localized high and low points.

Construction of the proposed project would create a minimal increase to the amount of impervious surface on the site, which would not alter the existing drainage conditions. Compliance with mandatory NPDES requirements would reduce the potential of erosion and siltation during the short-term construction and long-term operation phases of the project. In addition, the project would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP), which specifies Best Management Practices (BMPs) that shall prevent all construction pollutants from coming into contact with storm water and with the intent of keeping all products of erosion from moving off site into receiving waters.

- f) **No Impact.** Construction at the project site could produce pollutants that would have the potential to temporarily degrade the quality of receiving waters if not properly managed. The primary pollutant of concern is sediment that results from excessive erosion of disturbed soils. Other potential pollutants include metals, pesticides, nutrients and soil additives, construction chemicals and fuel, and miscellaneous waste. With the implementation of Best Management Practices (BMPs) required by the City as well as through the project's required SWPPP, no significant long-term impact to water quality would result from construction activities. Therefore, compliance with all BMPs would ensure that potentially significant impacts would be reduced to less than significant.

- g-h) **No Impact.** The project is not located within an area designated as a 100-year flood boundary by the Federal Management Emergency Agency (FEMA).



The project is designed to continue the historic sheet flow patterns that exist on the property.

- i) **No Impact.** The Palm Springs General Plan Environmental Impact Report does not identify risk of loss, injury, or death due to flooding as a result of levee or dam failure in the city of Palm Springs. Therefore, no impact would occur.
- j) **No Impact.** Due to extreme distances from any large bodies of water, tsunamis are not an issue with land use in Palm Springs. Therefore, no impact would occur.

A seiche is the oscillation of water in an enclosed body of water (such as a lake). Water in golf course lakes could be affected during a strong seismic event. However, no damage would be anticipated, as these features are not of sufficient size or depth to have a major destructive potential. There are no flood control/desilting basins in the vicinity of the project. Therefore, potential impacts of seiches would be minimal (Smith, Peroni and Fox, 1992).

Mudflow would be associated with a reservoir, which could break resulting in flooding or mudflow to down stream properties. No reservoirs are located in the vicinity of the City of Palm Springs. Therefore, no impact would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact.** As previously stated, the surrounding land uses are residential, commercial, and some offices. The project site is a vacant, approximately seven-acre parcel of land. The proposed project is for the subdivision of approximately seven acres into a total of 66 contemporary town-home lots, and common space which includes private streets and drives. The proposed homes would be compatible with surrounding land uses and are considered infill development. The homes are designed to be architecturally consistent with the eclectic architectural nature of Palm Springs. Therefore, the project would not physically divide an established community and no impact would occur.
- b) **Less Than Significant With Mitigation Incorporated.** The proposed planned development is consistent with the goals and objectives of the H43/21 (High-Density Residential 21



units/acre) General Plan designation for the subject property. The property is zoned R-3 (Multiple-family Residential and Hotel Zone). The higher density zoning of the site was emplaced to accommodate the denser development within the site as proposed.

- c) **No Impact.** There are no habitat conservation or natural community conservation plans currently adopted for the project area. A draft Coachella Valley Multi-Species Habitat Conservation Plan (HCP) is currently under consideration, but has not been adopted as yet by the City of Palm Springs. Therefore, there would be no impact to the natural community.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact.** No significant mineral resources have been identified in the project area. The Palm Springs General Plan EIR (Palm Springs, 1992) has not identified any mineral resources in the planning area. Therefore, no impact to mineral resources would occur.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b,e-f) **No Impact.** The project site is located approximately 5 miles from Palm Springs International airport and therefore, would not be subject to noise from airplane overflights. However, the noise exposure is estimated at less than 45 to 50 dBA CNEL and is therefore, not considered to be excessive. The project site is not located within the boundaries of the Riverside County Airport Land Use Compatibility Plan for Palm Springs International Airport. Since the project is not located within an airport land use plan or within the vicinity of a private airstrip there should be no impact on the overall noise exposure at the project site.

c) **Less Than Significant Impact.** The 66 new homes are expected to be built over in five phases; this will only represent a minor increase in the overall fabric of the area. As the new owners will be subject to the regulations of development, it is not anticipated that there will be a significant change in the noise character of the complex.



- d) **Less Than Significant With Mitigation Incorporated.** The City of Palm Springs requires that the community noise equivalent level (CNEL) does not exceed 65 dB at the exterior living areas (rear yards) or 45 dB at the habitable interior living area. The following discussion is broken down into construction and post construction. The Palm Springs General Plan Technical Appendices includes a complete community noise assessment including projected CNEL noise levels due to airport and roadway noise. Currently there are no proposed residential structure near the subject development. The only noise of note will be the noise from construction activities associated with the development of the infrastructure. Normal construction regulations, including construction hours prescribed in the Palm Springs Municipal Code will reduce the impacts to a level of insignificance.

During the construction phase, noise generated at the project site could become noticeable. However these impacts would be temporary in nature. The loudest construction equipment used during construction hours would be backhoes, tractors, trenchers, front loaders, jackhammers, and rotodrills. The Environmental Protection Agency has found that the noisiest equipment types operating at construction sites, typically range from 88 to 91 dBA at 50 feet. Due to the small scale of the proposed improvements, it is anticipated that Mitigation measures identified below would reduce these temporary impacts to less than significant.

Mitigation Measures

- MM XI-1** The project applicant shall demonstrate that all on-site residential units shall be designed to meet the City of Palm Springs noise standards (65 CNEL in outside activity areas and 45 CNEL in interior living areas). The project applicant shall demonstrate compliance through the submittal of building and site improvement plans that provide details regarding sound barrier heights, additional insulation and building materials used to maintain interior noise levels, building and window orientation, and other measures to reduce noise exposure levels to City noise standards. A qualified noise consultant shall be retained to ensure that project and building designs will meet City noise exposure standards. Evidence of compliance with its mitigation measure shall be provided to the City prior to the issuance of any building permits.
- MM XI-2** All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.
- MM XI-3** All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.
- MM XI-4** Stockpiling and vehicle staging areas shall be located in the northern portion of the site.
- MM XI-5** Stationary construction equipment shall be placed such that emitted noise is directed away from noise-sensitive receptors.
- MM XI-6** Construction activities on-site shall take place only during the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday, as specified by the Palm Springs Noise Ordinance (11.74.041), to reduce noise impacts during more sensitive time periods. The Construction Site Regulations (Chapter 8.04.220) also identify specific limits on hours of operation for construction equipment



as not between 5 p.m. and 8 a.m. if the noise produced is of such intensity or quality that it disturbs the peace and quiet of any other person of normal sensitivity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less Than Significant Impact.** The project would include 66 new town-homes and the one single-family home. The project would accommodate approximately 132 new people based on 2 persons per unit. This additional amount of residents, with the potential that some residents may be seasonal residents, does not cause substantial growth and therefore has a less than significant impact.
- b) **No Impact.** The development is proposed on a vacant site, therefore not creating any displacement of existing housing, therefore, no impact.
- c) **No impact.** No persons will be displaced as a result of the proposed development therefore there will be no impact.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less Than Significant Impact.** The proposed project would not result in significant impacts to structures or any emergency response procedures. The Palm Springs Fire Department (PSFD) serves the current population of approximately 44,260 persons, covering a geographical area of 96 square miles with five fire stations. Construction activities are not anticipated to result in an increase in demand for fire protection services. The proposed project would result in less than a 0.1% population increase to the City of Palm Springs. The PSFD has set a maximum acceptable fire response time within the urbanized at five minutes. The project site is located less than one mile from Station located at La Verne Way at Marion Way, as a result the PSFD would be able to reach the project within the five-minute response time. The property will be required to contribute to a Community Facilities District, if the area is designated as a district that requires additional public services, therefore, impacts to police protection would be less than significant. The project would conform to the access requirements and conditions of approval for the PSFD prior to submission for a building permit. Therefore, impacts to fire services are considered less than significant.

b) **Less Than Significant Impact.** According to calculations for police coverage assessment, 1.5 sworn officers per 1,000 people are required. The 2004 California Department of Finance (DOF) population estimate for Palm Springs was 44,260 persons. At 2 persons per unit for 66 units, the City population would be increased by approximately 100 persons or by approximately 0.002%. Currently, the City of Palm Springs Police Department (PSPD) consists of up to 102 sworn officers and 56 general personnel. The City's maximum police protection coverage is 138,000 people. The increase in population from the proposed project would not result in impacts to the City's Police protection service capacity. The project would comply with all rules, regulations and procedures of the PSPD. Although the project is not proposed to be gated but would be guarded by members of its community. The property will be required to contribute to a Community Facilities District, if the area is designated as a district that requires additional public services, therefore, impacts to police protection would be less than significant. Therefore, impacts to police protection would be less than significant.



- c) **Less Than Significant Impact.** The project would be required to comply with Palm Springs Unified School District's developer fees for residential units at the time of the building permit. The developer fees are based on building area square footage at the rate of \$2.24/per sq ft for residential development and \$0.36 per square foot for commercial/industrial. According to Facilities Planning it is not expected that the proposed project would have impacts that would exceed available capacity of educational services. California Government Code Section 65995(h) specifically states "the payment or satisfaction of a fee, charge, or other requirement levied or imposed... [is] deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities." Therefore, impacts to PSUD are considered less than significant.
- d) **Less Than Significant Impact.** According to the City's General Plan there are approximately 130 acres of City-owned and developed park land within the City. The General Plan states that the City's aim is to provide 2.5 acres of community park land for every 1,000 residents. Utilizing the population estimate of 44,260, the current ratio of developed park land per 1,000 residents is 2.9 acres per 1,000 people. This ratio exceeds the goal of the City General Plan. The project provides amenities such as common area pools and private use rear yards for on-site recreation. In addition, the project would be required to pay park impact fees to the City consistent with the adopted ordinance. Therefore, impacts to parks and recreation are considered less than significant.
- e) **Less Than Significant Impact.** The proposed project is not expected to cause significant environmental impacts to the service levels of any other public service providers and would not propose relocating these facilities. Therefore, impacts to other public facilities are considered less than significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) **Less Than Significant Impact.** The project would include 66 single-family residences in a private development. The project could include private courtyards, swimming pools, and common area.

There are considerable private recreational facilities located within the project. The project is located approximately 6 miles from Sunrise Park. While, the 66 new permanent residents and some part time residents could cause a minor increased demand for use of recreational facilities and public parks, the proposed project would result in an approximately 0.002% population increase to the total population of the City of Palm Springs. This is a negligible increase which would not substantially increase the demand for recreational facilities or require construction/expansion of existing facilities. Additionally, recreation facilities are included as part of the project and future projects that would offset the demands on the current recreational facilities. Therefore the impacts are considered less than significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) **Less Than Significant Impact with Mitigation Incorporated.** The project will utilize five points of access into the project along Belardo Road. (1) The interior streets are proposed to be 24 and 32 feet wide with street parking. The Circulation Element of the Palm Springs General Plan, adopted March 3, 1993, includes as a policy, the provision and maintenance of level of service (LOS) D operation for the City's circulation network

Mitigation Measures

MM XV-1 The project shall pay TUMF (Transportation Uniform Mitigation Fee) as established by CVAG. These funds are used to improve the regional road system and also act as the Congestion Management program for Palm Springs and the other participating entities in the Coachella Valley.

c - e) **No Impact.** The proposed project would not affect any air traffic patterns as it is a residential project. Therefore, there is no impact.



- f) **No Impact.** The project is required to meet the standards for on site parking as established in the zoning ordinance. Guest parking will be available within the development. No impact is anticipated.
- g) **No Impact.** There are existing bus stops at the intersection of South Palm Canyon Drive. The project will have no impact on these facilities.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d) **No Impact.** The proposed project would provide connections for 66 new residential units to the existing water and wastewater infrastructure. The project would convey wastewater generated by the project to the Palm Springs Waste Water Treatment Plant.

The City of Palm Springs, WWTP has sufficient capacity for this development. Operation of the WWTP is regulated by the Regional Water Quality Control Board RWQCB. RWQCB, standard permitting and monitoring ensure that treatment requirements for waste discharges are not exceeded. The project will have no impact on this facility.

The Desert Water Agency has sufficient water supply to generate water supply for the project as does the City WWTP. The project developer would be required to comply with all rules, regulations, and other requirements of the DWA in order to provide water service to the site. Water service requirements may include, but are not limited to, upgrades, modifications, and replacement of existing DWA facilities. These improvements may require construction within and adjacent to public rights-of-way and existing and/or proposed easements.



- e) **Less Than Significant.** See XVI.b above. The impact to wastewater treatment capacity is considered less than significant.
- f) **Less Than Significant.** The proposed project would be accommodated by Palm Springs Disposal Service (PSDS) and the existing landfill has sufficient capacity to accommodate solid waste beyond the next 20 years and no new landfills are currently planned for the area. Based on the assumption that residents generate 2 lbs. of waste per day and the fact that 59 efficiency apartments are being replaced with 66 new homes, the proposed project would produce no new net increase in waste per day. Therefore, the impact to be served by a land fill with sufficient permitted capacity is considered less than significant.
- g) **Less Than Significant.** The proposed project would be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards, thereby ensuring that impacts associated with this issue are considered to be less than significant. Therefore, impacts to solid waste are considered less than significant.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less Than Significant with Mitigation Incorporated.** The proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources because the proposed project contains no evidence of any critical habitat or endangered species. No officially listed plants or animal species were detected during the field surveys, therefore there would be a less than significant impact on biological resources, including fish or wildlife species, or rare or endangered plant or animals.

The project, as currently proposed, would not cause substantial adverse change to any known historical resources. If buried cultural materials are discovered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds. During ground disturbing project activity the potential to inadvertently encounter paleontological or cultural resources during project construction is always possible. Therefore, the impact is considered less than significant with mitigation measures identified in Section V.

b) **Less Than Significant with Mitigation Incorporated.** The project would be consistent with the City's General Plan and would not create any potentially significant impacts. The proposed project is for a total of 66 residential units within a private community. There are no other new projects currently under construction in the immediately vicinity of the



project. The proposed project is located on a rugged parcel that has long been designated for high-density residential land uses. The analysis provided in this document considers implementation of the mitigation measures identified in this document and adherence to basic regulatory requirements would fully mitigate the project's contribution to cumulative impacts.

- c) **Less Than Significant Impact.** The preceding discussion has outlined the potential impacts and mitigation measures to reduce those impacts to less than significant. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.



REFERENCES

- 1) City of Palm Springs. City of Palm Springs Draft Environmental Impact Report. December 1992.
- 2) City of Palm Springs. City of Palm Springs General Plan, & City of Palm Springs General Plan Technical Appendices. 1992.
- 3) City of Palm Springs. City of Palm Springs Zoning Code. 2004.
- 4) City of Palm Springs. Citywide Historic Resources Survey. June 2004.
- 5) Government Code Section 65962.5(f), "Hazardous Waste and Substances Statement".
- 6) South Coast Air Quality Management District. CEQA Air Quality Handbook. 1993.
- 7) Riverside County Airport Land Use Commission. Riverside County Airport Land Use Compatibility Plan. October 14, 2004.
- 8) LSA Associates, Inc. Air Quality Analysis. July 12, 2006.
- 9) Earth Systems Southwest. Environmental Site Assessment. July 7, 2004
- 10) MSA Consulting. Preliminary Hydrology Report: Tentative Tract Map 33878. January 30, 2006.
- 11) James W. Cornett Ecological Consultants. Biological Assessment and Impact Analysis
May 19, 2006.





City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Regular Meeting held on June 5, 2013, the City Council continued Public Hearing Item No. 1.A. to July 3, 2013:

CRESCENDO, LLC FOR A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE TO ALLOW A TWO-STORY, DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND A TENTATIVE TRACT MAP TO SUBDIVIDE 6.37 ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREA PARCELS AND PRIVATE STREETS LOCATED ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD (CASE 5.1297 PDD 364 TTM 36548):

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on June 6, 2013, as required by established policies and procedures.


JAMES THOMPSON
City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1297 PDD 364 & TTM 36548 "DAKOTA"
CRESCENDO, LLC
WEST SIDE OF BELARDO ROAD SOUTH OF MORONGO ROAD

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of June 5, 2013. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider a planned Development District (PDD) in-lieu of zone change to allow a two-story, detached single-family residential development and a Tentative Tract Map (TTM) to subdivide 6.37 acres into 43 residential lots, common areas and private streets. The property is zoned R-3 (Multi-family and hotel zone).

ENVIRONMENTAL DETERMINATION: A Draft Mitigated Negative Declaration (MND) was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA). Since the proposed project includes a lower density than previously approved, no new information or adverse impacts are anticipated that would require revision to the previously approved MND for this project. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the City Council hearing.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

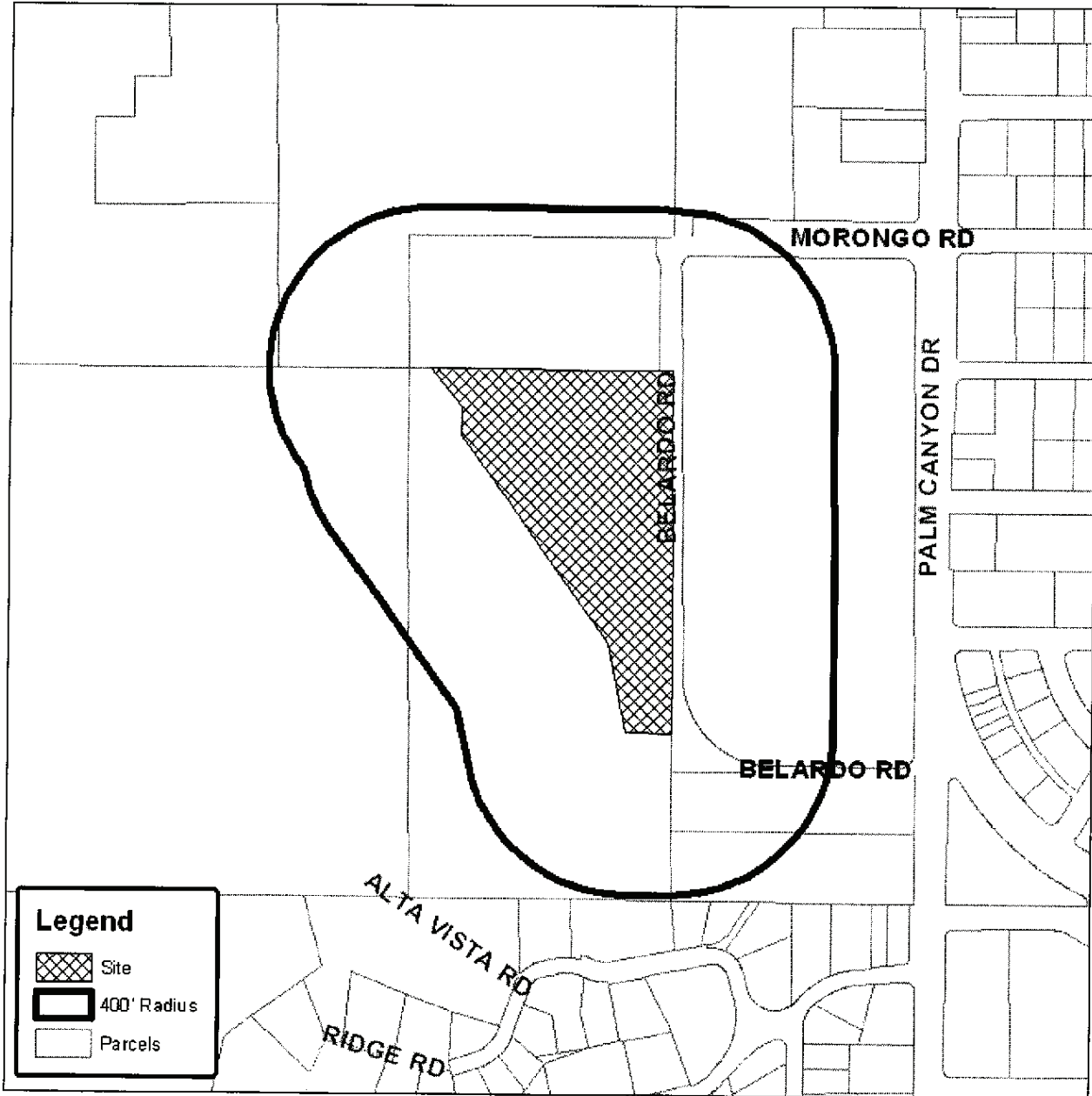
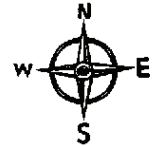
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1297 PD 364 and
TPM 36548

APPLICANT: Crescendo, LLC

DESCRIPTION: A request to consider a 43-unit detached single-family residential development on approximately 6.37 acres of vacant land located on the west side of Belardo Road, south of Morongo Road, Zone R-3, Section 22.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



Date: June 5, 2013
Subject: Crescendo LLC Case 5.1297 "Dakota"

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on May 25, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

KHart
Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on May 23, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

KHart
Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on May 23, 2013, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (11 notices)

I declare under penalty of perjury that the foregoing is true and correct.

KHart
Kathie Hart, CMC
Chief Deputy City Clerk

Carol Templeton

To: Margo Wheeler; David Newell
Subject: Changes to Dakota Engineering Conditions for 6/5/13 City Council Meeting (Case No. 5.1297; PDD-364; TTM36548)

The following changes have been made in red to the Engineering Conditions per Dave Barakian:

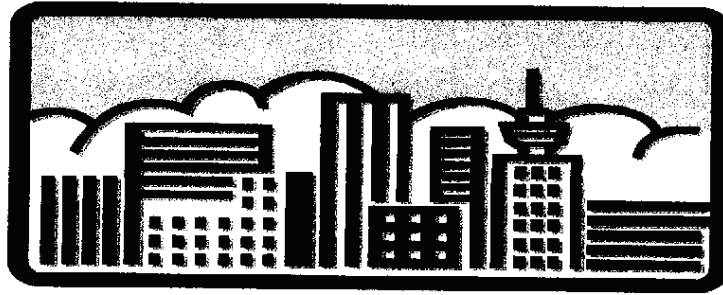
ENG 20: The applicant shall dedicate a 15 feet wide public sewer easement across Lot 1, common area Lot AA 43, and residential Lots 40, 42, and 43. Note that the sewer main shall be constructed in Street A from Street B to Belardo Road, in lieu of across Lot 1. The required sewer easements shall be located entirely within the named lots. The easement shall be kept clear and free of any and all obstructions to allow for the continued operation and maintenance of the proposed public sewer main within the easements. Construction of permanent structures, swimming pools and equipment, or other improvements determined to be an obstruction of the public sewer easement shall not be allowed. Planting of large trees or other planting material with invasive or deep root structures shall be restricted. Access to the public sewer easements from Belardo Road, Street "B", and the two southern driveways shall be maintained, including, if necessary, 15 feet wide gates with lock and access provided to the City of Palm Springs sewer maintenance personnel. Provisions for the maintenance of the public sewer easements, acceptable to the City Engineer, shall be included in the CC&Rs for the tract. Notice shall be clearly included in the CC&Rs defining restrictions of development within the easements.

ENG 21: Provisions for maintenance of the public sewer easements, acceptable to the City Engineer, shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development. Notice shall be clearly included in the CC&Rs defining the restrictions of development within the easements across Lot 1, common area Lot AA, and residential Lots 40, 42, and 43. The CC&Rs shall advise the property owners of the City's right to enter the site, clear and remove any and all improvements and/or obstructions within the easements, and give the City the right to charge all costs incurred in enforcing this provision to the owners of Lots 1, common area Lot AA, and residential Lots 40, 42, and 43. The CC&Rs shall also advise the property owners of the fact that the City is not required to replace in like kind, any landscaping or other improvements within the public sewer easements in the event repair or replacement of the existing sewer main is required, and that the City shall be limited to leaving the property in a rough graded condition following any such repair or replacement.

ENG 49: 15 feet wide easements to the future Homeowners' Association for storm drainage purposes shall be reserved over Lots 1 through 10, common area lots DD (on each side of the Main Entry), residential Lots 21, 24 and 25, 26 and 27, 33 and 34, common area Lots AA and BB, and residential Lot 38 and 39, and Lot 40 through Lot 43 (or others, as may be required) for those portions of the on-site private storm drain system that cross individual lots.

ENG 63: Applicant shall restripe the bike lane (if necessary, as determined by the City Engineer) using thermoplastic material along the project frontage on the west side of Belardo Road. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

ENG 67: The applicant shall provide and install one 5600 two 9,500 lumen high pressure sodium vapor decorative safety street lights with glare shields on marbelite poles on the southwest corner of Belardo Road and the Main Entry with the mast arm over Belardo Road. The decorative nature of the street lights shall be similar to the style within the project or within the Plaza Del Sol Shopping Center. The applicant shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street lights.



RECEIVED

JUN 04 2013

PLANNING SERVICES
DEPARTMENT

Judy Deertrack
1333 South Belardo Road, Apt 510
Palm Springs, CA 92264

Home Phone: 760 325 4290
Email: judy@judydeertrack.com

Tuesday, May 4 2013

To the City Council
Palm Springs, California

Re: Crescendo LLC for a PDD in lieu of
Change of Zone (PDD 364, Case 5.1297)
And TTM 36548
City Council Hearing June 5, 2013

To the Honorable City Council:

Please accept my letter of concern about the above project. I live in Palm Springs with a residence address of 1333 South Belardo Road, at Tahquitz Mesa Villas, the 105-unit multi-family development to the immediate north of the proposed project. As such, I am within the area of impact.

I request that the City Council deny all approvals associated with PDD 364 and TTM 36548 from a failure to assess project impacts under the California Environmental Quality Act (CEQA), and further deny all approvals because the project is inconsistent with the policies, plans, and procedures of the City of Palm Springs General Plan.

CEQA DEFICIENCY: An Initial Study was not prepared for this project, so its project implications have not been studied, and the project, as proposed, is in violation of California state law. Staff recommends that the City Council adopt a previous 2007 Mitigated Negative Declaration from a now-defunct project known as "Edge of Belardo," earlier planned for this same parcel, that consisted of a 66-unit town-home complex with clubhouse and recreation facility. Staff assumed that, regardless of the complete difference in the project description, land use,

06/05/2013
JTEM J.A.

zoning, density, open space, common grounds, and design, and regardless of the passage of seven years with commensurate changes in the General Plan and policies of the city, and possible changes to the parcel itself, that the environmental review on "Edge of Belardo" could be used for the Dakota Project. This is not tenable. In fact, it is absolutely baffling, because nothing in CEQA begins to suggest such an outcome.

CEQA evaluation is fairly simple. When the current project applicant filed for a PDD 364 and TTM 36548, under those permits and their associated project descriptions, the City as lead agency makes a determination on whether these are "projects" under CEQA. If PDD 364 and TTM 36548 are assessed as "projects" under CEQA, an Initial Study is initiated. Previous environmental reviews under previous projects are not at all relevant to this determination. It appears from the staff report that the justification for "piggybacking" onto a 2007 study of a 66-unit PDD is based upon a finding of "less impacts from lower housing density" as the city transitioned from an approved 66-unit development to a proposed 43-unit development, thus no environmental assessment was deemed required. This cannot be correct. I also believe (but am not technically sure) that when this other project was not built over a period of years, its environmental assessment lapsed along with the project. Certainly it lapsed when a new project application was filed and acted upon.

The change in housing density is *exactly* the point of environmental review, it is the primary focus of review, and it is missing, which not only raises CEQA issues, but it raises questions about the consistency of this project with the City's General Plan. This is a downzoning of High Density Residential housing capacity with a net loss of housing units (including affordability impacts) within a time period when the City of Palm Springs is still creating housing stock to meet its Regional Housing Needs.

State environmental laws and general plan laws at the state level encourage, allow, and even require project review on an incremental case-by-case review where designations change to eliminate stock, because of the long period between updates of the City's Housing Element, and the need to monitor implementation of housing objectives over time. Where the city has not met its RHNA numbers, and has strong affordable housing objectives, these general plan policies would by definition create the need to assess general plan consistency, if nothing else.

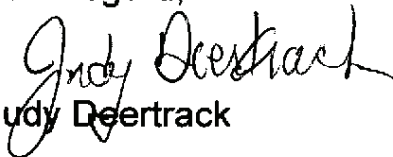
The general plan laws of California and CEQA both provide for project-by-project review of the changes, because state law specifically allows for assessment at the level of actual project review; cities are not limited to general plan review at the time of the Housing Element Update. With PDD 364 and TTM 36548, the city

the clustering concept for multi-family which packs density into some areas so that other areas become common areas with amenities. This "pig in a poke" straddles both objectives without meeting either. The applicant has asked for single family residential in a land use designation that actually prohibits single family residential. This is another instance of inconsistency with the general plan objectives.

CHANGES IN THE SINGLE-FAMILY RESIDENTIAL LOT: The most obvious consistency issue is the abandonment of the general plan land use designation that favors affordable housing and consistency with pre-existing neighborhood design in favor of altering the lot and setback requirements to squeeze in 43 townhouses, 43 swimming pools, poor circulation design, and an abysmal absence of common areas.

I would appreciate any and all consideration given to these comments, and I wish the City Council and Planning Department my very best for their efforts and hard work.

With regard,


Judy Deertrack

Judy Deertrack
1333 South Belardo Road, Apt 510
Palm Springs, CA 92264
Home Phone: 760 325 4290
Email: judy@judydeertrack.com

RECEIVED
CITY CLERK
2013 JUN -5 PM 5:08
James H. Johnson
CITY CLERK

Tuesday, May 4 2013

To the City Council
Palm Springs, California

Re: Crescendo LLC for a PDD in lieu of
Change of Zone (PDD 364, Case 5.1297)
And TTM 36548
City Council Hearing June 5, 2013

To the Honorable City Council:

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CEQA DEFICIENCY: An Initial Study was not prepared for this project, so its project implications have not been studied, and the project, as proposed, is in violation of California state law. Staff recommends that the City Council adopt a previous 2007 Mitigated Negative Declaration from a now-defunct project known as "Edge of Belardo," earlier planned for this same parcel, that consisted of a 66-unit town-home complex with clubhouse and recreation facility. Staff assumed that, regardless of the complete difference in the project description, land use, zoning, density, open space, common grounds, and design, and regardless of the passage of seven years with commensurate changes in the General Plan and policies of the city, and possible changes to the parcel itself, that the environmental review on "Edge of Belardo" could be used for the Dakota Project. This is not tenable. In fact, it is absolutely baffling, because nothing in CEQA begins to suggest such an outcome.

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The change in housing density is *exactly* the point of environmental review, it is the primary focus of review, and it is missing, which not only raises CEQA issues, but it raises questions about the

consistency of this project with the City's General Plan. This is a downzoning of High Density Residential housing capacity with a net loss of housing units (including affordability impacts) within a time period when the City of Palm Springs is still creating housing stock to meet its Regional Housing Needs.

State environmental laws and general plan laws at the state level encourage, allow, and even require project review on an incremental case-by-case review where designations change to eliminate stock, because of the long period between updates of the City's Housing Element, and the need to monitor implementation of housing objectives over time. Where the city has not met its RHNA numbers, and has strong affordable housing objectives, these general plan policies would by definition create the need to assess general plan consistency, if nothing else.

The general plan laws of California and CEQA both provide for project-by-project review of the changes, because state law specifically allows for assessment at the level of actual project review; cities are not limited to general plan review at the time of the Housing Element Update. With PDD 364 and TTM 36548, the city starts with land in a High Density Residential capacity that is lowered to medium density capacity, with a resultant loss of units. That baseline change is a significant change of circumstances in the General Plan and Housing Element for the City of Palm Springs between the years 2007 and 2013.

California state law provides that cities and counties must provide adequate and diversified housing stock for a full range of income groups. The Southern California Association of Governments (SCAG) issues periodic RHNA numbers for the city to follow in the Regional Housing Needs Assessment. The city responds through the planning process by providing appropriate land use designations at different densities. It is absolutely known that the High Density Residential (HDR) land use classification is created and is absolutely appropriate and desirable for certain areas of the city because it allows development to cluster, and decreases land costs and costs of construction so that diversified housing can exist.

Impact assessment is not a conclusion that "less density is better density, therefore, there is no impact, therefore no EA." Impact assessment is an obligation of the Planning Department to inform the Planning Commission and the City Council as to the proper basis for a decision, through proper environmental review – of how declassification of HDR land designation to a lower density (15-30 du/ac to 6.37 du/ac) impacts its RHNA requirement and its ability, over time, to meet the state requirements for affordable housing. The EA and staff report should address the remaining HDR land inventory, the RHNA numbers, and generally the impact of removing the HDR classification from the general plan. The City's Housing Element, at page 3-60 states, ***"Finally, the City implements State law which requires that all changes in General Plan or Zoning designations which reduce residential inventory be compensated for, assuring that there will be no net loss in residentially designated lands."*** This requirement, alone, leaves the proposed project inconsistent with state requirements and the city's General Plan Housing Element. No provision has been made to identify or mitigate the reduced residential inventory under PDD 364. This would have been addressed in a proper Initial Study and Mitigated Negative Declaration or Environmental Impact Report. We do know that the use of the Planned Development District (PDD) has changed density from the maximum density of 30 du/ac to 6.37 du/ac on the 6.35 acre parcel. That leads to a reduction in residential units from 191 units to 43, for a net loss of housing units of 148 units. The City Council may or may not decide in favor of the loss of housing stock, but the issue isn't even raised. CEQA, at its finest, is an informational document that allows the decision makers to evaluate the range of impacts based upon the data it presents.

In 2007, at the time of the environmental assessment now being used by the City, SCAG's Regional Housing Needs Assessment (RHNA) was in its 4th cycle, and the City of Palm Springs was assessed with a total housing need of 2,261 units. SCAG is now in the 5th cycle (2012), and the City must produce its response by October 2013. The 2012 RHNA calls for an additional 212 housing units in order to meet housing stock requirements assigned to the city. Therefore, even if this environmental assessment were remotely allowable, it is clearly outdated on housing stock requirements, which are an integral part of the evaluation of whether to downzone.

PUBLIC BENEFIT REQUIREMENT: Even without the CEQA issue, it is doubtful this project meets the City Council Policy Statement adopted September 17, 2008 on Planned Developments and the Requirement of Public Benefits. PDD 364 is noteworthy for the absence of dedications and public benefits. The City Council mandated four criteria, and it is very specific on its definition of Public Benefit: (1) The project itself comprises the public benefit; (2) The project incorporates strong public benefits into its "key features"; (3) the project has strong features of sustainable design; (4) the project provides off-site improvements. None of these are present. The open space dedicated to the city is not usable, is not reachable by the public, is not necessary to a trailhead, is not scenic, and has no wildlife benefits. It does pose liability and maintenance obligations to the city with no commensurate benefits. Of even greater detriment is a project design that designates private backyards and 43 swimming pools as "open space," in order to meet the requirement of 45% open space in the project design. If the project design were multi-family, this open space would be common grounds and aesthetic.

STREET DESIGN: The City of Palm Springs (and possibly Agua Caliente Tribe) just completed very valuable street side improvements directly adjacent to the frontage for this development. There is nothing in the staff report that indicates the developer was assessed for off-site improvements, even though the City Council Policy Statement is very clear that these very benefits are required for a PDD. To the contrary, because this street improvement was not properly implemented into the project design, the now completed street will be torn up to provide for four new egress/ingress driveways. Between two driveways at Tahquitz Mesa Villas, and four at the Dakota Project, this fast-moving thoroughfare will have six exit routes within a 1/8 mile or less span of road, and that is detrimental, not a public benefit; it is poor design that undermines the original multi-family designation appropriate to this parcel. This is required because of the shift to single family residential, whereas a multi-family unit would not require the multiple exit points.

PROHIBITION OF SINGLE-FAMILY RESIDENTIAL: Single family residential units are placed within low-density general plan classifications (estate and low density zoning) for very good design reasons, primarily because it is antithetical to the clustering concept for multi-family which packs density into some areas so that other areas become common areas with amenities. This "pig in a poke" straddles both objectives without meeting either. The applicant has asked for single family residential in a land use designation that actually prohibits single family residential. This is another instance of inconsistency with the general plan objectives.

CHANGES IN THE SINGLE-FAMILY RESIDENTIAL LOT: The most obvious consistency issue is the abandonment of the general plan land use designation that favors affordable housing and consistency with pre-existing neighborhood design in favor of altering the lot and setback requirements to squeeze in 43 townhouses, 43 swimming pools, poor circulation design, and an abysmal absence of common areas.

I would appreciate any and all consideration given to these comments, and I wish the City Council and Planning Department my very best for their efforts and hard work.

With regard,

Judy Deertrack

Judy Deertrack
1333 South Belardo Road, Apt 510
Palm Springs, CA 92264

Home Phone: 760 325 4290
Email: judy@judydeertrack.com

Wednesday, May 5 2013

RECEIVED
CITY OF PALM SPRINGS
2013 JUN -5 PM 5:14
JAMES THORNTON
CITY CLERK

To the City Council
Palm Springs, California

Re: Crescendo LLC for a PDD in lieu of
Change of Zone (PDD 364, Case 5.1297)
And TTM 36548
City Council Hearing June 5, 2013

CONSISTENCY FINDINGS (PDD)

To the Honorable City Council:

Please accept this letter as an ADDENDUM to my previous comment letter received by you on June 4, 2013.

I request that the City Council deny all approvals associated with PDD 364 and TTM 36548 because the project is inconsistent with the City of Palm Springs General Plan. I further request the City Council deny the adoption of the proposed Resolution in support of the project.

The Resolution that is before the City Council on today's hearing (Reference Staff Report at page 11) states at Section 2 *Planned Development District Findings*, (a) *The proposed planned development is consistent and in conformity with the general plan and report.* (b) *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*"

The staff report at page 4 under *Public Benefit Policy for Planned Development Districts*, states as follows: *"The applicant is seeking the following adjustments in the underlying development standards with the PDD:*

- *Permitting single-family residential in R-3 Zoning where specifically prohibited:*
- *Modifying R-3 development standards as follows..... [the description of modified lot dimensions and setbacks are then described]*

The California legislature has enacted a requirement that all underlying developments under review establish through *findings* in their staff reports and Resolutions that the development decision, as enacted, is compatible with the policies, plans, and principles of the city's general plan – as they currently exist. If the city wishes to vary from those standards, the procedure is to amend the general plan. What the city cannot do is develop an implementing tool to bypass the policies, because to do so creates internal inconsistency in the plan's structure, and undermines the consistency doctrine as the linchpin of how the state has achieved a guarantee that cities will actually follow and implement their plans. Any development decision substantially out of compliance with the general plan is null and void.

The decision makers sit as quasi-judicial officers, acting on behalf of the city, but also acting on behalf of the State of California, with the responsibility to ensure that this process proceeds with integrity, because a great deal is at stake.

The City Council cannot make a determination of consistency on the above findings, because Planned Development District (PDD) 364 effectively changes the general plan classification for this parcel from High Density Residential (15-30 du/ac) to an unclassified PDD status which allows medium density residential of 6.35 du/ac. This outcome is achieved by calculating the acreage of 6.37 acres into the planned 43-unit development.

This circumvents the general plan requirement that the area remain within a residential unit build-out of between 15-30 du/ac, and single-family residential is specifically prohibited under High Density Residential.

The City may have created the mechanism of a Planned Development District with the best of intentions, and there may be many instances when the underlying projects reviewed are compatible with the city's general plan, but in this instance, they are not.

The Planned Development District mechanism in the Palm Springs General Plan allows for substantial downzoning, and it is designed to act as an overlay to both the land use classification and the zoning designation for the parcel of land at issue in order to reach its objectives. State law, however, restrains cities from allowing any implementing tool, or any zoning mechanism, or even a quasi-zoning mechanism from circumventing the general plan requirements, and upending the hierarchy of planning laws – the general plan land use classifications sit at the top of the pyramid. No implementing tool or mechanism of a general plan can be designed in a manner to circumvent the consistency findings.

In this instance, with PDD 364, the applicant's only recourse if he wishes to change this parcel to allow for single-family residential, or to allow densities below the threshold of the classification of High Density Residential should be to file for a general plan amendment. This brings the city back into its legislative role, where the appropriate spectrum of issues can be reviewed across the board, and beyond the context of just this one development. The City cannot, however, use a PDD in a zoning capacity to make piecemeal changes within its districts, to the legislated land use plan. To do so would be to allow the "tail to wag the dog," as certain case decisions have stated. It is the general plan classification that rules the outcome of any development review.

Thank you for consideration of my concerns.

With regard,

Judy Deertrack

June 5, 2013

Honorable Mayor and City Council
City of Palm Springs
3200 E. Tahquitz Way
Palm Springs, California 92262

RECEIVED
CITY OF PALM SPRINGS
2013 JUN -5 PM 5:13
JAMES J. HOLLAND
CITY CLERK

RE: CITY COUNCIL AGENDA ITEM – CRESCENDO, LLC PUBLIC HEARING COMMENTS

Please accept this written communication as part of the Public Hearing record for the subject development project, scheduled for this evening's agenda.

In addition to my oral comments during the public hearing, I write to request that the City Council take no action on the subject item, until such time as a more comprehensive and technically accurate environmental review can be completed on this project, as required by the California Environmental Quality Act (CEQA).

Although commendable for its 'creative and innovative' approach to expeditious project review, the City's 'de facto' environmental policy of permitting new project applications to 'piggy-back' on prior environmental reviews IF the project has reduced density, is not in compliance with the letter nor spirit of CEQA legislation as now written. While such a policy may be possible in certain, very limited cases where NO other environmental factor beyond site density is at issue, this is certainly not the case in this particular development application.

Specifically, and without repeating formal comments submitted by other residents prior to this hearing, I would reiterate the following points as to why such 'piggy-backing' cannot occur in this particular case:

1. The original project, proposed by the property owner/site developer, is significantly different than that proposed more than five years past. Reduced density, in and of itself, does NOT mitigate other environmental issues which are required to be evaluated anew with this project, such as height impacting viewlines; interior access/visibility to light; density impacting neighbor privacy, etc.
2. Within a five-year-plus timeframe, significant economic and public policy issues can arise – such as housing affordability, required Housing Element updates; related RHNA requirements for new and replacement housing, etc.
3. Although the City's zoning ordinance may require that notices of new development be served only on impacted 'property owners', CEQA's spirit and letter of the law includes 'others potentially impacted' by the development project, i.e. residents/tenants. In this particular case, I would suggest that given the fact the developer/property owner of Crescendo LLC is ALSO the property owner of Tahquitz Mesa Villas, immediately abutting this site, that the ordinance language can easily be challenged based on 'prudent man's rule'. Not to mention the fact that this is certainly not an 'arm's length' and fair notice transaction, as it would be absurd to believe that the abutting property owner would challenge his own development project!

For future consideration, I would suggest that the City of Palm Springs amend the language in many of its ordinances on 'due and proper notice', to include specifically the term 'residents of the site'. Numerous cities in California have done so, reflecting the fact that the housing/economic crises of the past two decades have forced more and more California residents/voters into rental or leased housing. Precluding them from appropriate and deserved public input opportunities due to the fact that they 'lease/rent' rather than own, is (at best) elitism and (at worse) undemocratic.

In addition to these most basic CEQA issues, the proposed development has included and received prior approval on several quite unusual and less than desirable site plan calculations, such as the following:

1. *Dedicating the hillside to the City as a 'public benefit' in lieu of other, more substantial, and technically sound 'public benefits.* While there is great value in protecting the many desert rock hillsides, it is disingenuous to count such a dedication of any significant value to the city, as it merely adds additional maintenance and infrastructure support costs to municipalities. Developers dedicating undevelopable properties to cities as a 'public benefit' is a ruse at best, as it is only for their economic benefit, which ultimately becomes the city's economic burden.
2. *Reduced front/back set-backs and front/side yards.* These reductions, on this site, do nothing more than aggravate this design of 'row housing'. Conditions of approval or architectural design requisites should require offset windows for privacy at least.
3. *Adjacent site impacts.* The lack of public notice to adjacent residents, as well as any on-site due diligence by staff, ignores the impact of this development with pools, back walls, and double stories that will literally dwarf all multi-family units abutting these houses, by blocking sunlight and viewshed. Nothing has been included in the conditions of approval that requires any mitigation of these impacts, which would have been required under a more comprehensive environmental process.
4. *Insufficient parking.* The allocation of one guest space for every four units is completely unrealistic. These units are small; lots are a breath away from a virtual 'zero lot line', and garages will barely accommodate one over-sized vehicle like an SUV, not to mention accumulated housing 'clutter' and storage. A significant percentage of potential buyers will undoubtedly be two-car families, thus forcing them to park in the guest spots. Yes, one can argue that any future home owner association rules and regulations can police that, but ultimately, it will force visitors to park across the street, in the large commercial parking lot, which is already becoming a haven for '18-wheelers' and other illegal parking and, as such, a code enforcement challenge.
5. *Public benefit.* Upon careful review of the City's public benefit requirements for a Planned Development District (PDD) in lieu of zone change, it is a virtually impossible to find any public benefit provided by this project, that conforms to the requirements in the City's policy. There are no off-site public benefits beyond those ALREADY required of a developer by law. Public benefit requisites, per this policy, dictate that such benefits must exceed that which is required by law, in such specific areas as open space, public art, water or energy conservation, green technologies, off-site improvements etc. This project contains no 'excesses' whatsoever!

In fact, one could arguably contend that a 'pool/spa in every yard' actually abuses water usage and avoids conservation. Since this project intends to utilize Community Facilities District (CFD aka 'Mello-Roos) financing, one could argue that a common area pool is more appropriate, given the

fact that a home owner's association of some sort will be required to oversee maintenance and sweeping of the private streets/common area landscaping, as well as policing of the development's design standards.

6. *Open space.* Second only to the city's creative application of environmental review under CEQA, is its use of the term 'open space' in lot coverage. The open space calculation for each site, and for the project as a whole, obviously incorporates the areas for private pools/spas. This is extremely misleading, and certainly not within the generally accepted industry understanding of true 'open space'. This 'open space' is private, for use only by the ultimate property owner and not accessible for use or enjoyment by the general public.

When one actually calculates the amount of true, publicly accessible 'open space' in the development, it is clear that the public's open space in the complex is actually private streets, guest parking and a 'smidge' of landscaping, which is insufficient to use in any 'public' or communal way.

7. *City housing policy/General Plan.* The PDD application removes from the city's housing inventory, property easily and well designated as multi-family residential. Down-zoning the site to single family residential eliminates a site that is conducive to this higher density given its walking distance to bus routes on 111; location abutting existing multi-family; and, negligible to non-existent impacts to neighboring uses. Such sites are not easily found in communities.

Further, the lot size and coverage is so limited given the pools/spas for each unit, it begs the question as to what types of buyers this development would attract. With no public open space, parks, trails or bike paths of any kind, the units are certainly not conducive to families with children of any age, as the only 'recreation' is the pool. Any other leisure – such as walking, carriage strolling, cycling etc. – so common to children, must be done off-site along Morongo, which is quickly becoming a major alternate, arterial route, or at a public park, a required driving distance away.

Given the aforementioned points/issues, as well as those raised by others on this project, it is clear that further due diligence must be exercised by both staff and the City Council before this project can be approved this evening. The CEQA 'process used' alone is significant, and warrants further legal review and analysis.

During this time, it would be my hope that City staff would also re-evaluate the project more rigorously, with respect to its site plan density; non-existent public benefits; lack of open space; de minimus public parking; community housing policy; and its 'pool in every pot' approach.

Sincerely,


Ann Marie Gallant

June 5, 2013
City Council
Palm Springs, California

RECEIVED
PALM SPRINGS
2013 JUN -5 PM 5:13

Re: Proposed Development
Crescendo LLC for a PDD Change of Zone
(PDD 364, Case 51297 and TTM 36548)

JAMES THOMPSON
CITY CLERK

Dear Council:

I am a Palm Springs resident at the Tahquitz Mesa Villas, just to the North of this proposed residential development by Mr. John Wessman.

My origin is from the great City of San Francisco in California where development has dedicated a large percentage of the land mass to parks and open area. I also am an active participant in the commercial real estate field here in the Coachella Valley.

It saddens me to think and envision this narrow strip of land to the north of the Villas to be undermined, filled with soil to raise it up and seemingly squeeze in single family residents that would potentially encroach upon the slope and steep landscape of the desert terrain.

Tahquitz Meas Villas (another project owned by Mr. Wessman) is a lovely older project adjacent that I currently live in. But even at this spot, –the Villas back up right against this steep beautifully varnished rock and view into the Indian Canyons from our main pool. I have questioned whether or not this project doesn't impose upon the hillside and history of our native Americans passing through this land to their holy lands where they lived and survived for hundreds of years.

I am an avid hiker and respect the fragile condition of the land and Mother Nature. It is a privilege to live where I live. I have also traveled, worked and lived in over 60 countries around the world. What we have here in Palm Springs is utterly unique. The mountains closely hugging the downtown of Palm Springs to the south and to the South Palm Canyon intersection where it flows out to the Indian Canyons is a national treasure. Everyone I have talked to around the world knows the Coachella Valley for Palm Springs. Every foreign visitor I speak with who visits here thinks that it is one of the most beautiful places they ever visited.

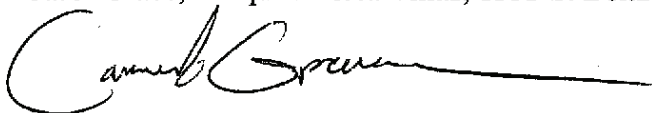
Secondly, I walk and bike up and down this strip of Belardo that you are about to approve for development. I see many critters and birds and their young living and thriving in this natural habitat.

You recently dedicated a very pretty bridge to the north of the Villas to the passed leader of our native American Indians. Keep with this theme and do not scar the road and hillside just to the south with residential housing.

We are just recovering from a Great Recession. Have you given thought to the number of homes that were foreclosed upon in the past 5 years. Do we need new competitive housing at this time? But most of all we don't need it in that location.

You as the fathers and mothers of the City of Palm Springs government should be ever so careful as to what you permit to be built in this environment.

Carol Grace, Tahquitz Mesa Villas, 1333 S. Belardo Rd., Palm Springs



June 4, 2013

To Esteemed Members of the Palm Springs City Council

Subject: Dakota Project

RECEIVED
CITY CLERK

2013 JUN -5 PM 5:12

JAMES THOMAS
CITY CLERK

I was astonished to discover that the project adjacent to my current living space is scheduled to break ground next week. Though I am no longer married to an architect, I did learn some design build knowledge from him, including the fact that notification could have been provided about the project.

It has been discouraging to hear the details of the project including the inclusion of 43 swimming pools and 6 driveways in a small, congested triangular space. I urge you to consider other issues such as density criteria environmental studies, and the preservation of open landscape where the mountain ends. I see wild life daily, though it is perhaps a luxury, its protection, in a reasonable, circumference would preserve the paradise we call Palm Springs that I am so grateful to live in.

Sincerely,

Roxanna Khan

ROXANNA KHAN

Cell 949 395 3232

I am a resident of Palm
Springs since 2005

Ms. Nan Dickinson
Tahquitz Mesa Villas
1333 South Belardo Road
Palm Springs, CA 92264

RECEIVED
CITY OF PALM SPRINGS
2013 JUN -5 PM 5:12
JAMES THOMPSON
CITY CLERK

May 5, 2013

To The Honorable City Council
City of Palm Springs, California

Re: Crescendo LLC
PDD 364 and TTM 36548
City Council Hearing June 5, 2013

To Whom It May Concern:

I feel there are a significant number of environmental and wildlife concerns with the proposed project on Belardo Road, known as Dakota. The impact on both wildlife and the adjacent residents will cause all to suffer from the development and construction of a residential installation on that site. The open area should be preserved for the numerous and diverse wildlife and plant species that live and use that area as access to the immediately adjacent wild land expanse. The proximity to the continuous wild land area alone should be cause for a special consideration, and revise, of this site. If that entire area is paved over, covered, and/or developed it will kill numerous wildlife and plant species and cut off important wildlife access. I have observed a number of varied species, with their young in tow recently, within the proposed building area. Wildlife is reproducing and thriving there. It is an important habitat for them.

That being said, all of that cement will be ugly and create a great deal of heat. The impact of squeezing so many units so close to, the immediately adjacent, Tahquitz Mesa Villas will create uncomfortable, confining, and ugly living conditions for these existing residents.

We do not want such a packed-in project right on top of our homes. We heard nothing of this proposed development until just days ago. Some of us only learned of the development today. There is something not right about so many people knowing nothing of something that will so greatly impact us all. Even if the rules were followed; one should question a process that allows 103 residences, as well as the surrounding business, to go uninformed.

Finally, the idea of losing one of the beautiful open areas, that currently provide mountain vistas to the immediately surrounding hotels, restaurants, and business is profoundly concerning. These open areas and vistas are what make Palm Springs so special and unique. The Dakota project is a step in the wrong direction.

Nan Dickinson

