



Planning Commission Staff Report

DATE: OCTOBER 23, 2013

SUBJECT: BARISTO GROUP, LLC, APPLICATION TO AMEND PREVIOUSLY APPROVED FINAL DEVELOPMENT PLANS OF PDD 288; TO APPROVE TENTATIVE TRACT MAP 36626, WHICH AMENDS PREVIOUSLY APPROVED TENTATIVE TRACT MAP 31887; AND CONSIDER A SUBSEQUENT MITIGATED NEGATIVE DECLARATION TO BUILD THE REMAINING ELEVEN HOUSING UNITS OF THE FINAL PHASE OF THE 38-UNIT ST. BARISTO DEVELOPMENT LOCATED AT LUGO ROAD (CASE NO. 5.0977-PD-288 AMND)

FROM: DEPARTMENT OF PLANNING SERVICES

SUMMARY

The Planning Commission to review a proposed amendment to the third and final phase of a previously approved Planned Development District (PDD 288) for the construction of thirty-eight (38) residential units. The Commission will also review a proposed modification to an existing condominium map (TTM 31887) which was previously approved along with the PDD. The proposed amendment will consist of six (6) detached individual residences, 2 two-story town-homes and three zero lot line individual town-homes for a total of eleven units. The proposed housing types will range between 2,309 and 2,522 square feet in size.

RECOMMENDATION:

Recommend that the City Council adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program; recommend that the City Council approve Tentative Tract Map 36626, which amends previously adopted Tentative Tract Map 31887; and approve the proposed amendment of the final phase of the development subject to the attached conditions of approval.

ISSUES:

The applicant has proposed a different style of architecture which is not consistent with the existing St. Baristo development or the previously approved Final Development Plans of PDD 288.

PRIOR ACTIONS:

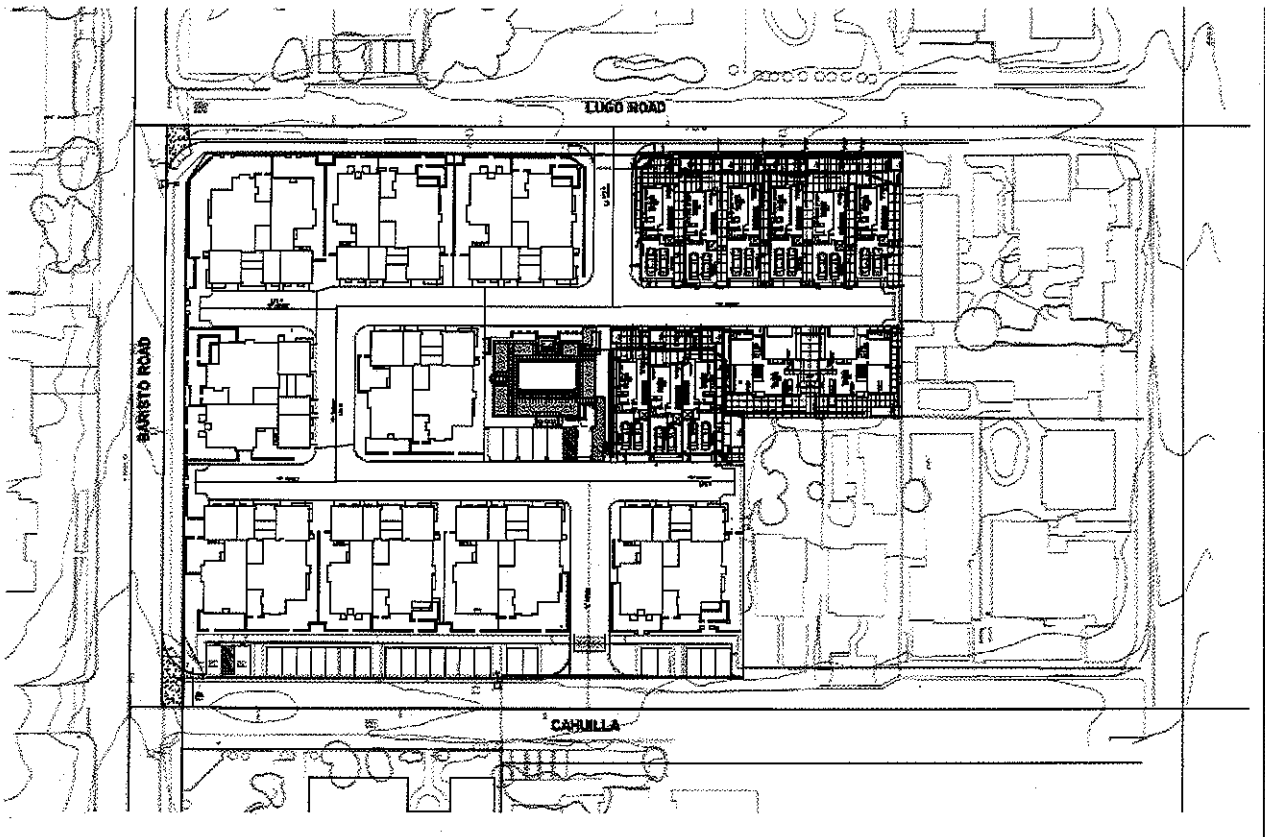
On July 22, 2013, the Architectural Advisory Committee (AAC) reviewed the revised architectural design and unanimously recommended approval to the Commission.

BACKGROUND:

Planned Development District 288 was approved by the City Council in 2004 under the provisions of Section 94.02.00.B of the Palm Springs Zoning Code. The property is an approximately 2.7-acre site that was previously fully developed. The original project design and development standards established in PDD 288 were for the development of thirty-eight (38) residential units. The Council also approved a one-lot Condominium Map for the project. The approved project consists of twelve (12) three-story tri-plex buildings at a maximum height of thirty-four (34) feet with third-story living space of approximately 450 square feet in size and lastly, two (2) duplex units at a height of twenty-six (26) feet.

The tri-plex structures consisted of two bungalows ranging in size from 1,803 to 2,328 square feet and a carriage suite of 2,121 square feet. The bungalows each have an associated two car garage. The carriage unit has a one-car garage and one car carport parking space. The total square footage per tri-plex is 7,630 square feet. One duplex unit includes two units of 1,340 square feet each. Each duplex unit includes two 1-car garages for a total square footage of 3,670 square feet. The architectural style of all structures was to be Mediterranean Monastery. The approved facades were to be multi-dimensional and rooflines multi-tiered.

Overall Site Plan



Key: Proposed Amendment involves shaded lots.

PRIOR ACTIONS CONTINUED:

Table 1: Related Relevant City Actions by Planning, Fire, Building, etc...	
5.12.04	The Planning Commission approved the Preliminary Planned Development-PD 288 and recommended approval of Tentative Tract Map (TTM 31887) to the City Council
5.19.04	The City Council adopted a Negative Declaration (ND) and approved the Preliminary Planned Development District (PDD-288), and Tentative Condominium Map 31887 to construct 38 Condominium units
8.08.05	The Planning Commission approved the Final Development Plans for the project
4.05.05	Building Permits were issued by the Building Dept. for the first two phases

Table 2: Neighborhood Meetings	
5.23.13	First of two meetings HOA and property owners(According to the applicant)
6.14.13	Second meeting with HOA and St. Baristo property owners
10.9.13	Third meeting with Homeowners

Table 3:

General Plan			
Land Use Designation	Density	Request	Compliance
HDR (High Density Residential)	Up to 30.0 DU/Acre	None	Conforms
Existing PDD 288 Density	38 Units Approved	38 Total	

Zoning – Uses & Lot Standards			
	Existing: PDD 288 Zone	Proposed: Same	Compliance
Uses permitted	Residential Use	Residential Use	Conforms
Density	38 Units Approved	38 Total proposed	Conforms

Zoning – Building Development Standards:

Table 4:		Approved PDD 288	Proposed Amend.	Compliance
Building Height		Maximum 34 Feet	Maximum: 34 Ft.	Conforms
Yard Setbacks				
Front		12 – 15 ft. on Lugo.	18 Ft.	Conforms
Interior Side		10 Ft.	21 Ft.	Conforms
North Side		9 Ft.	9 Ft	Conforms
East Side		7.5 Ft.	13.9 Ft.	Conforms
Pool / spas		Pool & Recreation Facility	Optional (Individual)	Conforms
Lot Coverage		Up to 58%	Up to 51%	Conforms
Off-street Parking		79 Total Spaces Required	Two-Car Garage each unit	Conforms
Trash Enclosure		N/A	N/A	N/A

ANALYSIS:

The proposed amendment calls for the construction of the remaining eleven units of the originally approved thirty-eight units within the St. Baristo Planned Development District. This proposal represents the third and final phase of the District. The proposed architecture of this phase differs from the original Mediterranean Monastery architectural style. However, the previously established development standards of PDD 288 such as height limits, setbacks requirements, lot coverage and density will apply to this project (See Table 4 above).

PDD Amendment:

Section 94.03.00(G) allows the Planning Commission to modify Final Development Plans of previously approved Planned Development District projects. According to the Code, the Commission may approve minor architectural or site changes that do not affect the intent of the PD. Staff believes that the intent of Planned Development District 288 was to establish design guidelines and development standards for a residential project consisting of thirty-eight (38) units, and recreation facilities within the site with variations to certain zoning code development standards. The proposed amendment involves the architectural design of the homes and configuration of the affected remainder parcel.

Density:

Density is defined as the number of units allowed per acre; this is not the same as unit sizes. The approximately 2.7-acre site had a split zoning designation comprising of R-2 and R-3 (Limited Multiple-Family Residential and Hotel). Under these zoning designations, a total of 46 dwelling units would be allowed; under PDD 288, the applicant proposed 38 dwelling units which are below the maximum allowable density. A total of 27 units were constructed in 2005 in the earlier phases. The applicant is now proposing to build the remainder 11 units to bring the total to 38 units. The density is consistent with the original PDD approval.

Tentative Tract Map:

The applicant has also submitted an application to amend the current Tentative Tract Map 31887 which was previously approved along with PDD 288. That map was for a one-lot condominium map for the entire project. The applicant is now proposing to modify the condominium map by subdividing the phase three portion of the property into eleven (11) lots as indicated on Tentative Tract Map 36626. The proposed lot sizes will range from 1,745 to 3,440 square feet.

AAC Review:

As stated earlier, the Architectural Advisory Committee, (AAC) reviewed the project with favorable recommendations on July 22, 2013. In response to comments from the AAC, the applicant provided explanations as the reasons behind the changes to the project design. The applicant also indicated that although the original project had a shared pool and other recreational facilities, that idea was no longer popular, hence the units will have pool or rooftop spa options. The AAC specifically requested that fully developed landscape plans be brought back to the Committee for review.

Public Benefits:

In September 2008, the City Council adopted a policy requiring that proposed Planned Development District developments provide a specific Public Benefit proportionate to the nature, type and extent of the relief granted from the development standards and requirements. This project was originally approved in 2003 prior to the adoption of this policy.

Nonetheless, the project will provide a public benefit by fulfilling the City's general plan objective to encourage and support projects of exceptional design and architectural quality. The project provides a unique style of home not currently found in Palm Springs, that being the urban loft-in the modern style for which Palm Springs has become famous. This unique design provides public benefit to the community by helping to maintain the eclectic urban village character of Palm Springs, expanding the City's image as a center for modern architecture and expanding the variety of housing opportunities available in the heart of the City.

The project provides a further public benefit to the City in that the unique design permits the project to maximize the use of the land by maintaining density while still providing the benefits of single family ownership. This responds to and is consistent with the City's general plan land use objective to encourage, where appropriate, high density projects to maximize the use of land (GP, LU1.10).

The project also provides a public benefit by the unique development of an infill parcel that will bring additional consumers near to the downtown area, thereby facilitating the City's efforts at downtown revitalization by increasing the available customer base. This responds to the City's General Plan goal LU6.2 to encourage in-fill development. It also feeds the City's economic development goal as providing sufficient numbers of consumers in close proximity to the downtown is a key element in assuring the success of the City's downtown revitalization efforts.

In addition, the proposed density is consistent with the underlying zoning district, and the flexibility in design not otherwise allowed in the zoning district results, in this case, in an innovative design for the individual units and in a community of distinctive character which does not otherwise exist in this area of the city.

REQUIRED FINDINGS

According to Section 94.03.00(G) of the Palm Springs Zoning Code, amendments to Planned Development Districts are processed in the same manner as the original PDD application. Pursuant to PSZC Section 94.03.00 "*Planned Development Districts*" findings shall be made in support of approval of the PDD application in accordance with Section 94.02.00 (B)(6). Those findings are listed below with Staff's analysis of the project against those findings.

- a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The project proposes a development of eleven (11) residential units, detached and

attached dwelling units in the form of a PDD. PDD's are among the uses permitted subject to Conditional Use Permit pursuant to PSZC Section 94.02.00(A)(4). The PDD application requests revisions in the architectural style of the partially built-out development but no deviations from the Zoning Code, including no requested deviations from the previously approved standards of the original PDD. The Zoning Code authorizes PDD's for residential uses and therefore the request is consistent with this finding.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The PDD was originally approved for the development of 38 residential dwelling units on subject property. The project site is zoned PDD 288 and the General Plan designates residential land uses for these parcels. With the build-out of the remaining units, the density of the project will be less than the maximum permissible in the General Plan, and the underlying zone of the site, but will be consistent with the number of units approved in the original PDD. Staff believes that the provision of a variety of residential unit types in walkable distance to downtown area is desirable to energize and revitalize the downtown commercial areas. The project can be determined to be in harmony with the existing and future uses specifically permitted in the zone proposed as it contributes to the eclectic character of the City. The PDD eliminates an unsightly vacant lot and is an example of in-fill development which the General Plan encourages. The modern architectural style of the modified PDD contributes to the architectural character for which the City has become famous.

The PDD amendment proposes changes in architectural design, and a change from condominium ownership to single family ownership. Both forms of ownership are consistent with residential zoning in the area. The structures proposed in the amended PDD, are ultimately of the same height as the originally approved structures, although the configuration of the buildings has changed. The view studies reviewed show that the change in architectural design does not increase impacts to surrounding properties as compared to the previously approved PDD. Changes in project design and site layout permits the modified PDD to relocate structures to provide more open area to the adjacent recreation area of the St. Baristo development.

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The overall project site is approximately 2.7 acres in size. The overall size of this phase is approximately 26,613 square feet. The project proposes eleven (11) of the originally approved thirty-eight (38) dwelling units with an average size of 2,514 square feet. The PDD amendment also proposes an amendment to allow single family residences within the development. Should the proposed amendment be approved, the development would be consistent with this finding.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project proposes primary vehicular access to the public streets from the existing Lugo Road. There is another entry to the easterly portion of the development from Cahuilla Road; therefore the development will relate to existing streets and highways. Also, traffic and ease of circulation within and around the development were analyzed in the previously adopted MND incorporated into the current document.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards

A draft set of conditions of approval are proposed in the attached Exhibit B; these conditions are from different departments of the City which include Planning, Building, Fire and Public Works. All the conditions from the original entitlement and Mitigation Measures from the Addendum to the previously adopted MND also apply to this project. Therefore, the conditions imposed are deemed necessary to protect the public health, safety and general welfare.

Tentative Tract Map Amendment

Additional 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 proposed TTM is an amendment to an existing Tentative Tract Map. The amended map will be consistent with the General Plan in that it proposes a residential use in an area designated for such a use. The General Plan allows residential uses within the PDD and underlying zoning designation. The PDD defines the development standards, including lot sizes, and the Tentative Tract Map is consistent with the PDD, as amended by the current project application. Therefore, the proposed use is consistent with the General Plan and with the previously approved PDD which requires consistency with the underlying zoning, as modified by the applicable PDD.

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 consistent with the established development standards and uses. The existing PDD already has a set of development standards and design details with applicable to the proposed amendment. With the approval of the PDD amendment, the project will be consistent with this finding.

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

The project site is flat and has been previously disturbed when the earlier phases were built. The property is located in an area with all urban services and utilities, including existing private and City streets. The project proposes eleven residential dwelling units which is the balance of the previously approved thirty-eight (38) units on the site, and therefore there is no change in the number of units as compared to the original PDD. The location is surrounded by residential and small hotel uses; these uses are consistent with the General Plan.

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

The project proposes eleven (11) remaining dwelling units; the site was approved for 38 units in 2003 on approximately 2.7-acre site and the project as proposed is the last phase of those 38 units. The underlying zones of R-2 and R-3 could accommodate up to forty-six (46) units, so the site is physically suitable for the proposed development.

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

The Initial Study prepared for the project determined that with implementation of proposed mitigation measures, any environmental impacts will be reduced to a level that is less than significant. The project is a residential project proposed in a residential zone. It will be built on a previously disturbed in-fill lot, and will therefore have no significant impact on 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 existing layout of internal private streets provides access to each lot. The residential uses proposed are consistent with those uses permitted by the General Plan, the Zoning Code and the previously approved PDD. The subdivision is proposed with no sidewalks on the interior private streets; however sidewalks are not required by the State Subdivision Map Act.

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 ASSESSMENT

On May 19, 2004, the City Council adopted a Negative Declaration (ND) and approved the Preliminary Planned Development District (PDD-288) and Tentative Tract Map 31887 to construct thirty-eight (38) residential units on approximately 2.7 acres (the "Project"). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines

Section 15162, the proposed amendments to the Project were evaluated in an initial study to determine whether further environmental review would be required.

The initial study concluded that although the amendments would result in changes to the Project, the resulting environmental effects will be mitigated to a less than significant level with the incorporation of mitigation measures. It was therefore determined that a Subsequent Negative Declaration and Mitigation Monitoring Program should be prepared pursuant to CEQA Guidelines Section 15162(b). No further environmental review is required. (Public Resources Code § 21166; CEQA Guidelines § 15162.)

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Intent to adopt a Mitigated Negative Declaration (MND) was prepared. The Notice of Intent (NOI) was circulated; a 20-day public review and comment period commenced on August 16, 2013, and closed on September 4, 2013, staff has addressed the comments received.

CONCLUSION:

The proposed modern contemporary architecture is a deviation from the existing Mediterranean Monastery architecture of the existing St. Baristo development. However, the new style does provide variety to the overall context of the development.

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 500 feet of the subject property/adjacent property owners. In July 2013, the applicant also posted a sign of the proposed project at the site. Several letters from adjacent property owners regarding this proposal have been received. The letters are included in the Commission's package.



Edward O. Robertson
Principal Planner



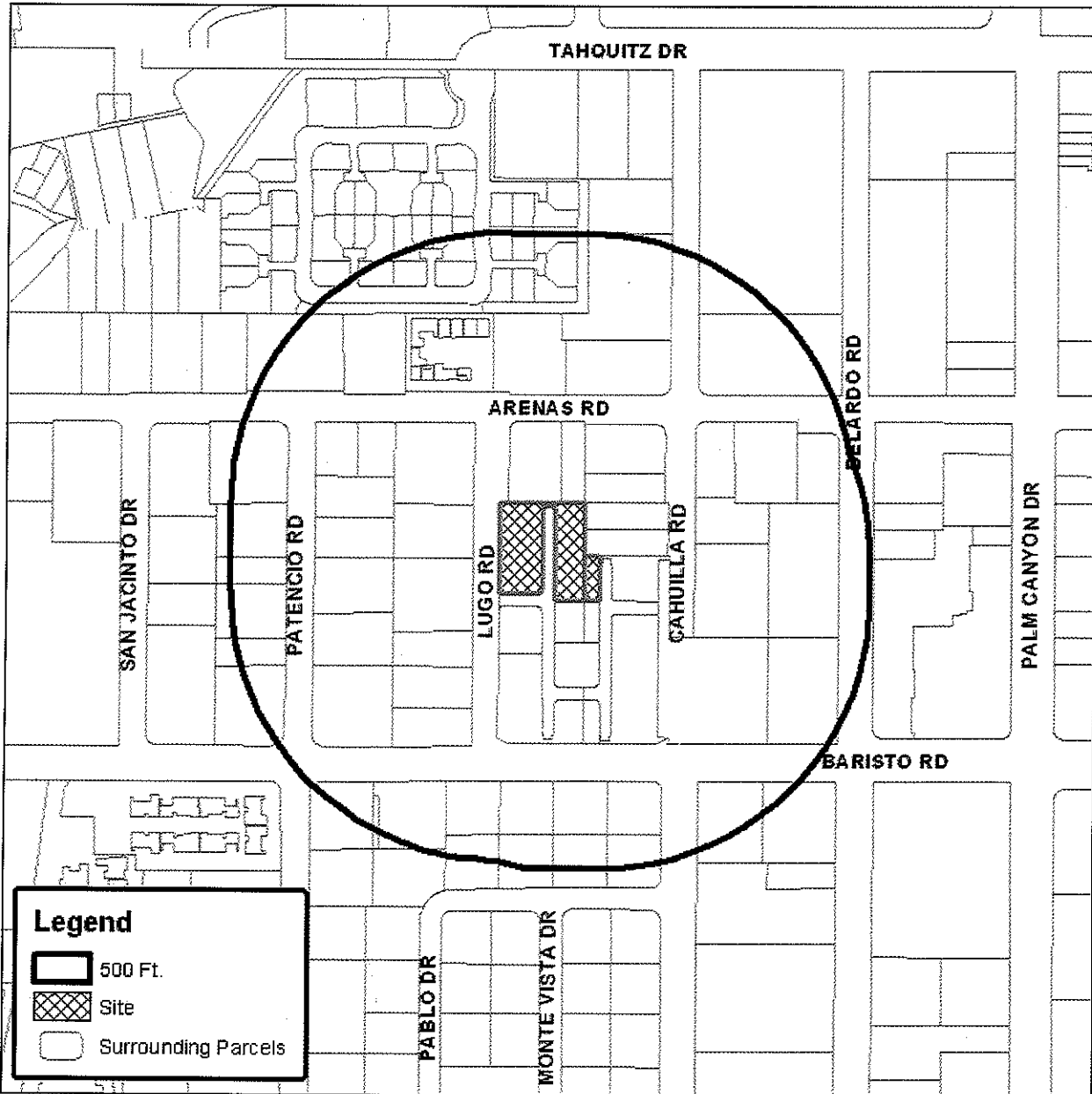
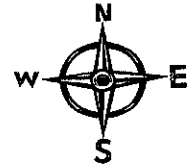
M. Margo Wheeler, AICP
Director of Planning Services

Attachments:




1. Vicinity Map
2. Draft Resolutions and Conditions of Approval
3. Minutes from the AAC meeting of July 22, 2013
4. Environmental Initial Study (Subsequent MND) & NOI
5. Letters from St. Baristo Development & Surrounding property owners
6. Photo Simulations
7. Reduced Site Plans and Elevations



Department of Planning Services Vicinity Map



Legend

-  500 Ft.
-  Site
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 5.0977 PDD 288
TTM 31887

APPLICANT: Baristo Group, LLC

DESCRIPTION: An amendment to a previously approved Planned Development District 288 to construct 11 new homes in the final phase of the partially built district located at Lugo Road, Zone PDD 288.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING ADOPTION OF A SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM; RECOMMENDING APPROVAL OF TENTATIVE TRACT MAP 36626, WHICH AMENDS PREVIOUSLY ADOPTED TENTATIVE TRACT MAP 31887; AND APPROVING AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 288, FOR THE BARSITO GROUP, LLC, TO DEVELOP THE REMAINING ELEVEN RESIDENTIAL UNITS OF A PREVIOUSLY APPROVED THITY-EIGHT UNITS LOCATED AT LUGO ROAD.

WHEREAS, on May 19, 2004, the City Council adopted a Negative Declaration (ND) and approved the Preliminary Planned Development District (PDD-288) and Tentative Tract Map 31887 to construct thirty-eight (38) residential units on approximately 2.7 acres (the "Project"); and

WHEREAS, the City of Palm Springs certified a General Plan Environmental Impact Report (EIR) in 2007; and

WHEREAS, the completion of Phase I and Phase II of the Project resulted in the construction of twenty-seven (27) of the thirty-eight (38) residential units; and

WHEREAS, Phase III of the Project contemplated the construction of eleven (11) residential units which have not yet been constructed; and

WHEREAS, the Baristo Group, LLC (the "Applicant") has filed an application with the City for an amendment to the previously approved Planned Development District 288 pursuant to the provisions of Section 94.02.00 (B) of the Palm Springs Zoning Code and for adoption of Tentative Tract Map 36626, an amendment to the previously approved Tentative Tract Map 31887, regarding the remaining eleven (11) units to be constructed in Phase III; and

WHEREAS, the requested amendment to the PDD would modify the Final Development Plans for the Project to: (1) revise the architectural design of Phase III from Mediterranean Monastery to modern contemporary; (2) revise Phase III to consist of six (6) detached three-story townhomes, two (2) two-story townhomes and three (3) zero lot line townhomes instead of previously planned tri-plexes and a duplex; and (3) modify the site configuration; and

WHEREAS, the requested amendment to the existing one-lot Tentative Tract Map would subdivide Phase III of the property into eleven (11) lots; and

WHEREAS, on July 22, 2013, the proposed revisions to the architectural design were reviewed by the Architectural Advisory Committee (AAC), and the AAC made a favorable recommendation to the Planning Commission; and

WHEREAS, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the amendments were evaluated in an initial study to determine whether further environmental review would be required; and

WHEREAS, the initial study concluded that although the amendments would result in changes to the Project, the resulting environmental effects will be mitigated to a less than significant level with the incorporation of mitigation measures and it was therefore determined that a Subsequent Negative Declaration and Mitigation Monitoring Program should be prepared pursuant to CEQA Guidelines Section 15162(b); and

WHEREAS, a twenty (20) day public review and comment period for the Subsequent Mitigated Negative Declaration commenced on August 16, 2013, and closed on September 4, 2013; and

WHEREAS, the City received comments on the Subsequent Mitigated Negative Declaration during the public comment and review period; and

WHEREAS, on October 23, 2013, a public hearing on the proposed amendments was held by the Planning Commission in accordance with applicable law; and

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

THE PLANNING COMMISSION HERBY FINDS AS FOLLOWS:

Section 1:

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). The Planning Commission independently reviewed and considered the information contained in the Subsequent Mitigated Negative Declaration prior to its review of the proposed amendments, and the Subsequent Mitigated Negative Declaration reflects the City's independent judgment and analysis. The Planning Commission finds, on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the amendments will have a significant effect on the environment. The Planning Commission hereby recommends that the City Council adopt the Subsequent Mitigated Negative Declaration and approve the Mitigation Monitoring Program. The Planning Commission finds that no further environmental review is required. (Public Resources Code § 21166; CEQA Guidelines § 15162) The record of proceedings on which the Planning Commission's decision is based, including, but not limited to, the General Plan EIR, the original

Negative Declaration, and the Subsequent Mitigated Negative Declaration, is located at the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. The custodian of record of proceedings is the Director of Planning Services.

Section 2: The Planning Commission makes the following findings:

According to Section 94.03.00(G) of the Palm Springs Zoning Code, amendments to Planned Development Districts are processed in the same manner as the original PDD application. Pursuant to PSZC Section 94.03.00 "*Planned Development Districts*" findings shall be made in support of approval of the PDD application in accordance with Section 94.02.00 (B)(6). Those findings are listed below with Staff's analysis of the project against those findings.

a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;

The project proposes a development of eleven (11) residential units, detached and attached dwelling units in the form of a PDD. PDD's are among the uses permitted subject to Conditional Use Permit pursuant to PSZC Section 94.02.00(A)(4). The PDD application requests revisions in the architectural style of the partially built-out development but no deviations from the Zoning Code, including no requested deviations from the previously approved standards of the original PDD. The Zoning Code authorizes PDD's for residential uses and therefore the request is consistent with this finding.

b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;

The PDD was originally approved for the development of 38 residential dwelling units on subject property. The project site is zoned PDD 288 and the General Plan designates residential land uses for these parcels. With the build-out of the remaining units, the density of the project will be less than the maximum permissible in the General Plan, and the underlying zone of the site, but will be consistent with the number of units approved in the original PDD. Staff believes that the provision of a variety of residential unit types in walkable distance to downtown area is desirable to energize and revitalize the downtown commercial areas. The project can be determined to be in harmony with the existing and future uses specifically permitted in the zone proposed as it contributes to the eclectic character of the City. The PDD eliminates an unsightly vacant lot and is an example of in-fill development which the General Plan encourages. The modern architectural style of the modified PDD contributes to the architectural character for which the City has become famous.

The PDD amendment proposes changes in architectural design, and a change from condominium ownership to single family ownership. Both forms of ownership are

consistent with residential zoning in the area. The structures proposed in the amended PDD, are ultimately of the same height as the originally approved structures, although the configuration of the buildings has changed. The view studies reviewed show that the change in architectural design does not increase impacts to surrounding properties as compared to the previously approved PDD. Changes in project design and site layout permits the modified PDD to relocate structures to provide more open area to the adjacent recreation area of the St. Baristo development.

c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;

The overall project site is approximately 2.7 acres in size. The overall size of this phase is approximately 26,613 square feet. The project proposes eleven (11) of the originally approved thirty-eight (38) dwelling units with an average size of 2,514 square feet. The PDD amendment also proposes an amendment to allow single family residences within the development. Should the proposed amendment be approved, the development would be consistent with this finding.

d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

The project proposes primary vehicular access to the public streets from the existing Lugo Road. There is another entry to the easterly portion of the development from Cahuilla Road; therefore the development will relate to existing streets and highways. Also, traffic and ease of circulation within and around the development were analyzed in the previously adopted MND incorporated into the current document.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards

A draft set of conditions of approval are proposed in the attached Exhibit B; these conditions are from different departments of the City which include Planning, Building, Fire and Public Works. All the conditions from the original entitlement and Mitigation Measures from the previously adopted MND also apply to this project. Therefore, the conditions imposed are deemed necessary to protect the public health, safety and general welfare.

f. The proposed Planned Development District developments provide a specific Public Benefit proportionate to the nature, type and extent of the relief granted from the development standards and requirements.

The project will provide a public benefit by fulfilling the City's general plan objective to encourage and support projects of exceptional design and architectural quality. The

project provides a unique style of home not currently found in Palm Springs, that being the urban loft-in the modern style for which Palm Springs has become famous. This unique design provides public benefit to the community by helping to maintain the eclectic urban village character of Palm Springs, expanding the City's image as a center for modern architecture and expanding the variety of housing opportunities available in the heart of the City.

The project provides a further public benefit to the City in that the unique design permits the project to maximize the use of the land by maintaining density while still providing the benefits of single family ownership. This responds to and is consistent with the City's general plan land use objective to encourage, where appropriate, high density projects to maximize the use of land (GP, LU1.10).

The project also provides a public benefit by the unique development of an infill parcel that will bring additional consumers near to the downtown area, thereby facilitating the City's efforts at downtown revitalization by increasing the available customer base within walking distance. This responds to the City's General Plan goal LU6.2 to encourage infill development. It also feeds the City's economic development goal as providing sufficient numbers of consumers in close proximity to the downtown is a key element in assuring the success of the City's downtown revitalization efforts.

In addition, the proposed density is consistent with the underlying zoning district, and the flexibility in design not otherwise allowed in the zoning district results, in this case, in an innovative design for the individual units and in a community of distinctive character which does not otherwise exist in this area of the city.

The City finds that these public benefits are of a sufficient nature and type to justify the relief from development standards proposed by the PDD.

Tentative Tract Map Amendment

Additional 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 proposed TTM is an amendment to an existing Tentative Tract Map. The amended map will be consistent with the General Plan in that it proposes a residential use in an area designated for such a use. The PDD defines the development standards, including lot sizes, and the Tentative Tract Map is consistent with the PDD, as amended by the current project application. The General Plan allows residential uses within the PDD and underlying zoning designation. Therefore, the proposed use is consistent with the General Plan which requires consistency with the underlying zoning, as modified by the applicable PDD.

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 consistent with the established development standards and uses. The existing PDD already has a set of development standards and design details with applicable to the proposed amendment. With the approval of the PDD amendment, the project will be consistent with this finding.

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

The project site is flat and has been previously disturbed when the earlier phases were built. The property is located in an area with all urban services and utilities, including existing private and City streets. The project proposes eleven residential dwelling units which is the balance of the previously approved thirty-eight (38) units on the site, and therefore there is no change in the number of units as compared to the original PDD. The location is surrounded by residential and small hotel uses; these uses are consistent with the General Plan.

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

The project proposes eleven (11) remaining dwelling units; the site was approved for 38 units in 2003 on approximately 2.7-acre site and the project as proposed is the last phase of those 38 units. The underlying zones of R-2 and R-3 could accommodate up to forty-six (46) units, so the site is physically suitable for the proposed development.

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

The Initial Study prepared for the project determined that with implementation of proposed mitigation measures, any environmental impacts will be reduced to a level that is less than significant. The project is a residential project proposed in a residential zone. It will be built on a previously disturbed in-fill lot, and will therefore have no significant impact on 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 existing layout of internal private streets provides access to each lot. The residential uses proposed are consistent with those uses permitted by the General Plan, the Zoning Code and the previously approved PDD. The subdivision is proposed with no sidewalks on the interior private streets; however sidewalks are not required by the State Subdivision Map Act.

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.

Section 3:

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission recommends that the City Council adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program; recommends that the City Council approve Tentative Tract Map 36626, an amendment to Tentative Tract Map 31887; and approves Case No. 5.0977-PDD288-AMND thereby amending Planned Development District No. 288 for the development of the remaining eleven residential units subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED this 23rd day of October, 2013.

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning Services

EXHIBIT A
CASE 5.0977-PD-288 AMND

PLANNED DEVELOPMENT DISTRICT 288 &
CONDOMINIUM MAP 31887 AMENDMENT

LUGO ROAD
BARISTO GROUP, LLC

CONDITIONS OF APPROVAL

October 23, 2014

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning, 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 (5.0977 PDD-288 & TTM 36626 AMND); except as modified with the approved Mitigation Measures and the conditions below.
- ADM 2. Development Standards: All the previously approved development standards of Planned Development District 288 shall apply to the amended PDD 288.
- ADM 3. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (July 16, 2013), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division and TTM 36626 amended date 10.23.13, except as modified by the approved Mitigation Measures and conditions below.
- ADM 4. 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 5. 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 6. Tentative Map. This approval is for an amendment to Tentative Tract Map 36626 located at Lugo Road. 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 7. 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 5.0977 PDD-288 AMND TTM 36626. 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 8. 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 9. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

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 10. 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 11. 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 12. 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 13. Community Services District. 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.

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. Removal of Green Construction Fencing. The applicant/developer shall be required to remove the temporary construction fencing around the perimeter of the subject property subject to the approval of the Director of Public Works and reinstall construction fencing in conformance with the City of Palm Springs requirements at the commencement of construction activities.

ADM 18. Exterior Lighting Plan. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the project and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized.

- ADM 19. Perimeter Wall Design Review. The applicant shall submit to the Director of Planning for approval, the design of the perimeter wall for the subject project for conformance with Palm Springs Zoning Code.
- ADM 20. Dust Control. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the City Engineer. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- ADM 21. Grading Plan. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- ADM 22. Other Approvals Required. Separate architectural approval and permits shall be required for all signs.

ENVIRONMENTAL CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF). This project is exempt from CVMSHCP LDMF fees.
- 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 Measures. All mitigation measures that are part of the Subsequent Mitigated Negative Declaration that was adopted for Case 5.0977 PDD-288 & TTM 36626 AMND are incorporated herein by this reference and are hereby adopted as conditions of approval for this project. Mitigation Monitoring shall occur during review of final plans, construction and operation of the project.
- ENV 4. Reimburse City for Monitoring Expenses. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review

of developer's operations and activities for compliance with all applicable mitigation measures. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

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 the State of California 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 that has been certified as conforming to the State Landscape Ordinance. Landscape plans shall also be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)
- PLN 3. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 4. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 5. 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 6. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent public streets or residential and commercial areas.

- PLN 7. 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 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. 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 11. Final Map. 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 13 Maintenance Standards. Trash cans shall be screened from view and kept within fifty (50) feet of the street.
- PLN 12. Perimeter Walls. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
- PLN 13. House Numbers. The street address numbering/lettering shall not exceed eight inches in height.

POLICE DEPARTMENT

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

BUILDING DEPARTMENT:

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

FIRE DEPARTMENT:

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated July 2, 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 – 11:00 AM and 2:00 PM – 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 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.

FID11 **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 (CFC 505.2.5):** 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. These will be required on the two dead end roads at the southwest corner of the complex.

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.

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.

ENGINEERING DEPARTMENT:

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances. Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

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

LUGO ROAD

ENG 2. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE PRIVATE STREETS (LOT A & LOT D)

ENG 3. All on-site private streets (or drive aisles) shall be two-way with a minimum 24 feet wide travelway (as measured from back of zero-curb face curb) where no on-street parking is proposed. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisles as necessary to enforce parking restrictions. A Home Owners Association shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions required for the development.

ENG 4. Turn-arounds shall be provided at the north ends of Lot A and Lot D.

ENG 5. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

ENG 6. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

SANITARY SEWER

ENG 7. All sanitary facilities shall be connected to the public sewer system via the on-site private sewer system. The existing sewer service(s) may be used for new sanitary facilities. New laterals shall not be connected at manholes.

ENG 8. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system

acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.

GRADING

ENG 9. Submit a Precise Grading & Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading & Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

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

ENG 10. 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 11. 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 12. 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 13. 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 14. Contact Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property if any. Make appropriate arrangements to protect in place or relocate any facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Desert Water Agency shall be submitted to the Engineering Division prior to approval of the Grading Plan.
- ENG 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. 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 24. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Applicant shall submit an amended hydrology study from the underlying Tentative Map (TM) 31887 (known as St. Baristo Lofts) to reflect the changes made to TM31887 to create Tentative Tract Map (TTM) No. 36626, only if the differential Q is greater for the proposed eleven single family residences in TTM36626, than it was for the previously approved (but unconstructed condominiums within Parcel 3 and Parcel 8) within TM31887.
- ENG 25. 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 26. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance

with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 27. 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 28. All proposed utility lines shall be installed underground.
- ENG 29. 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 30. 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 31. 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 32. 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 33. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 34. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

MAP

- ENG 35. 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 36. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final (Parcel) Map, or in the absence of a Final (Parcel) Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.
- ENG 37. 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 38. 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 39. 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 40. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

END OF CONDITIONS

4. AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 288 TO CONSTRUCT ELEVEN NEW HOMES IN THE FINAL PHASE OF THE PARTIALLY BUILT DISTRICT LOCATED AT LUGO ROAD; ZONE PDD 288 (CASE 5.0977-PD 288 AMND). (ER)

Chris Prado and Michael Braun, applicants, described the project and why they changed designs from the previous phase.

Committee Member Song asked about overhang size and shade protection.

Committee Member Purnel asked about the landscape plan.

Applicants indicated the landscape and hardscape plans will return.

Chair Secoy-Jensen asked about the pool option.

Applicants said previous project had a shared pool which wasn't popular. New units will have yard, pool or rooftop spa options.

Vice-Chair Fauber stated that he was pleased with the street access to the units and not gated.

Committee Member Fredricks said when landscape plan comes back it needs to address adjacent landscaping, needs to be a positive asset and also look at equipment and utility locations.

M/S/C (Fredricks/Fauber, 7-0) To approve architectural design without landscape.

5. A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT AN APPROXIMATELY 10,300-SQUARE FOOT SERVICE / MANUFACTURING BUILDING ON A VACANT PROPERTY LOCATED AT 200 WEST OASIS ROAD; ZONE M-1 (CASE 3.3649-MAJ). (ER)

Applicant Mr. Mukareb Imad described his project.

Chair Secoy-Jensen asked about the shade structure.

Applicant indicated it was wood.

Committee Member Purnel had concerns regarding the landscaping especially Mesquite trees in the windy area and size of material in small planter area and ground cover not shown.

Chair Secoy-Jensen questioned parking space #13.

M/S/C (Secoy-Jensen/Fredricks, 7-0) To approve with conditions:

**NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION
"Lugo Lofts"**

LEAD AGENCY: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

CONTACT PERSON: Edward O. Robertson, Principal Planner (760) 323-8245

PROJECT TITLE: Lugo Lofts
Case Nos. 5.0977 PDD 288/TTM AMND

PROJECT LOCATION: Lugo Road, Palm Springs, California
APNs 513-155-024, 030 & 035

PROJECT DESCRIPTION: The proposed project is an amendment to the third and final phase of a previously approved planned development district (PDD 288) and a condominium map (TTM 31887) for the development of a 38-unit condominium project. Twenty seven (27) units have been previously built; the amendment proposes to build the remaining eleven (11) units by changing and subdividing the remaining parcel 3 of the condominium map into a new tract map consisting of eleven (11) separate lots. The proposed amendment will consist of six (6) detached three-story townhomes, 2 two-story townhomes and three (3) zero lot line townhomes. The proposed homes will range between 2,320 and 2,750 square feet in size. The proposed amendment will utilize the previously established development standards and guidelines. The existing entitlement permitted the development of thirty-eight (38) units; twenty-seven (27) units were built in the previous phases, the proposed amendment will construct eleven (11) units, thus the overall project density will not change.

FINDINGS/DETERMINATION: The City has reviewed and considered the proposed project and has determined that any potentially significant impacts can be mitigated to a level of less than significant. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

PUBLIC REVIEW PERIOD: A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 a.m. on August 16, 2013 and end on September 4, 2013, at 6:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address: Edward.Robertson@palmspringsca.gov.

Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library. This project is tentatively scheduled to be heard by the Planning Commission on September 11, 2013 at 1:30 p.m.

SUBSEQUENT MITIGATED NEGATIVE DECLARATION

Title of Project (including any commonly used name for the project):

The Lugo Lofts at St. Baristo

Brief Description of Project:

On May 19, 2004, the City Council adopted a Negative Declaration (ND) and approved the Preliminary Planned Development District (PDD-288) and Tentative Tract Map 31887 to construct thirty-eight (38) residential units on approximately 2.7 acres (the "Project"). The completion of Phase I and Phase II of the Project resulted in the construction of twenty-seven (27) of the thirty-eight (38) residential units. Phase III of the Project contemplated the construction of eleven (11) residential units which have not yet been constructed.

The Applicant has requested an amendment to the previously approved Planned Development District 288 ("PDD") and for adoption of Tentative Tract Map 36626, an amendment to the previously approved Tentative Tract Map 31887, regarding the remaining eleven (11) units to be constructed in Phase III of the Project.

The requested amendment to the PDD would modify the Final Development Plans for the Project to: (1) revise the architectural design of Phase III from Mediterranean Monastery to modern contemporary; (2) revise Phase III to consist of six (6) detached three-story townhomes, two (2) two-story townhomes and three (3) zero lot line townhomes instead of the previously planned tri-plexes and a duplex; and (3) modify the site configuration. The requested amendment to the existing one-lot Tentative Tract Map would subdivide Phase III of the property into eleven (11) lots.

Project Location (see also attached map):

Lugo Road, Palm Springs, CA 92262, the nearest cross-streets are Baristo Road and Arenas

Name of the Project Applicant:

Wessman Development 555 Sunrise Way, Suite 200 Palm Springs, CA 92264

Cortese List:

The project does x does not involve a site located on the Cortese list.

Background:

Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the amendments were evaluated in an initial study to determine whether further environmental review would be required. The initial study concluded that although the amendments would result in changes to the Project, the resulting environmental effects will be mitigated to a less than significant level with the incorporation of mitigation measures. It was therefore determined that a Subsequent Negative Declaration and Mitigation Monitoring Program should be prepared pursuant to CEQA Guidelines Section 15162(b).

Finding:

Pursuant to the California Environmental Quality Act, the City of Palm Springs has determined that the proposed amendments will not have a significant effect on the environment with the incorporation of mitigation measures. The attached initial study documents the reasons supporting this finding.

Copies of supporting documents, including, but not limited to, the General Plan EIR and the original Negative Declaration, can be obtained from the City of Palm Springs located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

Mitigation Measures:

Air Quality

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.

Cultural Resources

MM V-1. 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.

MM V-2. 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.

MM V-3. 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.

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.

Noise

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.

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 away from the existing and occupied homes.

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 8:00 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.



**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
LUGO LOFTS RESIDENTIAL DEVELOPMENT**

July 25, 2013

Project Title	The Lugo Lofts at St. Baristo
Case No.	5.0977-PDD 288/TTM AMND
Lead Agency Name and address	City of Palm Springs 3200 East Tahquitz Canyon Way Palm Springs, CA 92262
Contact Person and phone number	Edward Robertson, Principal Planner (760) 323.8245
Project Location	Lugo Road, Palm Springs, CA 92262
Project Sponsor's name and address	Michael Braun, Wessman Development 555 Sunrise Way, Suite 200 Palm Springs, CA 92264
General Plan Designation	HDR (High Density Residential)
Zoning	PDD 288

8. Description of project:

The proposed project is an amendment to the third and final phase of a previously approved planned development district (PDD 288) and a condominium map (TM 31887) for the development of a 38-unit condominium project. The amendment proposes to build the remaining eleven (11) units by changing and subdividing the remaining parcel 3 of the condominium map into a new tract map (TTM 36626) consisting of eleven (11) separate lots. The proposed amendment will consist of six (6) detached three-story townhomes, 2 two-story townhomes and three (3) zero lot line townhomes. The proposed homes will range between



2,320 and 2,750 square feet in size. The proposed amendment will utilize the previously established development standards and guidelines. The existing entitlement permitted the development of 38 units; 27 units were built in the previous phases, the proposed amendment will construct 11 units, thus the overall project density will not change.

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

The surrounding area consists of a mix of residential and vacation properties.

North: Boutique hotel

South: Residential (townhomes)

East: Residential

West: Boutique hotel

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

NONE



FIGURE 1 – VICINITY MAP

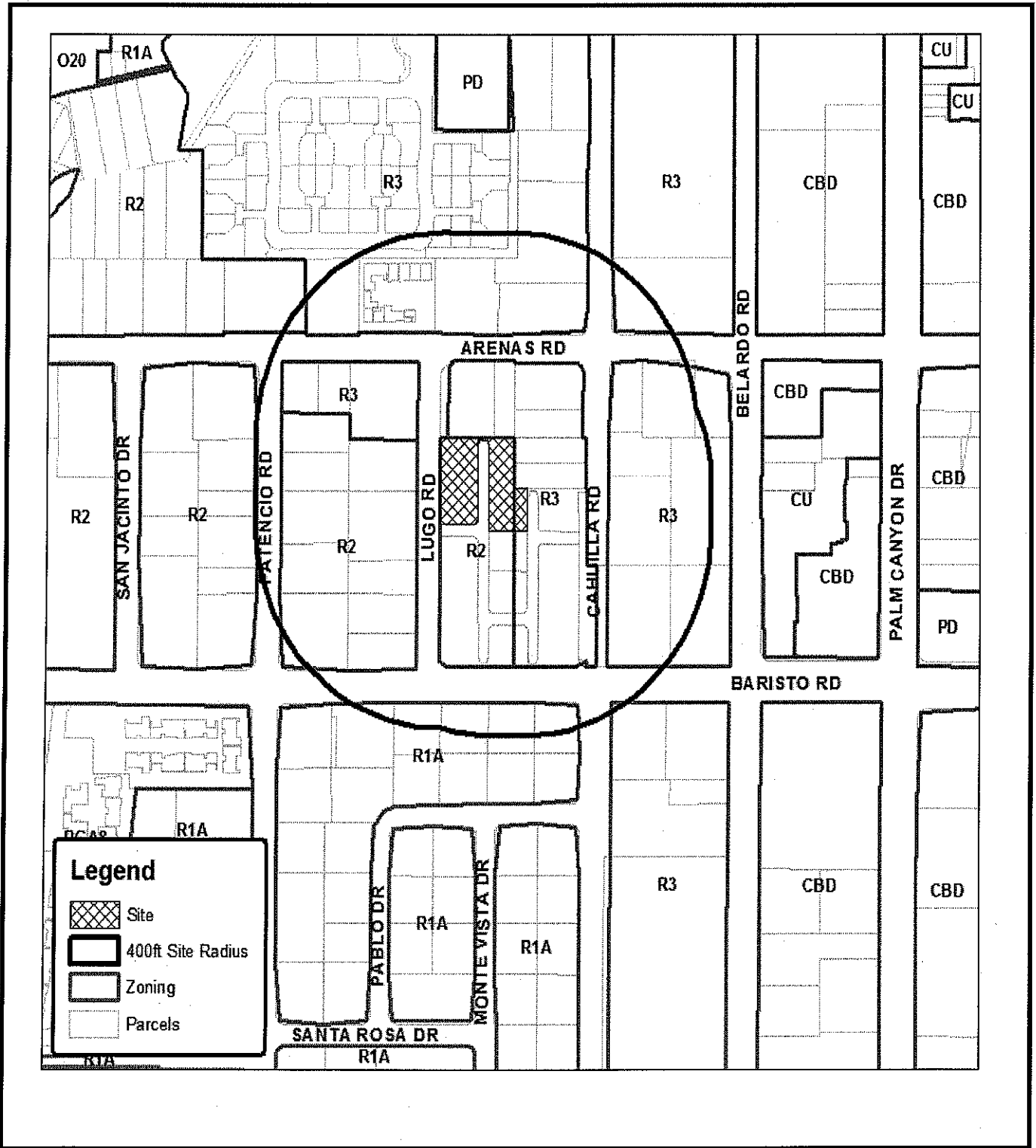
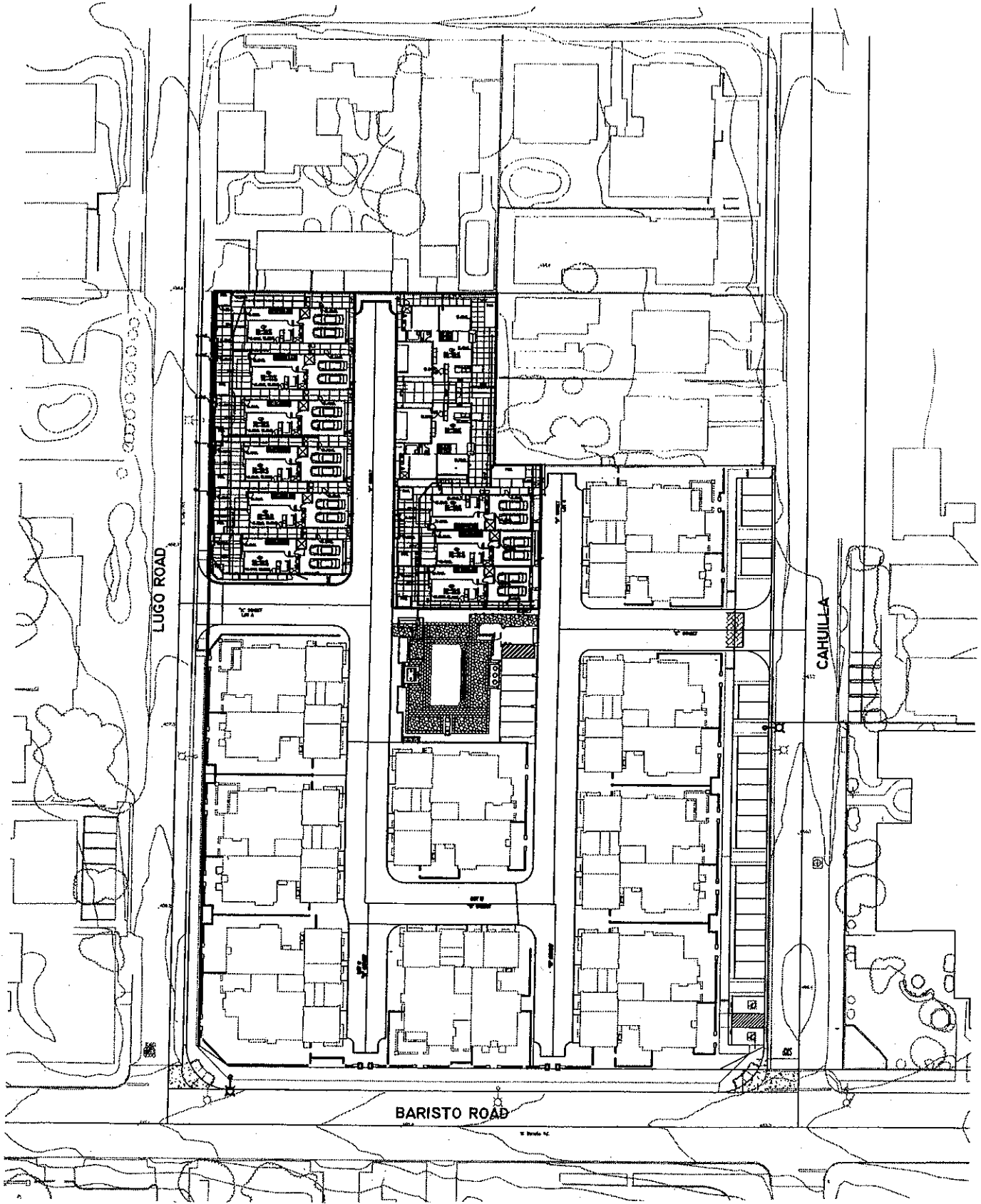


FIGURE 2 – PROPOSED PROJECT SITE PLAN



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.

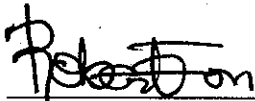
- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> 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

8.14.13

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

a) & c) **Less Than Significant Impact.** The project will not have a substantially adverse effect on any scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. The project will be located within a fully developed area and adjacent to two-story multi-family residential development. The project as currently proposed is consistent with the originally planned build out of the entire development. The project will be configured to provide view corridors to the mountains existing east of the project site. Furthermore, proposed architectural plans for the development will be reviewed by the City's Architectural Advisory Committee (AAC), to ensure that the project will be consistent with the existing development in the area. Therefore, the project will have a less than significant impact on scenic vistas and the existing visual character of the project site.

b) **No Impact.** The proposed project is not located adjacent to or within a state scenic highway and consequently, will have no impact on scenic resources within a state scenic highway.

d) **Less Than Significant Impact.** Construction of the project would have some lighting impacts, characteristic of a low density residential development. It is not anticipated that the project will create substantial light and glare that could affect night-time 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. In part, the City's exterior lighting ordinance requires that exterior light shall be (a) architecturally integrated with the character of the associated structures, site design and landscape;

(b) Directed downward and shielded, or specifically directed to walls, landscape elements or other similar features, so that light is confined within the boundaries of the subject parcel; (c) Installed so that lights do not blink, flash or be of unusually high



intensity or brightness; (d) Appropriate in height, intensity and scale to the uses and the site they are serving; (e) Installed in conformance with the provisions of this section, the building code, the electrical code, and under appropriate permit and site inspection. 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
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:				
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 property 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 residential 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 residential; the surrounding land consists of developed residential and hotel properties. Development 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 type="checkbox"/>	<input checked="" 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"/>

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).

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 standards are considered consistent with the air quality related to regional plans including: the current AQMP, the Coachella Valley PM₁₀ SIP and other applicable regional plans. 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 approximately 26,616 square feet (.61 acres) with 11 residential lots proposed. Accordingly, the proposed project is not expected to exceed the SCAQMD daily or quarterly construction emission thresholds of significance.



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 should construction emissions exceed daily thresholds, they would be mitigated through the 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) and e) **Less Than Significant Impact with Mitigation Incorporated.** Construction activities are a minor source of organic gas emissions. Solvents in adhesives, non-water-base 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.

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 project is not located near a school, hospital, assisted living facility, or other facility that would house people with compromised immune systems. However, there are existing residential developments located within the immediate vicinity of the site. 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, this impact is considered less than significant.

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.



	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 type="checkbox"/>	<input checked="" 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) **No Impact.** 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 occur 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.** 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. 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.** 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.** The project site 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

- 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.** The subject site, has been previously disturbed with development, nonetheless there is always the possibility of encountering subsurface cultural resources during site grading due to the proximity of the site to Tribal lands. During ground disturbing activities, the potential to inadvertently encounter paleontological or cultural resources is always a possibility. Therefore, the impact is considered less than significant with mitigation incorporated.

Mitigation Measures

- MM V-1. 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.
- MM V-2. 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.
- MM V-3.** 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.

- **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.**
- 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 subject site is located within approximately 8 miles of the San Andreas fault system, 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. An active fault rupture is unlikely to occur at the project site; the project will be required to



fully comply with Uniform Building Code (UBC), this 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 in 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. As with all construction within the City of Palm Springs, 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 considerably deep. Therefore, no impact would occur.
 - iv) **No Impact.** The City of Palm Springs General Plan indicates that potential landslide hazard is primarily located in hillsides or mountainous areas of the City. The subject site is relatively flat with no slopes exceeding 10%; therefore there will be no landslide impact. Therefore, no impact would occur.
- b) **Less Than Significant Impact.** During 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 project will be required to prepare a Fugitive Dust (PM10) Mitigation Plan in compliance with adopted procedures of the SCAQMD and the City. Therefore, impacts are considered less than significant.
- c) **No Impact.** The subject parcel is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the development. The property is not on a hillside, therefore will have no potential for on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, no impact would occur.
- d-e) **No impact.** The subject site consists of .61 acres of previously developed land. The development of the proposed 11 single-family residences will involve minor grading of the property. There are no known geological hazards present on the site other than ground shaking potential associated with earthquakes. The subject site is not located within any Alquist-Priolo; an inspection conducted by staff concluded that the site is relatively flat, with no slopes exceeding 10%, therefore, there is no potential for a significant effect on the environment due to intrusion into slope or hillside areas.

The proposed project will be connected to the existing City of Palm Springs wastewater sewer systems and sewage line; these facilities are available for the discharge of wastewater from the development. No impact will 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 development; these materials would not be used in significant 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.
- c) **No Impact.** The project site is not located within one-quarter mile of an existing or proposed school. The proposed project is a residential development; it has no potential to emit/handle or deposit hazardous waste. 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 an 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.



	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 checked="" type="checkbox"/>	<input 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"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **No Impact.** The project is the third and final phase of a partially built out project; it will not violate any water quality standards or waste discharge requirements; the development will be in compliance with all applicable water quality standards and wastewater discharge requirement consistent with the completed phases of the project. Wastewater from the development will be discharged through the existing municipal sewer system.
- b) **Less Than Significant Impact.** The project would include a total of 11 new residential units. 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. The project proposes to use water supplied by the Desert Water Agency (DWA). Based upon the minimal number of new homes proposed (11), 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. Therefore, the impact is considered less than significant.
- c-e) **No Impact.** The proposed project would add approximately .13 acres of impervious surface. The site is relatively flat and level towards the adjacent paved street (Cahuilla Road); the site slopes gradually westerly onto the existing paved access ways within the complex. The proposed eleven residential developments is the final phase of a partially built-out project, adequate stormwater drainage systems already exist to mitigate any substantial additional sources of runoff. Given that the construction of the proposed project would create a minimal increase to the amount of impervious surface on the site, it is not expected that it would 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) **Less Than Significant 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. However, implementation of mandatory Best Management Practices (BMPs) and the project's SWPPP will ensure that impacts are less than significant in this respect.
- 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), or any other flood hazard delineation map. Therefore no impacts would occur.



- 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. 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 type="checkbox"/>	<input checked="" 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.** The surrounding land uses are mostly residential and small hotels. The project site is currently vacant, but was previously fully developed; approximately .61-acre parcel of land. The proposed project is for the subdivision of approximately .61 acres into a total of eleven lots with existing private streets and drives. The proposed homes would be compatible with surrounding land uses and are considered infill development. Therefore, the project would not physically divide an established community and no impact would occur.
- b) **Less Than Significant Impact.** The proposed project is an amendment to an existing planned development district which allows for the proposed land use. The previously approved guidelines and development standards such as setback requirements, building heights, densities and uses will apply to this project. Therefore the project is consistent with the goals and objectives of PDD 288. The density of this proposal was previously determined to accommodate this phase of the development. Therefore, the project will result in a less than significant impact in this project
- c) **No Impact.** There are no known habitat conservation or natural community conservation plans currently adopted for the project area. 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, 2007) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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,f,e) **No Impact.** The noise exposure is estimated at less than 55 to 60 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. The project site is located approximately four miles away from Palm Springs International airport and therefore, would not be subject to noise from airplane overflights.

c) **Less Than Significant Impact.** The 11 new homes are the last phase of a previously approved and partially developed project; this will only represent a minor increase in the



overall noise levels in the area; it is not anticipated that there will be a significant change in the noise character within 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 of living areas (rear yards) or 45 dB at the habitable interior living area. Currently there are existing residential structures around the proposed development; the only noise of note will be the noise from construction activities associated with the development of the project. 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. Mitigation measures identified below would reduce the anticipated 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.
- 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 away from the existing and occupied homes.
- 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 8:00 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 add 11 new homes to the existing residential complex. The project would accommodate approximately 22 new residents based on 2 persons per unit. This additional amount of residents, with the potential that some residents may be seasonal residents, would 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 45,000 persons, covering a geographical area of 96 square miles with four fire stations located at various strategic points in the City. 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. 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. At 2 persons per unit for 11 units, the City's population would be increased by approximately 22 persons. 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. 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. 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 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 11 single-family residences within an existing private development with existing recreational amenities. While, the 22 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 a very minimal 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 expansion of existing facilities. Moreover, the project developer would be required to pay park impact fees to the City consistent with the adopted ordinance. Therefore the impacts are considered to be 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 result 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.** At the applicant's initiative, a traffic study was conducted by George Dunn Engineering in 2003, for the entire development. According to the Study, at built-out of the originally proposed and approved 38 condominium units, the project would generate approximately 234 daily trip-ends. The amendment will result in 38 units originally analyzed and therefore remains within the overall size of the already-approved development and will not affect or alter the 234 daily trip ends forecast by the 2003 Study. The construction of a 50-foot two lane roadway that was determined by the traffic study is adequate to carry the existing local and proposed residential traffic. The project will utilize two points of access into the project along Cahuilla Road and Lugo Road and there are existing adequate interior streets serving the complex. Therefore traffic impacts are considered to be less than significant.

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. The project does include interior drive aisles 24 – 26 feet in width. No impact is anticipated.

- g) **No Impact.** There are existing bus stops at close proximities to the project site. 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 11 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 project will have no impact on this facility.

e) **Less Than Significant.** 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 of the new residential addition. 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 Impact.** The subject parcel had been previously graded and developed and is surrounded by existing urban development. 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.
- b) **Less Than Significant Impact.** 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 eleven residential units within an existing and partially built private community. There are no other new projects currently under construction in the immediate vicinity of the project. Furthermore, the proposed project will be located on a previously disturbed parcel that has long been designated for residential land uses.
- c) **Less Than Significant Impact.** Based on the preceding discussions and analysis, 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; October 2007.
- 2) City of Palm Springs. City of Palm Springs General Plan, & City of Palm Springs General Plan Technical Appendices. 2007.
- 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) Hunsaker & Associates. Tentative Tract Map 3188Z; February 17, 2004.



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October 14, 2013

St. Baristo HOA Board
73-610 Buckboard Trail
Palm Desert, CA 92260

RE: St. Baristo and Lugo Lofts

Ladies and Gentlemen:

First, on behalf of Michael Braun and myself, I would ask that you convey my thanks to the Board and the members of the St. Baristo HOA who took the time to meet with us last Wednesday to discuss the proposed Lugo Lofts project. The purpose of this letter is to confirm some of the issues discussed, and to respond, where possible, to suggestions raised.

Legal Status—Annexed or De-Annexed?

One of the main issues we discussed is whether the new Lugo Lofts project would become a part of the existing HOA at St. Baristo, or in the alternative, be its own HOA. As I indicated at the meeting, to clarify the current status, a declaration of annexation was recorded for the Lugo Lofts property some time ago. No HOA dues are payable until the sale of the first unit in each phase of development, and as there are no units on the Lugo Lofts property at the present time, the property is not subject to HOA dues yet.

If the Lugo Lofts is to remain a part of the St. Baristo HOA, it will need to revise the Declaration of Annexation to reflect the change from a condominium form of development to a single family home form. Similarly, changes in the condo plan would be made to remove the Lugo Lofts property from that document.

These adjustments are technical, however, I wanted to quickly review them so that there is no perceived misunderstanding.

Allocation of Common Area Costs

I. If Lugo Lofts remains part of St. Baristo HOA

Lugo Lofts are single family homes, and therefore, the maintenance and repair of each home and its respective lot is the responsibility of its respective owner. The HOA would have no responsibility to maintain the residential structures within Lugo Lofts. By contrast, St. Baristo is a condominium project, meaning that the HOA is responsible for maintenance of the residential buildings within St. Baristo.

If Lugo Lofts were to remain a part of the St. Baristo HOA, the Lugo Loft units would be subject to HOA dues for maintenance of all common areas; excluding costs related to the maintenance, operation or reserves for the residential buildings, themselves. This means that the Lugo Lofts residents would share in the expenses related to common area street maintenance, common area utility maintenance, common area landscape costs, the recreation center and the pool. They would be contributing to the reserves for all aspects of the St. Baristo common area, not including the residential buildings. They would also contribute to the cost of insuring the common area, not including the residential structures. In return, the Lugo Lofts residents would enjoy all of the same amenities and common area rights of use that the St. Baristo owners enjoy, including use of the pool and rec. center. The private streets and common area landscaping within Lugo Lofts would become a part of the HOA's maintenance responsibility. Lugo Lofts owners would also be subject to the same set of rules as are applied to St. Baristo via the CC&R's or HOA adopted rules, such as the limitations on short term rentals.

The allocation of those common area costs that are appropriately split among all owners would be split equally such that all owners pay 1/38 of all such costs. The allocation of common area costs related to the maintenance and operation of the residential buildings in St. Baristo would be split among the St. Baristo owners in the same manner as it currently is. As noted above, costs related to the maintenance and operation of the residential structures at Lugo Lofts are the responsibility of the individual owners.

II. If Lugo Lofts were to de-annex and form its own HOA.

Under the St. Baristo CC&R's, the developer has the right to de-annex his property from the HOA so long as he has not sold any units within the property he seeks to de-annex. Therefore, the property owner can elect to de-annex Lugo Lofts. If the St. Baristo HOA feels that the style of Lugo Lofts is not one they wish to accept into their association, it is likely the owner will simply de-annex. In that event, under the terms of the St. Baristo CC&R's, the Lugo Lofts property would still have an easement for use of the streets and common utility facilities for vehicular and pedestrian access and for utility usage. (See section 2.8D of the St. Baristo CCR's.) However, in that event, the Lugo Lofts homeowners would be required to pay their equitable share of the

costs of maintenance and repair of the private streets and common utilities.

That equitable share would be calculated based on the total number of units, thereby requiring each Lugo Loft owner and each St. Baristo owner to pay 1/38 of the total cost for streets and utility maintenance. Because utility costs are dependent on usage, in the event that Lugo Lofts de-annexes from St. Baristo, we will have separate meters installed for utilities as the lines enter the Lugo Lofts portion of the property so that utility usage costs will be based on actual usage for both Lugo and St. Baristo residents.

Perimeter Landscaping

The St. Baristo residents expressed concern about the proposed perimeter landscaping on Lugo Road. The proposed plan for Lugo Lofts provides for a garden wall along the perimeter of the property, of similar size and placement as the existing garden walls along Lugo Road for St. Baristo, with landscaping on the outside of the wall facing Lugo Road. To respond to the concern for continuity along this property boundary, whether Lugo remains a part of St. Baristo or becomes its own HOA, we are willing to provide an easement to the appropriate HOA for maintenance of the landscape strip that lies between the garden wall of the Lugo units and the curb along Lugo Road. This will provide the continuity of landscaping that your members were seeking. If Lugo remains a part of St. Baristo, these costs would become a part of the common area maintenance costs for the entire complex. If Lugo de-annexes from St. Baristo, this perimeter landscape cost would be borne by the Lugo residents only.

Construction Impacts

During the period of construction, access to the Lugo property will be taken through the St. Baristo entrance on Lugo Road, however, we also intend to provide for a secondary temporary construction entrance directly from Lugo Road to the property, provided the city permits it. We are committed to minimizing the impact of that construction traffic on St. Baristo residents. Before discussing specific concepts to meet that commitment, I would note that due to the work that has already been completed on the Lugo property, grading for the project is limited to constructing the building pads. This will limit significantly, the size and number of construction vehicles required. Also, if the project is approved without delay, we expect to begin construction during the summer of 2014, minimizing impacts from construction on St. Baristo residents. We will, of course, honor city codes limiting the hours of construction.

We will agree that construction vehicles will not venture past the Lugo gate on St. Baristo streets, and no construction vehicles will park on the St. Baristo streets or guest parking areas. Any damage done to St. Baristo streets due to Lugo Lofts construction vehicles will be repaired by the Lugo Loft developer. We will comply with all dust control requirements imposed by the City, including daily sweeping of the portion of the St. Baristo street used by construction vehicles.

Building Design and Placement

There was some concern expressed by the HOA members at our meeting about the Lugo Lofts building closest to the St. Baristo pool area, and the possible impact the third story may have on the pool area. To give a clearer sense of this, I asked the project architect to provide a view study that shows the Lugo property, viewed from the pool area, first inserting the original St. Baristo phase III buildings, and then a second simulation inserting the proposed Lugo Loft buildings. The architect's product is attached for your review. The ultimate building height of both structures is the same, and the third story is visible on both versions of the building, however, on the Lugo building, the third story is shifted to the east. This opens up a significant view corridor to the mountains on the west that would be absent with the original St. Baristo plan. As an aside, I note that the construction on the Lugo property will block the view of the overhead power lines northeast of the property as seen from the pool area. The third story of the original St. Baristo-style building shows several windows overlooking the pool area. By contrast, the Lugo Loft-style building has only the narrow windows which open to the internal staircase. The original plan for the St. Baristo-style building was to provide for a set back to the pool lot that varied from 4 to 7 feet. The new structure keeps the entire building at a 6 foot setback. We are suggesting the addition of enhanced landscaping along the Lugo Loft building, as it backs to the pool area, which will soften the view of the Lugo structure and enhance the pool area. Having had the chance now to review the view studies prepared by the architect, it is apparent that the impact on St. Baristo's pool area from the Lugo structure proposed is significantly less than if a St. Baristo-style building had been built as originally approved.

I believe this covers the major points of discussion during our meeting, however, if I have missed anything, please let me know and I will do my best to answer any questions that may arise. It appeared that the majority of members at our recent meeting were in favor of Lugo Lofts becoming part of St. Baristo, and we therefore hope the information provided in this letter adequately responds to your concerns. Again, my thanks to you and your members for working with us to find the best approach for all.

Sincerely,



Emily Perry Hemphill
Ealy, Hemphill & Blasdel, LLP

LAW OFFICES OF
EALY, HEMPHILL & BLASDEL, LLP
A CALIFORNIA LIMITED LIABILITY PARTNERSHIP

W. Curt Ealy
Emily Perri Hemphill
Diane C. Blasdel

71905 Highway 111, Suite H
Rancho Mirage, California 92270
Telephone: (760) 340-0666
Facsimile: (760) 340-4666

September 12, 2013

Doug Holland
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Lugo Lofts

Dear Mr. Holland:

As you know, this office represents Wessman Development and its affiliated entities. Our client is currently processing a PD Amendment and map for what was formerly the third phase of the St. Baristo project. The current project being proposed is known as "Lugo Lofts." In connection with the proposed Lugo Lofts development, this office reviewed legal documents relating to Phases 1 and 2 of the existing St. Baristo development. The purpose of the review was to analyze issues relating to the proposed Lugo Lofts development.

LEGAL BACKGROUND:

Section 2.8.A.1 of the Enabling Declaration for St. Baristo ("Declaration") provides that the Declarant may, at its sole discretion, unilaterally annex "Annexable Property" as described on attached Exhibit B, provided that annexation and development of such Annexable Property is in accordance with the plan of development submitted to the California Department of Real Estate ("DRE"). Annexable Property described on Exhibit B includes Lots 3 and 8 of Tract 31887, i.e., proposed Phase 3, which is the area now contemplated for Lugo Lofts.

Section 2.8.A.2 of the Declaration states that annexations may occur by recordation of a Declaration of Annexation. On 11/16/06, a Declaration of Annexation for Phase 3 was recorded.

Section 2.8.F of the Declaration provides that the Declarant may, at its sole option, amend a Declaration of Annexation, or de-annex Annexed Property, by recording a document that rescinds the Declaration of Annexation, as long as no units have been conveyed in the Annexed Property. (Note: To date, no units have been built or conveyed in Phase 3.)

CITY MANAGER
SEP 16 2013
CITY OF PALM SPRINGS

Section 2.8.D provides that if any portion of the Annexable Property is not annexed (or is de-annexed), and such portion requires use of roadways and utility facilities within existing Association property, easements shall exist for such purposes, however, users are obligated to pay an equitable share of costs to maintain such roadways and utility facilities per Section 4.13 of the Declaration.

Section 4.13 of the Declaration provides that users of such roadways and utilities shall (even though they are not members of the existing Association) nevertheless be subject to paying an equitably prorated share of costs of maintaining such roadways and utilities. It further provides that if the parties cannot agree as to the equitably prorated share, the matter shall be arbitrated under rules of the American Arbitration Association.

As noted above, on 11/16/06, a Declaration of Annexation for Phase 3 was recorded. That document contemplated that units in Phase 3 would be subject to provisions similar to those in Phases 1 and 2. Unfortunately, the economy crashed and the market changed. Fortunately, the Declaration contains sufficient flexibility to accommodate such changes. In this regard, it is important to note that prospective buyers were specifically cautioned about such possibilities. Final Subdivision Public Reports issued by the DRE and provided to and signed off on by buyers in Phases 1 and 2 contain clear disclosures. For example, on pages 3 and 4 of the Phase 2 Public Report, the following language appears:

“There is no assurance that the total subdivision will be completed as proposed.

FUTURE DEVELOPMENT OF THE COMMUNITY CANNOT BE PREDICTED WITH ACCURACY. THE SUBDIVIDER HAS THE RIGHT TO BUILD MORE OR FEWER THAN THE NUMBER OF HOMES CURRENTLY PLANNED, CHANGE PRODUCT LINES, ENLARGE OR DECREASE THE SIZE OF HOMES, ADDING LARGER, SMALLER OR DIFFERENTLY DESIGNED MODELS OR CHANGING (PARTIALLY OR IN TOTAL) DESIGNS AND/OR MATERIALS, AT ANY POINT DURING DEVELOPMENT.

DUE TO THE INABILITY TO PREDICT FUTURE MARKET CONDITIONS WITH ACCURACY, THERE ARE NO ASSURANCES THAT THE COMMUNITY WILL BE BUILT AS CURRENTLY PLANNED, OR PURSUANT TO ANY PARTICULAR BUILD-OUT SCHEDULE. TOPOGRAPHICAL MAPS IN THE SALES OFFICE, LOT PLOTTING MAPS, MAPS OFFERED BY SUBDIVIDER AND OTHER FORMS SHOWING “COMPLETE” COMMUNITY PROJECTIONS DO NOT NECESSARILY COMMIT THE SUBDIVIDER TO COMPLETE THE COMMUNITY OR, IF COMPLETED, TO COMPLETE THE COMMUNITY AS SHOWN. THE SUBDIVIDER MAY SELL AT ANY TIME, ALL OR ANY PORTION OF THE LOTS WITHIN THE COMMUNITY TO ANY THIRD PARTY, INCLUDING OTHER DEVELOPERS OR BUILDERS.”

RIGHT TO DEVELOP LUGO LOFTS IN PHASE 3:

The owner of the Phase 3 property proposes to build Lugo Lofts, a single family home (Planned Development) project, on Phase 3. To do this, the existing Declaration of Annexation would be rescinded. Section 2.8.F of the Declaration specifically allows the Declarant to de-annex Annexed Property by recording a document that rescinds the Declaration of Annexation as long as no units have been conveyed in the Annexed Property, which is the case here. Upon implementation of the new Lugo Lofts development (and based upon the legal background set forth above), owners of units in Lugo Lofts (i) would be not members of the existing Association but would be members of a new Planned Development Association, (ii) would not be entitled to use common area facilities such as the recreation center and swimming pool in Phases 1 and 2, (iii) would not be obligated to pay an equal share of common area costs of the existing Association governing Phases 1 and 2, (iv) would be authorized to use roadways and utility facilities within Phases 1 and 2 to access and service Lugo Lofts, and (v) would be obligated to pay an equitable share (based on actual use) of costs of maintaining roadways and utility facilities in Phases 1 and 2.

In any event, it is clear that the Declarant has the legal right to create a new single family home (Planned Development) project within the previously designated Phase 3 area, and use (subject to paying an equitable share of maintenance costs) existing Phase 1 and 2 roadways and utility facilities to provide service thereto.

I trust this provides you with sufficient information to respond to any comments you may receive with regard to the property owner's right concerning this property, however, should you have further questions, please contact either me or my partner, Curt Ealy.

Sincerely,



Emily Perri Hemphill
Ealy, Hemphill & Blasdel, LLP

Lugo Lofts – Several Issues:

1. According to the Notice of Public Hearing issued by the City of Palm Springs (see attached) regarding the September 25 hearing, the following issues appear to be incorrect:
 - a. “the overall project density will not change.” - in fact, this is a completely false statement as the homes have increased from 1800-2300 SF to 2320-2750 SF. This is an increase of almost 30% and certainly DOES constitute and increase in density.
 - b. The notice does not mention that the developer is requesting to divide two lots into 11 lots with an average size of 2311 and 2523 SF per lot.
 - c. The staff makes no mention of the change in architectural style in the amended proposal.
 - d. Staff fails to mention the addition of roof top decks and individual pools.
2. The developer has avoided all standard zoning laws and requirements by utilizing the Planned Development Process. There may be abuses to this process that are currently being investigated.
3. The Notice of Public Hearing must notify all residents within a 400’ radius of the property. The Public Notice Vicinity Map was incorrectly drawn and as such the 400’ law was not followed. See attached.
4. Developer incorrectly stated in his proposed amended design and development plan that the existing Phase I and II units are full three stories and that the Phase III would be full three stories. These new homes would also have roof top decks and possibly individual swimming pools. None of these facts were described in the Notice of Public Hearing.
5. An Architectural Review was conducted of the new proposed project and a report was generated on July 22, 2013 (see attached). The report has several erroneous facts stated:
 - a. The project is being described as **two story**, when in fact, it is actually three story (34’). It also describes the square footage incorrectly as ranging from 2309 to 2522. The actual proposed square footage of the project is up to 2750 SF as per developer submitted plans.
 - b. The report lists two neighborhood meetings taking place on 5/23/13 and 6/14/13. There were no such meetings. In fact, the only meetings that ever discussed this project were held ONLY with the HOA of St. Baristo. No neighborhood meetings were ever held, per developer although these meetings were cited in the Architectural Review Report.
 - c. The report also states that the new proposal will be “condo lot” as the previous plans called for. This is also incorrect per the developer as they want to subdivide the two existing lots into 11 lots and build single family residences.
 - d. Developer wants to build with no “visitor parking” and utilize parking from St. Baristo development.
 - e. Amended project may violate a significant portion of the existing CC & R’s of the St. Baristo development (Phase I and II).
 - f. Summary of zoning analysis table found on the 2nd page of the Architectural Review Report contains several errors in regards to yard setbacks and does not even address the proposed pools.

- g. On page 3 of the Architectural Review Report, the staff states in Item 2 that in fact, "the proposed amendment is still compatible with the character of the existing development within the Planned Development District" and that it "conforms" to the adjacent surrounding developments. Clearly, the review committee has never visited our neighborhood or has any knowledge of what the "surrounding architectural surroundings" might look like. A highly density, three story development with average lot sizes of 2311 to 2523 with roof top decks does not exist in the Tennis Club District, nor does it exist in the City of Palm Springs.
 - h. The report also cites on page 3, Item 3, that the "site layout will not change as a result of this project." This is another completely false statement. The site layout changes completely.
 - i. Item 5 is also a false statement – "this amendment will fit well with the existing homes." HOW???
 - j. And the final remark of the Architectural Review Report is that applicant, developer stated that "it is now cost prohibitive to build those style of homes in the current market," but stated in city documents that homes would sell for \$900,000 to \$1.2M.
 - k. Development required a "Major Architectural Application" to be filed and CEQA mandated procedure. There is no evidence that a Major Architectural App was filed, but rather a Minor App was filed. A minor app would apply ONLY "...for minor architectural applications such as repaints, reroofs, walls, fences, entry features, landscaping plans, minor grading plans, exterior lighting plans, additions which do not increase existing floor area by forty percent (40%) for single-family residential units and additions which do not increase existing floor area by twenty-five percent (25%) for any building type other than single family residential." As per City of Palm Springs Department of Planning Services code.
 - l. In the Architectural Review Report, it states "utilize the previous development standard" Did the previous development standard include exterior architectural asthetics? If so, then this is a completely false statement made by staff.
6. It appears the City is aware that the new architectural plans require evaluation under California Environmental Quality Act (CEQA). It is not at all clear if they have followed the CEQA mandated procedure for notice and opportunity to comment.

Edward Robertson

From: Michael Braun <MBraun@wessmandevelopment.com>
Sent: Monday, October 14, 2013 5:29 PM
To: Edward Robertson
Cc: ephemphill@aol.com; Michael Braun
Subject: RE: St Baristo Phase 3

Edward:

No, Mariana was not present, but we were told that she is distributing information via e mails to the neighborhood about Lugo Lofts. As mentioned before I contacted Mariana several weeks ago on her request and send her electronically information about the project. Octavio Fernandez and I met with her personally at her hotel to discuss Lugo Lofts. Within 2 minutes of the meeting we were told that we either have to purchase her hotel or she would fight the development to the bitter end as in her opinion it poses a direct threat to her existence. Regardless of her comments I continued to respond to additional questions she send via e mail.

Regards,
Michael

From: Edward Robertson [<mailto:Edward.Robertson@palmsprings-ca.gov>]
Sent: Monday, October 14, 2013 5:15 PM
To: Michael Braun
Cc: ephemphill@aol.com
Subject: RE: St Baristo Phase 3

Thanks Michael; was Marina Rossi present at the meeting? Just curious, she has been inundating me with emails, calls and requests to meet to discuss the project.

Edward

From: Michael Braun [<mailto:MBraun@wessmandevelopment.com>]
Sent: Monday, October 14, 2013 4:44 PM
To: Edward Robertson
Cc: Emily Hemphill (ephemphill@aol.com)
Subject: FW: St Baristo Phase 3

Edward

Please see attached the summary of a 3rd homeowner meeting held last Wednesday October 9th 2013 at St Baristo. Emily Hemphill and myself made ourselves available to answer any questions.

Thanks,
Michael

From: EPHEMPHILL@aol.com [<mailto:EPHEMPHILL@aol.com>]
Sent: Monday, October 14, 2013 3:45 PM
To: macbrbnk@aol.com
Cc: n_arrache@hotmail.com; speerbussvcs@hotmail.com; edflot@aol.com; Michael Braun; curtealy@aol.com
Subject: Re: St Baristo Phase 3

Mr. McKenna--Attached is the letter I promised to send to the board following our meeting last week. Also attached is a pdf which is the view study I reference in the letter. If you have trouble opening the attachments, please call me: Thank you again for meeting with Michael and me.

Emily Perri Hemphill, Esq.
Ealy Hemphill & Blasdel, LLP
71905 Highway 111, Suite H
Rancho Mirage, CA 92270

Telephone: 760-340-0666
Facsimile: 760-340-4666

E-mail: Ephemphill@aol.com

In a message dated 10/10/2013 5:49:11 P.M. Pacific Daylight Time, macbrbnk@aol.com writes:

Hi Emily,

It was nice to meet you on Wednesday. Please be so kind and copy the board on any emails to Nancy Speer. The other board members are copied on this email. Thank you.

Jim McKenna

818-599-1024

October 2, 2013

Dear Mr. Robertson

I have now had time to review the City of Palm Springs Architectural Advisory Committee Staff Memorandum and the letter dated September 12, 2013 from Emily Perri Hemphill, Mr. Wessman's attorney.

The homes that Mr. Wessman plans to build in our Phase 3 are completely incompatible with our current homes for many reasons including the following reasons:

1. Our community is St Baristo. His new proposed Phase 3 is Lugo Lofts. He has no intention of being a part of St. Baristo.
2. Our homes range in size from approximately 1,700 square feet to 2,350 square feet. His new homes will be substantially larger ranging from 2,309 square feet to 2,522 square feet.
3. Our homes are an old world Mediterranean style while his new homes will be completely the opposite as they are ultra modern in design.
4. Our homes are mostly two story buildings with only one unit in each building that is three stories. That unit is in the center of each building thus presenting a staggered roofline appearance. His homes will be three story units thus presenting a towering wall appearance that is completely contrary in appearance to all of our homes and to every property around our community.
5. Our homes are condos under a recorded Condo Plan. His homes will be single family residences in defiance of the recorded Condo Plan.

When our Phases 1 and 2 were designed, planned and built the utility usage was planned and calculated for a consistent type of home to be built in all three Phases. Now we are seeing that Mr. Wessman plans to build substantially larger homes that will require more gas, more electricity and more water than our existing homes. Mr. Wessman has also stated that each home will have a private pool which will require more gas, more electric and more water than originally calculated. The load capacities will no longer be accurate as originally planned and calculated. Mr. Wessman has stated that we will be responsible to perform a monthly calculation of the utility usage for Phases 1 and 2 as opposed to his new Phase 3 to determine which homes should be assessed for usage for each utility billed. This task is impossible to calculate as the homes in his proposed Phase 3 will be so substantially different from our current homes in Phases 1 and 2.

Mr. Wessman is proposing a completely new community that is a major architectural deviation from our current community. His plans do not represent a minor deviation from our current community but a drastic major architectural deviation.

The letter dated September 12, 2013 from Emily Perri Hemphill, Mr. Wessman's attorney quotes several portions of our CC&R's but clearly ignores other portions. Mr. Wessman should not be allowed to "cherry pick" through our CC&R's in order to only quote sections that may be supportive of his position and then ignore other sections. Our original CC&R's were written or approved as written by Mr. Wessman as one of the developers of St Baristo so he is very aware of their content. The CC&R's are very clear that Mr. Wessman is required to submit his plans to our Architectural Design Committee for approval. He completely ignored that requirement and completely by-passed our review process. He only informed our St Baristo community homeowners of his plans after they had been submitted to the City of Palm Springs and only because he was required to do so by the City of Palm Springs. It is clear that Mr. Wessman's Phase 3 is currently annexed to our St Baristo community even though Mr. Wessman tried to convince our homeowners otherwise by saying that the recorded Annexation document had expired. He is an experienced developer and as such he knows a recorded Annexation document does not expire. Since he is still annexed as our Phase 3 he is required to follow our Architectural review process which he has not done.

On page 3 of the attorney's letter under the heading: "**RIGHT TO DEVELOP LUGO LOFTS IN PHASE 3:**" you will find the following statement:

"The owner of the Phase 3 property proposes to build Lugo Lofts, a single family home (Planned Development) project, on Phase 3. To do this, the existing Declaration of Annexation would be rescinded."

This statement declaring that Lugo Lofts is a single family development and that the Annexation would be rescinded clearly points out three major items;

1. That he is building a completely new project - Lugo Lofts - as opposed to a slight modification of our existing condominium homes.
2. That he is building single family residences as opposed to the existing condominiums in Phases 1 and 2. This was clearly not what was proposed in the original recorded Condo Plan. He is basically attempting to change our community from a condominium development to a Planned Unit Development without going through the required legal procedures.
3. That he will De-Annex and completely separate from our community and will sever any responsibility to our Homeowners Association other than the bare minimum required.

The other main issue is that he has no on site guest parking for his new project. Since he has declared that he will De-Annex he should be required to place guest parking on his site. He cannot use our guest parking. He cannot De-Annex and then claim our guest parking as filling his City requirement for guest parking.

Mr. Wessman has never come to our community in an earnest attempt to work out these issues. He has made repeated verbal suggestions and promises but he has repeatedly failed to follow through.

Thank you,



Nancy Arrache

310-415-7941

n_arrache@hotmail.com

September 26, 2013

RECEIVED:
SEPT. 26 2013
PLANNING SERVICES DEPT.

Planning Commission
City of Palm Springs
City Hall
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Lugo Lofts/Wessman Development

To Whom It May Concern:

Myself, Nick Sabbagh, owner of La Casita, a vacation rental at 237 S. Cahuilla Road, and my immediate neighbor to the north of La Casita, Scott Cherkasky, owner of 227 S. Cahuilla Road, each have a property on the eastern perimeter of the proposed Lugo Lofts site. We are jointly writing this letter to notify the Palm Springs Planning Department of the failure to be notified as adjacent property owners of both the significant change in plans for the project and its approval by the planning commission to move forward.

When I (Nick Sabbagh) purchased the property at 237 S. Cahuilla in October of 2007, I visited the Wessman Development offices in person to learn about the plans for the empty lot on Lugo directly behind this property *during* the escrow process and before removing all contingencies. Learning about the plans was of utmost importance, as my plans from the very beginning were to make this home a vacation rental. This property is 100 percent a business for me. The representative at Wessman's office assured me that the plans for this property were "friendly" in nature with regards to its design and its impact on immediate neighbors, specifically that there was a frontage road on the eastern side of the lot bordering our mutual property lines, as well as only one-story buildings directly to the west of that frontage road. I was relieved to learn that this was the plan, as both the views and privacy enjoyed by guests at La Casita are the *top* reasons they book my establishment and follow up their visits with excellent reviews that affirm these property characteristics and propagate repeat and future business. Moreover, these imposing structures will limit our direct sunlight onto the property, another plus our guests enjoy. Direct sunlight, the views, the privacy--these coveted traits represent the essence of our peaceful and wide-open environment, not just for our own properties, but all of Palm Springs. Mr. Cherkasky has long been considering renting his home part-time and short-term and feels his options are diminished in light of these developments, not to mention the steep decline of the quiet and peaceful oasis he seeks when he leaves his hectic life behind in LA on a regular basis. And we haven't scratched the surface on what to expect in terms of depreciation for our properties.

It is now my understanding that Mr. Wessman's plans are to erect his multi-story lofts directly behind my property line and wall--no frontage road or one-story buildings, as told to me by his representatives. I find this monumental change in plans combined with a stealthy push through the planning commission to be no coincidence, as the intelligent and successful Mr. Wessman knows this is a threat to my business. He called me by telephone some months ago to try and negotiate purchasing a portion of the western perimeter of my property, of which I had no interest. Now here we are like deer caught in headlights, a rude awakening to this looming threat of which we had no opportunity to discuss or reach a compromise.

It is also our understanding that as neighboring properties, it is our right to know along the way about these plans, their changes, and ensuing steps toward completion. We wholeheartedly disagree with Mr. Wessman's official claims that he recently approached all of the surrounding business owners and neighbors for support and consent on the plans for the Lugo Lofts. We have also spoken to Marina Rossi, owner of a building on the corner of Lugo and Arenas, as well as Frank Tysen, owner of Casa Cody, who never heard from Wessman Development about these new plans and their approval. We are talking key players in the neighborhood. Wessman knows who these people are, so it would make perfect sense that he would have consulted with these individuals in this process, unless of course he is attempting to circumvent as much as possible to implant this tumor of project smack-dab in ground-zero of our thoughtfully stewarded historical neighborhood anchored by conscientious home and business owners, all for greed's sake.

We respectfully ask the Palm Springs Planning Commission to thoroughly review the flawed process in which this project has been so easily allowed to progress. If Wessman Development wishes to move forward with this project, we demand that he work with his neighbors and that he tell the truth going forward about his plans and about whom he is collaborating with for consent. We are in Palm Springs--not Scottsdale! At this time, it is very apparent that Historic Tennis Club District property owners have been misled and deliberately excluded from this process.

Thank you for your attention to this matter. As our city's leaders, your handling of this process with competence, transparency and fairness is of utmost importance to this city and its residents as a whole for all projects. We look forward to hearing from you and will see you at City Hall on October 9, 2013, at 1:30pm.

Sincerely,


Nick Sabbagh


Scott Cherkasky

cc: Frank Tysen
Marina Rossi

September 30, 2013

Via U.S. and electronic Mail

Edward Robertson, Planner
Department of Planning and Building
3200 Tahquitz Canyon Way
Palm Springs, CA 92262
Edward.Robertson@palmsprings-ca.gov

Re: St. Baristo and Lugo Lofts

I submit this request for documents and information pursuant to the Public Records Act ("PRA") on behalf of The Historic Tennis Club Neighborhood Organization, which is deeply concerned about the approved plan for the Phase III development of St. Baristo and the proposed amended plan for the development of Lugo Lofts and how it may negatively impact the neighborhood and surrounding properties.

The Historic Tennis Club Neighborhood Organization (HTCNO) is comprised of area residents and citizens that are concerned about neighborhood issues. The HTCNO intends to share any information that is obtained through this request with its supporters, conservation colleagues and others, upon request and at no cost. Thus, The Historic Tennis Club Neighborhood Organization qualifies for and hereby requests a fee and cost waiver pursuant to the Public Records Act.

Through this request, HTCNO seeks information about an approved development project and a proposal for an amended Phase III development of an already approved project, St. Baristo located at the Northeast corner of Baristo and Lugo in the City of Palm Springs.

We ask that you provide HTCNO with the following documents (regardless of date) (the "documents"):

- Any document, including but not limited to plans, drawings, electronic communications, reports, memoranda, notes, renderings, or electronic files in any format, that mentions, depicts, discusses, or otherwise refers to the St. Baristo development or the proposed amended development, Lugo Lofts.
- Any communications between any personnel or agents of Wessman Development and the City of Palm Springs, any representative of Wessman Development or John Wessman.
- Any documents surveying, assessing, or otherwise describing the Planned Development of St. Baristo or the proposed amended development, Lugo Lofts.
- Any documents that describes, assesses, or refers to the potential environmental impacts of the approved project, St. Baristo or the proposed amended development, Lugo Lofts.

We would be grateful if digital copies of responsive documents can be provided to us on a disk. Otherwise, we ask that you waive any fees and provide hard copies.

We ask that you provide us with the requested information as soon as you can, but certainly within the 10-day period mandated by the statute.

Thank you in advance for your expected cooperation and assistance in responding to this request. If you have any questions please do not hesitate to contact us.

Sincerely,

The Historic Tennis Club Neighborhood Organization
c/o Casa Cody
175 S. Cahuilla Road
Palm Springs, CA 92262

Jane Snyder
271 Calle Tranquillo
Palm Springs, CA 92262
403-880-4376
jane.snyder@me.com

September 21, 2013

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

Dear Mr Thompson,

We are writing to register our deep concern over the proposal by Baristo Group LLC to proceed with development of an amended version of a previously approved development district (PDD 288) and condominium map (TTM 31887) for the development of the remaining 11 units of St Baristo, now described as Lugo Lofts.

The basis for my concern rests with the lack of compliance by Baristo Group LLC in their revised proposal to the CC&R's as originally set out by Baristo Group LLC and filed with the State of California. It is important to understand that adherence to these guidelines is critical to the financial viability of the existing St Baristo community and association.

If Baristo Group LLC wishes to proceed with the development of phase three as their proposal describes, they do have the option to de-annex phase three of the development, which would remove any obligation on their part to comply with the original CC&R's and would alleviate the concerns on the part of the homeowners at St Baristo for the impact of non-compliance on the existing development.

I thank you for your consideration in presently these concerns, on our behalf, to the Planning Commission.

Kind regards,
Jane & Steve Snyder

John Martelli
Paul Coluzzi
245 S Cahuilla
Palm Springs, CA 92260

City Planning Commission, Palm Springs

Ladies and Gentlemen:

We are residents in the St Baristo Project and are writing to express our concerns about the proposed Phase II development. The current proposed project by Wessman Development should be made to follow the CC&Rs of the St Baristo Homeowners association when established eight years ago.

The proposed "deannexation" by Wessman Development puts in jeopardy the integrity of the architectural nature and financial stability of our community. Wessman's proposal to "deannex" while still burdening our community with direct access to our utilities, entrances and other infrastructure is unacceptable, especially since no reasonable compensation has been offered.

As homeowners, we were advised that when Phase III was complete, our homeowner's monthly assessment would be stabilized with all units contributing.

We would hope that the project can be completed as originally planned in 2005 with reasonable financial accommodation provided by Wessman during the development to offset the costs borne by the association.

In the event that "deannexation" truly does occur legally, it is our opinion that Wessman Development should provide its own infrastructure during and after construction, including separate entrances and utilities.

We believe that the planning commission should not approve any aspect of the project until these issues as noted above have been resolved.

Sincerely,

Paul Coluzzi
John Martelli
949 870 6778
pcboc@yahoo.com

BRIAN J. HURD

356 WEST BARISTO ROAD • PALM SPRINGS, CA • 92262
115 EAST 51ST STREET • MINNEAPOLIS, MN • 55419

October 1, 2013

Mr. James Thompson, City Clerk
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Case 5.00977-PD288/ TTM 31877 AMND
Lugo Lofts on Lugo Road

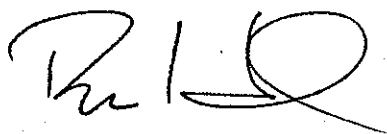
Dear Mr. Thompson:

I am writing to express concern over the proposed completion of Phase 3 for the above-referenced PDD.

My concern centers around the scale and overall mass of the proposed structures when compared to the structures in Phases 1 and 2. Based on the renderings accompanying the Architectural Advisory Committee staff memorandum, they are simply too big. Therefore, they cannot be considered compatible or harmonious with the surrounding development. It does not seem unreasonable to require some scaling back of these buildings.

Thank you for your consideration of this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "B. Hurd", written in a cursive style.

August 10, 2013

Dear Mr. Robertson

My husband Ron and I own a condo at 257 Calle La Soledad located in the St. Baristo Community of Palm Springs, Ca. There are currently 27 completed homes which are contained in Phase 1 and Phase 2. There is also a completed pool/spa/cabana area. Our Phase 3 which will have 11 additional homes at build out was placed on hold several years ago due to the economic downturn. Mr. Wessman has now informed us that he intends to build homes in Phase 3 and invited homeowners to attend a preview of his plans. Unfortunately due to very short notice the meeting was not well attended by St. Baristo homeowners. We were very surprised to learn that Mr. Wessman has decided to completely abandon our architectural design and our floor plans and to adopt an entirely different modern/contemporary exterior look with new floor plans. We asked Mr. Wessman how he could ignore our CC&R's which are very specific regarding Architectural Control including a provision requiring him to submit his plans to our community Architectural Control Committee for approval. His response was that his Phase 3 had been De-Annexed so he was not a part of our Community any longer and therefore he had no obligation to conform to our CC&R's.

St. Baristo has the following history:

1. Condominium Plan - Tract 31887 - Lots 1, 2 and 5 (Phase 1)
Recorded 11/17/2005 DOC # 2005-0957406
2. Condominium Plan - Tract 31887 - Lots 6 and 7 (Phase 2)
Recorded 1/20/2006 DOC # 2006-0045576
3. Condominium Plan - Tract 31887 - Lots 3 and 8 (Phase 3)
Recorded 11/16/2006 DOC # 2006-0850048
4. Declaration Of Annexation For Phase 3 of St. Baristo Condominiums
Recorded 11/16/2006 DOC # 2006-0850049

Mr. Wessman informed us that the Annexation of Phase 3 had expired so therefore he was no longer obligated to conform to our CC&R's. Upon checking with a title company we discovered that Mr. Wessman's statement regarding the expiration of the Annexation Document was not correct. A Declaration of Annexation cannot expire. It can only be changed by recording a De-Annexation document. Our CC&R's are very specific regarding De-Annexation and read in part as follows:

"Declarant has the right, at its sole option, to amend a Declaration of Annexation and/or remove from the Project any property described in a recorded Declaration of Annexation by executing and recording a rescission of such document..."

Our concern is that Mr. Wessman is attempting to change the recorded Condo Plan without the approval of the Homeowners Association, the City of Palm Springs and/or the State of California. It appears that Mr. Wessman wants to use our community to obtain access to our components that will benefit his new construction such as our roads, our utility lines and our guest parking and then he will De-Annex Phase 3 in order to avoid any obligations such as conforming to our CC&R's, maintaining our existing community and paying our HOA monthly dues. His concerns are purely economic and have no regard to the care and maintenance or the aesthetic look of our community.

Mr. Wessman has indicated to us that he wants to connect to our utility lines that currently service our existing 27 homes. If that is allowed to occur then he said our property manager would be required to read the meters every month and try to establish what portion of the utility charges should be charged to our 27 homes and what part should be charged to Mr. Wessman's 11 homes. This is just not acceptable.

Mr. Wessman also wants to use our streets for the entrance and exit to his new community which will place additional wear on our streets at our expense. This is not acceptable.

If Mr. Wessman does not want to build out Phase 3 in conformity with our current exterior elevations and floor plans then he should do the following:

1. De-Annex Phase 3.
2. He should create his own utility connections completely separate from ours so that we are not guessing as to which homes should be charged for monthly utility usage and costs.
3. He should create his own entrance/exit road into his new home community that does not bring traffic onto our roads at our expense.
4. He should provide his own on site guest parking so that ours is not used by his new homeowners.

In short, if he wants to be a completely new and different community with no obligation to our community and our CC&R's then he should build it that way. It should be a completely separate and independent community. Mr. Wessman's desire to save money on his new 11 homes should not be at our expense and inconvenience. I look forward to your reply.

Thank you,



Nancy Arrache

310-415-7941

n_arrache@hotmail.com

September 26, 2013

Edward Robertson
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: St. Baristo / Lugo Lofts

Edward:

Thank you for taking the time on Monday to show me the plans for the Lugo Lofts project. I live at 251 Calle Tranquillo in St. Baristo and my unit directly faces the community pool as well as the new proposed phase of Baristo called "Lugo Lofts".

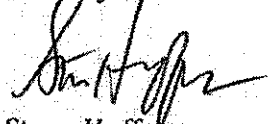
As a neighboring homeowner directly impacted by the project, I have the following concerns for the project:

1. Side Wall Heat and Sun Reflective Impact - Given the new modern design versus the Santa Barbara Spanish that exists, the side walls of the new homes are stark without much relief whatsoever. There are over 2 entire floors of wall which as designed only has one or two areas of windows. This wall-like design faces my unit directly along the driveway as well as overlooking the existing pool. The existing buildings have far more relief and do not wall-in the pool area quite so much. I would like the developer and planning commission to propose some sort of relief in the form of colors, plantings, or other relief effects on these sides. Please also take into consideration the light and heat that would come off this wall aiming into my unit and the pool area. I am hopeful this side of the project can be modified.
2. Three Story Modification - Given the above mentioned "wall" effect, this is a huge change to the project as it affects the existing homes, views, and our pool area. As previously designed the existing structures only allow for three stories to exist in the middle of each building, providing relief and protection of views on both sides. (Only one condo in the existing Baristo design has three stories. In the current plan, ALL units are three stories. The only three story portion is in the center of the building and not all the way to the sides.) This new design creates a full three-story project and will directly impact views, air flow around the pool and our community, as well as the "wall effect". I do not believe the side units should be allowed to be full three stories in height as it traps in our community with three stories versus the previously designed two. The full three story design is far more intrusive into our majority two story community. If you stand in our pool area and

look up to the full three stories, it would be quite intrusive. Prior to approving a full three story project, perhaps the developer should be required to install "story poles" so that view corridors could be determined in advance of the project being approved. Views of two of the existing units are impacted in a major way, a far change from the previous plan.

I do like the overall design of the project, however object to the three stories of livable space on the exterior units as well as the side wall effect as it is currently planned. I am hopeful that the planning commission will consider this "wall effect" into the existing development.

Thank you.



Steve Huffman
251 Calle Tranquillo
Palm Springs, CA 92262
Mobile - 619-997-7878

Edward Robertson

From: Catharine's iPad <cgribbel@gmail.com>
Sent: Wednesday, October 16, 2013 7:47 AM
To: Edward Robertson
Cc: William Beautyman
Subject: Lugo Lofts Development

I am a condo owner in the Historic Tennis Club neighborhood and am writing to protest the negative impact on our low profile architectural area by allowing the building of three story high anything! Thirty-four foot buildings would alter the casual character of the traditional and historic ambience and obscure for some the lovely view of the mountain we all enjoy.

The only meetings I have had notice for are those sent out by your planning commission. There have been no meetings with the surrounding neighborhood residents that have been publicized.

Why is Baristo Group, LLC allowed to circumvent the existing standards of the city's zoning laws? Clearly this amendment, so called, to an existing application is anything but. The density, the height and the parking proposals are all new. The application should be treated as a whole new development.

Catharine Gribbel Beautyman
400 W Arenas Rd

Sent from my iPad

Edward Robertson

From: lauri aylaian <aylaian@aol.com>
Sent: Wednesday, October 16, 2013 2:27 PM
To: Edward Robertson
Subject: FW: Important - please read: Development of Lugo Lofts by WessmanDevelopment in Historic Tennis Club District

Edward,

Thank you for taking the time to talk to me about this project yesterday. I am forwarding to you the email message that I received from the HTCNO so that you can see the information and concerns being circulated in the neighborhood. I believe that some of the information is flat-out wrong (for instance, there is no increase in project density as the email asserts). However, some of the assertions are definitely concerning to me. For instance, I live across the street from the project, but received no notification of the AAC meeting or of the neighborhood meetings that were supposedly conducted last May. (My property is encircled on the Vicinity Map I found on line from the AAC agenda, but I didn't receive a notice. I DID receive a notice for the Planning Commission meeting, though.)

I will try to come by your office to view the applicant's exhibits in the next day or two so that I can determine whether or not I want to attend next week's Planning Commission meeting. In the mean time, I want to encourage you to make your findings in the PC staff report you're preparing meaningful and project specific. Many of the findings in the AAC staff report are just "naked" recitations of the guideline, or don't specifically address the questions posed by the guideline. (Items 2, 3, 7, and 9 are examples of the former, and Item 1 is an example of the latter.)

Sincerely,

Lauri Aylaian
377 W. Baristo Road
Palm Springs, CA
760.323.1187 home
aylaian@aol.com

From: HTCNO Communication
Sent: 10/14/2013 8:24 PM
Subject: Important - please read: Development of Lugo Lofts by WessmanDevelopment in Historic Tennis Club District

October 8, 2013

Re: Development of Lugo Lofts by Wessman Development in Historic Tennis Club District

Dear Fellow Property HTCD Owner & HTCNO Members:

It is of utmost importance and time is of the essence that we get this information in front of you.

Included with this letter are documents pulled from City of Palm Springs Planning Department's archives, which demonstrate a misrepresentation of facts and events by Wessman Development in their stealthy efforts to erect Lugo Lofts on Lugo Road, between Baristo and Arenas. Myself, as well as most of our neighborhood's property owners, stand together in protest to the way in which the process has been handled by Wessman Development and the City of Palm Springs.

Please know that this is not coming from an anti-development stance. Specifically, what we are opposing is Wessman's claim to the City's Planning Commission that he has communicated with his neighbors to collaborate on a design plan that does not negatively impact the neighborhood's character or become a nuisance for neighboring properties. The opposite is true, as there have been no neighborhood meetings called; only a meeting with owners of St. Baristo. He has presented misinformation to the City's Planning Commission in an effort to move the project forward quickly and quietly so as to circumvent proper protocols with the City, State, and neighborhood to build this tall, ill-fitting structure in the very center of the District. Moreover, Wessman Development has claimed for close to 10 years now that the plan was designed to be a certain way (frontage roads, one-story structures), perhaps as a decoy to seem palatable for neighbors. At the 11th hour, those plans have been monumentally changed and with no notification to neighborhood owners and residents.

If you are in opposition to this project, what the Historic Tennis Club District needs from you are TWO THINGS:

1- Please write a letter (email or snail-mail) to the City of Palm Springs Planning Commission expressing your sentiments and concerns ASAP--time is of the essence. Please address the letter to:

**Edward Robertson
Principal Planner
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8245 T
760-322-8360 F**

Edward.Robertson@palmspringsca.gov

2- Attend the emergency meeting at City Hall for Historic Tennis Club District property owners on Wednesday October 23 at 1:30pm. This date and time may be subject to change and we will send information ASAP if this should happen. However, if you plan on attending, we urge you to call Frank at 760-220-0707, Marina at 949-310-2223, or Jacquie at 760-464-1205 to check ahead of time should there be any postponement. If you wish to speak during the meeting, each

person is allotted three minutes. Or just be there to learn more and be a warm body. We need power in numbers. **FYI**, you may also wish to sign up for **e-notifications** on any ongoing matter with the City by visiting www.palmspringsca.gov.

If you would, please read on to educate yourself on the points of which we maintain are in direct violation of codes, ethical standards, and more:

SPECIFIC ISSUES WITH DEVELOPMENT OF LUGO LOFTS:

1. According to the Notice of Public Hearing issued by the City of Palm Springs (see attached City docs) regarding the September 25th hearing, the following statements appear to be incorrect:
 - a. *"The overall project density will not change."* This statement is a false statement, as the homes have increased from 1800-2300 SF to 2320-2750 SF. This is an increase of almost 30% and DOES constitute an increase in density.
 - b. The notice does not mention that the developer is requesting to divide two lots into 11 lots with an average size of 2311 to 2523 SF per lot.
 - c. The staff makes no mention of the change in architectural style in the amended proposal.
 - d. Staff fails to mention the addition of roof top decks and individual pools.
2. The developer has avoided all standard zoning laws and requirements by utilizing the Planned Development Process. There may be abuses to this process that are currently being investigated.
3. The Notice of Public Hearing must notify all residents within a 400' radius of the property. The Public Notice Vicinity Map was incorrectly drawn and as such the 400' law was not followed. (See attached City docs.)
4. Developer incorrectly stated in his proposed amended design and development plan that the existing Phase I and II units are full three stories and that the Phase III would be full three stories. These new homes would also have roof top decks and possibly individual swimming pools. None of these facts were described in the Notice of Public Hearing.
5. An Architectural Review was conducted on the new proposed project and a report was generated on July 22, 2013 (see attached City docs). The report has several erroneously stated facts:
 - a. The project is being described as **two-story** when in fact it is **actually three-story** (34'). It also describes the square footage incorrectly as ranging from 2309 to 2522. The actual proposed square footage of the project is up to 2750 SF, as per developer submitted plans.
 - b. The report lists two neighborhood meetings taking place on 5/23/13 and 6/14/13. There were no such meetings. In fact, the only meetings that ever discussed this project were held **ONLY** with the HOA of St. Baristo. No neighborhood meetings were ever held. Per the developer, these "meetings" were cited in the Architectural Review Report.
 - c. The report also states that the new proposal will be "condo lot" as the previous plans called for subdividing the two existing lots into 11 lots and build single-family residences.
 - d. Developer wants to **build with no visitor parking** and utilize parking from St. Baristo development, therefore impacting our small neighborhood streets.
 - e. Amended project may violate a significant portion of the existing CC&Rs of the St. Baristo development (Phases I and II).

- f. Summary of zoning analysis table found on the 2nd page of the Architectural Review Report contains several errors in regards to yard setbacks and does not even address the proposed pools.
- g. On page 3 of the Architectural Review Report, the staff states in Item 2 that in fact, *"the proposed amendment is still compatible with the character of the existing development within the Planned Development District"* and that it *"conforms"* to the adjacent surrounding developments. Clearly, the review committee has never visited our neighborhood nor has any knowledge of what the surrounding architecture might look like. A high-density, three-story development with average lot sizes of 2311 to 2523 SF with roof-top decks does not exist in the Historic Tennis Club District.
- h. The report also cites on page 3, Item 3, that the *"site layout will not change as a result of this project."* This is another false statement. The site layout changes entirely.
- i. Item 5 is also a false statement: *"this amendment will fit well with the existing homes."* We cannot find justification for this statement, as these new plans clash egregiously with every neighboring property and beyond.
- j. And the final remark of the Architectural Review Report is that applicant/developer stated that *"it is now cost prohibitive to build those style of homes in the current market,"* but stated in city documents that homes would sell for \$900,000 to \$1.2M.
- k. Development required a Major Architectural Application to be filed, and California Environmental Quality Act (CEQA) is a mandated procedure. There is no evidence that a Major Architectural Application was filed, but rather a Minor Application was filed. A minor application would apply ONLY "...for minor architectural applications, such as repaints, reroofs, walls, fences, entry features, landscaping plans, minor grading plans, exterior lighting plans, or additions, which do not increase existing floor area by forty percent (40%) for single-family residential units; and additions which do not increase existing floor area by twenty-five percent (25%) for any building type other than single-family residential." As per City of Palm Springs Department of Planning Services code. Clearly this development does NOT fit into this criteria.
- l. In the Architectural Review Report it states *"utilize the previous development standard."* Did the previous development standard include exterior architectural aesthetics? If so, then this too is a false statement by the staff.

6.

[The entire original message is not included.]

Kathleen and Richard Sendall
288 Calle la Soledad
Palm Springs, CA 92262
403-681-2591
kathysendall@sendalta.com

September 23, 2013

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

Dear Mr Thompson,

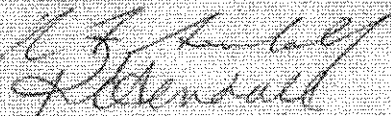
We are writing to register our deep concern over the proposal by Baristo Group LLC to proceed with development of an amended version of a previously approved development district (PDD 288) and condominium map (TTM 31887) for the development of the remaining 11 units of St Baristo, now described as Lugo Lofts.

The basis for our concern rests with the lack of compliance by Baristo Group LLC in their revised proposal to the CC&R's as originally set out by Baristo Group LLC and filed with the State of California. It is important to understand that adherence to these guidelines is critical to the financial viability of the existing St Baristo community and association. The existing condominium owners have not been provided with basic information as to how the condominium association will be compensated for the provision of site access, easements, water service or the sharing of common amenities.

If Baristo Group LLC wishes to proceed with the development of phase three as their proposal describes, they do have the option to de-annex phase three of the development, which would remove any obligation on their part to comply with the original CC&R's and would alleviate the concerns on the part of the homeowners at St Baristo for the impact of non-compliance on the existing development.

I thank you for your consideration in presently these concerns, on our behalf, to the Planning Commission.

Kind regards,
Kathleen and Richard Sendall



Edward Robertson

From: Jane Snyder <jane.snyder@me.com>
Sent: Monday, August 12, 2013 7:16 AM
To: Edward Robertson
Subject: St Baristo phase 3

Dear Mr Robertson,

My husband and I are homeowners in the St Baristo community of Palm Springs, CA. I would like to express our concern with regards to the intentions of Mr Wessman to proceed with phase 3 of the development.

We were invited to attend a presentation of the new development and were disappointed at his departure from the plans as originally laid out. His new plans will have a considerable impact on the existing home owners.

In short, I would like to support the position that Nancy Arache has communicated to you in her letter dated August 10, 2013 in asking that Mr Wessman to de-annex phase 3 of the development if he wishes to proceed without complying to the existing CC&R's of St Baristo.

I look forward to your reply.

Kind regards,

Jane Snyder
271 Calle Tranquillo
Palm Springs, CA 92262
[Jane.snyder@me.com](mailto:jane.snyder@me.com)
403-880-4376

Sent from my iPad

Edward Robertson

From: Jane Snyder <jane.snyder@me.com>
Sent: Monday, August 12, 2013 7:16 AM
To: Edward Robertson
Subject: St Baristo phase 3

Dear Mr Robertson,

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I look forward to your reply.

Kind regards,

Jane Snyder
271 Calle Tranquillo
Palm Springs, CA 92262
[Jane.snyder@me.com](mailto:jane.snyder@me.com)
403-880-4376

Sent from my iPad

Edward Robertson

From: Lee Ellison <lee@invescomortgage.com>
Sent: Monday, August 12, 2013 7:48 AM
To: Edward Robertson
Subject: St. Baristo

Dear Mr. Robertson,

My name is Lee Ellison & I own the Villa at 248 S Lugo Rd. Palm Springs.

When I bought my property July of 2007, I was assured that Phase 3 would be built shortly & would be exactly a mirror image of the 27 existing properties. That came from the in house realtors & a chance meeting with Mr. Wessman & Mr. Gonzales at the site.

I can empathize that they weren't built due to the economic climate that followed my purchase, but just found out lately about Mr. Wessman's plans to build a new community in Phase 3 that would be architecturally different from our existing 27 units.

I am a snowbird & was unable to attend the meetings Mr. Wessman scheduled to show off his new development.

I wonder if that was on purpose, as he would have known that a lot of us wouldn't be around.

Anyway, I am in complete agreement with the letter sent to you by Nancy Arrache. There is a right & a wrong way to approach this new development by Mr. Wessman & I believe he's taken the wrong way!

Sincerely yours,

Lee Ellison
403-874-2411

Sent from my iPhone

Edward Robertson

From: Lee Ellison <lee@invescomortgage.com>
Sent: Monday, August 12, 2013 7:48 AM
To: Edward Robertson
Subject: St. Baristo

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Sincerely yours,

Lee Ellison
403-874-2411

Sent from my iPhone

Edward Robertson

From: I. Block <iblock@iblock.com>
Sent: Tuesday, October 15, 2013 8:32 AM
To: Edward Robertson
Subject: Wessman loft development

Dear Mr. Robertson,

I am in complete agreement with Mr. Wessman regarding these lofts.

I live in the Tennis Club and I am tired of all the anti-development stances and the generally harassing nature of the neighborhood.

As the negative comments come in, please know that there are supporters.

Specifically, I would like to see some height allowed. I am 62 and would like to move out of my big house into an apartment style building downtown, with a doorman and elevator. We have no such properties for our aging population. Moving from a big house to a townhouse with stairs is NOT an alternative. Before you know it, we are all going to have to go somewhere else.

Thank you,

Ilene Block

575 S. Fern Canyon Dr.
Palm Springs, CA 92264

Edward Robertson

From: Jan Cronquist <jcronquist@aol.com>
Sent: Monday, October 14, 2013 3:19 PM
To: Edward Robertson
Subject: Wessman Development on Lugo

Dear Mr. Robertson: I have recently been informed of what appear to be, vastly different plans for Lugo Lofts (on Lugo road between Baristo and Arenas), from what was originally presented. It further appears that these plans have been developed without neighborhood notice and more importantly, without consideration for the character of the neighborhood. Please add our names to those of others who are dismayed by this process (or lack of it), by the size of the development, and by the character of the development. We would ask that this process be halted until such time that there can be meaningful neighborhood involvement, with the opportunity for comments based on the current development plans.

Jan Cronquist and Lee Toman

Owners: 411 West Arenas, #6, Palm Springs, CA 92262

651-291-0053

jcronquist@aol.com

Historic Tennis Club Neighborhood Organization



October 3, 2013

RE: Lugo Lofts Proposal
Case 5.0977 - PD 288 / TTM 31887 AMND

TO: The Palm Springs Planning Commission

ATTN: Edward Robertson

FROM: Frank Tysen, Chairman, The Historic Tennis Club Neighborhood Organization

RECEIVED

OCT 17 2013

PLANNING SERVICES
DEPARTMENT

During our board meeting of September 23, 2013, there was extensive discussion about the Lugo Lofts Proposal which we decided to strongly oppose in its present form.

When the project was originally proposed we cooperated on numerous ways including not opposing up-zoning of part of the property from R2 to R3 which allowed John Wessman, the developer, greater density. We also did not oppose downgrading Cahuilla Road which also gave him more density. But enough is enough.

At the same time he made a solid promise during a very well attended neighborhood meeting at City hall, to keep part of the third phase down to one story to preserve the mountain views of the adjacent one story homes and hostelrys. The present proposal completely violates the developer's commitment.

Additionally, we are very much concerned about the lack of depth and inadequacies of the staff report that had been submitted to the Architectural Advisory Committee. For instance, there should have been a detailed analysis of the character of the adjacent neighborhood, Palm Springs oldest and perhaps most unique. It also clearly misled the committee into assuming that the neighborhood was OK with the project since two neighborhood meetings were listed. Instead they were Home Owners Association meetings attended by half a dozen residents of the St. Baristo project. Even so, it has come to our attention that even the residents were not OK with the project.

We have attached the result of extensive research by one our sub-committees which pinpoints a multitude of problems with the new proposal which should be in your staff report.

Sincerely,



Frank Tysen,
Chairman

1700 South Cahuilla Road Palm Springs CA 92262 Tel 760.920.0707 Fax 760.322.2004

Lugo Lofts – Several Issues:

1. According to the Notice of Public Hearing issued by the City of Palm Springs (see attached) regarding the September 25 hearing, the following issues appear to be incorrect:
 - a. "the overall project density will not change." - in fact, this is a completely false statement as the homes have increased from 1800-2300 SF to 2320-2750 SF. This is an increase of almost 30% and certainly DOES constitute and increase in density.
 - b. The notice does not mention that the developer is requesting to divide two lots into 11 lots with an average size of 2311 and 2523 SF per lot.
 - c. The staff makes no mention of the change in architectural style in the amended proposal.
 - d. Staff fails to mention the addition of roof top decks and individual pools.
2. The developer has avoided all standard zoning laws and requirements by utilizing the Planned Development Process. There may be abuses to this process that are currently being investigated.
3. The Notice of Public Hearing must notify all residents within a 400' radius of the property. The Public Notice Vicinity Map was incorrectly drawn and as such the 400' law was not followed. See attached.
4. Developer incorrectly stated in his proposed amended design and development plan that the existing Phase I and II units are full three stories and that the Phase III would be full three stories. These new homes would also have roof top decks and possibly individual swimming pools. None of these facts were described in the Notice of Public Hearing.
5. An Architectural Review was conducted of the new proposed project and a report was generated on July 22, 2013 (see attached). The report has several erroneous facts stated:
 - a. The project is being described as **two story**, when in fact, it is actually three story (34'). It also describes the square footage incorrectly as ranging from 2309 to 2522. The actual proposed square footage of the project is up to 2750 SF as per developer submitted plans.
 - b. The report lists two neighborhood meetings taking place on 5/23/13 and 6/14/13. There were no such meetings. In fact, the only meetings that ever discussed this project were held ONLY with the HOA of St. Baristo. No neighborhood meetings were ever held, per developer although these meetings were cited in the Architectural Review Report.
 - c. The report also states that the new proposal will be "condo lot" as the previous plans called for. This is also incorrect per the developer as they want to subdivide the two existing lots into 11 lots and build single family residents.
 - d. Developer wants to build with no "visitor parking" and utilize parking from St. Baristo development.
 - e. Amended project may violate a significant portion of the existing CC & R's of the St. Baristo development (Phase I and II).
 - f. Summary of zoning analysis table found on the 2nd page of the Architectural Review Report contains several errors in regards to yard setbacks and does not even address the proposed pools.

- g. On page 3 of the Architectural Review Report, the staff states in Item 2 that in fact, "the proposed amendment is still compatible with the character of the existing development within the Planned Development District" and that it "conforms" to the adjacent surrounding developments. Clearly, the review committee has never visited our neighborhood or has any knowledge of what the "surrounding architectural surroundings" might look like. A highly dense, three story development with average lot sizes of 2311 to 2523 with roof top decks does not exist in the Tennis Club District, nor does it exist in the City of Palm Springs.
 - h. The report also cites on page 3, Item 3, that the "site layout will not change as a result of this project." This is another completely false statement. The site layout changes completely.
 - i. Item 5 is also a false statement -- "this amendment will fit well with the existing homes." HOW???
 - j. And the final remark of the Architectural Review Report is that applicant, developer stated that "it is now cost prohibitive to build those style of homes in the current market," but stated in city documents that homes would sell for \$900,000 to \$1.2M.
 - k. Development required a "Major Architectural Application" to be filed and CEQA mandated procedure. There is no evidence that a Major Architectural App was filed, but rather a Minor App was filed. A minor app would apply ONLY "...for minor architectural applications such as repaints, reroofs, walls, fences, entry features, landscaping plans, minor grading plans, exterior lighting plans, additions which do not increase existing floor area by forty percent (40%) for single-family residential units and additions which do not increase existing floor area by twenty-five percent (25%) for any building type other than single family residential." As per City of Palm Springs Department of Planning Services code.
 - l. In the Architectural Review Report, it states "utilize the previous development standard" Did the previous development standard include exterior architectural aesthetics? If so, then this is a completely false statement made by staff.
6. It appears the City is aware that the new architectural plans require evaluation under California Environmental Quality Act (CEQA). It is not at all clear if they have followed the CEQA mandated procedure for notice and opportunity to comment.