



PLANNING COMMISSION STAFF REPORT

DATE: October 23, 2013

SUBJECT: SOUTH PALM CANYON LLC, FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT CONSISTING OF UP TO 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF RETAIL/COMMERCIAL SPACE ON A 2.67-ACRE SITE (GM)

CASE: TIME EXTENSION – CASE 5.1042 PD 311

FROM: Department of Planning Services

SUMMARY

South Palm Canyon LLC, requesting a one-year time extension of a previously approved mixed-use Planned Development consisting of up to 125-condinium units and approximately 39,000-square feet of retail/commercial space on a 2.67-acre site located at 450-490 South Palm Canyon Drive.

RECOMMENDATION:

Approve a one-year time extension

ISSUES:

- Planned Development District consists of four separate lots containing existing retail building and parking lots.

BACKGROUND:

Most Recent Ownership

2/01/2006	South Palm Canyon LLC
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Related Relevant City Actions by Planning, Fire, Building, etc...

1989	Building permit issued for 450 S. Palm Canyon Drive
1959	Building Permit issued for 458 S. Palm Canyon Drive
1968	Building Permit issued for 490 S. Palm Canyon Drive
1992	Building Permit issued for 471 South Indian Canyon Drive
9/27/2006	Planning Commission approves Case 5.1042 PD 311

General Plan, Zoning and Land Uses of Site & Surrounding Areas			
	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Subject Property	Central Business District	Central Business District (CBD)	Retail Buildings
North	Central Business District	Central Business District (CBD)	Bank
South	Central Business District	Central Business District (CBD)	Office Building
East	Central Business District	Central Business District (CBD)	Retail Buildings Section 14
West	Central Business District	Central Business District (CBD)	Bank / Retail

ANALYSIS:

The previously approved project commonly known as “The South Palm Canyon” is a mixed-use development consisting of residential, commercial and recreational facilities. As designed, the development will consist up to 125 condominium units and approximately 39,000 square feet of retail/commercial space on a 2.67-acre site. The project will be located within a fully developed section of the downtown district of the City. The property is bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Ramon Road to the south. The existing buildings on the site totaling approximately 47,000 square feet in size will be demolished to make room for the new project.

The immediate areas surrounding the location are fully improved with streets, curbs, gutter, sidewalks and landscaping. There are existing commercial and retail uses at the site and within its immediate vicinity. To the north of the property, there is a two-story bank building along with other small unit retail stores, to the west along Palm Canyon Drive, there is an existing three-story commercial establishment with subterranean parking structure and to the east there is an existing retail complex. The site is identified as the southern gateway for the downtown area in the Downtown Design Guidelines.

A Planned Development District granting relief from development concept and standards of the Central Business District was part of the original entitlement. In this project, the City Council approved deviations from height limit requirements, setbacks and parking standards.

ANALYSIS

Section 94.03.00(H) of the Zoning Code states that extensions of time for a PD may be allowed by demonstration of good cause. According to Chapter 9.63.110 of the Municipal Code, there are no specific findings or determinations that need to be made to grant the time extension for the PD. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation.

The applicant has requested a one-year time extension to commence construction for Planned Development District 311. In the letter of time extension request dated September 17, 2013, the applicant states that the economic conditions in the real estate market have delayed the project. Furthermore, according to the applicant, he has maintained the property during the interim period of time with temporary retail tenants in an effort to aid in the synergy of all properties on South Palm Canyon Drive.

The City's Ordinance has no specific findings for extension of time for previously approved Planned Development District projects; however, in reviewing the request, staff considered if the circumstances below have changed such that the PD approval might need reconsideration. The applicant has responded to a series of questions to help the Planning Commission render a decision. Staff's analysis where needed is provided below for each of the factors to be considered by the Planning Commission.

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

"At the current time we are not proposing any changes to the overall plan or site configuration.

There are no changes to the project's overall plan and site configuration to warrant reconsideration of the approval of PD-311. As stated earlier, the subject site is fully developed with existing commercial and retail uses. The existing buildings totaling approximately 47,000 square feet in size will be demolished to make way for the new mixed-use development.

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

"The partnership has finally worked out all of their issues and now will be addressing to move this development forward. At the same time we have been speaking to local architects and engineers in order to formulate our team. Regarding our discussions with brokers, they have indicated to us that there are a number of national tenants that are interested in going into this project."

In previous time extension requests, the property ownership has stated that project proponents are diligently working out all partnership issues so that they can move forward with the project. At the same time, the developers have been in communications with local architects on project design; interviewing architects and engineers in order to assemble the proper team that will complete the development. Finally, the applicant stated that they are speaking with National Chain tenants who are now showing signs of interest to come into the Palm Springs market. The developers also claimed that they are working hard to lease out spaces to more upscale restaurants in order to secure financing for the project.

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

“The mall has commended work – plans are in the City to develop Port Lawrence – exciting improvements are happening in the City and we want to be part of that.”

Recent development within the downtown area includes the razing of the Desert Fashion Plaza; a major renovation of the 500 Building (Allen Ladd Building) across the street on Ramon Avenue; and continued occupancy of development site buildings containing several restaurants and retail stores.

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

Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project is no longer in keeping with the neighborhood or the City's development policies and standards. If the time extension request is granted, final development plans are still required to be submitted for review and recommendation by the AAC for final approval by the Planning Commission.

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

“We are maintaining our property and we are in good standing with the City. We have been improving the landscaping and sidewalks and show a real pride of ownership without project.”

The surrounding area is fully improved with streets, curbs, gutter, sidewalks and landscaping. There are mostly commercial and retail uses within the immediate vicinity of the location. The 500 Building (Allen Ladd Building) located south of the subject site has recently under gone a major renovation with new façade, repaint and new landscaping. As previously required by the City, the applicant continues to maintain all landscaping and sidewalks areas of the site.

Staff received amended conditions from the Engineering/Public Works Department in response to changes in applicable engineering standards and regulations. A list of these additions or modifications to the Conditions of Approval is as follows: Engineering Conditions – Indian Canyon Drive #12; Grading #28; Drainage #32.

ENVIRONMENTAL ASSESSMENT

A Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified

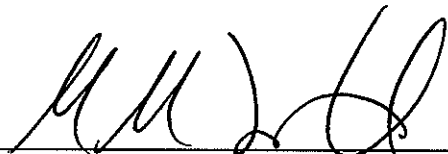
significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report.

CONCLUSION:

Based on the information provided by the applicant, and the current condition of the project site, it is the department's belief that the developers have demonstrated good cause for seeking an extension and for asserting that the project will move forward as originally planned. Therefore, staff recommends that the Planning Commission grant a one-year time extension for the project.



Glenn Mlaker, AICP
Assistant Planner



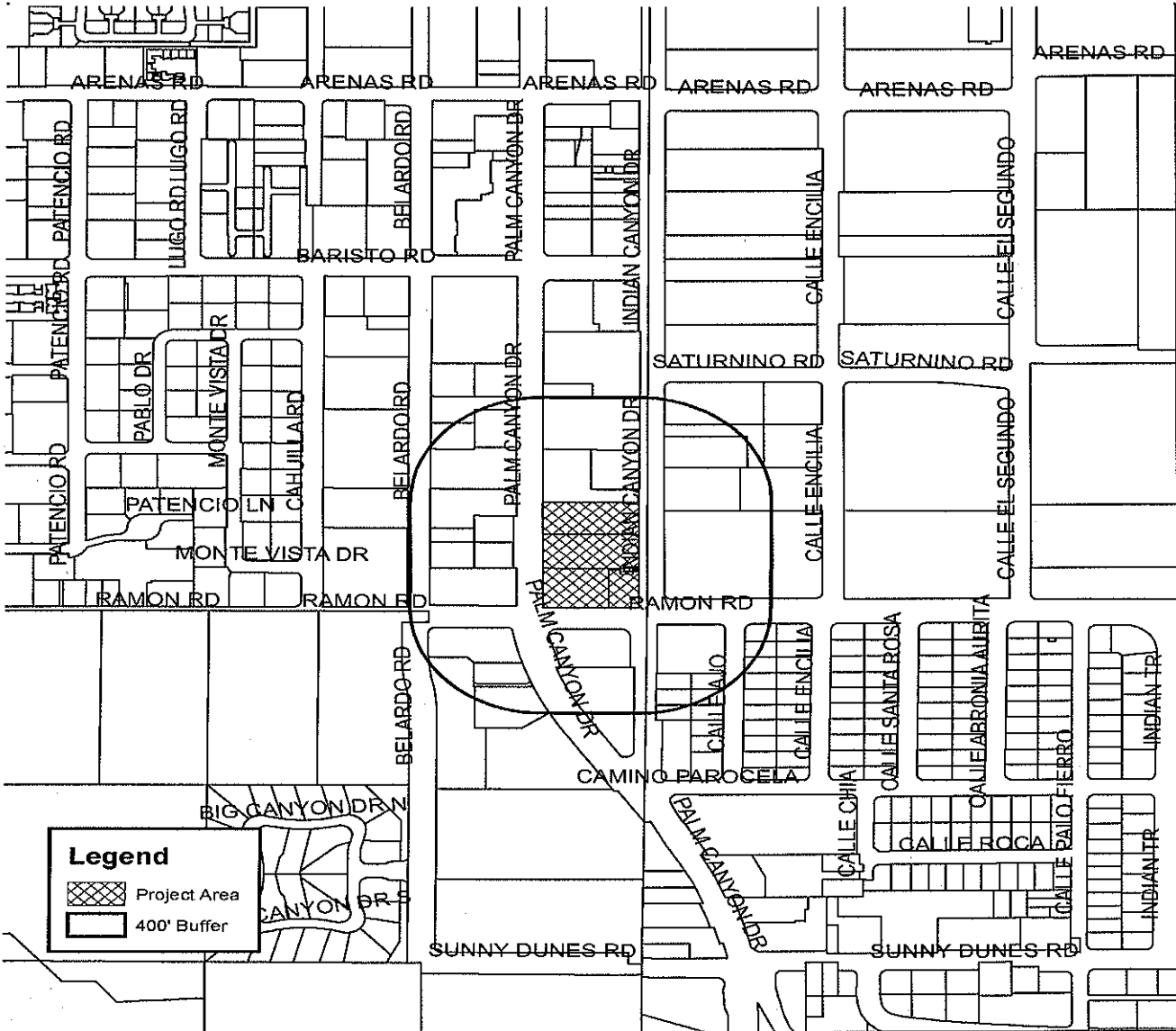
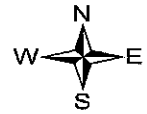
M. Margo Wheeler, AICP
Director of Planning Services

Attachments:



1. Vicinity Map
2. Draft Resolution
3. Revised Conditions of Approval
4. Letter of request from the applicant dated September 17, 2013
5. Staff Reports from the hearing when the project was originally approved
6. Minutes from the original approval public hearing
7. Minutes from the 2012 time extension approval



Department of Planning Services Vicinity Map



Legend

-  Project Area
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1042 / PD 311

APPLICANT: South Palm Canyon, LLC

DESCRIPTION: To consider a Time Extension for PD 311. The Planned Development District would allow the development of up to 124 condominium units and approximately 39,000 square feet of commercial space on an approximate 2.67-acre site at 450 – 490 South Palm Canyon Drive, Zone CBD, Section 15. APN: 513-214-004, 513-214-005, 513-214-010, 513-214-011.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A ONE-YEAR TIME EXTENSION FOR PLANNED DEVELOPMENT DISTRICT 311 FROM OCTOBER 25, 2013 TO OCTOBER 24, 2014; A PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT CONSISTING OF A 125-UNIT CONDOMINIUM COMPLEX AND APPROXIMATELY 39,000 SQUARE FEET OF RETAIL /COMMERCIAL SPACE ON AN APPROXIMATELY 2.67-ACRE SITE LOCATED AT 450-490 SOUTH PALM CANYON DRIVE, ZONE C-B-D, SECTION 15.

WHEREAS, South Palm Canyon, LLC ("Applicant") has filed an application with the City pursuant to Section 94.04.00(H) and 94.04.00(I)(1) of the Palm Springs Zoning Code and Chapter 9.63.110 of the Palm Springs Municipal Code for a one-year time extension to commence construction for PD 311 located at 450-490 South Palm Canyon Drive and Indian Canyon Drive; and

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

WHEREAS, the Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and has determined that a time extension request is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA). A Final Environmental Impact Report (EIR) was previously certified by the City Council on October 25, 2006 for the project. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent EIR, Addendum to the EIR or further environmental documentation is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The time extension request would not result in any new environmental impacts beyond those already assessed in the certified environmental impact report and;

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension for PD 311, from October 25, 2013 to October 24, 2014.

ADOPTED this 23rd day of October 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case No. 5.1042 – PD-311/ TTM 33514
The South Palm Canyon LLC

450-490 South Palm Canyon Drive
("The South Palm Canyon Mixed-use Project")

REVISED CONDITIONS OF APPROVAL

October 23, 2013

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

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

PROJECT SPECIFIC CONDITIONS

Administrative

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1042 PD-311 and Tentative Tract Map 33514. 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

3. to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
4. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, bikeways, parkways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
5. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$64.00 is required. This project has a de minimus impact on fish and wildlife, and a Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.
6. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial or industrial projects, 1/4% for new residential subdivisions, or 1/4% for new individual single-family residential units constructed on a lot located in an existing subdivision with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning Services and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
7. Pursuant to Park Fee Ordinance No. 1632 and in accordance with Government Code Section 66477 (Quimby Act), all residential development shall be required to contribute to mitigate park and recreation impacts such that, prior to issuance of residential building permits, a parkland fee or dedication shall be made. Accordingly, all residential development shall be subject to parkland dedication requirements and/or park improvement fees. The parkland mitigation amount shall be based upon the cost to acquire and fully improve parkland. The applicant shall submit a property appraisal to the Planning Services Department for the purposes of calculating the Park Fee. The Park Fee payment and/or parkland dedication shall be completed prior to the issuance of building permits.

Environmental Assessment

8. Any mitigation measures of the Environmental Impact Report (EIR) shall apply to the proposed project. The applicant shall submit a signed agreement that the mitigation measures will be included in the Planning Commission consideration of the environmental assessment. Mitigation measures are included in the EIR, and hereby incorporated into these conditions by reference.
9. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations, and cultural resource mitigation. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

CC&R's

9. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall 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.
10. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$2000, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

Final Design

11. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
12. The final development plans shall be submitted in accordance with Section 94.03.00 of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans,

irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission. Final development plans shall be submitted within two (2) years of the approval of the tentative tract map.

13. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning Services prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

General Conditions/Code Requirements

14. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning Services for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
15. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
16. 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.
17. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
18. All materials on the flat portions of the roofs shall be earth tone in color.
19. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 93.03.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building(s). The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Parapets shall be at least 6" above the equipment for the purpose of screening.

20. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
21. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 93.02.00.D.
22. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
23. The street address numbering/lettering shall not exceed eight inches in height.
24. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
25. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building.
26. Modified architectural and landscaping designs shall be reviewed by the Architectural Advisory Committee prior to City Council action on the project.
27. Assigned parking spaces shall be dedicated to each residential unit in the parking garage. These requirements shall be included in the CC&R's for the project.
28. Prior to issuance of building permits, the applicant shall provide or contribute a public benefit to the City in a form or amount as determined by the City Council as part of the Council's decision regarding the project.

Engineering Department

STREETS

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. The General Plan Amendment of the Circulation Element (Case 5.1122) to reclassify Ramon Road from a 100' wide major thoroughfare to a special street section maintaining the existing variable right-of-way along the project frontage, and to reclassify Indian Canyon Drive from a 100' wide major thoroughfare to a modified 95' wide major thoroughfare along the project frontage, is required to

facilitate the proposed development application. In the absence of an approved General Plan Amendment, dedication of ultimate right-of-way width along Ramon Road and Indian Canyon Drive will be necessary.

PALM CANYON DRIVE

3. All existing street improvements, landscaping, and lighting improvements shall be protected in place, except removals approved by the City Engineer. The applicant shall be responsible for the repair, removal and replacement of existing improvements damaged as a result of the construction of this project, as directed by the City Engineer.
4. Remove the two existing driveway approaches and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
5. Remove the existing street improvements as necessary to construct a 24 feet wide driveway approach with the centerline located approximately 13 feet south of the north property line in accordance with City of Palm Springs Standard Drawing No. 205. Any removal or relocation of existing landscaping, irrigation, electrical and lighting improvements shall be coordinated with the City Engineer prior to removal or relocation. Access shall be limited to left-turn ingress for commercial and service vehicles only. Residential access shall be prohibited. Distinctive entry treatments including signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design at the commercial/service entry to impose the required access restrictions.
6. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the new driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
7. Construct a decorative pedestrian crosswalk across Palm Canyon Drive at a location to be determined pursuant to further evaluation. The applicant shall provide additional information to the City Engineer to determine an appropriate location. The decorative pedestrian crosswalk shall be constructed in a similar fashion to other crosswalks located north of Baristo Road, including curb pop-outs, decorative concrete pavers, and other improvements. The crosswalk shall be signalized.

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

INDIAN CANYON DRIVE

9. All existing street improvements and landscaping shall be protected in place, except as otherwise required by the City Engineer. The applicant shall be responsible for the repair, removal and replacement of existing improvements damaged as a result of the construction of this project, as directed by the City Engineer.
10. Remove the two existing driveway approaches and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
11. Remove the existing street improvements as necessary to construct a 26 wide driveway approach for the retail entry with a centerline located approximately 190 feet north of the centerline of Ramon Road in accordance with City of Palm Springs Standard Drawing No. 205. Any removal or relocation of existing landscaping, irrigation, electrical and lighting improvements shall be coordinated with the City Engineer prior to removal or relocation. Access shall be limited to left-turn ingress and left-turn egress for retail parking only. Residential access shall be prohibited. Distinctive entry treatments including signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design at the retail entry to impose the required access restrictions.
12. Remove the existing street improvements as necessary to construct a 39 feet wide driveway approach with the centerline located approximately 24 feet south of the north property line in accordance with City of Palm Springs Standard Drawing No. 205. The driveway approach shall be divided divide with a 20 feet wide northerly commercial/service exit lane and a 15 feet wide southerly residential entry lane. The dividing median, if raised, shall include appropriate clearance for a 5 feet wide pedestrian path of travel. Any removal or relocation of existing landscaping, irrigation, electrical and lighting improvements shall be coordinated with the City Engineer prior to removal or relocation. Access shall be limited to left-turn egress for commercial and service vehicles only, and left-turn ingress for residential parking access. Retail parking access shall be prohibited. Distinctive entry treatments including signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design at the commercial/service exit and residential entry to impose the required access restrictions.
13. An application for an Encroachment Agreement shall be submitted to the Engineering Department for construction of the dividing median within the northerly driveway. The application for the Encroachment Agreement shall be approved prior to issuance of a grading permit.

14. Construct a Type A curb ramp meeting current California State Accessibility standards on either side of the northerly and southerly driveway approaches, in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
15. All broken or off grade street improvements shall be repaired or replaced.

RAMON ROAD

16. Dedicate an easement for sidewalk purposes extending to the back of the public sidewalk along the entire frontage.
17. All existing street improvements and landscaping shall be protected in place, except as otherwise required by the City Engineer. The applicant shall be responsible for the repair, removal and replacement of existing improvements damaged as a result of the construction of this project, as directed by the City Engineer.
18. Remove the existing driveway approach and replace with new street improvements (curb and gutter, and sidewalk) to match existing street improvements, in accordance with applicable City standards.
19. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

20. All on-site two-way drive aisles shall be 26 feet wide.
21. A clearly designated pedestrian walkway of adequate width shall be provided to centralize a location for pedestrians entering or leaving the retail areas and accessing the retail parking. A pedestrian walkway shall be designated along the west and south sides of the ground floor parking level. Traffic signage, lighting, pavement markings, and/or other visual cues shall be incorporated in the design of the ground floor parking level to support the use of the walkway by pedestrians and alert vehicles of the potential for crossing pedestrians.
22. Curbed end islands within the ground floor parking level adjacent to spaces 13/27, 39, and 55/64 shall be widened to ensure adequate sight distance.

23. Cut-through traffic across the northerly commercial/service drive aisle shall be prohibited. Traffic signage, lighting, pavement markings, speed bumps and/or other visual cues shall be incorporated in the design of the ground floor parking level to prohibit cut-through traffic.
24. The applicant shall verify that the geometrics proposed at the commercial/service entry and exit can accommodate anticipated service and delivery vehicles. A site plan with superimposed design vehicle turning path templates shall be provided to the City Engineer to verify that access for service and delivery vehicles is accommodated.

SANITARY SEWER

25. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
26. 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

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

- a. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Tract Map or site plan; a copy of current Title Report; a copy of Soils Report; and a copy of the Water Quality Management Plan.
 - b. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors.
 - c. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
 - d. 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.
 - e. 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.
28. ~~A National Pollutant Discharge Elimination System (NPDES) stormwater permit, issued from the California Regional Water Quality Control Board (Phone No. 760-346-7491) is required for the proposed development. A copy of the executed permit shall be provided to the City Engineer prior to issuance of a grading permit. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.~~

- 28A. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
29. In accordance with City of Palm Springs Municipal Code, Section ~~8.50.025 (e)~~ 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.
30. A 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 soils report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- 30A. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- 30B. 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.
31. 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 Rough 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

- 31A. 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 within the underground parking garage and the on-site private drive aisles. 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.
- 31B. 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 and/or Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- 31C. Prior to issuance of certificate of occupancy, 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/occupants

DRAINAGE

32. This project shall will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall will be required by regulations imposed by the RWQCB. It

shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such ~~If required,~~ such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

~~33. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from within the underground parking garage and the ground floor parking level. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.~~

GENERAL

34. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
35. All proposed utility lines shall be installed underground.
36. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
37. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data

- to be submitted to the City may be authorized, upon prior approval of the City Engineer.
38. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
 39. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
 40. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.
 - 40A. 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

41. 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 parcels 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.
42. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map.
43. 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.

44. Relocation or abandonment of record easements across the property shall be performed in conjunction with or prior to approval of a final map. The easements, identified as an easement for utility purposes to California Electric Power Company, recorded October 24, 1958, as Instrument No. 76730; a non-exclusive right to use right of way and easement on, across and upon land in favor of Saks & Company, recorded March 4, 1958, in Book 2232, Page 198, Official Records; and an easement for public utility purposes to Southern California Edison Company, recorded June 18, 1992, as Instrument No. 225090, shall be extinguished, quit-claimed, relocated or abandoned to facilitate development of the subject property. Building(s) encumbered by existing record easements are rendered unbuildable until such time as these easements are removed of record and are not an encumbrance to the property.

TRAFFIC

45. As determined by The Palm Canyon Planned Development District Focused Traffic Impact Analysis prepared by Endo Engineering dated June 14, 2006, the following mitigation measures are required:
 - a. The project one-way access points on Palm Canyon Drive and Indian Canyon Drive are restricted to either left-turn ingress or egress only. Install traffic striping and signage improvements to implement the access restrictions as required by the City Engineer.
 - b. Install a "Commercial/Service Entry Only" sign facing the southbound traffic on Palm Canyon Drive at the driveway approach at the northwest corner of the site. Install raised reflectorized pavement markers or speed bumps on-site to discourage the use of this entry by non-site traffic avoiding the traffic signal at the intersection of Palm Canyon Drive and Ramon Road, as required by the City Engineer.
 - c. Traffic striping and signage shall be installed prohibiting on-street parking along the Indian Canyon Drive site frontage to provide adequate site distance from the proposed driveways.

- d. Provide a minimum 50 feet long driveway throat at the southerly retail entry on Indian Canyon Drive and provide a 4 inch solid yellow stripe between the entry and exit lanes. Provide signage for northbound traffic on Indian Canyon Drive indicating that the two-way driveway is for retail vehicles only, as required by the City Engineer.
 - e. To discourage retail customer vehicles from using the one-way site exit onto Indian Canyon Drive at the northeast corner of the site, install an on-site "Commercial/Service Exit & Residential Entry" sign and/or install raised reflectorized pavement markers or speed bumps on-site, as required by the City Engineer.
 - f. Install distinctive entry treatments (including signage, lighting, pavement markings, and/or other visual cues) at the residential only entry at the northeast corner of the site on Indian Canyon Drive to decrease the potential for motorist confusion. A residential/guest turnaround shall be provided on-site.
 - g. Synchronize the traffic signals for eastbound and westbound traffic on Ramon Road prior to issuance of a certificate of occupancy, unless otherwise allowed by the City Engineer.
 - h. Traffic striping and signage shall be installed prohibiting on-street parking along the north and south sides of Ramon Road between Palm Canyon Drive and Indian Canyon Drive, and to provide two eastbound through lanes. A 175 feet long left turn bay for westbound traffic, and a 125 feet long left turn bay for eastbound traffic shall be provided. Submit traffic striping and signage plans prepared by a California registered civil engineer or traffic engineer for review and approval by the City Engineer.
46. Install a 24 inch stop sign, stop bar, and "STOP" legend at all project exits, in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Street and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
47. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Palm Canyon Drive, Indian Canyon Drive, and Ramon Road frontages of the subject property.

48. 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.
49. Construction signing, lighting and barricading shall be provided during all phases of construction ~~for on all projects 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 ~~State of California, Department of Transportation, "Manual of Traffic Controls for Construction and Maintenance Work Zones" dated 1996~~ Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, September 26, 2006, or subsequent additions editions in force at the time of construction.
50. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

Waste Disposal

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

Police Department

1. Developer shall comply with Article 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

1. **Insufficient information:** There is insufficient information to completely provide all fire department conditions. These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.
2. **Public Safety CFD**
The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other

- appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
3. **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.
 4. **Premises Identification:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. (901.4.4 CFC) Show location of address on plan elevation view. Show requirement and dimensions of numbers in plan notes. Numbers shall be a minimum 4 inches, and of contrasting color to the background.
 5. **Radio Communications:** The building will include all necessary wiring and antennas required for a "Built-In Radio Amplification System". This requirement is necessary for fire department radio communications within the building.
 6. **Automatic Fire Sprinklers:** An approved, automatic Fire Sprinkler System is required.
 7. **Audible water flow alarms:** An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. (904.3.2 CBC)
 8. **Fire Hydrant & FDC Location:** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
 9. **Fire Department Connections:** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.

10. **Class 1 Standpipe:** A Class 1 Standpipe system is required and shall be installed in accordance with the 98 CFC, Art. 10, Sec. 1004, and 98 CBC, Ch. 9, Std. 9-2 and Sec. 903. Standpipes will be required at every level in the stairwells.
11. **Residential Smoke Detector Installation With Fire Sprinklers:** Provide Residential Smoke Detectors (FIREX # 0498 accessory module connected to multi-station FIREX smoke detectors or equal per dwelling and fire sprinkler flow switch). Detectors shall receive their primary power from the building wiring, and shall be equipped with a battery backup. (310.9.1.3 CBC) In new construction, detectors shall be interconnected so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound. (2-2.2.1 NFPA 72) Provide a note on the plans showing this requirement.
12. **Fire Alarm System:** Fire Alarm System required. Installation shall comply with the requirements of NFPA 72.
13. **Access:** Fire department access roads shall be provided so that no portion of the exterior wall of the first floor of any building will be more than 150 feet from such roads. CFC 902.2.1 Applicant must add required access routes to the existing plans to meet code requirements and submit changes to the fire department for approval.
14. **Mid Rise/High Rise:** High-rise and mid-rise buildings shall be accessible on a minimum of two sides. Roadways shall not be less than 10 feet (3048 mm) or more than 35 feet (10 668 mm) from the building. Landscaping or other obstructions shall not be placed or maintained around structures in a manner so as to impair or impede accessibility for fire fighting and rescue operations.
15. **Fire Extinguisher Requirements:** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. (1002.1 CFC) Extinguishers shall be mounted in a visible, accessible location no more than 5 feet above floor level. Preferred location is in the path of exit travel near an exit door.
16. **Water Supply:** The water supply and location/s of fire hydrants must be approved prior to any work being performed on the job site. (903.1 CFC)
17. **Water Systems and Hydrants:** Underground water mains and fire hydrants shall be installed, completed, tested and in service prior to the time when combustible materials are delivered to the construction site. (903 CFC). Installation, testing, and inspection will meet the requirements of NFPA 24 1995 edition. Prior to final approval of the installation, contractor shall submit a completed Contractor's Material and Test Certificate to the Fire Department. (9-2.1 NFPA 24 1995 edition)

18. **Vertical Clearance for Underground Parking:** Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 8 feet 6 inches. (902.2.2.1 CFC)
19. **Knox (emergency access) key switch:** A Knox key operated switch shall be installed at every automatic gate. Show location of switch on plan. Show requirement in plan notes.
20. **Rapid Entry System Approval:** The Knox Fire/Police/Ambulance Rapid Entry System is the only Key Box, Lock Vault, Key Cabinet, Key Switch, Padlock, FDC Cap, or Decal approved for use by the City of Palm Springs Fire Department.
21. **Building or Complex Gate Locking Devices:** Locked gate(s) shall be equipped with a Knox key switch device or Key box. Boxes shall be mounted at 6 feet above grade. Contact the Fire Department at 760-323-8186 for a Knox application form. (902.4 CFC)
22. **Underground Parking:** A Class III Standpipe system is required and shall be installed in accordance with the 98 CFC, Art. 10, Sec. 1004, and 98 CBC, Ch. 9, Std. 9-2 and Sec. 903. Hose will not be required.
23. **Underground Parking:** Automatic smoke removal system to be required for subterranean parking.
24. **Ground Level Parking Structure:** Capable of supporting a vehicle weighing 73,000 pounds and 13 feet 6 inches in height.
25. **Turn-Around Requirements for Subterranean/Ground Parking:** 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. (902.2.2.4 CFC)
26. **Ventilating Hood & Duct System:** A ventilating hood and duct system shall be provided for commercial-type food heat-processing equipment that produces grease-laden vapors. (1005.1 CFC)
27. **Fire extinguishing system required:** Approved automatic fire extinguishing systems shall be provided for the protection of commercial type cooking equipment. (1005.2.1 CFC)
28. **Elevator Stretcher Requirement:** Elevator shall be designed to accommodate medical emergency service. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 76 inches in the horizontal position. The elevator entrance shall have a clear opening of not less than 42 inches wide or less than 78 inches high. The elevator car shall be

provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42 inch side slide door. (3003.5a CBC)

29. **Fencing Required:** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows. (8.04.260 PSMC)

Gates

30. **Fire Apparatus Access Gates:** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock. (8.04.260 PSMC)
31. **Access Gate Obstructions:** Entrances to roads, trails or other access ways, which have been closed with gates and barriers, shall be maintained clear at all times. (902.2.4.1 CFC).
32. **Access During Construction:** 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. (Sec. 902 CFC)

END OF CONDITIONS



COLDWELL BANKER COMMERCIAL
LYLE & ASSOCIATES
78-000 FRED WARING DR., SUITE 200
PALM DESERT, CA 92211
WWW.LYLECOMMERCIAL.COM
BUS. 760.772.6400
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September 17, 2013

Mr. Glenn Mlaker, AICP
Assistant Planner
City of Palm Springs
Department of Planning Services
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

**RE: Case No. 5.1042 – PD 311 & TTM 33514 – (The South Palm Canyon)
440-490 S. Palm Canyon Drive, 471 S. Indian Canyon Drive, et al, Palm Springs, CA
APN: 513-214-004, 005 & 513-214-010 & 011**

Dear Mr. Mlaker:

Thank you for taking the time to speak with me yesterday. As we discussed, I am writing on behalf of South Palm Canyon, LLC to respectfully request an extension of the Entitlements for the above-referenced property, which expire on October 22, 2013.

We are forced to request this extension based upon the current economic conditions in the real estate market. We remain very confident that this project will come to fruition. With that in mind, and as you may be aware, we continue striving to ensure that the property is properly maintained during this interim period of time, including occupying the majority of the buildings with "temporary tenants" in an effort to aid in the synergy of all properties on South Palm Canyon Drive.

It is my understanding that a fee of \$881.00 is required for the extension, and I have included a check, in the amount of \$881.00, payable to the City of Palm Springs herewith.

Should you have any questions or require any further information, please feel free to contact me at (760) 641-7602.

Thank you.

Sincerely,

Coldwell Banker Commercial Lyle & Associates

A handwritten signature in black ink, appearing to read 'Rob Wenthold', written over the typed name.

Rob Wenthold, Agent for South Palm Canyon, LLC

Glenn Mlaker

From: Rob Wenthold <rwenthold@dc.rr.com>
Sent: Thursday, September 26, 2013 4:36 PM
To: Glenn Mlaker
Subject: RE: South Palm Canyon Time Extension

Good Thursday Afternoon Glenn:

Thank you for the E-Mail (below) of earlier today regarding the above-referenced property. I have discussed your questions with Robert Herscu (Partner/Owner), and respond with the answers in RED immediately following each question (below).

Should you have any additional questions or require any further information, please feel free to contact me at (760) 641-7602 or via E-Mail.

Sincerely,

Rob Wenthold

Vice President

Coldwell Banker Commercial Lyle & Associates

78-000 Fred Waring Drive, Suite 200, Palm Desert, CA 92211

Office (760) 772-6400, Ext. #223 / Fax (760) 772-6499

Cell (760) 641-7602 / E-Mail: RWenthold@DC.RR.com

CA DRE I.D. No. 01153834



From: Glenn Mlaker [<mailto:Glenn.Mlaker@palm Springs-ca.gov>]

Sent: Thursday, September 26, 2013 8:58 AM

To: rwenthold@dc.rr.com

Subject: South Palm Canyon Time Extension

Hello Rob, in preparation for the review of the South Palm Canyon time extension, the Planning Commission is requesting answers to the following questions:

1. Are there any changes to the project's overall plan and site configuration? AT THE CURRENT TIME WE ARE NOT PROPOSING ANY CHANGES TO THE OVERALL PLAN OR SITE CONFIGURATION.
2. What specific steps have been taken by the applicant over the past year to advance the project? THE PARTNERSHIP HAS FINALLY WORKED OUT ALL OF THEIR ISSUES AND NOW WILL BE ADDRESSING TO MOVE THIS DEVELOPMENT FORWARD. AT THE SAME TIME WE HAVE BEEN SPEAKING TO LOCAL ARCHITECTS AND ENGINEERS IN ORDER TO FORMULATE OUR TEAM. REGARDING OUR DISCUSSIONS WITH BROKERS, THEY HAVE INDICATED TO US THAT THERE ARE A NUMBER OF NATIONAL TENANTS THAT ARE INTERESTED IN GOING INTO THIS PROJECT.
3. Have there been recent changes to nearby developments or uses within the surrounding area? THE MALL HAS COMMENCED WORK – PLANS ARE IN THE CITY TO DEVELOP PORT LAWRENCE – EXCITING IMPROVEMENTS ARE HAPPENING IN THE CITY AND WE WANT TO BE APART OF THAT.
4. Any off-site improvements, installation of infrastructure and other changes within 400 feet radius of the project site? WE ARE MAINTAINING OUR PROPERTY AND WE ARE IN GOOD STANDING WITH THE CITY. WE HAVE BEEN IMPROVING THE LANDSCAPPING AND SIDEWALKS AND SHOW A REAL PRIDE OF OWNERSHIP WITH OUR PROJECT.

1. CONSENT CALENDAR:

ACTION: To approve, Items 1A, 1B, 1C and 1D, as part of the Consent Calendar.

Motion Leslie Munger, seconded by Vice Chair Hudson and unanimously carried 6-0 on a roll call vote.

AYES: Leslie Munger, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson, Lyn Calderine

ABSENT: Kathy Weremiuk

1A. Draft minutes of October 24, 2012.

Approved, as presented.

1B. Case 10.474 Determination - An application by Michael Hess of Blue Gecko Coffee Roasting Company requesting that the Planning Commission determine that a wholesale coffee roasting business is similar to a retail bakery use in the HC (Highway Commercial) Zone at 19345 North Indian Canyon Drive. (Ken Lyon, RA Associate Planner)

Approved, as presented.

1C. Case 5.0976 CUP AMND - A request by Burrtec Waste Industries, Inc. for a one-year time extension for the construction and operation of a municipal solid waste Material Recovery Facility (MRF) and transfer station located at the southwest corner of 19th Avenue and McLane Street, Zone M-2, Section 15. (Project Planner: Glenn Miaker, AICP, Assistant Planner)

Approved, as presented.

1D. Case 5.1042-PD 311 - A request by South Palm Canyon, LLC, for a one-year time extension for a previously approved mixed-use planned development consisting of up to 125 condominium units and approximately 39,000 square feet of retail/commercial space on a 2.67-acre site located at 450-490 South Palm Canyon Drive, Zone CBD, Section 15. (Project Planner: Edward Robertson, Principal Planner)

Approved, as presented.



Planning Commission Staff Report

Date: September 27, 2006

Case No.: 5.1042 – PD 311 & TTM 33514

Application Type: Planned Development District, Tentative Tract Map and Architectural Approval

Location: 450-490 South Palm Canyon Drive, north of Ramon Road and between South Palm Canyon Drive and Indian Canyon Drive.

Applicant: South Palm Canyon, LLC (Wayne & Frances Lee)

Zone: C-B-D (Central Business District)

General Plan: C-B-D (Central Business District)

APNs: 513-214-004, 005 & 513-214-010, 011

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: Edward O. Robertson, Principal Planner

PROJECT DESCRIPTION

The proposed project is a mixed-use development that will provide residential, commercial and recreational facilities within the downtown region of the City. The residential component of the proposal is for the development of 125 condominium units and approximately 39,000 square feet of retail/commercial spaces on approximately 2.67-acre site. A Planned Development District application (PD 311) is proposed to set new design and development standards for the mixed-use development. The applicant has also submitted a Tentative Tract Map application (TTM 33514) to subdivide the approximately 2.67-parcel for a condominium map. To make room for the proposed development, the approximately 47,000 square feet of existing retail/commercial

structures at the site will be demolished; the existing parcels will be consolidated for the new residential and commercial establishment. A breakdown of the proposed project is as follows:

- The construction of a sub-grade level garage with 208 parking spaces for the residential uses.
- The construction of multiple structures within the site, ranging from 2 to 5 stories, with a maximum building height of 56 feet.
- The construction of recreational amenities that includes swimming pools, spas, courtyards, and roof top garden.
- The creation of a new pedestrian linkage designed to serve the retail/commercial component of the project along the southern portion of the site connecting South Palm Canyon Drive to Indian Canyon Drive.
- The creation of a water feature element along the Palm Canyon Drive section of the site.

RECOMMENDATION

- That the Planning Commission take staff reports, presentations and public comments;
- Identify any further questions / clarifications or necessary information for staff and;
- Continue the public hearing of Case No. 5.1042-PD 311 to the meeting of October 11, 2006.

PRIOR ACTIONS

At its meeting on February 21, 2006, the Architectural Advisory Committee (AAC) reviewed the project for the fourth time. At this meeting, members of the AAC made a number of favorable comments on the new site layout and the new architectural design of the project. And with a vote of 5-0-2 (Lance O'Donnell and Don Wexler abstained), the AAC recommended approval of the project to the Planning Commission. The AAC also recommended that as part of the final Planned Development District submittal, that the applicant bring back detailed plans for the Committee's consideration.

BACKGROUND AND SETTING

The proposed mixed-use development will be located within a fully developed area of the downtown district of the City. The proposed site is an approximately 2.67-acre land bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Ramon Road to the south. There is an existing restaurant, a retail outlet, and two vacant buildings on the site. One of the vacant buildings was formerly occupied by Tony Romas Restaurant and the other was a specialty retail store. These buildings totaling approximately 47,000 square feet in size will be demolished to make way for the new mixed-use development.

The surrounding area is fully improved with streets, curbs, gutter, sidewalks and landscaping. There are mostly commercial and retail uses within the immediate vicinity of the location. To the north of the site, there is a two-story bank building along with other small unit retail stores, to the west along Palm Canyon Drive, there is an existing three-story commercial establishment with subterranean parking structure and to the east there is an existing retail complex as well.

ANALYSIS

Project Description

The proposed mixed-use development of residential and commercial components will consist of a combination of living areas, retail areas, open spaces, pedestrian linkage, swimming pools with spas, rooftop garden, sub-grade level parking spaces and a mix of buildings ranging from two to five stories high. The commercial part of the project facing Palm Canyon Drive and Ramon Road will occupy the ground floor along with the required parking spaces. The four floors of residential units will be built above the commercial/retail areas. Buildings within the site will be two, three, four and five stories, within a range of 17' to 56' in height. A total of 125 units to be located above the commercial / retail spaces in buildings A to D are proposed at the site. These units will be equipped with kitchens, master bedrooms, living rooms, dining rooms, laundry rooms, powder rooms and patio/decks; and will be accessed from the exclusive residents' entrance located along Indian Canyon Drive on the northerly portion of the site.

The proposed project also includes the construction of an underground parking structure with 208 parking spaces for the exclusive use of residents and guest parking. An additional 97 parking spaces is designated on the ground level for commercial/retail use. Further detail and discussion of the required and provided parking is included under "Parking" below.

General Plan and Zoning

The General Plan and Zoning designation of the proposed site is C-B-D, (Central Business District). The General Plan states the following regarding commercial and residential uses in the Central Business District, as proposed by the project:

Objective 3.15a

The fusion of shopping, entertainment and cultural / performing arts components, reinforcing the position of downtown Palm Springs as a multi-purpose destination.

Provision of a strong residential base, including hotels, in and around the downtown, with increased emphasis on the Downtown as a multi-focus center for the year-round resident.

Objective 3.15e

Lengthening the "season" in order to create a healthier, year-round environment for merchants.

Policy 3.15.1

Encourage a full diversity of high-quality uses, attractive to both the resident and the visitor, including especially retail, entertainment, cultural, food sales and service, office, furniture and financial and personal services.

Policy 3.15.17

Accommodate housing units, including high-quality housing, on the second level or higher or to the rear of buildings provided that the residential and commercial spaces are fully separated, the impacts of noise, odor and other adverse characteristics of commercial activity can be adequately mitigated, and a healthy, safe and well-designed environment is achieved for the residential units.

Policy 3.15.18

Encourage higher-density housing at the perimeter of the downtown retail area.

Based on these policies, the proposed commercial and residential uses are allowed within the General Plan C-B-D designation.

As regards residential density, the General Plan C-B-D land use designation sets a range for residential densities between twenty-one to thirty units per acre. The higher density is permissible when a project provides certain qualities, such as distinctive architectural or neighborhood character, consolidation of building sites, social / cultural amenities or other features. The project proposes 125 residential condominiums on a 2.67 acre site and represents a density of 47 units per acre.

Staff has reviewed the General Plan and notes that several provisions appear to provide authorization for projects to exceed the 30 unit / acre limit, as follows:

Land Use Policy 3.3.7

Residential development may exceed the maximum permitted density provided that such development achieves the goals of the Housing Element, particularly the construction of low- and moderate-income housing, senior citizen housing and congregate care projects.

While the project does not include income-restricted or senior housing, other goals of the Housing Element are met by the project, as follows:

Housing Goal 4C

To provide a variety of housing types to meet the diversity of housing needs throughout the City's residential neighborhoods.

Supportive Objectives and Policies in the Housing Element include:

Housing Objective 4.3a

The General Plan of the City of Palm Springs shall provide for a mixture of residential densities and types disbursed throughout the Community, including renter and owner occupied housing.

Housing Objective 4.3b

The City Planning and Building Department shall encourage the design of innovative residential and mixed use planned development which offer a variety of building types.

Housing Objective 4.3c

The City shall promote development within Specific Plans or Planned Development Districts that provide a variety of housing types and densities based on suitability of land, including availability of infrastructure, the provision of adequate services and recognition of environmental constraints.

Housing Objective 4.3d

Identify specific undeveloped and under-utilized properties that are suitable for higher density multi-family, condominium and mixed-use development.

Based on the Housing Element goal for new production and its supporting objectives, staff has concluded that densities above 30 units per acre in the C-B-D designation may be allowed. Such additional densities should be considered only when a case-by-case review establishes that a proposal satisfies the intentions of these goals and objectives. In the present case, the project:

- Expands the overall range of housing types, densities and forms provided in the City;
- Offers an innovative mixed-use residential experience within City's downtown;
- Takes advantage of existing infrastructure (as opposed to requiring the extension of new services); and
- Consolidates and redevelops a collection of under-utilized properties.

In summary, staff has concluded that adequate justification exists to allow the density proposed by the project.

Pursuant to Section **92.09.00(A)** of the Zoning Ordinance, *"the C-B-D zone is intended for the central business district, primarily retail business in character, with related hotels, multiple-family dwellings, and service, office, cultural and institutional uses"* Furthermore, the ordinance states that, *"The central business district is intended to be a compact, lively, active, intensively used area catering to the pedestrian."* The proposed mixed-use development includes commercial and residential uses that are compatible with the existing zoning designation. Therefore, the proposed land use is consistent with the provisions of the General Plan and Zoning Ordinance for that designation and location. The General Plan and Zoning designations for surrounding properties are shown in Table 1 below.

Table 1: Project and Surrounding General Plan and Zoning Designations		
Location	General Plan Designation	Zoning Designation
Project Site	C-B-D (Central Business District)	C-B-D (Central Business District)
West	C-B-D	C-B-D
South	C-B-D	C-B-D
East	C-B-D	C-B-D
North	C-B-D	C-B-D

In addition to the General Plan and Zoning designations of the site, the location also lies within the general area of the downtown described in the Interim Downtown Design Guidelines as the "Gateway" Under the Guidelines, the site is designated "High Intensity Mixed-Use (Residential/Commercial) Gateway." The Guidelines describe the Gateways as follows:

"They should be taller (max. 60 ft.), high intensity mixed-use (residential/commercial) areas with distinctive landscaping and signage marking the entrance to downtown."

The Guidelines further state:

"New buildings should be sensitive to the historic context and complement the unique mix of architectural styles. In addition, new projects should strive for excellence in architectural design."

and:

"Building height in the north and south gateway areas should be a maximum of 30 feet on the street front stepping back to 60 feet in height with minor intrusions for architectural features."

and:

"Underground structured parking has the least impact on the visual quality of downtown and is encouraged when feasible."

All these provisions are considered in this staff report as part of the analysis of the project. Finally, the proposed project is also generally consistent with the Downtown Design Guidelines.

Planned Development District

A Planned Development District is needed for this project so that relief from the development concept and standards in the Central Business District can be achieved. Pursuant to Section 94.03.00 (Planned Development District) of the Zoning Ordinance, the Planned Development District is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. It went on to say that *"It is the intent of this district to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications"*

The proposed development includes design standards that vary from the development standards of the Central Business District (CBD) Zone and High-rise buildings (Section 93.04.00). As a result, a Planned Development District approved under Section 94.02.00.B is required. Table 2, below, describes the development standards applicable to the designation, and the standards which the proposed project will implement.

Table 2: Comparison of Existing Zoning and Proposed PD-311 Standards		
Type of Standard	Underlying CBD	Proposed PD-324
Minimum Lot Area	9,600 square feet	2.67 acres
Maximum Bldg Height	30 feet; 60 feet allowed under high-rise provisions; PD	56 feet
Open Space	60 %	61%
Floor Area Coverage	Up to 2.5 = 290,000 sq. feet	1.69 FAR (197,016 sq. feet)
Density	45%	41.8%
Setbacks; along Palm Canyon Drive	1,500 SF (Per R-4)	930 SF Per Unit
Setbacks along Indian Canyon Drive	50 feet from the centerline of the street	48 feet
Setbacks along Ramon Road	20 feet	0 feet
Parking; Residents and Guest parking	10 feet	0 feet
Parking; Retail /Restaurant use	216	218
	@ 1/375 sq. ft. = 104	97

As shown in the Table above, the Planned Development District is required in this case to address variations in floor area ration (zoning density) required setbacks and parking spaces.

Site Plan and Project Design

The proposed site is approximately 2.67-acre land that is currently fully developed with approximately 47,000 square feet of commercial and surface parking spaces. The proposed project is for the construction of a mixed-use development that will consist of a five-story, 125-unit condominium complex with private open spaces, swimming pools / spas, and rooftop garden. The residential section which will be built above the commercial structures will feature condominium complex of one and two-bedroom units and penthouses. The project also consists of approximately 39,000 square feet of commercial space on the ground level for retail services, restaurants and specialty stores fronting South Palm Canyon Drive, Indian Canyon Drive and Ramon Road.

The sub-grade level will contain residential and guest parking spaces, the ground floor will contain the retail services, restaurants, specialty stores, commercial parking, landscaped pedestrian promenade connecting Palm Canyon to Indian Canyon, walkways, water feature element and a seating area. There are residential units, courtyards, an outdoor swimming pool with and a spa with shade cabanas on the second floor. The third, fourth and fifth floors will also have residential units, private patios, roof gardens, a courtyard and a pool deck.

As proposed, the residential use will consist of one studio unit which is approximately 700 square feet in size, 12 one bedroom units, and 112 two bedroom units. These units are proposed to range from 925 square feet to 1,810 square feet in size; and will vary depending on the building type and in configuration.

A pedestrian linkage is proposed to extend east to west through the southern portion of the site, connecting Palm Canyon and Indian Canyon. A water feature element is proposed along the Palm Canyon entrance into the retail area, and a restaurant patio will be featured the southerly portion of the site along Indian Canyon Drive and Ramon Road.

The vast majority of parking is proposed to be accommodated in the subterranean parking garage. The garage will be accessed via a ramp located along the northerly portion of the site on Indian Canyon Drive. This will serve as the primary residential access; the retail access is located at the southerly portion of the site along Indian Canyon Drive. The commercial service vehicular ingress is located along Palm Canyon Drive and the egress along Indian Canyon Drive; the loading area is located at the mid-point of the northerly segment of the site.

The site plan provides for many of the amenities and highlights called for in the General Plan and Design Guidelines, including street level plazas, pedestrian areas, entry gardens, and bringing a mix of commercial and residential land uses into the downtown,

and providing connections between Palm Canyon Drive, Indian Canyon Drive and Ramon Road.

Density (per R-4 Zone)

Located in the C-B-D zone, the project is subject to the residential density standards of the R-4 zone (per Section 92.09.01.A.26). These standards set a floor area ratio of 1500 square feet of net lot area per dwelling unit; the project proposes a floor area of 930 square feet per unit. The increased density is consistent with the higher density proposed within the General Plan policies.

Architecture

The architecture proposed for the project reflects the mid-century modern style, and incorporates some of the features that are typical of Palm Springs architecture. Although the architectural style of each building is consistent, the building design varies from one level to the next, providing for a varied streetscape and avoiding the potential for overbearing mass which could result from a five story building. A variation of shapes, materials and colors is provided in each of the buildings, so that they each show their own identity, while still clearly being part of the whole.

The design also brings architectural focus to both Palm Canyon Drive and Indian Canyon Drive, which has some aesthetically challenging land uses directly across from the proposed location. As designed, this project will have the residential component and commercial component featuring significant presence in the immediate surrounding. The proposed colors and materials will consist of mainly typical desert tones and will be consistent with the downtown architectural elements.

The proposed buildings will be five stories, and approximately 56 feet in height, although the heights will vary at some locations as the elevations steps away from the sidewalks and roadways. The maximum building height allowed within the downtown area is 30 feet. However up to 60 feet can be allowed under the highrise provisions of the Zoning Ordinance. The applicant has applied for a relief from this requirement through a Planned Development District application.

The proposed buildings sections and heights are shown within Attachment 4 for each building elevation. With the stepped back design approach, the street level heights of the buildings along the north and southern portions of the site are approximately 37 feet at a distance of about 48 feet from the property line. And at the highest point of the building, when measured from the grade level, the overall height is approximately 57 feet.

The buildings' heights are within the limits of the high-rise provisions of the Zoning Ordinance, and consistent with the height limits set forth in the Downtown Design Guidelines. The project proposes an urban environment for both residents and shoppers, which is of greater intensity than previous development, and consistent with

the vision established for the Downtown through the on-going General Plan update process.

Open Space

Pursuant to the provisions of Section 92.09.03 of the Zoning Ordinance, a minimum of 60% open space is required for highrise buildings. The project proposes approximately 61% through the utilization of street level plazas, pedestrian promenade, paseos, decks, residential common areas, various courtyards, and landscaping within the rooftop garden. This will also include the water feature element along Palm Canyon Drive and the Patio/seating area along the corner of Indian Canyon Drive and Ramon Road.

Access

Access into the site will be provided from three main points of vehicular access and a pedestrian walkway designed primarily for shoppers and other commercial/retail customers. Two points of access are located along Indian Canyon Road, one will serve the residents and the other will serve as ingress and egress for the commercial space on the ground level. An additional point of ingress for service vehicles into the site is located at the northerly portion of the site on Palm Canyon Drive.

Parking

As mentioned earlier, the applicant has proposed a subterranean parking structure that will primarily serve as the residents and guests parking area. And as indicated on Table 2 of Page 5, the required parking spaces for residents and guests are 216; the applicant has provided 218 parking spaces. The commercial component of this project is approximately 39,000 square feet in size. According to Section 92.26.00(6) (downtown parking combining zone) of the Zoning Code, mixed-use developments in excess of 20,000 square feet of gross floor area are required to provide 1 parking space for every 375 square feet of gross floor area. In this case, the required parking spaces for the commercial section will be 104; the applicant has provided 97 parking spaces. However, this calculation does not take into account available street parking spaces. Also, additional parking spaces will not be needed as long as restaurant use does not exceed 25% of the total floor area of the development.

Landscaping

The landscaping plan for the proposed project will be in the form of multi-level planters, although the ground floor, the commercial areas and pedestrian walkways will be fully landscaped with desert/drought tolerant materials. The upper floor courtyards, terraces and rooftop garden will be landscaped as well. The applicant has proposed to utilize Timber Bamboos and Honey Mesquite, Date Palms, California Palms and Mexican Fan Palms. Other planting materials will include various shrubs and groundcovers.

Public Benefit

As a Planned Development, the project may be subject to the provision of a “public benefit”, as recognized by the Palm Springs General Plan.¹ No specific public benefit has been offered by the applicant; however, they have asserted that the project itself will constitute a public benefit by providing the southern anchor of the proposed downtown revitalization effort.

It should be noted that the Council has not adopted a policy for determining an appropriate Planned Development public benefit. In past project decisions, public benefits have ranged from dedications of right of way and landscape improvements to increased on-site amenities and public access. Given the nature of the proposal as an in-fill, mixed-use project, traditional dedications of on-site open space or other amenities may not be appropriate.

Staff believes that the City Council will be in the best position to judge the level of public benefit that might be required beyond the project itself. Consequently, staff recommends that the Commission consider a condition of approval that leaves the determination of contribution of public benefit to the City Council at the time they consider the project. Proposed condition of approval number 28 has been added for this purpose.

Public Utilities and Services

As the project occurs in the center of the existing downtown, all public utilities and services are available to the site.

REQUIRED FINDINGS

Findings can be made in support of establishing the proposed Planned Development District as follows:

- a. *The proposed planned development is consistent and in conformity with the general plan pursuant to Section 94.02.00 (A)(4) of the Palm Springs Zoning Code.*

The proposed planned development is consistent with the General Plan, including the Land Use Element (Central Business District designation) and the

¹ “Traditionally, planned development districts have been used to provide flexibility and enable developers to increase buildable area and height, and alter other standard development regulations, above that permitted by zoning, conditioned on analyses and mitigation of impacts and contribution of specific “benefits” to the City (e.g. additional parking, community open space and meeting rooms, funds for community beautification, housing day care facilities and other similar amenities). All Planned Development Districts shall be consistent with the General Plan. (Palm Springs General Plan, Page I-81)

PLANNED DEVELOPMENT DISTRICT

Housing Element. The project will bring revitalization to the southern gateway of the Downtown area, and introduce a permanent population as well as new retail commercial space.

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

The project, as conditioned, is consistent with the Downtown Design Guidelines, and the vision of the area for the future. The site is physically suitable for the proposed project, and provides sufficient access points on Indian Canyon and South Palm Canyon Drives for all vehicular and pedestrian needs.

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

The proposed Planned Development District modifies height, open space and lot coverage requirements in a manner which is conducive with the urban development sought for the site and envisioned in the General Plan and Downtown Urban Design Guidelines. The inclusion of a redevelopment project in this area of the City will increase vitality and activities in the Downtown region of the City.

Additional findings are required for the proposed Tentative Tract Map 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 Tentative Tract Map will facilitate the sale of condominium units within the project. The mixed-use development is consistent with the General Plan Central Business District designation, with the introduction of permanent residents into the area, and provides new retail spaces and opportunities.

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

The design of the Map is consistent with the allowable uses under the Planned Development District for this property. The Planned Development District allows for variations from zoning standards.

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

The site is fully developed and surrounded by existing development and City streets. The construction of commercial and residential buildings on the site is appropriate at this location.

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

The site can accommodate the proposed 125 condominium units with the R-4 zoning development standards that apply to multiple-family dwellings within the C-B-D designations. Furthermore, the General Plan does not apply unit counts (dwelling units per acre for density) calculations within the C-B-D areas, rather, a floor area ratio (FAR) is used. The permitted FAR for this proposal is up to 2.5 or 290,000 square feet, the proposed FAR is approximately 1.69 or 197,016 square feet.

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Draft Environmental Impact Report (DEIR) has been prepared. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The site has been fully developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The subdivision is designed to meet or exceed City standards. The homes and commercial spaces will be required to meet or exceed City building codes. The project will not cause public health problems.

- 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 or access 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.

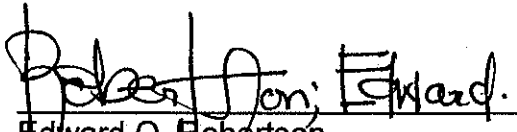
ENVIRONMENTAL ASSESSMENT

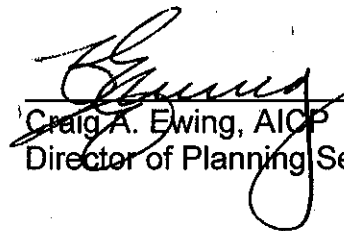
The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Draft

Environmental Impact Report (DEIR), will reduce impacts to less than significant levels. Copies of the prepared DEIR have been previously distributed to the Planning Commissioners for review. The comment period for the draft EIR ends September 28, 2006 and a Final EIR will be prepared and submitted for review and certification prior to Commission action on the project.

NOTIFICATION

A public hearing notice was advertised and was mailed to all property owners within 400 square feet radius of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.


Edward O. Robertson
Principal Planner


Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Conditions of Approval
3. Reduced Site Plans, Floor Plans, Elevations & Tentative Tract Map 33514
4. Draft Environmental Impact Report (DEIR) (Previously Distributed to Planning Commissioners)

PLANNED DEVELOPMENT DISTRICT

10. **Case 5.1042 PD 311 / TTM 33514 - An application by South Palm Canyon LLC, agent for Wayne & Frances Lee, for a proposed Planned Development District to allow the development of 125 condominium units and approximately 39,000 square feet of commercial space on an approximate 2.67-acre site located at 450 - 490 South Palm Canyon Drive, Zone C-B-D, Section 15, APN: 513-214-004, 005 and 513-214-010, 011. (Project Planner: Edward Robertson, Principal Planner) (Cont'd from 9/27/06)**

Principal Planner, Edward Robertson, provided background information as outlined in the staff report dated October 11, 2006.

Commissioner Scott requested clarification pertaining to the comment made in the Final Environmental Impact Report by the Fire Chief.

Chair Marantz opened the Public Hearing.

-Brian Linnekans, applicant, spoke about the process and indicated that they have gone through 7 major revisions. He expressed the design challenges of the project and gave additional information.

-Ana Escalante, architect, spoke of the benefits to the City and indicated all the concerns have been addressed.

-Lance O'Donnell, architect, spoke about the Downtown Urban Guidelines relating to the massing of the buildings going east / west. He gave further details relating to the parking, pedestrian activity and energy efficient features of the project.

-Ed Torres, PSEDC, spoke in support of this project and requested approval.

-Rob Firth, Palm Springs, spoke in favor of the project and commended the developer.

-Ernie Vincent, Palm Springs, spoke in favor of the project and of the importance of the revitalization of downtown.

-Joy Meredith, Palm Springs, spoke in favor of the project.

-Ziva Hillenger, Palm Springs, spoke in favor of the project and requested approval.

-Jim Stuart, Palm Springs, spoke in favor of the project and urged approval.

-Char, Palm Springs, spoke in favor of the project.

-Marvin Roos, MSA Consulting, commented that they prepared the environmental documentation and provided further information.

-Bob Nelson, Palm Springs, Palm Springs, commented that he has traveled all over the world and has seen many mixed use projects.

-Jim Gurney, Palm Springs, thanked staff and the development team; spoke in favor of the project.

-Tamara Stevens, Palm Springs, spoke in favor of the project and requested approval.

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

Commissioner Cohen thanked the developer for listening to the people and suggested to the applicant that the balconies be kept clean and not cluttered.

Tom Doczi, Palm Springs, provided additional details relating to the landscaping and the water feature proposed on the corner of Indian Canyon Way.

Commissioner Scott voiced his concern with the density and mass of the project and gave several suggestions.

The draft resolution was distributed and reviewed with the Planning Commission.

M/S/C (Vice Chair Hochanadel/Cohen, 7-0) To approve the project Architecture, certify the Final E.I.R. and approve PD 311, subject to Conditions of Approval.

- ~~11. **COMMISSION WORK PROGRAM:**
*General Plan Update
*Work Program Priorities and Subcommittee Assignments~~

~~Craig A. Ewing gave an update relating to the housing element and the land use.~~

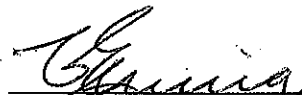
- ~~12. **CITY COUNCIL ACTIONS:** Update.~~

- ~~13. **COMMISSION/STAFF REPORTS AND REQUESTS -**~~

~~Commissioner Caffery suggested further discussion be made relating to metal buildings.~~

~~Vice Chair Hochanadel requested clarification on permits for outside vendors on the corner of Palm Canyon and Baristo Road.~~

- ~~14. **ADJOURNMENT:** There being no further comments, the meeting adjourned at 4:31 p.m.~~



Craig A. Ewing, AICP
Director of Planning Services