



CITY COUNCIL STAFF REPORT

DATE: November 6, 2013

PUBLIC HEARING

SUBJECT: A GENERAL PLAN AMENDMENT BY THE CITY OF PALM SPRINGS FOR ZONING CONSISTENCY, AND A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTHEAST CORNER OF NORTH CERRITOS ROAD AND EAST TAHQUITZ CANYON WAY; APN'S 502-075-001 and 502-075-002; ZONE R-2 (CASE 3.3625 MAJ / 5.1299 GPA)

FROM: David Ready, City Manager

BY: Department of Planning Services

SUMMARY

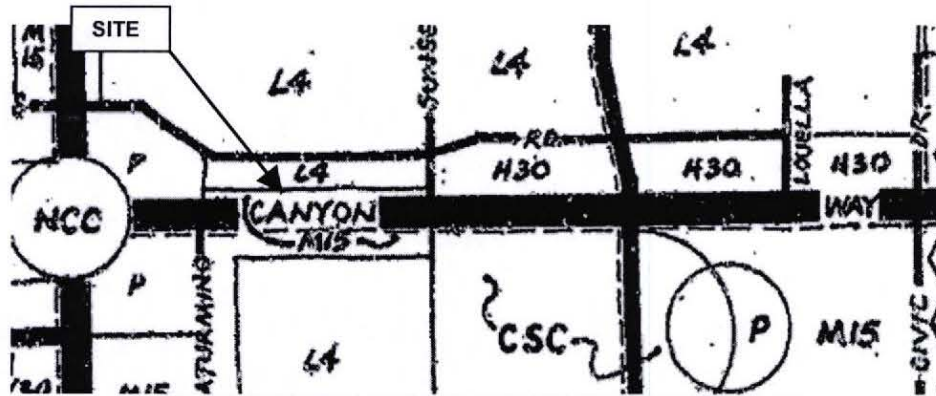
A General Plan Amendment changing the land use designation from "O" (Office) to "MDR" (Medium Density Residential) for zoning consistency on a roughly 35,766 square foot parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road; Zone R-2.

RECOMMENDATION:

1. Open the Public Hearing and receive testimony.
2. Close the public hearing and adopt Resolution ____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION 22077, CHANGING THE LAND USE DESIGNATION FOR A ROUGHLY 35,766 SQUARE FOOT PARCEL LOCATED AT THE NORTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND NORTH CERRITOS DRIVE, FROM "O" (OFFICE) TO "MDR" (MEDIUM DENSITY RESIDENTIAL) FOR ZONING CONSISTENCY."

ISSUES

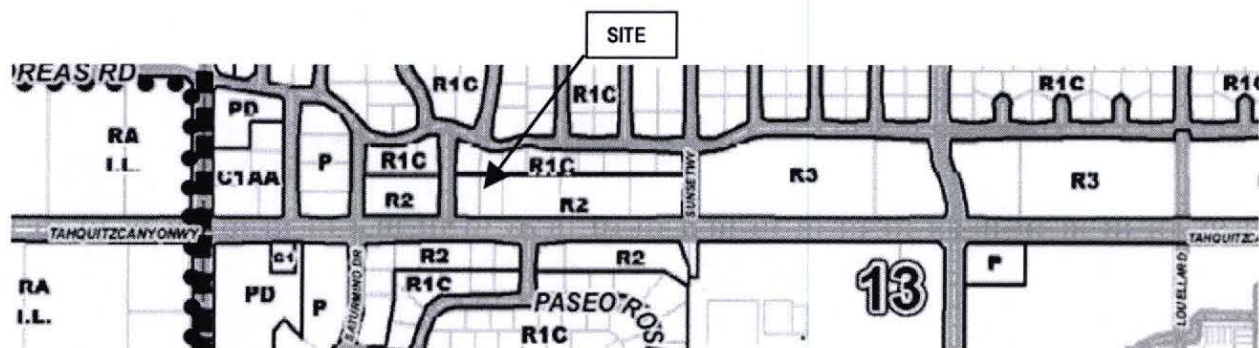
For many years parcels along the north side of Tahquitz Canyon Way between roughly Sunrise Way and Farrell Drive were zoned R-2 (Limited multi-family residential) with the General Plan Land Use designation of "MDR" (Medium Density Residential), as a buffer between the single family zone to the north and this major thoroughfare.



PORTION OF THE 1994 PALM SPRINGS GENERAL PLAN
SHOWING THE SUBJECT SITE AS "M15" (MEDIUM DENSITY RESIDENTIAL)

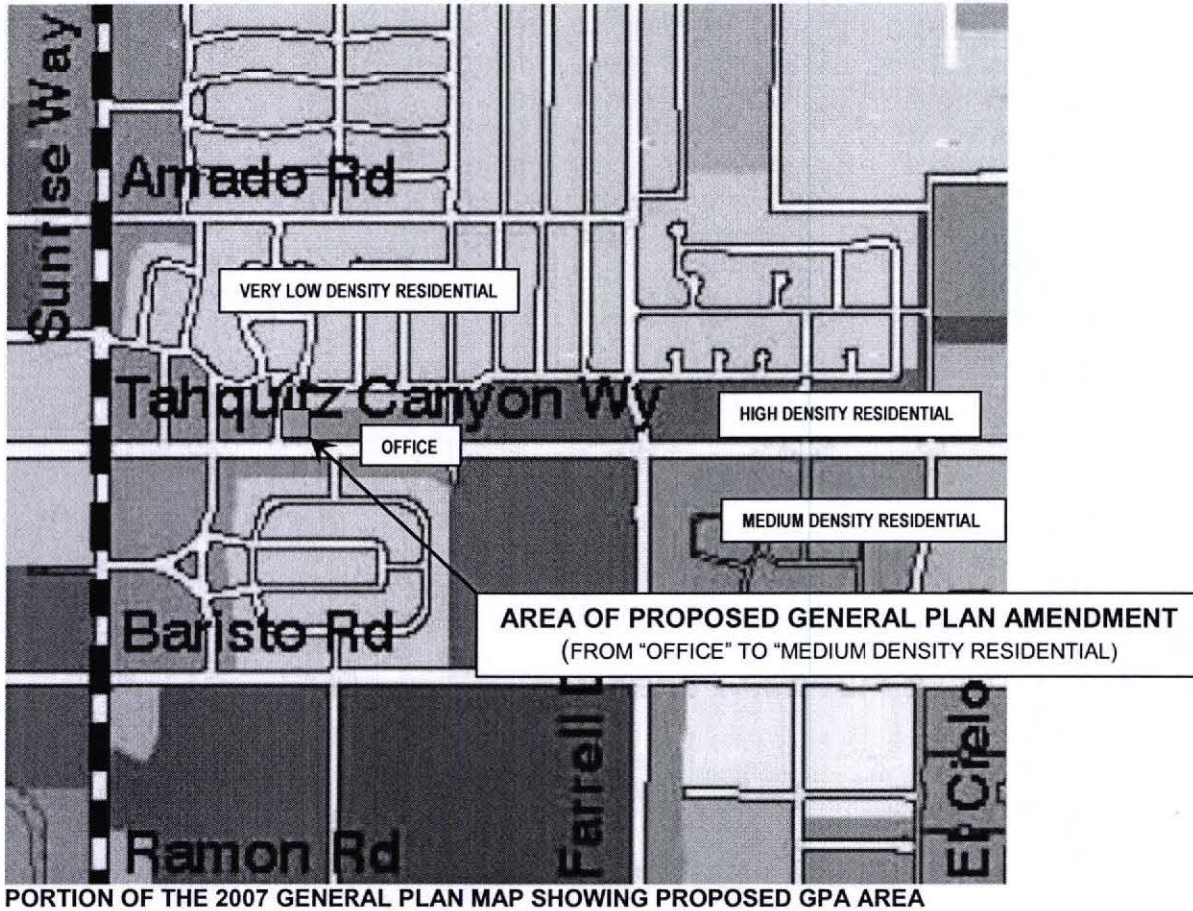
In recognition of an emerging pattern of office development along this major thoroughfare in recent years, the 2007 update of the Palm Springs General Plan changed the land use designation from "MDR" to "O" along Tahquitz Canyon Way¹.

The City had not yet updated the zoning code to "P" (Professional), (which is the corresponding zoning designation for office uses) when this application for a residential use was received. Residential uses are not permitted in the "O" land use designation, and thus the General Plan must be amended to be consistent with the zoning code for this particular parcel in order to approve the proposed condominium use. The proposed multi-family development is a "right of zone" use in the underlying R-2 zone. Below is a portion of the 2013 Zoning Map and on the following page is a portion of the 2007 General Plan Land Use Map showing the proposed GPA



PORTION OF THE 2013 ZONING MAP SHOWING THE SITE IN THE R-2 ZONE

¹ Offices are a permitted use along major thoroughfares in the R-2 zone with approval of a Conditional Use Permit.



Two exhibits showing a detailed portion of the General Plan Amendment proposal is attached to this staff report as 'Exhibit A'.

BACKGROUND INFORMATION

A Major Architectural Application was received by the Planning Department proposing a nine-unit condominium development on the subject parcel. Residential condominiums, are a "by right" use in the underlying R-2 zone, however with the 2007 General Plan Land Use designation change from "M15" (Medium Density Residential) to "O" (Office), proposing a residential use on this parcel was no longer consistent with the General Plan. (A finding of project consistency with the City's General Plan is a requirement of a favorable determination of the environmental analysis of a project under CEQA)

As noted above, while early development in the fifties and sixties was multi-family residential in nature, the past twenty years or so has seen this segment of Tahquitz Canyon Way buildout with office uses. The subject parcel is considered an "infill" lot, since it is one of the only remaining undeveloped lots along this segment of Tahquitz.

The change in land use designation in the 2007 General Plan from residential to office was logical and appropriate given that the long term growth and redevelopment along this stretch was pointed in the direction of transitioning from residential to office. California

State Law requires that a City's Zoning Map and General Plan Land Use Map be "consistent", however as a Charter City, Palm Springs is exempt from this as a legal requirement. From a practical point of view, it behooves a City to achieve as much consistency as possible among its various land use regulatory documents to reduce ambiguity in the City's "vision" for each area, as well as to minimize confusion and delay in the processing of individual development applications.



AERIAL PHOTO OF PROJECT SITE

Table 1

<i>Neighborhood Meeting</i>	
None	(the subject parcel is not in or near a recognized neighborhood organization).

Table 2

<i>Field Check</i>	
May 2013	The site is a pair of vacant lots in a fully developed area of the city.

Table 3

<i>Date of Purchase and current owner:</i>	
December 2012	Gerard & Janet Biegel

PRIOR CITY ACTIONS

Table 4

<i>Date</i>	<i>Event/Action</i>
April 8, 2013	Review and recommendation for approval of Case 3.3625 MAJ by the AAC
September 25, 2013	Planning Commission approval (7-0) of Major Architectural Application 3.3625 for a 9-unit condo and recommendation that the City Council approve GPA 5.1299 changing the land use designation for the subject parcel from "O" to "MDR".

At the Planning Commission hearing, the applicant submitted a request for removal of Engineering Condition of Approval #47 requiring undergrounding of the overhead utility lines; citing economic hardship. The Engineering Department met with representatives of the applicant and reviewed materials submitted in support of the request. Engineering does not believe a compelling argument has been made supporting their request to defer or delete the undergrounding requirement. Therefore, it is staff's recommendation that

Condition of Approval ENG #47 remain as is, requiring the undergrounding now of the utility poles and overhead lines associated with this project.

ANALYSIS

The subject parcel is comprised of two vacant lots (a lot merger is required as a condition of approval) in an area fully developed with residential and office uses. The tables below provide further analysis of the project.

Table 5 – Surrounding Existing Uses, General Plan, and Zoning Designation

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>General Plan</i>	<i>Zoning</i>
Subject Property	Vacant	O (Office)	R-2 Limited Multi-Family Residential
North	Single Family Residential	VLDR (Very Low Density Residential)	R-1-C
South	Office	O (Office)	R-2
East	Office	O (Office)	R-2
West	Office	O (Office)	R-2

Table 6

<i>Is the project located in any specific plan, special planning area, zoning overlays, conservation areas, historic district, specific plan or planned development district?</i>		
<i>Zone or Overlay:</i>	<i>Yes/No:</i>	<i>Remarks (if any)</i>
Neighborhood Org?	No	
Specific Plan?	No	
Existing Planned Development District?	No	
Planning Area?	No	
Resort Combining Zone?	No	
Airport non-suit Zone?	No	
Airport Land Use Compatibility Zone (AALUC)?	Yes	Zone E
Downtown Parking Combining Zone?	No	
Historic District Overlay?	No	
Tribal Land?	No	
Hillside or Major Thoroughfare?	Yes	Tahquitz Canyon Way is a Major Thoroughfare
Conservation Area as defined in the MSHCP?	No	
Wind Energy Overlay?	No	
Watercourse or Floodplain?	No	
Other		

FINDINGS

General Plan Amendment Findings. State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to

create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Potential adverse impacts to existing or future development in the vicinity.

Compatibility of the proposed designation with adjacent land uses.

The project site is surrounded by a variety of existing land uses including professional offices, single family residential and multi-family residential development. For many years, the General Plan land use designation for the subject parcel was "MDR" (Medium Density Residential). The City anticipated multi-family residential uses along Tahquitz Canyon Way and in the fifties and sixties, some was developed. However in that past two decades, professional office uses have been developed along Tahquitz. As a result, the area now contains a fairly even mix of offices and multi-family residential apartments and condominiums that co-exist harmoniously.

The 2007 General Plan update changed the land use designation for this stretch of Tahquitz from "MDR" to "O" (Office). The Office land use designation does not include residential development. Typically zoning and general plan land use designations are consistent, however at the time this application was submitted, the City had not yet processed the zone change from R-2 (residential) to "P" (Professional Office uses).

Office uses and limited multi family residential are generally considered a compatible set of land uses, and certainly the existing development pattern along Tahquitz would prove this out. Thus the proposed GPA reverting back from "O" to "MDR" is compatible with existing development patterns in the vicinity.

Potential adverse impacts to existing or future development in the area.

Both office and multi-family residential uses exist harmoniously along the north side of Tahquitz Canyon Way from roughly Sunrise Way to Civic Drive. The General Plan Amendment from "O" to "MDR" for the subject parcel provides consistency with the underlying R-2 zone designation. The proposed GPA was analyzed in the CEQA report and as noted, no significant adverse impacts were identified. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

Staff has concluded that the requested General Plan Amendment poses no detrimental impacts to existing or future development in the vicinity.

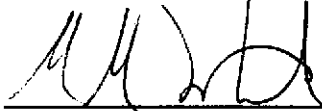
ENVIRONMENTAL ANALYSIS

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted

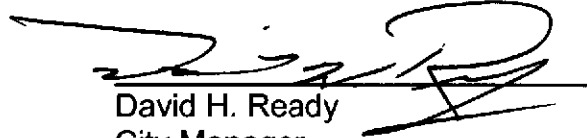
and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been proposed. A 20-day public comment period was given and no comments were received that would require recirculation of the proposed Negative Declaration.

NOTIFICATION

A written public hearing notice was made in accordance with applicable law. Comments received have been attached to this staff report.



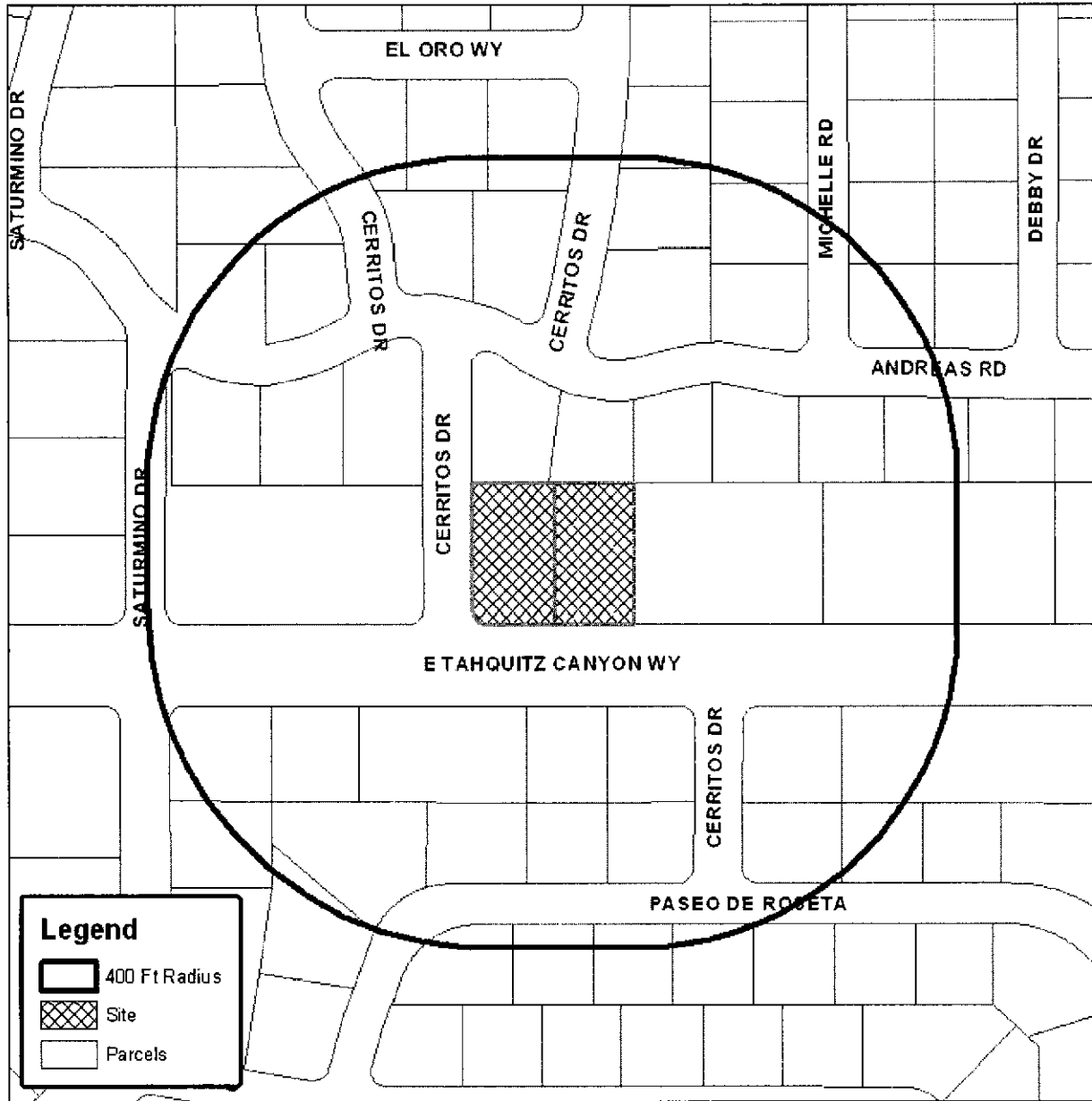
Margo Wheeler, AICP
Director of Planning Services



David H. Ready
City Manager

Attachments:

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Exhibit A – Portion of the General Plan Land Use Map showing proposed change.
- Environmental Initial Study and proposed Negative Declaration
- Correspondence between City Public Works and applicant regarding undergrounding of overhead utility lines.
- Planning Commission staff report of 9.25.13
- Planning Commission minutes of 9.25.13
- Public comment letters.



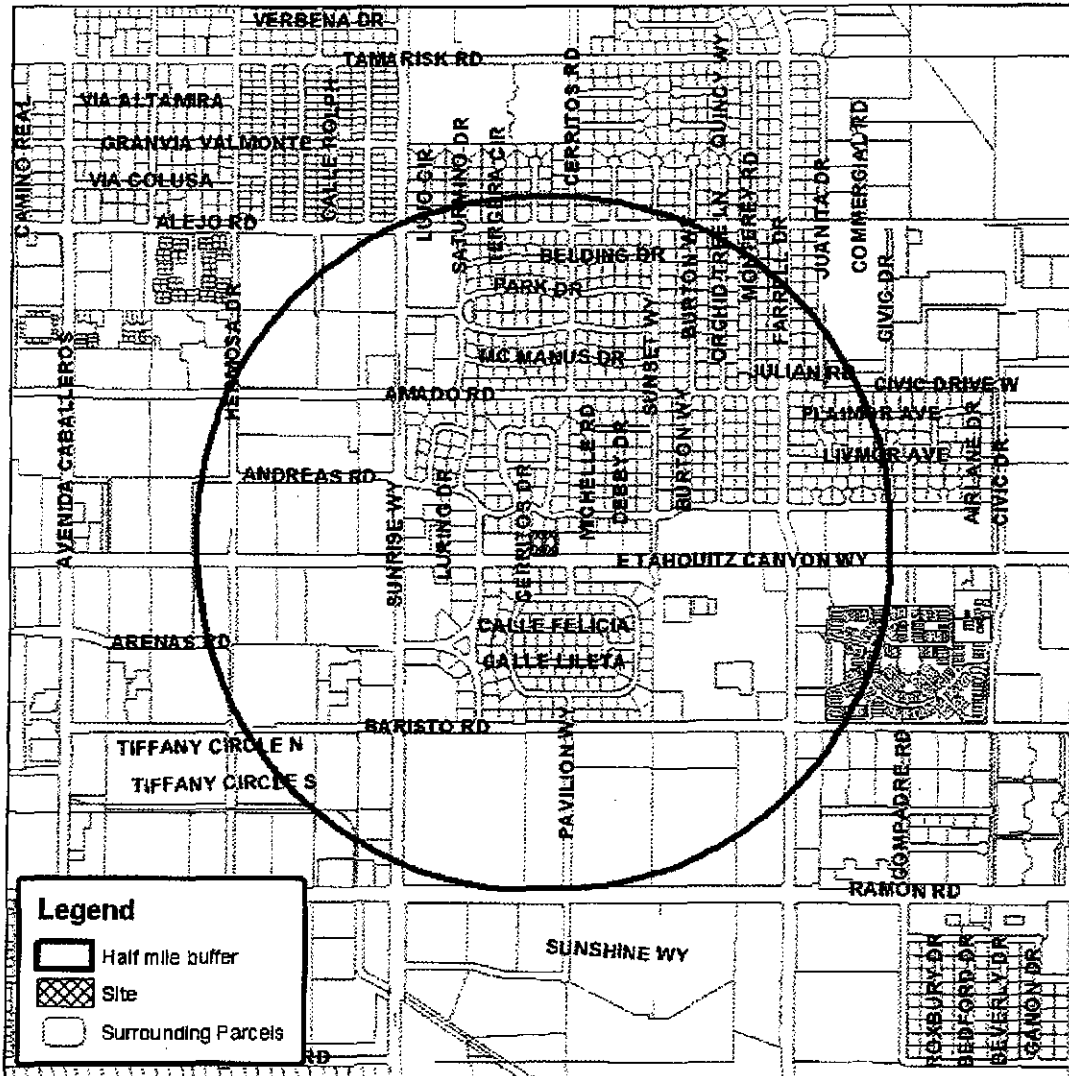
CITY OF PALM SPRINGS

CASE : 3.3625 MAJ / 5.1299 GPA

APPLICANT: Jim Cioffi for Gerard and Janet Biegel

DESCRIPTION: A major architectural application proposing development of a residential condominium project comprised of nine dwelling units in three buildings, a swimming pool, off-street parking and landscaping. The project includes a General Plan Amendment for zoning consistency to change the land use designation from O (Office) to MDR (Medium Density Residential) on a roughly 0.82-acre (35,766 square foot) parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road, Zone R2, Section 13.

CITY OF PALM SPRINGS NEIGHBORHOOD NOTIFICATION MAP



CASE : 5.1299 GPA

APPLICANT: Jim Cioffi for Gerard and Janet Biegel

DESCRIPTION: A General Plan Amendment for zoning consistency to change the land use designation from O (Office) to MDR (Medium Density Residential) on a roughly 0.82-acre (35,766 square foot) parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road, Zone R2, Section 13.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077 REVISING THE LAND USE DESIGNATION FROM "O" (OFFICE) TO "MDR" (MEDIUM DENSITY RESIDENTIAL) FOR A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTEAST CORNER OF EAST TAHQUITZ CANYON WAY AND NORTH CERRITOS ROAD.

WHEREAS, the current General Plan of the City of Palm Springs was adopted by the City Council in 2007, and

WHEREAS, the General Plan Land Use Designation in the 2007 General Plan update for the subject parcel was changed from "M15" (Medium Density Residential) to "O" (Office) in recognition of the emerging trend of office development along this section of Tahquitz Canyon Way over the past twenty years or so, This new land use designation allows for the development of offices, retail uses that are directly related to office operations, and pharmacies associated with medical office uses, and

WHEREAS, the zoning designation on the City's Zoning Map for the subject parcel is "R-2" (Limited Multiple-family Residential). Multi-family residential uses are permitted "by right" in this zone designation and Office uses are permitted with a Conditional Use Permit (CUP), and

WHEREAS, the owner of the subject parcel submitted a Major Architectural Application (MAJ) proposing a nine-unit residential condominium use (Case 3.3625 MAJ), which was not consistent with the General Plan "Office" land use designation, and

WHEREAS, for purposes of analysis of the proposed project under the California Environmental Quality Act (CEQA), in order for the City to make the findings of consistency with the General Plan on the nine-unit condominium project, the General Plan land use designation must be changed to one that allows for residential uses and the land use designation that most closely aligns with the zoning map designation of R-2 is "MDR" (multi-family residential), and

WHEREAS, the proposed General Plan Amendment is considered a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study was conducted and a 20-day public comment period was initiated. No additional information was discovered during the public comment period and a Notice of Intent to adopt a Negative Declaration under CEQA has been proposed, and

WHEREAS, a public hearing notice of the Planning Commission of the City of Palm Springs, California was published in accordance with applicable law, and

WHEREAS, a public hearing of the Planning Commission was held on September 25,

2013 to consider Case 3.3625 MAJ / 5.1299 GPA. At said meeting the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the public hearing on the project, including but not limited to the staff report, and all written and oral testimony presented and voted 7-0 to adopt the Negative Declaration pursuant to CEQA, to approve Case 3.3625 MAJ, and to recommend approval of Case 5.1299 GPA by the City Council, and

WHEREAS, Palm Springs is a charter city organized under the laws of the State of California and zoning regulations of the City are not required to be consistent with the General Plan, however, it is the desire of the Planning Commission that the General Plan ensure consistent and fair administration of the City's land use policies and programs, and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California was published in accordance with applicable law, and

WHEREAS, on November 6, 2013 a public hearing of the City Council was held, at which the Council considered Case 5.1299 GPA, an Amendment to the General Plan of the City of Palm Springs, California, proposing to amend the land use designation for an approximately 35,766 square foot parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road from "O" (Office) to "MDR" (Multi-family residential) and

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

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

SECTION 1: To adopt a Negative Declaration pursuant to the guidelines of CEQA for case 5.1299 GPA.

SECTION 2: To approve case 5.1299 GPA, an amendment to the General Plan of the City of Palm Springs by changing the land use designation for the subject 35,766 square foot parcel located at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road from "O" (Office) to "MDR" (Medium Density Residential) to establish General Plan consistency with the underlying R-2 zone to allow development of the proposed nine-unit condominium project.

ADOPTED THIS 6TH DAY OF NOVEMBER 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 4, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A – PORTION OF THE GENERAL PLAN LAND USE MAP SHOWING PROPOSED CHANGE. (CASE 5.1299 GPA)
 The two maps below show the existing and proposed land use designation for the subject parcel.



Map 1 (above) shows existing land use designations.



Map 2 (above) show the subject parcel with the proposed land use change from Office to Medium Density Residential.

**NOTICE OF INTENT
TO ADOPT A NEGATIVE DECLARATION
"GPA / 9-Unit Condo-3.3625-MAJ"**

**PUBLIC VIEWING COPY
RETURN TO PLANNING
SERVICES COUNTER**

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

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

PROJECT TITLE: GPA / Nine-Unit Condominium – 3.3625-MAJ

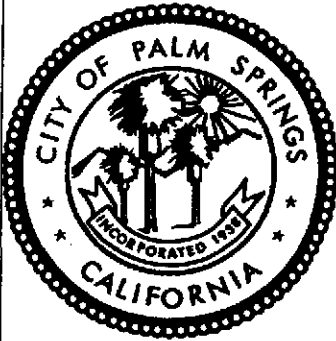
PROJECT LOCATION: Northeast Corner of Tahquitz Canyon Way & Cerritos Road
APNs 502-075-001 & 002

PROJECT DESCRIPTION: The project is a General Plan Amendment (GPA) for zoning consistency to allow a proposal to develop a nine-unit condominium complex with common outdoor areas, off-street parking and landscaping on approximately 35,756-square foot property. The current general plan designation of the property is O (Office); the current zoning designation is R-2 (Limited Multi-Family Residential), an amendment of the general plan designation to MDR (Medium Density Residential) will allow for consistency with the current R-2 (Limited Multi-Family Residential) zoning designation; thereby allowing residential development on the property, subject to environmental review. Medium Density Residential designation allows up to 15 dwelling units per acre; this land use designation will accommodate a range of residential development including single-family attached, single-family detached, duplexes, townhomes and multi-family complex.

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

PUBLIC REVIEW PERIOD: A 20-day public review period for the Draft Negative Declaration will commence at 8:00 a.m. on August 27, 2013 and end on September 16, 2013, at 6:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address:
Edward.Robertson@palmspringsca.gov.

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



**INITIAL STUDY/NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT**

August 12, 2013

Project Title:	General Plan Amendment / 9-Unit Condo Development	
Case No.	GPA/9-Unit Condominium Development – 3.3625	
Assessor's Parcel Nos.	502-075-001 & 502-075-002	
Lead Agency Name and Address:	City of Palm Springs 3200 E. Tahquitz Way Palm Springs, California 92262	
Project Location:	Northeast Corner of Tahquitz Canyon Way & Cerritos Road	
Project Sponsor's Name and Address:	City of Palm Springs	3200 E. Tahquitz Way Palm Springs, California 92262
General Plan Designation(s):	O (Office)	
Zoning Designations:	R-2 (Limited Multi-Family Residential)	
Contact Person:	Edward O. Robertson, Principal Planner	
Phone Number:	(760) 323-8245	
Date Prepared	August 12, 2013	

Description of the Project

The project is a General Plan Amendment (GPA) for zoning consistency to allow a proposal to develop a nine-unit condominium complex with common outdoor areas, off-street parking and landscaping on approximately 35,756-square foot property. The current general plan designation of the property is O (Office); the current zoning designation is R-2 (Limited Multi-Family Residential), an amendment of the general plan designation to MDR (Medium Density Residential) will allow for consistency with the current R-2 (Limited Multi-Family Residential) zoning designation; thereby allowing residential development on the property, subject to environmental review. Medium Density Residential designation allows up to 15 dwelling units per acre; this land use designation will accommodate a range of residential development including single-family attached, single-family detached, duplexes, townhomes and multi-family complex.

Environmental Setting and Surrounding Land Uses

The GPA will apply to the two parcels identified; the project is located in an area of mixed uses, including professional offices and apartment buildings.

Other public agencies whose approval is required

None

Environmental Factors Potentially Affected:

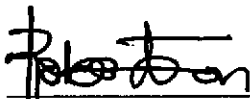
The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

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

DETERMINATION: The City of Palm Springs Planning Department

On the basis of this initial evaluation:

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



Edward Robertson
Principal Planner

8.26.13

Date

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if a proposed General Plan Amendment may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of a Negative Declaration.

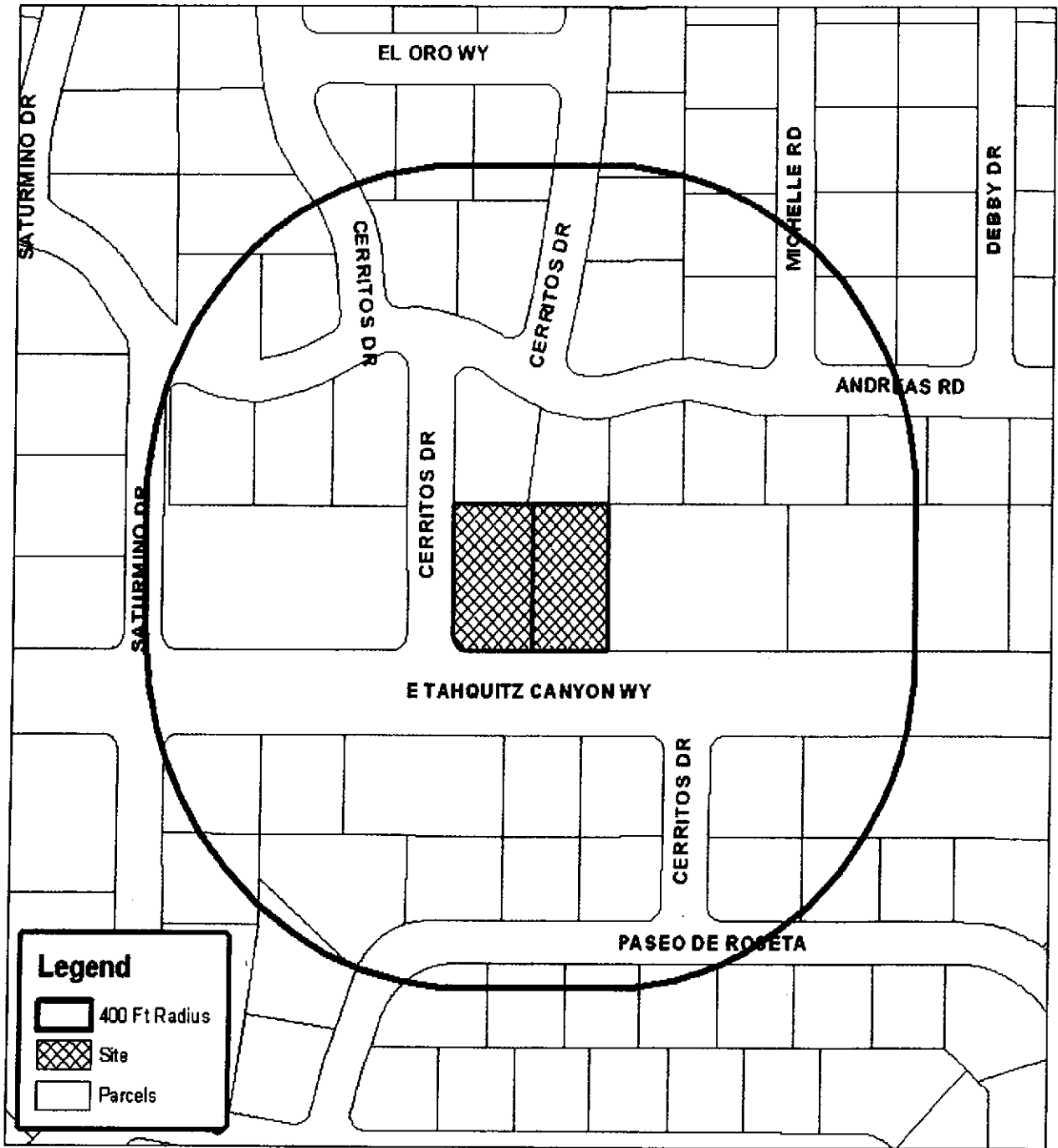
EVALUATION OF ENVIRONMENTAL IMPACTS

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

INITIAL STUDY/NEGATIVE DECLARATION

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.

Vicinity Map



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

Setting

The City of Palm Springs is located in the valley floor in the southwest corner of the Coachella Valley where Palm Canyon enters the valley from the south. The city is framed by views of the San Jacinto Mountains to the south, west, and partially to the east; by open desert and the City of Cathedral City to the east; and the Little San Bernardino Mountains to the north.

Discussion of Impacts

- a) & c) **No Impact.** The project will not have a substantially adverse effect on any scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. The project is located within a fully developed area; the General Plan designation of the two parcels is not consistent with the current zoning of the parcels hence a General Plan Amendment is required. Proposed architectural plans for the development will be reviewed by the City's Architectural Advisory Committee (AAC), to ensure that the project is consistent with the existing development in the area. Therefore, the project will have no impact on scenic vistas and the existing visual character of the project site.
- b) **No Impact.** The proposed project is not located adjacent to or within a state scenic highway and consequently, will have no impact on scenic resources within a state scenic highway.
- d) **No Impact.** Construction of the project would have some lighting impacts, characteristic of a residential development. It is not anticipated that the project will create substantial light and glare that could affect night-time views. The type of lighting proposed would be required to comply with City's "dark sky" ordinance pursuant to standards outlined in Section 93.21.00 of the zoning ordinance. In part, the City's exterior lighting ordinance requires that exterior light shall be (a) architecturally integrated with the character of the associated structures, site design and landscape;

(b) Directed downward and shielded, or specifically directed to walls, landscape elements or other similar features, so that light is confined within the boundaries of the subject parcel; (c) Installed so that lights do not blink, flash or be of unusually high intensity or brightness; (d) Appropriate in height, intensity and scale to the uses and the site they are serving; (e) Installed in conformance with the provisions of this section, the building code, the electrical code, and under appropriate permit and site inspection. Therefore, there will be a less than significant impact to day or nighttime views in the area due to light and glare.

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The City is an urban environment, and does not contain agricultural lands, or agricultural land uses. Agriculture occurs in the eastern Coachella Valley which is at least 15 miles to the east of Palm Springs.

a)-c) **No Impact.** There are no designated farmlands in the City. As a result, no agricultural land uses occur in the City, and zoning standards are not relevant. There are no known Williamson Act contracts in the City. The proposed General Plan Amendment will not change the existing environment due to this location and therefore, will have no impact on agricultural resources.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The City of Palm Springs is located in the Coachella Valley. Palm Springs climate is characterized by low annual rainfall (2 to 6 inches per year) and low humidity with temperatures ranging from 80° F to 108° F in July and 40° F to 57° F in January. The City is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD) as relates to air quality management. The SCAQMD maintains air quality monitoring stations in Palm Springs and Indio. The stations monitor criteria pollutants ozone, nitrogen dioxide, carbon monoxide, particulate matter under 10 microns (PM₁₀) and fine particulate matter 2.5 microns in size (PM_{2.5}). The Coachella Valley is currently a non-attainment area for particulate matter of 10 microns or less, and ozone.

a)-f) **No Impact.** The General Plan amendment will have no impact on air quality; applicable conditions of approval will be imposed on the associated development to ensure that the project complies with required regulations. Therefore, no impacts on air quality.

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

Setting

The City is located in the Coachella, which is located in the Sonoran Desert. The most common habitat in the City is creosote bush scrub. The City has participated in the preparation and adoption of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), which establishes reserves for species of concern, requires the payment of a mitigation fee for lands not designated for conservation, and requires the preparation of biological resource studies for certain species. All projects proposed in the City are subject to the requirements of the CVMSHCP.

Discussion of Impacts

- a)-f) **No Impact.** The proposed General Plan Amendment and proposed associated development will have no impact on biological resources. The amendment will make no changes to existing General Plan policies and programs geared toward the preservation of species. The property involved is surrounded by existing development; the land has been previously disturbed and no evidence of any existing habitat or any species identified as a candidate on the subject site.

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

Setting

The City occurs in the traditional territory of the Desert Cahuilla, with a history dating back to 1,000 BC. Evidence of Cahuilla occupation in the Coachella Valley dates to over 500 years ago, when the Tribe settled around ancient Lake Cahuilla, in the area of present day La Quinta and Indio. The canyons surrounding Palm Springs also have yielded evidence of use by the Tribe, which took advantage of water sources, food sources from plants and animals, and rock for tool-making.

The City occurs well outside the boundary of ancient Lake Cahuilla, an area where paleontological resources have occurred. Further, soils in the City are generally post-Pleistocene age alluvium from the surrounding mountains, too new in the context of paleontology to yield fossilized remains.

Discussion of Impacts

a)-d) **No Impact.** The proposed General Plan Amendment will have no impact on cultural resources. The amendment will not alter existing General Plan policies and programs intended for the preservation of cultural resources. The City will continue to confer with the Agua Caliente Band of Cahuilla Indians on individual projects, to assure that potential impacts are addressed and mitigated as construction occurs.

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

Settling

The San Andreas Fault zone is the major fault in the Coachella Valley. Breaks associated with the Fault cover a generally northwest-southeast trending zone approximately 10 miles wide, north and east of the City. There are no Alquist Priolo Fault Zones in the City.

Soils in the City consist of alluvial deposits which originated in the surrounding mountains, and consist primarily of sands, silts and cobbles.

Discussion of Impacts

- a)-e) **No Impact.** The proposed General Plan Amendment will have no impact on geology or soils. The subject site is surrounded by various developments; there are existing City streets and sidewalks on both sides of the property as well. The site is not located on a geologic soil that is unstable; the City's Building regulations would ensure that proposed structures on the land do not become unstable as a result of the development. The proposed construction of a nine-unit condo project will not expose people to potential substantial effects.

VII. HAZARDS AND HAZARDOUS MATERIALS

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

Setting

The City's Fire Department and the Riverside County Department of Environmental Health implement regulation of hazardous material storage, use and transport. There are a number of small generators of hazardous materials in the City. Housing development in the future will result in small quantities of household cleaners, chemicals and similar substances.

Discussion of Impacts

- a)-h) **No Impact.** The proposed General Plan Amendment will have no impact on hazards and hazardous materials. The proposed development of nine-unit condominium will not result in the transport, use or storage of significant quantities of hazardous materials. The development of housing is not expected to affect emergency response plans. This area of the City is not subject to hazards from wildland fires.

VIII. HYDROLOGY AND WATER QUALITY

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

VIII. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Desert Water Agency (DWA) supplies domestic water to the City. The DWA pumps water from a number of wells throughout the area for domestic use. Groundwater has historically been the principal source of domestic water in the City. DWA also recharges groundwater through recharge basins located in the northwestern portion of the City. Sanitary sewer services to the site will be provided at the City's treatment plant.

The City is implementing a master plan of drainage to address flood control issues. In addition, the City requires that all projects contain the 100 year storm on-site, and implement stormwater management plans to assure that the provisions of the National Pollution Discharge Elimination System (NPDES) are adhered to.

Discussion of Impacts

a)-h) **No Impact.** The proposed General Plan Amendment and associated development will have no impact on hydrology or water quality. As described above, the City implements standard conditions of approval for all projects to assure that water quality is preserved, and stormwater is retained and does not affect other properties. The General Plan amendment and the development of proposed nine units will not violate any water quality standards or waste discharge requirements; the development will be in compliance with all applicable water quality standards and wastewater discharge requirement consistent with City Standards.

Wastewater from the development will be discharged through the existing municipal sewer system. The project would be required to meet all City, regional and State applicable water quality standards or waste discharge requirements thereby avoiding violation of such standards or requirements. Therefore, compliance with all standards would ensure that there are no impacts to the environment. The project proposes to use water supplied by the Desert Water Agency (DWA). Based upon the minimal number of new homes proposed (nine), and the use of drought-tolerant landscape materials, the project is not anticipated to substantially deplete groundwater supplies, interfere substantially with groundwater recharge, or substantially increase demand for water. Therefore, there will be no impact.

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

Setting

The City's General Plan includes a mix of residential, commercial, open space and institutional uses. The Housing Element is a component of the General Plan, and identifies goals, policies and programs to facilitate the development of housing throughout the community. The City's Zoning Ordinance is the implementation tool for the General Plan. It includes zoning districts which correspond to the General Plan's land use designations for each type of land use in the City, and establishes development standards and guidelines for all types of uses. In this case, a General Plan amendment is necessary because the current General Plan and zoning designation of the site do not correspond.

Discussion of Impacts

a)-c) No Impact. The proposed General Plan Amendment will have no impact on land use and planning. The proposed amendment is consistent with State law to allow for the proposed development of the affected property. The General Plan Amendment will not affect development standards or guidelines already in place. The GPA will not divide the established community nor will it conflict with the existing land use designation of the subject property. Therefore, no impacts are anticipated as a result of the amendment.

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

Setting

The California Division of Mines and Geology identifies portions of Palm Springs as a resource zone for aggregate/industrial minerals. The majority of the City is located in Mineral Resource Zone 3 MRZ-3 (an area containing mineral deposits the significance of which cannot be evaluated from available data). MRZ-2 areas are located in the northern portion of the City. MRZ-2 represents an area where adequate information has been established to indicate that significant mineral deposits are present, or where it has been judged that a high likelihood for such deposits exists. Minerals in the Palm Springs area are limited to sand and gravel for aggregate and/or decorative stone purposes and limestone.

Discussion of Impacts

a)-b) **No Impact.** The proposed General Plan Amendment will have no impact on mineral resources. Lands designated for residential development in the City do not occur on significant mineral resources. The subject site is not designated as a locally important mineral resource recovery site delineated on the City's general plan.

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

Setting

The City of Palm Springs requires that the community noise equivalent level (CNEL) does not exceed 65 dB at the exterior living areas (rear yards) or 45 dB at the habitable interior living area for residential land uses.

Discussion of Impacts

- a)-f) **No Impact.** The proposed General Plan Amendment will have no impact on noise. The associated residential project will be required to implement the City's noise attenuation standards. However, impacts related to noise would be associated with short-term construction activities. Although periodic noise levels have a potential to be higher during periods of construction, this will be temporary in nature; all vehicles will be required to have adequate muffling devices to ensure compliance with the City's Noise Ordinance. The proposed project site would not result in exposure of persons to or generation of groundborne vibration or noise levels.

Construction hours are limited by the City's Noise Ordinance. With the implementations of City's standard conditions during construction activities, there will be no impacts. No substantive increase in noise levels would be associated with this completed project. This project is located within two miles of the Palm Springs International Airport, however, it is not along the Airport Land Use Compatibility Pan Area; therefore residents would not be subjected to air traffic noise at any level of significance.

XII. POPULATION AND HOUSING

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

Setting

The City's population in 2010 Census is estimated to be 47,601. This population is housed in a total of 33,558 housing units. Single family attached and detached developments represent approximately 56% of the current housing stock.

Discussion of Impacts

a)-c) **No Impact.** The General Plan Amendment is required for consistency with the current zoning designation of the subject property. Although the associated nine-unit condo could add approximately 18 new residents to the City, this does not represent a significant increase to the City's current population. Furthermore, the project site is currently vacant, there are no existing housing on the property; therefore, substantial numbers of people will not be displaced.

XIII. PUBLIC SERVICES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project result in:

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Fire Protection. The Palm Springs Fire Department provides fire protection and emergency medical service to the City. The Department currently operates five fire stations located throughout the city. The City has established maximum fire response time at five minutes.

Police Protection. The City of Palm Springs Police Department provides law enforcement services within the City limits. The Department has a Services Division and an Operations Division. The Department does not have a standard ratio of officers to population, but does have a desired response time of 6 minutes for emergency calls and 20 minutes for non-emergency calls.

Schools. The Palm Springs Unified School District (PSUSD) provides educational services for grades K-12 in the City of Palm Springs. Currently, there are 4 elementary schools, 1 middle school and 1 high school in the City. PSUSD is authorized to collect school facilities fees as provided for in Government Code Section 53080 et. seq. and 65995 et seq.

Parks. The City of Palm Springs has seven parks located on approximately 140-acres within its boundaries. The City has a standard park ratio of 5 acres of parkland for every 1,000 population as required by City Ordinance 1632.

Discussion of Impacts

a)-e) No Impact. The proposed General Plan Amendment will have no impact on public services. The developers of the nine-unit condo will be required to contribute to the City's emergency services CFD, to offset the costs of providing emergency services to new development. Similarly, the project will be assessed State-mandated school fees, and will be assessed Quimby fees, or will provide parkland within their boundaries, to address the need for additional parks.

XIV. RECREATION

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

Setting

In addition to the 140-acres of developed parkland and several public and private golf courses, the City also includes a system of hiking/equestrian trails as well as bikeways. Other recreational offerings in the area include the Whitewater Wilderness Study Area and the Murray, Andreas and Palm Canyon recreation areas which are operated by the Agua Caliente Band of Cahuilla Indians.

Discussion of Impacts

a)-b) **No Impact.** As described above, the proposed housing project will be assessed Quimby fees, or will provide parkland within its boundaries, to address the need for additional parks. Because of the inclusion of recreational facility in the project, the development will not increase the use of existing neighborhood and regional parks. As designed and proposed, the condo project includes recreational facilities for future occupants, the park area will not have an adverse physical effect on the environment.

XV. TRANSPORTATION/TRAFFIC

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

Setting

The City's General Plan Circulation Element was developed to address the impacts of the land uses proposed in the Land Use Element. It establishes a system of arterial, collector and local roadways which are designed to carry the anticipated build out traffic generated throughout the City, as well as in the region. Housing projects in the future are expected to occur throughout the new residential zones, and will integrate into the existing roadway system.

Discussion of Impacts

a)-g) **No Impact.** The proposed General Plan amendment and current zoning designations are to allow consistency in land use which will facilitate residential development in the affected property, the proposed development could affect the volume or location of trips which are projected to occur in the future. As stated earlier, the immediate surroundings of the project area is fully developed with a mix of residential, professional and small scale commercial development; absent of the GPA, the project would be an infill development. Therefore, it will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

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

Setting

Water service is provided by the Desert Water Agency (DWA). DWA obtains most of its water supply from groundwater. The City is located within two subbasins of the Coachella Valley Ground Water Basin: The Mission Creek subbasin; and the Garnet Hill and Palm Springs subareas of the Whitewater Subbasin.

Solid waste service is provided by Palm Springs Disposal Service. Solid waste generated in the City is sent to the Edom Hill transfer station, located in the City of Cathedral City. Permitted throughput of the facility is 2,600 tons per day. Solid waste from the transfer station is disposed of at one of three landfills: Lambs Canyon (remaining capacity 25,967,000 cubic yards); Badlands Landfill (remaining capacity 15,036,809 cubic yards); or El Sobrante Landfill (remaining capacity 184,930,000 cubic yards) (City of Palm Springs, 2005).

Discussion of Impacts

a)-g) **No Impact.** The proposed residential project will be required to implement sanitary sewer, domestic water and drainage plans which meet the City's standards. The project will also be required to provide solid waste collection and recycling. The development proposal would not exceed the waste water treatment facility capacity, would not require the construction of a new storm drain system, will be served by a waste transfer and recycle site that can accommodate the project's needs and will comply with federal, state and local statutes and regulations relating to solid waste. Therefore there will be no impact to those systems. The Desert Water Agency (DWA) currently owns, operates, and maintains water distribution and pumping facilities that serves the project area. The project developer will be required to connect to existing DWA water infrastructure to provide water to the site for construction and domestic water service. The developer will be required to comply with all rules, regulations, and other requirements of the DWA in order to provide water service to the site. Water service requirements may include, but are not limited to, upgrades, modifications, replacement, and abandonment of existing DWA facilities on the site. These improvements may require construction within and adjacent to public rights-of-way and exiting and/or proposed easements. Construction will occur in accordance with DWA and City requirements and will not cause any adverse effects upon the environment.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) No Impact. The subject parcel has been previously disturbed and is surrounded by existing urban development. The proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources because the proposed project site contains no evidence of any critical habitat or endangered species. No officially listed plants or animal species were detected during field surveys, therefore there would be no impact on biological resources, including fish or wildlife species, or rare or endangered plant or animals.				
b) No Impact. Upon approval of the GPA, the project would be consistent with the City's General Plan and would not create any potentially significant impacts. The proposed project is for a total of nine residential units on an infill lot. There are no other new projects currently under construction in the immediate vicinity of the project. Furthermore, the proposed project will be located on a previously disturbed parcel that has long been designated for residential land uses.				
c) No Impact. Based on the preceding discussions and analysis, the proposed project would not have any direct or indirect adverse impacts on human beings.				

REFERENCES

- 1) City of Palm Springs. City of Palm Springs Draft Environmental Impact Report; October 2007.
- 2) City of Palm Springs. City of Palm Springs General Plan, & City of Palm Springs General Plan Technical Appendices. 2007.
- 3) City of Palm Springs. City of Palm Springs Zoning Code. 2004.
- 4) City of Palm Springs. Citywide Historic Resources Survey. June 2004.
- 5) Government Code Section 65962.5(f), "Hazardous Waste and Substances Statement".
- 6) South Coast Air Quality Management District. CEQA Air Quality Handbook. 1993.
- 7) Riverside County Airport Land Use Commission. Riverside County Airport Land Use Compatibility Plan. October 14, 2004.

Other:

- All parking lines and arrows to be repainted rather than only some.

3. Case SP 12-001 Restudy – La Plaza Sign Program - Best Signs, Inc. to establish a sign program for the commercial complex known as La Plaza located at 115 South Indian Canyon Drive, Zone CBD, Section 15. The complex is designated as a Class 1 Historic Site. (DN)

ACTION: (Harlan/Fauber, 5-1-1, opposed Thompson, absent Kleindienst) Approve, with conditions.

Proposed conditions:

- Arcade signs text not be within 4" of roof tiles with exception of 5% text (4/1/13 Master Sign Plan p. 11)
- Tiles to match those on stairs (p. 22) and be placed all around base of lamp posts and monument sign base (p. 4).
- Omit existing cantilevered I.D. sign.
- Omit wall sign near stairs (p. 6).
- Light fixture bracket material to match that of hanging signs.
- New tenant signs shall be harmonious with font, color and size on main monument sign (p. 4).

Comment: Existing lampposts without banners to be removed in future.

4. Case 3.3625 MAJ - An application by Gerard and Janet Biegel proposing development of a nine-unit condominium project on an approximately 36,766 square foot lot at the northeast corner of Cerritos Road and East Tahquitz Canyon Way (Zone R-2) (KL)

ACTION: (Fauber/Secoy-Jensen, 6-0-1 absent Kleindienst) Approve.

Comments and questions were made regarding the trash location, carports use of solar and landscaping material.

5. Case 5.1297 PD 364/TTM36548 - Wessman Development Company for the construction of a 43-unit detached single-family residential development on approximately 6.37 acres of vacant land located on the west side of Belardo Road, south of Morongo Road, Zone R-3 and I.L. Section 22. (DN)

ACTION: (Secoy-Jensen/Thompson, 6-0-1 absent Kleindienst) Approve.

Questions:

- Screen walls, location and materials.
- Landscape material and placement.

Ken Lyon

From: Savat Khamphou
Sent: Monday, October 28, 2013 9:51 AM
To: 'Ralph'
Cc: Ken Lyon; Carol Templeton; Dave Barakian; Margo Wheeler
Subject: RE: Project Memos & Reports for

Mr. Hitchcock

At a meeting on October 9th you asked the Planning Commission to waive the requirements for undergrounding utilities. You mentioned that undergrounding affected poles on the new development would require the installation of additional poles and that this would be a financial hardship for the developer if this requirement is imposed upon. The Planning Commission deferred that decision to Public Works & Engineering and also requested supporting documentation and a letter of support from Southern California Edison. At meeting on October 23 with Carol Templeton and Savat Khamphou, you provided verbal explanations and two copies of a single plan sheet supporting your case. Dave Barakian, Director of Public Works, and I had a teleconference with you on October 24, and we listened to your explanation and also provided an alternative for undergrounding to meet the requirements. However, we reiterated the need for supporting documentation to present to the Planning Commission, such as a detailed cost estimate, and letters of support from the affected utilities, so we can make our determination.

We have received the following attached information from you in addition to the plan drawing received on October 23rd. We also explained to you that we cannot waive the requirement and that the best we could do is a deferral of undergrounding with a covenant recorded, if appropriate justification with supporting documentation was provided and approved by the Director of Public Works.

Based on the information provided, we cannot support deferral of the undergrounding requirements, therefore, the conditions of approval still apply.

Per our teleconference on October 24th, we suggested that you keep the poles at east and west ends of the property line and underground the pole in between the two poles. This would also satisfy the undergrounding requirement by the City and should reduce the scope and cost of undergrounding requirements.

Please feel free to call us if you have any questions. Thank you.

Savat Khamphou
Assistant Director of Public Works/
Assistant City Engineer
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
(760) 323-8253 x8744
(760) 219-5404 (cell)

From: Ralph [<mailto:rehitchcock@verizon.net>]
Sent: Thursday, October 24, 2013 3:07 PM
To: Carol Templeton; Savat Khamphou; Barakian, David
Cc: Hitchcock, Ralph; Cioffi, James
Subject: Project Memos & Reports

Per your request. thanks

Ralph E. Hitchcock
Ralph E. Hitchcock & Associates
37-876 Mtn. Shadow Lane
Cathedral City, CA 92234
T - 760-324-9658

Ralph E. Hitchcock & Associates
37-876 Mtn. Shadow Lane
Cathedral City, CA 92234

Telephone 760-324-9658
e-mail rehitchcock@verizon.net

To: Mr. Savat Khamphou

Subject: 2012 – 2042 E. Tahquitz Canyon Way
Request for waiver, underground conversion.

Thank you for the time to discuss the issues associated with our request for a waiver regarding the City's underground conversion ordinance. The following reiterates the circumstance which we believe to be the pertinent issues supporting our request and some clarification regarding your questions.

A simplified version of the ordinance requires the conversion of existing overhead wood pole utility systems to underground. The intent is for poles on or adjacent to the developing project. In numerous prior projects the City's application has been to the first appropriate wood pole outside of the project. And if such a pole is not available, the installation of a new pole closest to the property to accommodate the new underground connection. Ordinance waivers have been granted due to extenuating circumstance.

The SCE standard for overhead distribution system construction is the wood pole. And as noted in our discussion, the conflict for new underground terminations is not the pole its self, but the installation of multiple utility facilities, which in this case create a safety issue for line workers. Clearly, the next applicable poles outside of the project area have existing appurtenances that create such a construction standard conflict. Therefore, three new poles would be required to terminate a new underground system.

Per your request I followed each wood pole line to the point of the next clear pole. In each and every case the next clear pole was several blocks distant from the project property line. In each case a significant portion of these lines traversed rear property lines. Again, SCE standard for underground construction is street side development. Therefore, replacement of the rear property line system, to reach an appropriate clear pole, would require a new underground system on each side of the block. Clearly, the construction of a new underground system extending several blocks in each direction, with the attendant issues is an excessive burden for any project and just as clearly well outside of the next pole outside of the project interpretation.

In addition to the exhibit provided in yesterday's meeting, please find attached copies of the SCE planner's explanation of the conflict associated with multiple appurtenances and the safety issue, my 3.11.13 memo regarding the observation and evaluation of the proposed underground conversion, and our latest memo summarizing the issues.

If you have any additional questions please call.

Sincerely:

Ralph E. Hitchcock

Ralph E. Hitchcock

Ralph

From: <vincent.alvarez@sce.com>
To: <REHITCHCOCK@VERIZON.NET>
Sent: Monday, September 30, 2013 10:37 AM
Subject: RISER CONFIGURATIONS ON POLES WITH TRANSFORMERS
Mr. Hitchcock,

I am sending you an email per your request. We do not typically install UG risers on poles with existing transformation (and vice-versa). This type of construction encroaches into the climbing space, which is a direct infraction of General Order 95.

Also, a copy of the FIM you requested is awaiting you up in our front office.

Should you necessitate any further information, please feel free to contact me.

Attentively,

Vince Alvarez, III
Southern California Edison
Service Planner
Palm Springs Service Center
36100 Cathedral Canyon Dr.
Cathedral City, CA. 92234
(O) 760.202.4217/PAX 14217
(F) 760.202.4294/PAX 14294
vincent.alvarez@sce.com

2012 & 2042 E. Tahquitz Canyon Way, Palm Springs
Assessment – Overhead to Underground Utility Conversion

The following report provides an overview of the utility field conditions, the relevant construction or reconstruction issues, and our conclusions regarding compliance with the City of Palm Springs Utility Undergrounding Ordinance. There are three utility poles on the north side of the subject property. Their respective utility functions are described as follows:

Northwest Corner Pole - The pole on the northwesterly project corner supports an electrical transformer that supplies 120/240 volt electrical service to two of the residential units just north of the rear property line. The electrical cable for these services runs from the originating pole to the pole at the northeasterly corner across the rear of the subject property.

The 4.8 kV electrical circuit on this pole enters from the west and turns north on this pole. It also supports two telephone cables and a TV cable.

The next poles to the north and west are also burdened with electrical facilities which inhibit the accommodation of new underground riser terminations. The pole to the north supports an electrical transformer and the pole to the west supports an existing underground riser connecting a pad mount transformer serving the building on that parcel.

Observation: This pole should be reconfigured so that the existing transformer will be replaced with a new underground riser to energize the newly installed pad mount transformer required to provide service for the new buildings as well as to maintain electrical service for the existing 120/240 volt service cable originating on this pole.

If pressed to remove this pole to accommodate the City Ordinance the addition of one or possibly two more poles would be required to accommodate the electrical utility's construction standards.

Mid Property Pole – The pole located approximately mid-way on the rear property line is a much shorter pole that was installed to support the much heavier Verizon telephone cables. These cables are a 1,200 pair fiber optic cable and a 400 pair copper-coaxial cable. A TV cable is also connected to this pole.

Northeast Corner Pole – The pole on the northeasterly corner supports the 120/240 volt electrical service cable and the service cables for the two residences lying on the north side of the property line. It also supports the two telephone cables as well as the TV cable.

The next pole east of this location is on the east side of the radio station property. The rear portion of this property is a concrete paved parking lot. The very minimal planting

space between the concrete and rear fence is too narrow to accommodate a cable trench and pull boxes that would be required for underground utility systems.

Observation: Removing this pole would require the conversion of the two electrical services, telephone services, and TV services to the north (working on and enhancing the property of parties with undefined liability and construction standard issues) as well as extensive concrete demolition and replacement on the radio station property (assuming their willingness to accommodate this type of construction across their property).

Verizon Cables – The complex and rather costly issues associated with the conversion of the electrical system are compounded by the potentially more burdensome reconstruction issues associated with the large Verizon cables. Verizon has advised that they would tentatively concede to locating a new trench, duct, and substructure system along the rear property setback. If approved the Verizon and associated developer costs could range from \$175,000 to \$225,000. However, this construction plan would be subject to approval by their regional engineering staff that could require full underground replacement between existing structures to the west and east which are located well outside the immediate property area. Their judgment would simply be based on an effort to minimize splices within the cable system which are additional sources of cable service and reliability issues.

Conclusion: It would seem that the aesthetic benefits associated with converting approximately 200 feet of overhead utility systems to underground on the rear property line of this project are exceeded by the inherent complexities and costs associated with these particular utility systems. The intended removal of three utility poles could be offset by the addition of one or two new poles. The in place conversion cost for the telephone system is considered to be excessive, for one small project, and if required the full replacement of the fiber system is clearly excessive. The problematic issues associated with this particular project are more prudently and economically addressed through a district conversion program rather than via a single small project lying in the midst of these complex utility issues.

Ralph E. Hitchcock

Ralph E. Hitchcock

Biegle Property Underground Conversion

City – Conversion of overhead utilities on or adjacent to the subject property.

In this case there are 3 poles on the rear property line subject to the ordinance.

The pole on the north west corner – due to all other poles beyond this pole having existing electrical equipment that preclude the addition of the overhead to underground connection facilities. Therefore, to convert this pole to underground would require the installation of two new poles.

The pole at the north east corner – Supports a service voltage cable serving two properties northerly. Conversion would involve existing landscape, pool decking, converting their service panels and other conflicts on neighbor's property.

The next pole to the east sits on the Radio Station property. The pole is surrounded by their concrete paved parking lot. Creating access to the pole would require cutting into the parking lot to accommodate the handholes and pullbox required for electrical, telephone, and TV.

Verizon – There are two large capacity telephone cables on the rear property line. A 1,200 pair fiber and a 400 pair coax cables. Subject to final engineering approval, converting these cables to underground along the rear property line is estimated to be \$200,000 or more. If their systems engineer does not approve the rear property design and requires front and side property construction the cost will be significantly greater.

Therefore,

- Having to install two new poles in close proximity to the removed pole further burdening the view scape of the neighbors.
- The extensive costs associated with conversion of the Verizon cables.
- The extensive off property work that would be required.
- And the conversion work required on the property of others.
- **We request a waiver of the ordinance.**

Ralph

From: <vincent.alvarez@sce.com>
To: <REHITCHCOCK@VERIZON.NET>
Sent: Monday, September 30, 2013 10:37 AM
Subject: RISER CONFIGURATIONS ON POLES WITH TRANSFORMERS
Mr. Hitchcock,

I am sending you an email per your request. We do not typically install UG risers on poles with existing transformation (and vice-versa). This type of construction encroaches into the climbing space, which is a direct infraction of General Order 95.

Also, a copy of the FIM you requested is awaiting you up in our front office.

Should you necessitate any further information, please feel free to contact me.

Attentively,

Vince Alvarez, III
Southern California Edison
Service Planner
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36100 Cathedral Canyon Dr.
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(O) 760.202.4217/PAX 14217
(F) 760.202.4294/PAX 14294
vincent.alvarez@sce.com



Planning Commission Staff Report

DATE: September 23, 2013

PUBLIC HEARING

SUBJECT: A MAJOR ARCHITECTURAL APPLICATION BY GERARD & JANET BIEGEL FOR DEVELOPMENT OF A NINE-UNIT CONDOMINIUM COMPLEX, A GENERAL PLAN AMENDMENT BY THE CITY OF PALM SPRINGS FOR ZONING CONSISTENCY, AND A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTHEAST CORNER OF NORTH CERRITOS ROAD AND EAST TAHQUITZ CANYON WAY; APN'S 502-075-001 and 502-075-002; ZONE R-2 (CASE 3.3625 MAJ / 5.1299 GPA)

FROM: Department of Planning Services

SUMMARY

A Major Architectural Application (MAJ) for development of a currently vacant parcel for a nine-unit condominium complex with off-street parking and landscaping. The project requires a General Plan Amendment changing the land use designation from "O" (Office) to "MDR" (Medium Density Residential) for zoning consistency.

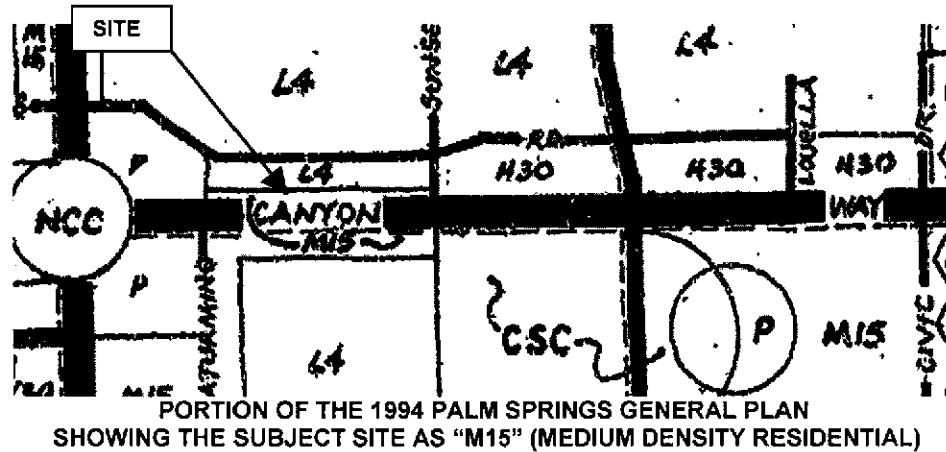
RECOMMENDATION:

Adopt a Resolution to:

1. Adopt a Negative Declaration (ND) pursuant to CEQA for the subject project,
2. Approve the Major Architectural Application for development of a nine-unit condominium project, subject to conditions of approval attached as Exhibit "A",
3. Recommend that the City Council adopt the ND and approve the General Plan Amendment changing the land use designation for the subject parcel from "O" to "MDR".

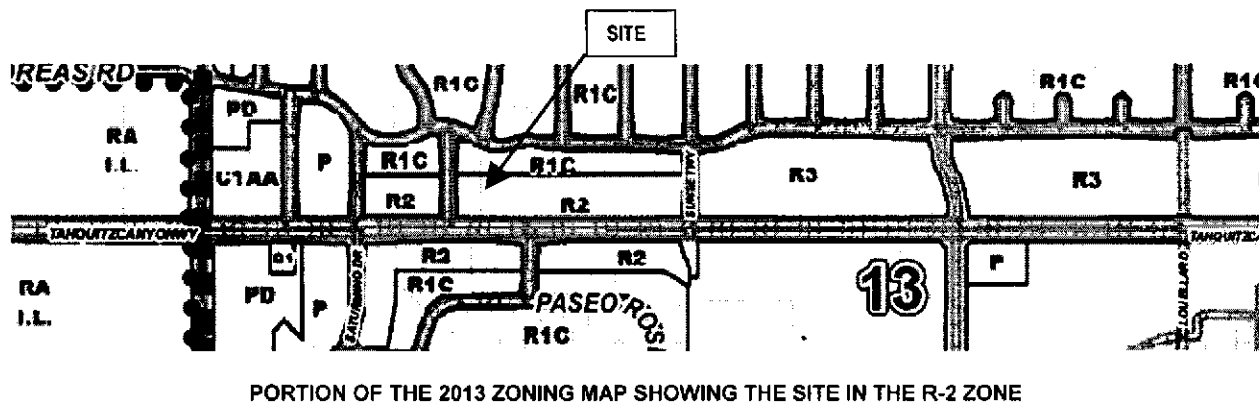
ISSUES

For many years parcels along the north side of Tahquitz Canyon Way between roughly Sunrise Way and Farrell Drive were zoned R-2 (Limited multi-family residential) with the General Plan Land Use designation of "MDR" (Medium Density Residential), as a buffer between the single family zone to the north and this major thoroughfare.

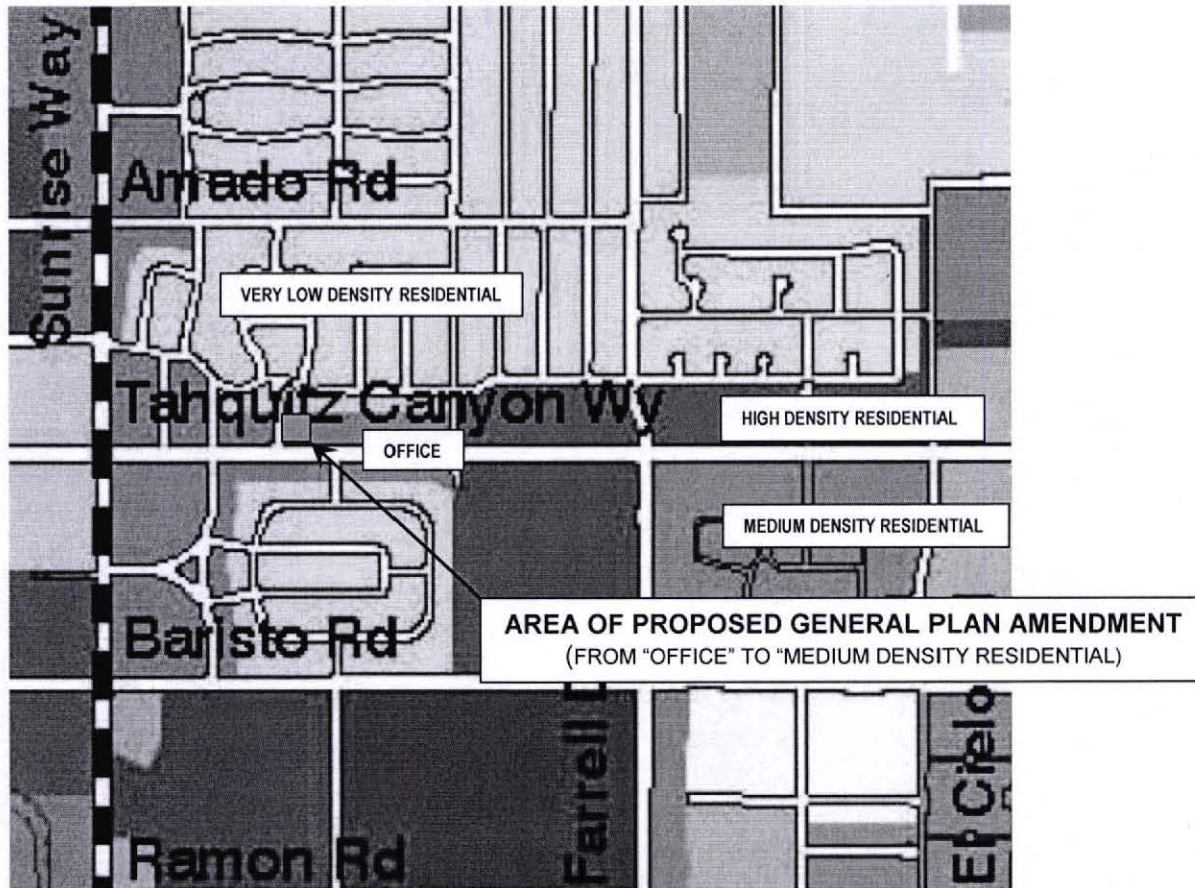


In recognition of an emerging pattern of office development along this major thoroughfare in recent years, the 2007 update of the Palm Springs General Plan changed the land use designation from "MDR" to "O" along Tahquitz Canyon Way¹.

The City had not yet updated the zoning code to "P" (Professional), (which is the corresponding zoning designation for office uses) when this application for a residential use was received. Residential uses are not permitted in the "O" land use designation, and thus the General Plan must be amended to be consistent with the zoning code for this particular parcel in order to approve the proposed condominium use. The proposed multi-family development is a "right of zone" use in the underlying R-2 zone. Below is a portion of the 2013 Zoning Map and on the following page is a portion of the 2007 General Plan Land Use Map showing the proposed GPA



¹ Offices are a permitted use along major thoroughfares in the R-2 zone with approval of a Conditional Use Permit.



PORTION OF THE 2007 GENERAL PLAN MAP SHOWING PROPOSED GPA AREA

BACKGROUND INFORMATION

The project proposes nine condominium units (six, two-bedroom units and three, one-bedroom units) in three buildings² arranged around an open landscaped courtyard with a common pool and terraces. Vehicular access is proposed off Tahquitz Canyon Way for a single loaded parking lot of thirteen (13) spaces. Additional bay parking is proposed taking access from North Cerritos Road. The buildings are oriented to maximize views of the mountains to the west.



AERIAL PHOTO OF PROJECT SITE

² The three buildings are attached to one another with small roofs spanning between the them and thus, for zoning purposes are evaluated as one building.

Table 1

Neighborhood Meeting	
None	(the subject parcel is not in or near a recognized neighborhood organization).

Table 2

Field Check	
May 2013	The site is a pair of vacant lots in a fully developed area of the city.

Table 3

Date of Purchase and current owner:	
December 2012	Gerard & Janet Biegel

PRIOR CITY ACTIONS

Date	Event/Action
April 8, 2013	Review and recommendation for approval by the AAC

ANALYSIS

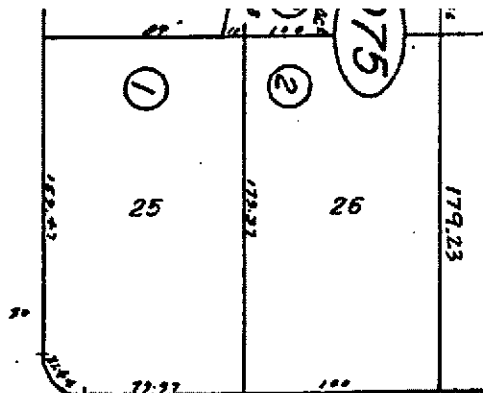
The subject parcel is comprised of two vacant lots (a lot merger is required as a condition of approval) in an area fully developed with residential and office uses. The tables below provide further analysis of the project.

Table 4 – Surrounding Existing Uses, General Plan, and Zoning Designation

Surrounding Property	Existing Land Use	General Plan	Zoning
Subject Property	Vacant	O (Office)	R-2 Limited Multi-Family Residential
North	Single Family Residential	VLDR (Very Low Density Residential)	R-1-C
South	Office	O (Office)	R-2
East	Office	O (Office)	R-2
West	Office	O (Office)	R-2

Table 5 – Analysis of Off-street Parking Requirements

Off-Street Parking Requirement (PSZC Section 93.06.00 (D))				
Use	Details	Required	Provided	Conforms
Residential Condominium	6, 2-bdrm units 3, 1-bdrm units Guest Parking 1 hc / 1-25 sp	1.5 sp/unit = 9 sp 1.25 sp/unit = 4 sp 1 sp/4 units = 3 sp 1 space	1 space	
TOTAL		16 spaces	17 spaces	Yes



TRACT MAP SHOWING PROJECT SITE

Table 6: Analysis of proposed project against the Development Standards of the Zone

	R-2 Zone (PSZC 92.03.03) Required	Proposed Project
Lot Area	Minimum 20,000 sf	35,766 square feet (conforms)
Lot Width	170 feet (siding on a major street)	179 feet (conforms)
Lot Depth	150 feet	189 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Street Side Yard	Special Setback on Tahquitz 75 feet from Center of Roadway	75 feet (conforms)
Interior Side Yard	10 feet	10 feet (conforms)
Rear Yard	10 feet	10 feet (conforms)
Building Height (max.)	24 feet and 2 stories	13 feet and 1 story (conforms)
Building Coverage (max.)	Min 50% of lot must be usable landscaped area	54% (conforms)
Covered off-street Parking	1 covered space per unit	13 spaces covered (conforms)
Dwelling size	Minimum 2,000 net square feet of lot area per dwelling unit.	35,766 and 9 units 3,974 sf of net site area/unit (conforms)
Distance Bet. Bldgs	15 feet	12 feet (Deemed one bldg. because of roof attachments)
Perimeter Walls	Max 6 ft, less than 60% of lot length, masonry or dec. metal 6 ft high wall bet. R-1 and R-2	5'-4" masonry at front yards, less than 60% of lot length (conforms) 6 ft high wall bet. R-2 and R-2 (conforms)
Projections into setbacks	Eaves may project 4 inches/ft of setback; max 4 ft in front yard	Eaves project 2 ft at bldg., and 3 feet at carport covers (conforms)

Table 7

<i>Is the project located in any specific plan, special planning area, zoning overlays, conservation areas, historic district, specific plan or planned development district?</i>		
Zone or Overlay:	Yes/No:	Remarks (if any)
Neighborhood Org?	No	
Specific Plan?	No	
Existing Planned Development District?	No	
Planning Area?	No	
Resort Combining Zone?	No	
Airport non-suit Zone?	No	
Airport Land Use Compatibility Zone (AALUC)?	Yes	Zone E
Downtown Parking Combining Zone?	No	
Historic District Overlay?	No	
Tribal Land?	No	
Hillside or Major Thoroughfare?	Yes	Tahquitz Canyon Way is a Major Thoroughfare
Conservation Area as defined in the MSHCP?	No	
Wind Energy Overlay?	No	
Watercourse or Floodplain?	No	
Other		

FINDINGS

Architectural Review Findings. Pursuant to Zoning Code Section 94.04.00 (Architectural Review) The planning commission "... shall examine the material submitted with the architectural approval application and specific aspects of design shall be examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;

The project proposes nine condominium units in three buildings arranged around an open landscaped courtyard with a common pool and terraces. Vehicular access is proposed off Tahquitz Canyon Way for a single loaded parking lot of thirteen (13) spaces. Additional bay parking is proposed taking access from Cerritos Drive. Pedestrian sidewalks are distinct and separate from parking areas. The buildings are oriented to maximize views of the mountains to the west. The project conforms to this guideline.

2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community,

avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;

The project is located in a fully developed area of the city with both professional offices and multi-family and single family uses. The proposed buildings are modern in their appearance, with simple rectilinear forms. The height of the proposed project is consistent with adjacent development. A similar project "Desert Holly", an older apartment complex just east of the subject site is similar in context, scale, massing and architecture. The project conforms to this guideline.

3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;

The building conforms to the development standards of the zone. Mechanical equipment is screened. The project conforms to this guideline.

4. Building design, materials and colors to be sympathetic with desert surroundings; AND

5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; AND

6. Consistency of composition and treatment;

The proposed development incorporates stucco, precision concrete block, and glass in anodized aluminum frames. The project incorporates overhangs and roof structures giving the proposed development visual variety and protection of glazed area from the sun. The materials and colors are consistent with similar development in the vicinity and include lively colored accent walls. The project conforms to this guideline.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

The project proposes a desert-appropriate plant palette. There are no specimen trees or other plants on the site. The project conforms to this guideline.

8. Signs and graphics, as understood in architectural design including materials and colors;

The architectural design, colors and graphics are simple, straightforward materials and design elements complementary to adjacent existing development from the 50's and 60's. Signage is not included in this application. The graphics and colors are generally neutral tones with accent panels of red. A separate sign permit is required for the monument sign. The project conforms to this guideline.

9. The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.

Draft Conditions of approval are attached to this staff report and draft resolution as Exhibit A.

General Plan Amendment Findings

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. Staff has evaluated the GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The project site is surrounded by a variety of existing land uses including professional offices, single family residential and multi family residential development. For many years, the General Plan land use designation for the subject parcel was “MDR” (Medium Density Residential). The City anticipated multi-family residential uses along Tahquitz Canyon Way and in the fifties and sixties, some was developed. However in that past two decades, professional office uses have been developed along Tahquitz³. As a result, the area now contains a fairly even mix of offices and multi-family residential apartments and condominiums that co-exist harmoniously.

The 2007 General Plan update changed the land use designation for this stretch of Tahquitz from “MDR” to “O” (Office). The Office land use designation does not include residential development. Typically zoning and general plan land use designations are consistent, however at the time this application was submitted, the City had not yet processed the zone change from R-2 (residential) to “P” (Professional Office uses).

Office uses and limited multi family residential are generally considered a compatible set of land uses, and certainly the existing development pattern along Tahquitz would prove this out. Thus the proposed GPA reverting back from “O” to “MDR” is compatible with existing development patterns in the vicinity.

Potential adverse impacts to existing or future development in the area.

Both office and multi-family residential uses exist harmoniously along the north side of Tahquitz Canyon Way from roughly Sunrise Way to Civic Drive. The General Plan

³ Office uses are a permitted use on major thoroughfares in the R-2 zone with approval of a Conditional Use Permit

Amendment from "O" to "MDR" for the subject parcel provides consistency with the underlying R-2 zone designation. The proposed GPA was analyzed in the CEQA report and as noted, no significant adverse impacts were identified. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

Staff has concluded that the requested General Plan Amendment poses no detrimental impacts to existing or future development in the vicinity.

ENVIRONMENTAL ANALYSIS

The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been proposed. A 20-day public comment period was given and no comments were received that would require recirculation of the proposed Negative Declaration.

NOTIFICATION

A written public hearing notice was made in accordance with applicable law. To date no comments have been received.



Ken Lyon
Associate Planner



Margo Wheeler, AICP
Director of Planning Services

Attachments:

- Vicinity Map
- Draft Resolution and Conditions of Approval
- Environmental Initial Study and proposed Negative Declaration
- Small scale plans, sections, elevations, landscape
- Minutes of the AAC meeting of April 8, 2013
- Letters of public comment

RESOLUTION NO. 6356

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION (MAJ) AND RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT (GPA) FOR ZONING CONSISTENCY FOR A NINE-UNIT CONDOMINIUM LOCATED ON A ROUGHLY 35,766 SQUARE FOOT PARCEL AT THE NORTHEAST CORNER OF NORTH CERRITOS ROAD AND EAST TAHQUITZ CANYON WAY, APN'S 502-075-001 and 502-075-002; ZONE R-2 (CASE 3.3625 MAJ / 5.1299 GPA.)

WHEREAS, Gerard & Janet Biegel, (the "Applicants") have filed an application with the City pursuant to Section 94.04.00 of the Palm Springs Zoning Code (PSZC) for a Major Architectural application to construct a nine-unit condo on a roughly 35,766 square foot parcel at the northeast corner of East Tahquitz Canyon Way and North Cerritos Road, Zone R-2, APN'S 502-075-001 and 502-075-002; and

WHEREAS, on April 8, 2013, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted unanimously to recommend approval of the project to the Planning Commission; and

WHEREAS, on September 25, 2013, a public hearing for Case 3.3625 MAJ / 5.1299 GPA was held by the Planning Commission in accordance with applicable law; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: The subject application has been evaluated and deemed a project under the guidelines of the California Environmental Quality Act (CEQA). An initial study has been conducted and the City has concluded that there are no significant impacts caused by the proposed project. A Negative Declaration has been proposed. A 20-day public comment period was given and no comments were received that would require recirculation of the proposed Negative Declaration.

Section 2: Architectural Review Findings.

Pursuant to Zoning Code Section 94.04.00 (Architectural Review) The planning commission "... shall examine the material submitted with the architectural approval application and specific aspects of design shall be

examined to determine whether the proposed development will provide desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and colors. Conformance will be evaluated, based on consideration of the following:

- 1. Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas;*

The project proposes nine condominium units in three buildings arranged around an open landscaped courtyard with a common pool and terraces. Vehicular access is proposed off Tahquitz Canyon Way for a single loaded parking lot of thirteen (13) spaces. Additional bay parking is proposed taking access from Cerritos Drive. Pedestrian sidewalks are distinct and separate from parking areas. The buildings are oriented to maximize views of the mountains to the west. The project conforms to this guideline.

- 2. Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The project is located in a fully developed area of the city with both professional offices and multi-family and single family uses. The proposed buildings are modern in their appearance, with simple rectilinear forms. The height of the proposed project is consistent with adjacent development. A similar project "Desert Holly", an older apartment complex just east of the subject site is similar in context, scale, massing and architecture. The project conforms to this guideline.

- 3. Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment;*

The building conforms to the development standards of the zone. Mechanical equipment is screened. The project conforms to this guideline.

- 4. Building design, materials and colors to be sympathetic with desert surroundings; AND*
- 5. Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously; AND*
- 6. Consistency of composition and treatment;*

The proposed development incorporates stucco, precision concrete block, and glass in anodized aluminum frames. The project incorporates overhangs and roof structures giving the proposed development visual variety and protection of glazed area from the sun. The materials and colors are consistent with similar development in the vicinity and include lively colored accent walls. The project conforms to this guideline.

7. Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;

The project proposes a desert-appropriate plant palette. There are no specimen trees or other plants on the site. The project conforms to this guideline.

8. Signs and graphics, as understood in architectural design including materials and colors;

The architectural design, colors and graphics are simple, straightforward materials and design elements complementary to adjacent existing development from the 50's and 60's. Signage is not included in this approval. The graphics and colors are generally neutral tones with accent panels of red. A separate sign permit is required for the monument sign. The project conforms to this guideline.

9. The planning architectural advisory committee may develop specific written guidelines to supplement the design criteria and carry out the purposes of this chapter.

Conditions of approval are attached hereto as Exhibit A.

Section 3: General Plan Amendment Findings

State of California Governmental Code Sections 65350 – 65362, outline the procedures and requirements for Cities and Counties to create and amend their General Plan. There are, however, no specific findings for a General Plan Amendment. The Planning Commission evaluated the GPA based upon the following:

- Compatibility of the proposed designation with adjacent land uses
- Potential adverse impacts to existing or future development in the vicinity.

Findings of Compatibility of the proposed land use designation with existing adjacent land uses.

The project site is surrounded by a variety of existing land uses including professional offices, single family residential and multi-family residential development. For many years, the General Plan land use designation for the subject parcel was "MDR" (Medium

Density Residential). The City anticipated multi-family residential uses along Tahquitz Canyon Way and in the fifties and sixties, some was developed. However in that past two decades, professional office uses have been developed along Tahquitz. As a result, the area now contains a fairly even mix of offices and multi-family residential apartments and condominiums that co-exist harmoniously.

The 2007 General Plan update changed the land use designation for this stretch of Tahquitz from "MDR" to "O" (Office). The Office land use designation does not include residential development. Typically zoning and general plan land use designations are consistent, however at the time this application was submitted, the City had not yet processed the zone change from R-2 (residential) to "P" (Professional Office uses).

Office uses and limited multi-family residential are generally considered a compatible set of land uses, and certainly the existing development pattern along Tahquitz would prove this out. Thus the proposed GPA reverting back from "O" to "MDR" is compatible with existing development patterns in the vicinity.

Potential adverse impacts to existing or future development in the area.

Both office and multi-family residential uses exist harmoniously along the north side of Tahquitz Canyon Way from roughly Sunrise Way to Civic Drive. The General Plan Amendment from "O" to "MDR" for the subject parcel provides consistency with the underlying R-2 zone designation. The proposed GPA was analyzed in the CEQA report and as noted, no significant adverse impacts were identified. The area around the proposed project is fully built out and the proposed project represents infill development of a type, density, massing and scale that is consistent with and complementary to, the existing neighborhood in which it is proposed.

The Planning Commission has concluded that the requested General Plan Amendment poses no detrimental impacts to existing or future development in the vicinity.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby adopts a Negative Declaration pursuant to the Guidelines of the California Environmental Quality Act (CEQA) for the subject project, approves Case 3.3625 MAJ a major architectural application for a nine-unit condominium project comprised of three buildings with three dwelling units in each building, with thirteen (13) covered off-street parking spaces taking access off East Tahquitz Canyon Way, four (4) bay parking spaces taking access off North Cerritos Road, landscaping and a common courtyard, pool and barbeque area, subject to the conditions set forth in attached Exhibit "A", and recommends adoption the Negative Declaration pursuant to the guidelines of CEQA and approval by the City Council of Case 5.1299 GPA; an amendment to the 2007 General Plan of the City of Palm Springs, California, initially adopted by City Council Resolution 22077 proposing to change the land use designation for a roughly 35,766 square foot parcel at the northeast corner of Tahquitz Canyon Way and Cerritos Road from "O" (Office) to "MDR" (Medium Density Residential for zoning consistency

ADOPTED this 25th day of September, 2013.

AYES: 7, Calerdine, Klatchko, Lowe, Roberts, Weremiuk, Vice-Chair Hudson and Chair Donenfeld

NOES: None.

ABSENT: None.

ABSTAIN: None.

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
 Director of Planning Services

RESOLUTION NO. 6356

EXHIBIT A

Case 3.3625 MAJ / 5.1299 GPA

Nine-unit condominium at the Northeast Corner of
Tahquitz Canyon Way and North Cerritos Road

September 25, 2013

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 3.3625 MAJ / 5.1299 GPA; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped February 14, 2013, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 3.3625 MAJ / 5.1299 GPA. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of the Major Architectural Application (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances
- ADM 13. CC&R's.
- ADM 22. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
 - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
 - c. Provisions for joint access to the proposed parcels, and any open space restrictions.
 - d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

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

- ADM 23. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes
- ADM 24. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other activities which may occur in the Central Business District, Desert Museum and Desert Fashion Plaza. Said disclosure shall inform perspective buyers about traffic, noise and other activities which may occur in this area.
- ADM 25. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 3. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to

survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 4. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)

a. A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

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

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water

agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.

- PLN 3. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. (for projects on Palm Canyon or Tahquitz Canyon Way).
- PLN 4. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 9. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.
- PLN 14. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
 - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 15. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

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

E. TAHQUITZ CANYON WAY

- ENG 4. Remove existing street improvements as necessary to reconstruct the east half of a 6 feet wide cross gutter and spandrel at the northeast corner of the intersection of E. Tahquitz Canyon Way and E. Cerritos Drive with a flow line parallel with and located 41 feet north of the centerline of E. Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
- ENG 5. Construct a minimum 24 feet wide driveway approach located approximately 25 feet west of the east property line in accordance with City of Palm Springs Standard Drawing No. 201. The driveway shall have right-turn ingress and right-turn egress access only.
- ENG 6. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, *Washingtonia Filifera* (California fan palm) palm trees with tree wells (14 feet from ground to fronds in height) shall be planted approximately 60 feet apart along the entire frontage of Tahquitz Canyon Way with the exact number to be determined by the City Engineer based upon final site layout. The minimum trunk diameter and tree height shall be consistent with palm trees along E. Tahquitz Canyon Way in the vicinity; palm trees selected by the applicant shall be pre-approved by the City Engineer prior to planting. The applicant shall be responsible for installation of an irrigation and

lighting system and for the perpetual maintenance of the new palm trees and other parkway landscaping along the Tahquitz Canyon Way frontage to the satisfaction of the City Engineer. Note that palm tree maintenance includes shearing off of dead palm fronds in compliance with City palm tree trimming policy.

ENG 7. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

E. CERRITOS DRIVE

ENG 8. Construct a 6 inch curb and gutter, 20 feet east of centerline along the entire frontage that matches existing curb return at the northeast corner of the intersection of E. Tahquitz Canyon Way and E. Cerritos Drive in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 9. Construct driveway approach to accommodate bay parking stalls along the E. Cerritos Drive frontage in accordance with City of Palm Springs Standard Drawing No. 201. The proposed driveway approach shall be located approximately 130 feet north of the south property line. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.

ENG 10. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 11. Construct pavement with a minimum pavement section of 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean saw cut edge of pavement along the entire E. Cerritos Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 300. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 12. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

ENG 13. Dedicate an easement for the right of ingress and egress for service and emergency vehicles and personnel over the proposed private travel way.

- ENG 14. The on-site drive aisle shall be two-way with a minimum 24 feet wide travel way (as measured from face of curb) where no on-street parking is proposed.
- ENG 15. For on-site bay parking in residential and commercial zones, paving material shall be decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e. All bay parking spaces on E. Cerritos Drive shall be constructed on-site.
- ENG 16. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
- ENG 17. The minimum pavement section for all on-site pavement (drive aisles and parking spaces) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

SANITARY SEWER

- ENG 18. All sanitary facilities shall be connected to the public sewer system via the proposed on-site private sewer system. New laterals shall not be connected at manholes.
- ENG 19. 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.
- ENG 20. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 21. Applicant shall connect to the existing public sewer mainline located approximately 7.5 feet north of the north right-of-way of E. Tahquitz Canyon Way and extend the 8 inch VCP sewer main to the project site located approximately 100 feet to the west from the existing terminus that is approximately aligned with S. Cerritos Drive. No laterals shall be connected at manholes, but shall be connected in accordance with City of Palm Springs Standard Drawing No. 405.

ENG 22. All sewer mains constructed by the developer and to become part of the City sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

ENG 23. Upon completion of the construction of public sewer lines, an as-built drawing in digital format shall be provided to the City as required by the City Engineer, if the sewer was not constructed in accordance with the original approved sewer plans.

GRADING

ENG 24. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.

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

b. The first submittal of the 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 Site Plan; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan.

- ENG 25. Prior to approval of a Grading Plan or issuance of any permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 26. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed as necessary. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 27. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 28. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 29. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 30. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blow sand relating to this property and development.
- ENG 31. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

- ENG 32. 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.
- ENG 33. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 34. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY MANAGEMENT PLAN

- ENG 35. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
- ENG 36. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading

or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

- ENG 37. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&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.
- ENG 38. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall:
- a. demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications;
 - b. demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and
 - c. demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

DRAINAGE

- ENG 39. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to E. Tahquitz Canyon Way or N. Cerritos Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 40. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased

stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for this project (dated May 6, 2013) by Amir Engineering. The volume of increased stormwater runoff due to development of the site, and the required stormwater runoff mitigation measures for the proposed development shall be determined upon review and approval of the hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.

- ENG 41. Construct storm drain improvements, including but not limited to catch basins, drywells, and storm drain lines, for drainage of the on-site travel way into the on-site underground percolation field, as described in the Preliminary Hydrology Study (dated May 6, 2013) for this project, prepared by Amir Engineering. The hydrology study for this project shall be amended to include catch basin sizing, drywell sizing, storm drain pipe sizing, and underground percolation field sizing calculations and other specifications for construction of required on-site storm drainage improvements.
- ENG 42. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 43. The applicant shall install a series of drywells, within the underground percolation field proposed in the development as necessary to collect and percolate stormwater runoff, including nuisance water, from the tributary area within the development that has drainage directed to the underground percolation field. The drywells shall be appropriately sized to accommodate the expected daily nuisance water, as well as runoff from ordinary storm events (2-year storm events), unless otherwise approved by the City Engineer. Provisions shall be included in the Covenants, Conditions and Restrictions (CC&R's) for this development that require the routine maintenance of the drywells by the Home Owners Association (HOA), including the right of the City to inspect and require the HOA to remove and replace the drywells if they fail to function, causing stagnant water to accumulate above ground within the basin. The City shall be given the right, in the interest of the public's health, safety, and welfare, to order the removal and replacement of drywells in the event the HOA is non-responsive to the City's written notice, with costs to be recovered against the HOA by the City in accordance with state and local laws and regulations.
- ENG 44. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 45. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 46. All proposed utility lines shall be installed underground.
- ENG 47. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the north property line meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 48. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

- ENG 49. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 50. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 51. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 52. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 53. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

MAP

- ENG 54. The existing parcels identified as Lots 25 and 26 of the Luring Sands Park map, Map Book 20, Page 71, shall be merged. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to and approved by the City Engineer prior to issuance of building permit.

TRAFFIC

- ENG 55. 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 E. Tahquitz Canyon Way and N. Cerritos Drive frontages of the subject property.

- ENG 56. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 57. The applicant shall install a Type R6-1 "One Way" sign within the E. Tahquitz Canyon Way median for traffic egressing from the site, opposite the 24 feet wide driveway, as required by the City Engineer.
- ENG 58. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of E. Tahquitz Canyon Way and entry driveway in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 59. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 60. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 2/14/13. The submitted plans do not provide enough detail. Additional requirements may be required at that time based on revisions to site plans.
- FID 2. Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3. **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority.

Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

- FID 4. **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
- FID 5. **Fire Department Access:** Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC)

Minimum Access Road Dimensions:

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet; a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a ***minimum width of 24 feet*** is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway. **The private driveway from Simms Road to San Rafael Road is designated at a fire lane.**

- FID 6. **Fire Lane Marking (CFC 503.3):** Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility.
- FID 7. **Reduced Roadway Width:** Areas with reduced roadway width at entry and exit gates, entry and exit approach roads, traffic calming areas that are under 36 feet wide require red painted curb to maintain minimum 24 foot clear width. Red curb shall be stenciled "NO PARKING" and "FIRE LANE" with white paint.
- FID 8. **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.

- FID 9. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- FID 10. **Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- FID 11. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 12. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 13. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 14. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.
- FID 15. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes. All man gates shall be included.
- FID 16. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

- FID 17. **Fire Flow (CFC 508.3):** Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 1,500 GPM with the installation of fire sprinklers based on Appendix B of the 2010 CFC.
- FID 18. **Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 19. **NFPA 13D Sprinkler System Required (903.2.8):** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.
- FID 20. **Audible Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 21. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 22. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, current edition.
- FID 23. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards.
- FID 23 **Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3; CRC R315):** Provide and install Residential Smoke and Carbon Monoxide Alarms (Kidde SM120X Relay / Power Supply Module connected to multi-station Kidde smoke and carbon monoxide alarms or equal system and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm, carbon monoxide alarm or fire sprinkler flow switch causes all smoke and carbon monoxide alarms within the dwelling to sound and activate the exterior horn/strobe.

The wiring of this system shall be in accordance with Kidde SM120X Relay / Power Supply Module manual and Figure 2 (see attached). The 120 volt device wired to turn on when alarm sounds is the exterior horn / strobe. The pull for fire device is the fire sprinkler flow switch.

FID 24 Additional Residential Smoke Alarm Requirements (NFPA 72: 29.5.1.3): Where the interior floor area for a given level of a dwelling unit, excluding garage areas, is greater than 1,000 Sq. Ft., the additional requirements are that all points on the ceiling shall have:

A smoke alarm within a distance of 30 ft. travel distance or

An equivalent of one smoke alarm per 500 Sq. Ft. of floor area.

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

FID 25 Carbon Monoxide Alarm or Detector Locations (NFPA 720: 9.4.1.1 & 9.4.1.2; CRC R315.3): Carbon monoxide alarms or detectors shall be installed as follows:

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

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

END OF CONDITIONS

ACTION: To continue to a date certain of October 9, 2013, and direct staff to provide a more accurate description of the scope of work and a better quality map.

Motion Commissioner Weremiuk seconded by Commissioner Roberts and unanimously carried on a roll call vote.

AYES: Commissioner Calderine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson, Chair Donenfeld,

2. PUBLIC HEARINGS:

2A. BARISTO GROUP, LLC, FOR A REQUEST TO AMEND THE THIRD AND FINAL PHASE OF A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 288) AND A CONDOMINIUM MAP FOR THE DEVELOPMENT OF THE REMAINING 11 NEW HOMES IN THE PARTIALLY BUILT DISTRICT LOCATED AT LUGO ROAD, ZONE PDD 288 (CASE 5.0977 PD 288 / TTM 31887 AMND). (ER)

ACTION: To continue to a date certain of October 9, 2013.

Motion Commissioner Roberts seconded by Vice Chair Hudson and unanimously carried on a roll call vote.

AYES: Commissioner Calderine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson, Chair Donenfeld

2B. GERARD & JANET BIEGEL FOR A MAJOR ARCHITECTURAL APPLICATION FOR A NINE-UNIT CONDOMINIUM ON A ROUGHLY 35,766 SQUARE-FOOT PARCEL WITH OFF-STREET PARKING AND LANDSCAPING PARCEL AND A GENERAL PLAN AMENDMENT BY THE CITY OF PALM SPRINGS PROPOSING TO CHANGE THE "O" (OFFICE) LAND USE DESIGNATION TO "MDR" (MEDIUM DENSITY RESIDENTIAL) FOR ZONING CONSISTENCY LOCATED AT NORTHEAST CORNER OF NORTH CERRITOS DRIVE AND TAHQUITZ CANYON WAY, ZONE R-2 (CASE 3.3625 MAL / 5.1299 GPA). (KL)

Principal Planner Robertson presented the proposed project as outlined in the staff report.

Chair Donenfeld opened the public hearing:

JIM CIOFFI, project architect, provided an overview of the project regarding the setbacks on Cerritos Road and spoke about the project that was originally designed in conformance with the Zoning Map only to find out that it is was not in conformance with the General Plan.

TED LUCIANI, lives behind the proposed project, requested a 30-day minimum for rentals and height restriction for plantings not to exceed the current wall height.

RALPH HITCHCOCK, utility consultant, provided an overview of the utility field conditions, relevant construction and compliance with the utility underground ordinance. Mr. Hitchcock requested a waiver of the underground utility conversion due to the costs.

JIM CIOFFI, responded to questions from the Commission in relation to property gates and the utility undergrounding.

There being no further appearances the public hearing was closed.

Vice-Chair Hudson commended the applicant on the design and site plan; noting that it's nice to see another type of housing type (condominium units with a shared pool and courtyard) instead of a 2 bedroom house.

The Commission commented on their hesitancy to eliminate the condition to waive the undergrounding of utility lines and discussed the different options.

Commissioner Roberts complimented the applicant on the design of project.

Commissioner Klatchko commented that he is happy to see this particular development on this site and likes where the access is located. However, he is hesitant to eliminate the requirement to underground the utilities and would feel comfortable doing so if it approved and signed off by the City Engineer. And if there is an alternate method then it should return to the Planning Commission.

ACTION: Recommend approval, subject to Conditions of Approval and recommend approval of the General Plan Amendment by City Council, as amended:

Add to Engineering Condition 47: "The condition may be removed by City Engineer, if evidence is submitted with which he concurs to remove."

Motion Commissioner Weremiuk seconded by Vice Chair Hudson and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe
Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson, Chair Donenfeld

3. UNFINISHED BUSINESS:

3A. TAREEF TALALA, OWNER OF VILLAGE PUB APPEALING THE PLANNING DIRECTOR'S DECISION TO DENY A REQUEST TO EXPAND AN OUTDOOR PATIO

September 3, 2013

Attn: Edward O. Robertson, Principal Planner
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262



**Re: Notice of Intent to Adopt a Negative Declaration
GPA/ Nine Unit Condominium- 3.3625 MAJ
Northeast Corner of Tahquitz Canyon Way and Cerritos Rd, Palm Springs, CA
APNs 502-075-001 and -002**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project, but wishes to defer to the Agua Caliente Band of Cahuilla Indians.

Sincerely,

A handwritten signature in black ink, appearing to read "JOE ONTIVEROS", written over a horizontal line.

Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

RECEIVED

SEP 09 2013

PLANNING SERVICES
DEPARTMENT

From: Don Gilmartin <don@g1inc.net>
To: Ken.Lyon@palmsprings-ca.gov
Sent: Thursday, September 26, 2013 12:14 PM
Subject: RE: CASE 3.3625 MAJ / 5.1299 GPA

Dated 9/26/13

Dear Council, Planning Commission and Palm Springs City Council Staff,

I, Don Gilmartin resident of 2007 East Andreas Road and the corner property located directly behind the proposed 9 unit condo development am fully aware of the builders intention as to not bury the utility lines as per the electrical engineers report due to financial hardship.

As a developer myself I feel it is the fiduciary responsibility of any builder to bury the lines to meet current codes and not pass the burden onto the next with a "defer to covenant".

I am also concerned about the installation of additional poles and cross wiring and the effects on the wellbeing of myself, my children and neighbors being so close to the radio station conductors.

Please be sure to forward my concerns to Staff, Council and the Planning Commission and before any further decision be made I ask that this Planning Commission as well as a delegate from Council along with the City engineer WALK THE SITE before making any further recommendations.

In closing, I am asking that Ted Luciani represent my concerns in the next meeting since I am away on a job and he is fully versed on the nuances of the project.

Sincerely yours,

Don and Lisa Gilmartin
Group One Partners, Inc. Trustee for
The Inland Asset Holding Trust
2007 East Andreas Road
Palm Springs, CA 92262

I, Ted Luciani, am asking Council and this Planning Commission to consider the impact that the Biegel project 3.3625 MAJ/51299 GPA (a Canadian investment) will have on local properties bordering this project -- now that I have full disclosure after yesterday's 1:30 planning commission meeting dated 9/25/13. Please consider the following in your next meeting of October 9th, 2013:

- 1) Rather than concentrate on expansive front footage and side footage that is virtually wasted space with no foot traffic PLEASE imagine how this project will impact the homes that span the back of this project? *There's only a 10 foot separation from the back building (comprised of 3 units with sliding doors and small yards) with overhangs just feet from 2007 East Andreas and 2013 East Andreas -- the radio station is to the side of the site. In short the living spaces are right on top of our back yards and swimming pools.*
- 2) What impact will a driveway have that's parallel to the radio stations driveway that requires making a sharp right in the middle of a major thoroughfare? Will there be a light? Will you conduct a traffic study? To avoid these problems *should not this design (mixed use or not) be in keeping with the current parallel parking against the back walls using the side streets as turnoffs AND not made to compare to a property built in the 40's when there was little or no traffic? ALSO, should not Cerritos be the main turnoff with parking along the back for fair depth of easement despite the builders concern of losing square footage while we lose our privacy?*
- 3) I ask the Planning commission before any further recommendations to Council that they not look at small drawings BUT walk the site of the intended development and the position of this project to the back residences that it will encroach. I also ask this Planning Commission to look at Desert Holly from the side off of Sunset Way and see how this property looms over the houses that border behind it. MORE IMPORTANTLY I ask this Commission to look at the overhead wiring and the entanglement that is currently overhead the offices and residences spanning from Sunset Way to Cerritos and imagine what "not burying the lines" will add. To Commissioner Lyn who asked *were we concerned that this project maximized its views forsaking the residences behind it -- yes, most dramatically! It is designed to face West with no regard for the back yards of the properties with little easement. In addition this design creates a "perfect storm" for potential thieves to break into the houses behind it because the current configuration blocks all visibility from both the main and side streets.*

- 4) **In closing I ask** -- why is a foreign investor (who stands to profit millions on this project) not be made accountable to bury the lines NOW. And to Mr. Hitchcock's report: why would the City take the recommendation of an outside electrical engineer that encourages us to approve an archaic archetype with the false hope of a district conversion program to correct it? And to all members -- rather than continually defer to covenant (which may never realize) why pass the responsibility on to the next potential taxpayer when we can do the job correctly now?

Thank you for your consideration.

Ted Luciani/2013 East Andreas Road/ Palm Springs/CA/92262 /760-327-2124

Please see the following supporting documentation:

Ralph E. Hitchcock REPORT FINDING:

Conclusion: It would seem that the aesthetic benefits associated with converting approximately 200 feet of overhead utility systems to underground on the rear property line of this project are exceeded by the inherent complexities and costs associated with these particular utility systems. The intended removal of three utility poles could be offset by the addition of one or two new poles. The in place conversion cost for the telephone system is considered to be excessive, for one small project, and if required the full replacement of the fiber system is clearly excessive. *The problematic issues associated with this particular project are more prudently and economically addressed through a district conversion program rather than via a single small project lying in the midst of these complex utility issues.*

Legislature Considering "Impact Fee Deferral Covenants"

February 5th, 2013 by Michael Spence · Real Estate

People dealing with development "impact fees" should keep track of House Bill 1652, which was introduced into the Legislature on February 4. The bill would significantly alter how development impact fees are collected by local governments. It would do so by requiring local governments to set up a system for collecting impact fees that contains a process for recording a covenant requiring payment in full of the impact fee either at closing or 18 months after the building permit is issued, whichever comes first. The payment must come out of the seller's proceeds unless otherwise agreed to by the parties in advance. It would also require seller or the seller's agent or both to disclose the covenant, presumably on the Seller Disclosure Statement, and would also require the local government to release the covenant at an unspecified time. As an alternative, the legislation authorizes a process where the applicant can apply for a deferral of the impact fee until final inspection or occupancy. If passed in its present form, the legislation would complicate real estate transactions significantly. It would require an additional disclosure by the Seller. It would insert another negotiating item into the transaction, since impact fees can be substantial (for example, the King County Metro Capacity Charge is almost \$10,000.00). This in turn could complicate how property is appraised, and in addition, closings could be affected due to the additional encumbrance. A final concern is that local governments may create alternative procedures, leading to potential inconsistencies between jurisdictions. The bill has been referred to the House Local Government Committee and at present, its fate is unknown.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



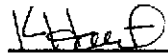
Date: November 6, 2013

Subject: Case 5.1299 GPA

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on October 26, 2013.

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



Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on October 24, 2013.

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



Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

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

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



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

A GENERAL PLAN AMENDMENT APPLICATION
FOR A PARCEL LOCATED AT THE NORTHEAST CORNER OF
NORTH CERRITOS DRIVE AND TAHQUITZ CANYON WAY
CASE 5.1299 GPA

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

The purpose of this hearing is to consider a General Plan Amendment application by the City of Palm Springs proposing to change the "O" (Office) land use designation to "MDR" (Medium Density Residential) for zoning consistency. APN's 502-075-001 and 502-075-002, Zone R-2.

ENVIRONMENTAL DETERMINATION: A Draft Negative Declaration (ND) was prepared for this project under the guidelines of the California Environmental Quality Act (CEQA). The public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and written comments at, or prior to, the City Council meeting.

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

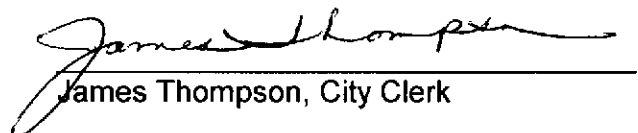
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

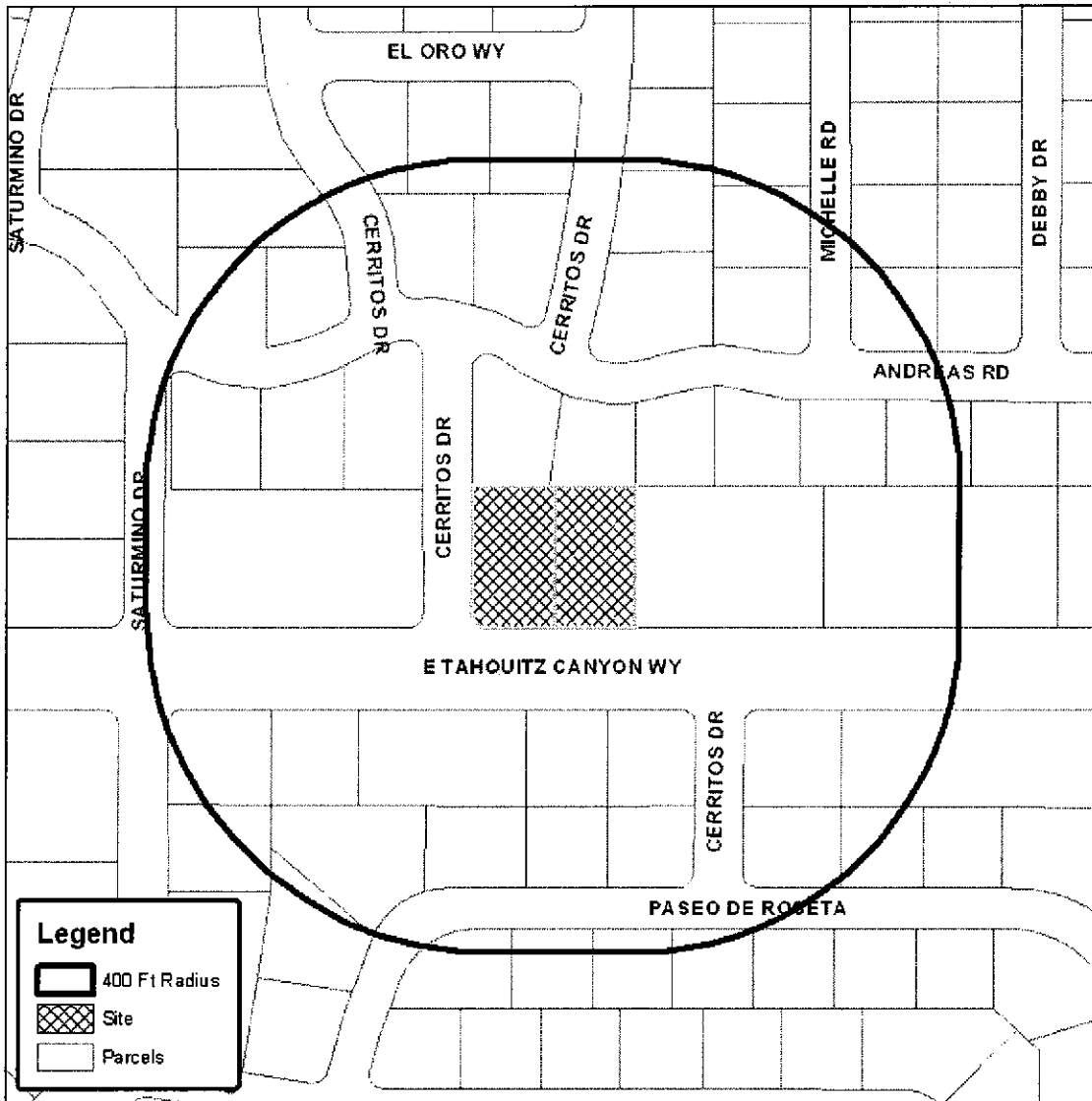
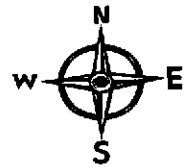
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, at (760) 323-8245.

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


James Thompson, City Clerk



**Department of Planning Services
Vicinity Map**



CITY OF PALM SPRINGS

CASE : 3.3625 MAJ / 5.1299 GPA

APPLICANT: Jim Cioffi for
Gerard and Janet Biegel

DESCRIPTION: To consider a General Plan Amendment application by the City of Palm Springs proposing to change the "O" (Office) land use designation to "MDR" (Medium Density Residential) for zoning consistency.