PLANNING COMMISSION STAFF REPORT

DATE: January 22, 2014

SUBJECT: WESSMAN HOLDINGS, LLC, FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE, INCLUDING PRELIMINARY AND FINAL DEVELOPMENT PLANS, FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PD 365 AND TTM 36548).

FROM: Department of Planning Services

SUMMARY

The Planning Commission will consider a Planned Development District (PDD) in-lieu of zone change to allow a two-story, detached single-family residential development and a Tentative Tract Map (TTM) to subdivide 6.37 acres into 39 residential lots, common area parcels and private streets. The project name is "Dakota."

RECOMMENDATION:

Approve and recommend approval to the City Council, subject to Conditions of Approval.

ISSUES:

- Single-family residential prohibited within R-3 Zoning. Change of zone to PD-365 required to permit single-family residential.
- Project is unlike typical single-family residential in Palm Springs with its small lots and two-story structures.
- No interior sidewalks.
- No interior street parking would be permitted due to narrow width of streets.

BACKGROUND:

Most Recent Change of Ownership	
August 2005	Wessman Holdings purchased the property.

Planning Areas		
Specific Plan	None	
Design Plan	None	
Airport Overlay	None	
Indian Land	Yes	Indian land zoning

Neighborhood Meeting	
11/12/2013	The applicant held a neighborhood meeting with about fourteen persons in attendance.

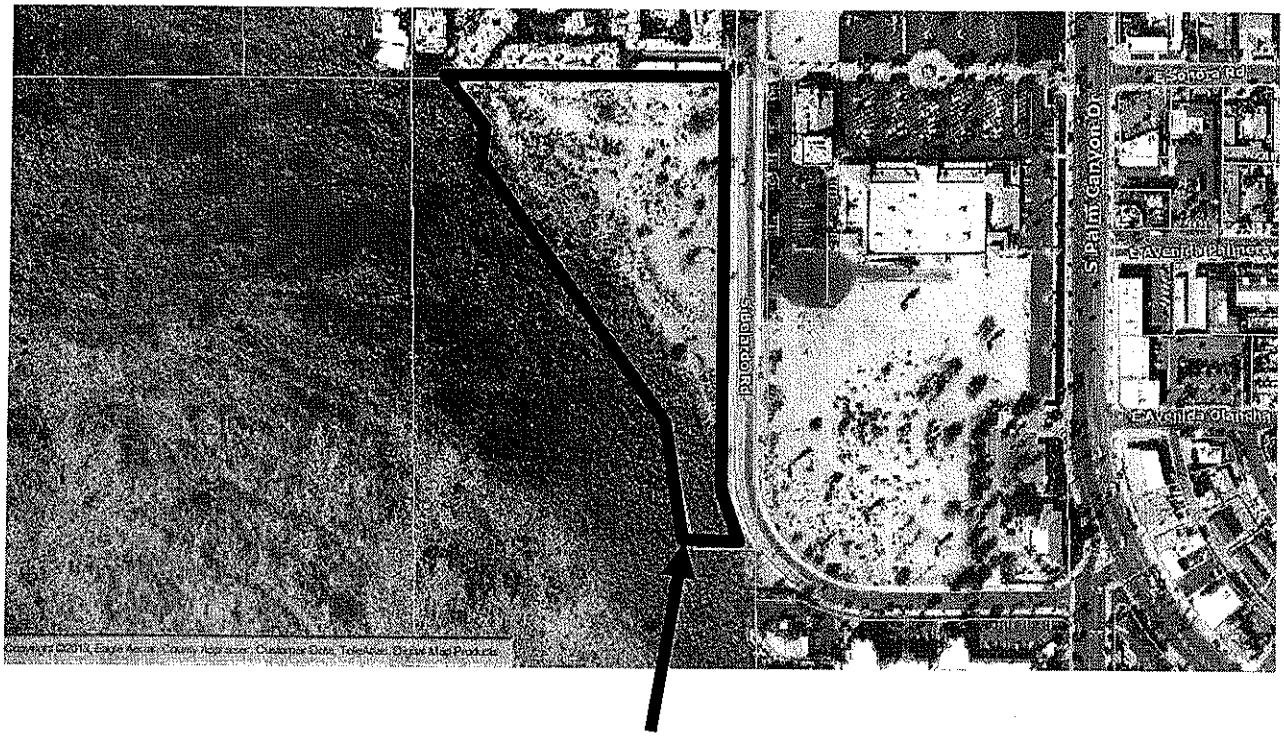
Field Check	
Nov. 2013	Staff visited the site to observe existing conditions.

Related Relevant City Actions by Planning, Fire, Building, etc...	
04/18/2007	The City Council approved a Planned Development District and Tentative Tract Map (TTM) for a 66-unit clustered town-home residential on the subject site (Case 5.1108 PD 326 / TTM 34580).
12/09/2013	The Architectural Advisory Committee (AAC) tabled the project and requested the landscape architect be present to answer questions at next meeting. The Committee also provided comments and concerns related to lack of common open space, setbacks, sidewalks and hillside access.
01/08/2014	The AAC recommended conditional approval: • Acacia trees shall be planted near the interior street and Lots 3 – 9 and 32 – 35 where not impeded by underground utilities.

Site Area	
Net Area	6.37-acres

Sign Posting of Pending Project	
10/30/2013	The City received verification that two signs had been posted on-site as required by Section 94.09.00 of the Zoning Code.

General Plan, Zoning and Land Uses of Site & Surrounding Areas			
	Existing General Plan Designations	***Existing Zoning Designation***	***Existing Land Use***
North	R-3	High Density Residential	Apartment complex (104 units)
South	O-20	Open Space – Mountain	Vacant / mountains
East	PD-131	Neighborhood/ Community Commercial	Shopping complex and vacant
West	O-20	Open Space – Mountain	Vacant / mountains



SUBJECT SITE

PROJECT DESCRIPTION:

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

The applicant proposes to modify the terrain by importing approximately 21,760 cubic yards of (net) fill. Building pad elevations will raise about fifteen feet from Belardo Road on the east to the mountain slope on the west. Access to the site will include four entry points from Belardo Road and three of the four will be controlled by gates.

There are two floor plans proposed. Plan A will be approximately 1,530 square feet in size and contain a 475-square foot garage. Plan B is proposed at 1,772 square feet in size and include a 483-square foot garage. Each plan includes the garage, living room, kitchen and a bathroom on the first floor and two bedrooms and private bathrooms on the second floor. One lot (39) will have a detached, two-story casita of approximately 721 square feet in size. All lots will have individual pools and spas. There are no community pools or recreation areas.

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

ANALYSIS:

General Plan			
Land Use Designation	**Density**	**PDD 365**	**Compliance**
HDR (High Density Residential)	Up to 30 dwelling units / acre	Residential use at 6.37 dwelling units / ac.	Yes

Zoning – Uses & Lot Standards			
	Existing: R-3 Zone	**Proposed: PDD 365**	**Compliance**
Uses permitted	Single Family Residential (SFR) specifically prohibited	SFR's proposed as a permitted use on individual lots	No, per PDD
Density	Min. of 2,000 sq. ft. of lot area / unit for multi-family	4,650 sq. ft. of lot area / per unit[1]	Yes
Lot Standards			
Min. Area	20,000 sq. ft. (7,500 sq. ft. typical minimum lot size for R-1-D Zone)	2,930 sq. ft. (Avg. 3,534 sq. ft.)	No, per PDD
Min. Width	130 feet	31 feet	No, per PDD
Min. Depth	150 feet	92 feet	No, per PDD

Zoning – Building Development Standards			
	Existing: R-3 Zone	**Proposed: PDD 365**	**Compliance**
Building Height	24 feet and 2 stories	24 feet and 2 stories	Yes
Yard Setbacks			
Garages	25 feet	5 feet	No, per PDD
Front	25 feet	5 feet	No, per PDD
Interior Side	Buildings over 12 feet in height to have equal setback to height	3 feet to 6 feet	No, per PDD
Corner Street Side	20 feet	5 feet to 10 feet	No, per PDD
Rear	Buildings over 12 feet in height to have equal setback to height	10 feet to 48 feet	No, per PDD
Pool / spas	5 feet	3 feet	No, per PDD
Distance Between Buildings	15 feet	6 feet	No, per PDD
Lot Coverage	45%minimum usable landscape open space for R-3; however, typical R-1 max. lot coverage is 35%	Overall (including hillside): 65% open space. Individual Lot Coverage: 34% Avg. with range of 21% to 41%	Yes
Off-street Parking	2 covered spaces per single family residence Condos in a PDD: 1.5 spaces per 2 bdrm unit; plus 1 guest parking space for every 4 units	39 single family dwelling units require 78 covered parking spaces; 80 provided Guest parking requires 10 spaces, 15 provided	Yes
Trash Enclosure	Required	Trash cans for each residence stored in garage space	Yes

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

REQUIRED FINDINGS:

Planned Development in lieu of Zone Change: The Planning Commission and City Council must find that a Planned Development Districts proposed in-lieu of zone change is consistent with the findings outlined in Section 94.07.00 *Change of Zone*. Those findings are listed below with Staff's analysis.

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

The General Plan land use designation of the subject site is HDR (High Density Residential). This designation allows residential uses with densities of 0 to 30 dwelling units per acre. The proposed project includes single family residences at a density of 6.37 dwelling units per acre, which is consistent with the type and range of residential dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

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

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

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

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

PDD CUP Findings: A Planned Development District is subject to the requirements of Zoning Code Section 94.02.00 *Conditional Use Permit*, including required findings contained therein. An analysis is provided below:

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

As part of the proposed project, a change of zone from R-3 to PD-365 has been requested to allow single family residential. Section 94.03.00 specifically allows such action; therefore, the use applied for at the subject location is property one for which is authorized by the Zoning Code.

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

The proposed use is a compact form of single-family living with average lot sizes at around 3,500 square feet. Each site will accommodate a two-story residence with garages and private yards. Other similar size projects have been approved in the City and proven successful with completion of build out. Therefore, the use is desirable for the development of the community.

The land use designation of the site is HDR (High Density Residential), which describes typical development within this designation as "*duplexes, townhomes and apartments, and other uses as allowed by code.*" The proposed single-family residential use is allowed by the code under Section 94.03.00. Thus, the use is consistent with the general plan.

The project will consist of two-story single-family residential on vacant land which will be rezoned to PD-365. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-365).

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

The subject property is approximately 6.37-acres in total size and will be subdivided to accommodate 39 residential lots, two-way private streets, common area and open space. The PD will establish all development standards for each residential parcel to accommodate a two-story residence and private yard area.

The development will be consistent in height as those existing uses to the north and east. The adjacent complex to the north is residential. The existing complex across the street to the east is commercial. Mountain exists to the west and south.

Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

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

The project site is located adjacent to Belardo Road, which is defined as a Collector road by the General Plan Circulation Element. Collectors are designed as two lanes and typically carry local traffic. Belardo Road is improved to two lanes wide with a bike lane on each side. Thus, the adjacent street is properly designed and improved to carry the type of traffic expected for a 39-lot single-family subdivision.

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

The project was evaluated under the California Environmental Quality Act (CEQA) to determine if any environmental impacts would occur as a result of this project. An Initial Study was prepared and it was determined that the potential for impact may occur, but with the incorporation of mitigation measures impacts would be less than significant. Conditions imposed include mitigation measures and code requirements to ensure the public health, safety and general welfare is protected.

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

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

and specific plans.

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

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

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

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

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential lots. Each lot is proposed to accommodate a two-story residence. A total of 39 residences are proposed on the 6.37-acre site. The site has adequate vehicular access with four proposed driveways to the public street, Belardo Road. The site is physically suited for this type of development.

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

The project proposes 39 single family dwelling units on approximately 6.37 acres or roughly 6.4 du/ac which is consistent with the density range under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

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

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

injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. No serious public health problems are anticipated.

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

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

Architectural Review: Staff evaluated the proposal against the architectural review guidelines, pursuant to Section 94.04.00 of the Zoning Code, and prepared the following response:

Item	Guideline:	Conforms?	Staff Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	Yes	Individual residences will include two garage spaces and private yard and pool areas.
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	Yes	Surrounding development includes two-story multi-family residential to the north, commercial shopping to the east and mountain to the west and south.
3	Is the proposed development of good composition, materials, textures, and colors?	Yes	Consistent composition will be used throughout the project with two floor plans. Materials include split-face block walls and corten metal panels along Belardo Road; precision block interior walls; cement plaster buildings with sand finish, etc.
4	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	Partial	Site and building layout is sensitive to existing topography. Streets defined by pavers / paved areas; however, no sidewalks provided on interior of development.

5	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	Yes	Adjoining property that is developed consists of two-story multi-family residential, which is similar to the proposed two-story single-family residential project in terms of structure height and residential use. Commercial shopping center exists to the east. These existing developments are of Spanish influence and proposed project will be modern design, which will avoid monotonous repetition.
6	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	Yes	Structure heights and mass will be consistent with a development built in an R-3 zone; that is two stories and twenty-four feet in height. Setbacks are proposed to be modified as a part of the PD process. Rooftop mechanical units will be screened by parapet.
7	Building design, materials and colors to be sympathetic with desert surroundings	Yes	Colors consist of tans, grays, browns and rust, which are sympathetic with desert surroundings.
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	Yes	Materials, colors and composition are harmoniously applied on each of the two proposed buildings types. The casita on Lot 39 has a similar design and will blend with the remainder of the development.
9	Consistency of composition and treatment	Yes	Floor plans are designed with similar composition and treatment.
10	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	Yes	Plant material consists of trees and ground covers used in desert environments, including agave species, Ocotillo, Red Yucca, Lantana, Pink Muhly, Acacia, Palo Verde, Olive, Mesquite and California Fan Palms.

ENVIRONMENTAL DETERMINATION:

The City reviewed the proposed project under the requirements of the California Environmental Quality Act (CEQA), and found that the project site had been studied previously, and that a Mitigated Negative Declaration had been approved in 2007 for a 66 unit project. The City determined that a Subsequent Mitigated Negative Declaration was necessary for the current project, pursuant to CEQA Guidelines Section 15162.

The City prepared an Initial Study, and distributed the Initial Study for public comment for the required 20 day period, from December 26, 2013 to January 14, 2014.

Two letters commenting on the Initial Study were received. Although CEQA does not require a formal response to comments on a Mitigated Negative Declaration, the following briefly responds to the two comment letters received.

Letter from South Coast Air Quality Management District, dated January 14, 2014
SCAQMD staff commented that the Initial Study did not include Localized Significance Threshold analysis, and recommended that this analysis be added. Although this analysis is not required, it has been completed and is presented below.

To determine if the Dakota project has the potential to generate significant adverse localized air quality impacts, the mass rate Localized Significance Threshold (LST) Look-Up Table was used. The City of Palm Springs and subject property are located within Source Receptor Area 30 (Coachella Valley). Given the project's acreage and proximity to existing housing, the 5-acre site tables at a distance of 25 meters were used. Table 1 shows maximum daily emission concentrations for project construction and the associated LST.

Table 1
Dakota, Palm Springs
Localized Significance Thresholds
(lbs/day)

	CO	NOx	PM10*	PM2.5*
Construction	81.33	106.43	12.67	8.95
LST Threshold	**2,292**	**304**	**14**	**8**
Exceed?	**No**	**No**	**No**	**Yes**

Emission Source: CalEEMod model, version 2013.2.2 output tables generated 1.15.14.
LST Threshold Source: LST Mass Rate Look-up Table, SCAQMD.
* Shows mitigated emissions for PM10 and PM2.5. Mitigation measures include best management practices and standard dust control measures such as site watering during earth moving activities.
* Emissions provided in this Table differ from what is provided in the Initial Study due to an update in the emissions modeling software, CalEEMod 2013.2.2, after comments from SCAQMD were received. The project still remains under threshold for all criteria pollutants.

As shown above, LSTs will not be exceeded for CO and NOx, and PM10. However, PM2.5 has the potential to exceed LST thresholds by 0.95 lbs/day. The Air Quality Section of the Initial Study provides mitigation measures specific to PM control that will further reduce impacts to sensitive receptors to less than significant levels. No additional mitigation measures will be required. Mitigation measures already in the Initial Study include:

1. Any construction access roads to the project site shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed limit on unpaved road surfaces shall be 15 mph.
2. Trucks hauling dirt, sand, soil or other loose dirt material off-site, shall be covered and washed off before leaving the site.

3. Adjacent streets shall be swept if silt is carried over to adjacent public thoroughfares.
4. As part of the construction specifications, any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.

Letter from Babak Naficy, dated January 14, 2014

The commentor's primary focus relates to planning issues, and not CEQA issues. Planning issues are summarized below, and addressed in greater detail in the analysis of the project in this staff report. CEQA issues are addressed below.

Planning Issues

The commentor is incorrect in his characterization of the General Plan and Zoning designations for the project. As clearly stated in Tables 3-12 and 3-13 of the Housing Element, all housing types are allowed in all residential designations, with implementation of a Planned Development District in lieu of a zone change. Neither the General Plan nor the Zoning Ordinance require that projects be planned at maximum densities. On the contrary, projects in the City have consistently been planned and constructed below the maximum density allowed in both the General Plan and Zoning Ordinance.

The commentor's assertion that the minimum lot size in the R-3 zone is 7,500 square feet is incorrect. The Zoning Ordinance, Section 92.04.03C.2. allows "minimum of two thousand (2,000) square feet of net lot area for each dwelling unit." (emphasis added)

Finally, the City has codified the Planned Development District, and implemented this permit process since 1988. It is a recognized and long standing zoning tool that has been used extensively for all types of development in the City.

CEQA Issues

The commentor contends that the Initial Study "fails to identify any 'substantial public need'..." The commentor is incorrect, and appears to have confused the requirements of the General Plan with the requirements of CEQA. There is no provision in CEQA relating to a "substantial public need." The purpose of CEQA, and CEQA analysis, is to present to the public and City decision makers the potential environmental impacts, both natural and man-made, of a development project, so that they may make an informed decision relating to the potential environmental impacts of that project (CEQA Guidelines Section 15002). The requirements relating to public benefit are found in the General Plan Land Use Element.

Finally, the commentor contends that the Initial Study "fails to adequately identify in sufficient detail the particular development standards with which the proposed project is inconsistent." The commentor is incorrect. As stated above, and elsewhere in this staff report, the Planned Development District is established in the General Plan, and

implemented through the Zoning Ordinance, to allow variations to the development standards of any given zone. The Planned Development District has been part of the General Plan and Zoning Ordinance since at least 1988, and has been implemented by the City for a broad range of projects, as allowed in the Ordinance. The Initial Study therefore correctly identifies that with the approval of a Planned Development District, the project is consistent with the General Plan and Zoning Ordinance.

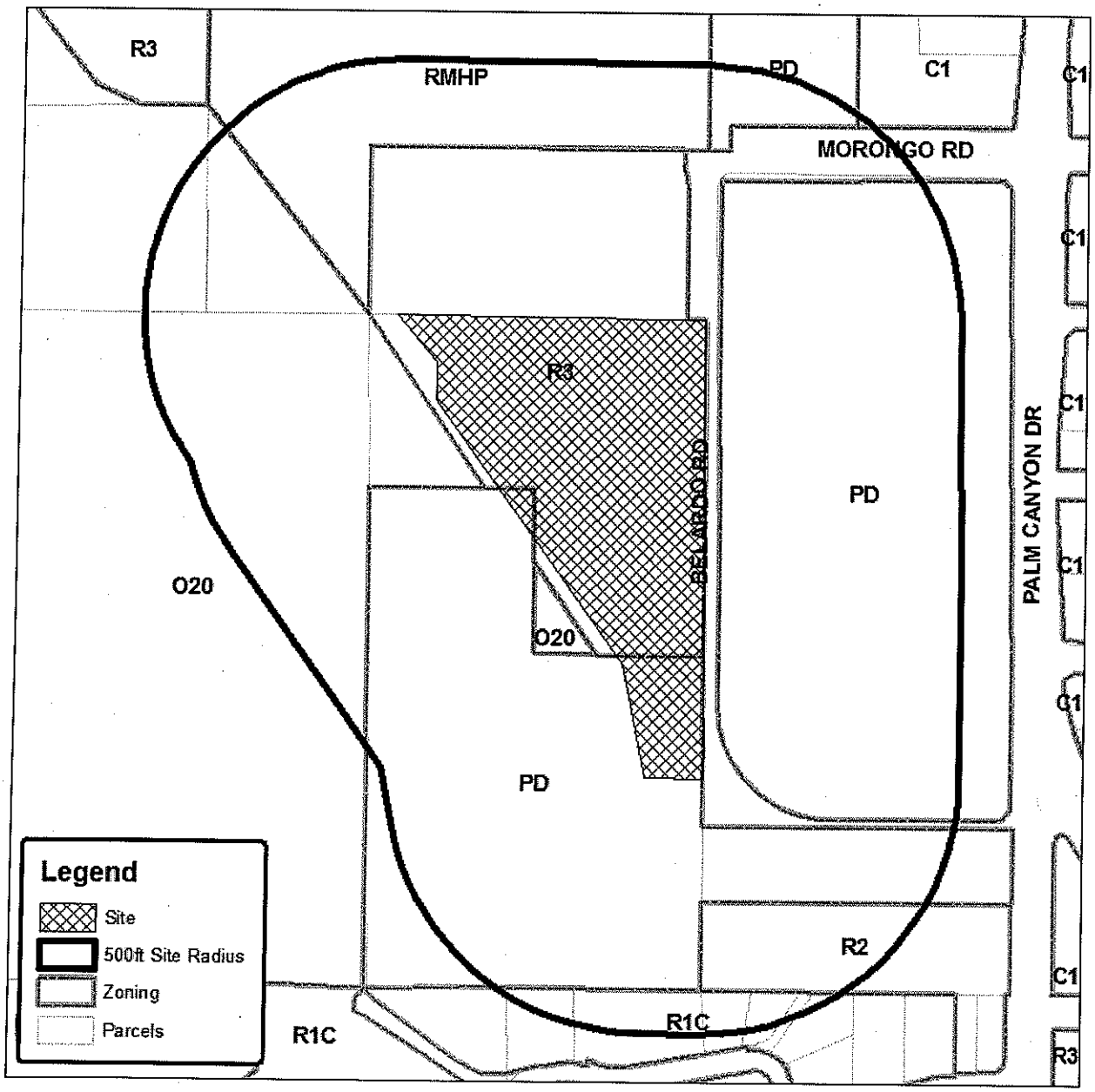
David A. Newell
Associate Planner

Margo Wheeler, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. 12/09/2013 AAC Minutes (excerpt)
4. 01/06/2014 AAC Minutes (excerpt)
5. Applicant Justification Letter
6. Email from Deertrack, dated 11/12/2013
7. Letter from Deertrack, dated 12/09/2013
8. Initial Study / Mitigated Negative Declaration
9. Initial Study Comment Letter from SCAQMD, dated 1/14/2014
10. Initial Study Comment Letter from Naficy, dated 1/14/2014
11. Reduced Plans

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1310 PD 364 & TPM 36548

APPLICANT: Wessman Holdings, LLC

DESCRIPTION: A request to construct 39 detached single-family residences and create 39 individual lots, private streets and common areas on approximately 6.37 acres of vacant land located on the west side of Belardo Road, south of Morongo Road, Zone R-3, Section 22.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR CASE 5.1310 PDD 365 (DAKOTA), CHANGING THE DEVELOPMENT STANDARDS, DENSITY AND TYPE OF RESIDENTIAL UNITS AT AN APPROXIMATELY 6.37 ACRE PARCEL LOCATED AT 1501 SOUTH BELARDO ROAD (WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION), AND RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE PDD AND TENTATIVE TRACT MAP 36548, A SUBDIVISION OF 39 SINGLE FAMILY RESIDENTIAL LOTS WITH OPEN SPACE, COMMON AREA AND PRIVATE STREETS AT SAID LOCATION.

WHEREAS, on April 18, 2007, the City Council adopted a Mitigated Negative Declaration (MND) and approved the Preliminary Planned Development District (PDD-326) and Tentative Tract Map 34580 to construct sixty-six (66) residential units on approximately 6.9 acres at the subject site; and

WHEREAS, PDD-326 expired as a result of no Final Development Plan submittal, but TTM 34580 is presently valid as a result of automatic time extensions granted by the State of California; and

WHEREAS, Wessman Development ("Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District), 94.04.00 (Architectural Review) and 94.07.00 (Zone Change) of the Zoning Code, seeking approval for a preliminary Planned Development District in Lieu of a Change of Zone (including Preliminary and Final Development Plans) proposing 39 single family residential units and deviations in the underlying development standards on an approximately 6.37 acre parcel located at 1501 South Belardo Road; and

WHEREAS, the applicant has submitted an application with the City pursuant to Section 9.62 of the City of Palm Springs Municipal Code and the State of California Subdivision Map Act for a Tentative Tract Map No. 36548; and

WHEREAS, on January 8, 2014, the Architectural Advisory Committee (AAC) reviewed the proposal and made a favorable recommendation to the Planning Commission; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1310 PDD 365 & TTM 36548 was given in accordance with applicable law; and

WHEREAS, on January 22, 2014, a public hearing on Case 5.1310 PDD 365 / TTM 36548 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be a project subject to environmental analysis under the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the subject applications were evaluated in an initial study to determine whether further environmental review would be required beyond those assessed in the MND adopted on April 18, 2007; and

WHEREAS, the initial study concluded that although the new project would result in changes to the previously approved project, the resulting environmental effects will be mitigated to a less than significant level with the incorporation of mitigation measures, and it was therefore determined that a Subsequent Mitigated Negative Declaration and Mitigation Monitoring Program would adequately address any potential impacts pursuant to CEQA Guidelines Section 15162(b); 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 project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). The Planning Commission independently reviewed and considered the information contained in the Subsequent Mitigated Negative Declaration prior to its review of the proposed project, and the Subsequent Mitigated Negative Declaration reflects the City's independent judgment and analysis. The Planning Commission finds, on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that this project will have a significant effect on the environment. The Planning Commission hereby recommends that the City Council adopt the Subsequent Mitigated Negative Declaration and approve the Mitigation Monitoring Program. The Planning Commission finds that no further environmental review is required. (Public Resources Code § 21166; CEQA Guidelines § 15162) The record of proceedings on which the Planning Commission's decision is based, including, but not limited to, the General Plan EIR, the original Negative Declaration, and the Subsequent Mitigated Negative Declaration, is located at the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. The custodian of record of proceedings is the Director of Planning Services;

Section 2: *Planned Development District.* Pursuant to Section 94.03.00 (E) "*Planned Development Districts*" of the Zoning Code, a Planned Development District in lieu of a Change of Zone (PDD) may be established in accordance with the procedures required by Section 94.07.00. The proposed project is evaluated against the findings as follows:

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

The General Plan land use designation of the subject site is HDR (High Density Residential). This designation allows residential uses with densities of 0 to 30 dwelling units per acre. The proposed project includes single family residences at a density of 6.37 dwelling units per acre, which is consistent with the type and range of residential dwelling units permitted within the HDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

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

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

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

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

In addition to the above, required findings outlined in Section 94.02.00 *Conditional Use Permit* apply to Planned Developments. The project as it relates to these findings is found below:

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

As part of the proposed project, a change of zone from R-3 to PD-365 has been requested to allow single family residential. Section 94.03.00 specifically

allows such action; therefore, the use applied for at the subject location is property one for which is authorized by the Zoning Code.

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

The proposed use is a compact form of single-family living with average lot sizes at around 3,500 square feet. Each site will accommodate a two-story residence with garages and private yards. Other similar size projects have been approved in the City and proven successful with completion of build out. Therefore, the use is desirable for the development of the community.

The land use designation of the site is HDR (High Density Residential), which describes typical development within this designation as "*duplexes, townhomes and apartments, and other uses as allowed by code.*" The proposed single-family residential use is allowed by the code under Section 94.03.00. Thus, the use is consistent with the general plan.

The project will consist of two-story single-family residential on vacant land which will be rezoned to PD-365. No other uses are permitted within this zone. Should alternate uses be proposed, an amendment to the PD would be required. Consequently, the use is not detrimental to the existing uses or to future uses specifically permitted in the zone (PD-365).

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

The subject property is approximately 6.37-acres in total size and will be subdivided to accommodate 39 residential lots, two-way private streets, common area and open space. The PD will establish all development standards for each residential parcel to accommodate a two-story residence and private yard area.

The development will be consistent in height as those existing uses to the north and east. The adjacent complex to the north is residential. The existing complex across the street to the east is commercial. Mountain exists to the west and south.

Therefore, the site for the intended residences is adequate in size and shape to adjust such use to those existing and future permitted uses of land in the neighborhood.

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

The project site is located adjacent to Belardo Road, which is defined as a Collector road by the General Plan Circulation Element. Collectors are designed as two lanes and typically carry local traffic. Belardo Road is improved to two lanes wide with a bike lane on each side. Thus, the adjacent street is properly designed and improved to carry the type of traffic expected for a 39-lot single-family subdivision.

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

The project was evaluated under the California Environmental Quality Act (CEQA) to determine if any environmental impacts would occur as a result of this project. An Initial Study was prepared and it was determined that the potential for impact may occur, but with the incorporation of mitigation measures impacts would be less than significant. Conditions imposed include mitigation measures and code requirements to ensure the public health, safety and general welfare is protected.

Section 3: *Architectural Review.* Pursuant to Section 94.04.00 "*Architectural Review*" of the Zoning Code, the proposed project is evaluated against the review guidelines listed in subsection (D) as follows:

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;

Site and building layout is sensitive to existing topography. Streets defined by pavers / paved areas; however, no sidewalks provided on interior of development.

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;

Adjoining property that is developed consists of two-story multi-family residential, which is similar to the proposed two-story single-family residential project in terms of structure height and residential use. Commercial shopping center exists to the east. These existing developments are of Spanish influence and proposed project will be modern design, which will avoid monotonous repetition.

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;

Structure heights and mass will be consistent with a development built in an R-3 zone; that is two stories and twenty-four feet in height. Setbacks are proposed to be modified as a part of the PD process. Rooftop mechanical units will be screened by parapet.

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

Colors consist of tans, grays, browns and rust, which are sympathetic with desert surroundings.

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

Materials, colors and composition are harmoniously applied on each of the two proposed buildings types. The casita on Lot 39 has a similar design and will blend with the remainder of the development.

6. Consistency of composition and treatment;

Floor plans are designed with similar composition and treatment.

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;

Plant material consists of trees and ground covers used in desert environments, including agave species, Ocotillo, Red Yucca, Lantana, Pink Muhly, Acacia, Palo Verde, Olive, Mesquite and California Fan Palms.

Section 4: *Tentative Tract Map.* The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is

evaluated against these findings as follows:

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

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

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

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

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

The project site will be graded to accommodate the proposed development. Site modifications include new private driveways to individual residential lots. Each lot is proposed to accommodate a two-story residence. A total of 39 residences are proposed on the 6.37-acre site. The site has adequate vehicular access with four proposed driveways to the public street, Belardo Road. The site is physically suited for this type of development.

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

The project proposes 39 single family dwelling units on approximately 6.37 acres or roughly 6.4 du/ac which is consistent with the density range under the General Plan. The site abuts improved public streets with existing utilities and with right of way widths that are projected in the City's 2007 General Plan update to operate at normal levels of service (LOS).

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

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a

Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The site was partially developed for many years, and does not include any natural habitat. The project will therefore not damage or injure fish, wildlife or their habitats.

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

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. No serious public health problems are anticipated.

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

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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1310 PDD 365 a gated development of 39 single family residential units on individual lots on a roughly 6.37 acre parcel with private streets, common area and open space, and Tentative Tract Map No. 36548 to subdivide a roughly 6.37-acre parcel into 39 single family lots, open space, common area and private streets, subject to the conditions set forth in Exhibit A, and recommends approval of the same by the City Council.

ADOPTED this _____ day of January 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

_____
M. Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1310 PDD 365 TTM 36548

"Dakota" 1501 South Belardo Road
6.37-acres on west side of Belardo Road, approx. 500ft south of Morongo Road

January 22, 2014

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 5.1310 PDD 365 TTM 36548; except as modified with the approved Mitigation Monitoring Program and the conditions below.

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (October 24, 2013), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.

ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.

ADM 5. Tentative Map. This approval is for Tentative Tract Map 36548, date stamped December 17, 2013. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1310 PDD 365 & TTM 36548. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 8. Time Limit on Approval. Approval of the Planned Development District (PDD) and Tentative Tract Map (TTM) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval.

ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee

shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first $100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 12. Community Services District. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed $500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

ADM 13. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid prior to issuance of any grading permit for the site.

ADM 14. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.

ADM 15. 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 16. 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 17. 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.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. 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 2. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration will be included in the project. Mitigation measures are included in the Initial Study, and hereby incorporated into these conditions by reference.

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. Reimburse City for Monitoring Expenses. The developer shall reimburse the City for the City's costs incurred in monitoring the developer's compliance with the conditions of approval and mitigation monitoring program, including, but not limited to inspections and review of developer's operations and activities for compliance with all applicable mitigation measures. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Palm Springs Municipal Code.

PLANNING DEPARTMENT CONDITIONS

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

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and 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 / irrigation 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. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural

Advisory Committee:

a. Acacia trees shall be planted near the interior street and Lots 3 – 9 and 32 – 35 where not impeded by underground utilities.

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.

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. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 10. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and guests. Location and design shall be approved by the Director of Planning.

PLN 11. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.

PLN 12. Development Standards.
Individual lots shall be developed as shown on the approved site plan, and meet the following criteria:

a. Building Height: 24 feet above finished floor (except permitted projections specified in Section 93.03.00 of the zoning code)
b. Front Yard: 5 feet
c. Side Yards: 3 feet
d. Street Side Yards: 5 feet
e. Rear Yard: 15 feet
f. Pool/spa setbacks: 3 feet
g. Distance Between Buildings: 6 feet

PLN 13. Hillside Open Space. The hillside area shown as Lot II on TTM 36548 shall be dedicated as open space.

PLN 14. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

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

ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

ENG 3. The applicant shall be required to construct asphalt concrete paving for streets in two separate lifts. The final lift of asphalt concrete pavement shall be postponed until such time that on-site construction activities are complete, as may be determined by the City Engineer. Paving of streets in one lift prior to completion of on-site construction will not be allowed, unless prior authorization has been obtained from the City Engineer. Completion of asphalt concrete paving for streets prior to completion of on-site construction activities, if authorized by the City Engineer, will require additional paving requirements prior to acceptance of the street improvements, including, but not limited to: removal and replacement of damaged asphalt concrete pavement, overlay, slurry seal, or other repairs, as required by the City Engineer.

BELARDO ROAD

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

ENG 5. Dedicate abutters rights of access to Belardo Road along the entire frontage of the project, excluding the four approved access points; vehicular access to Belardo Road shall be prohibited except through the four approved access points.

ENG 6. Remove existing street improvements as necessary to construct a Main Entry and new street intersection (Street "A") located approximately 110 feet south of the north site property line. The Main Entry shall be constructed with 25 feet radius curb returns and Type A curb ramps meeting current California State Accessibility standards at the northwest and southwest corners of the intersection of Belardo Road and Street "A" in accordance with City of Palm Springs Standard Drawing No. 200 & 206, and 212, respectively.

ENG 7. Remove existing street improvements as necessary to construct three driveway approaches in accordance with City of Palm Springs Standard Drawing No. 201. Construct a driveway approach (26 feet wide) at the southeast end of Street "B"; construct a driveway approach (18 feet wide) approximately 180 feet south of the centerline of the Street "B" driveway approach for the benefit of access to residential Lots 37, 38, and 39; construct a driveway approach (16 feet wide) approximately 375 feet south of the centerline of the Street "B" driveway approach for the benefit of access to the residential Lot 39 casita.

ENG 8. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE PRIVATE STREETS

ENG 9. Dedicate an easement for public utility purposes, including sewers, with the right of ingress and egress for service and emergency vehicles and personnel over the proposed private streets.

ENG 10. Street "A" shall be two-way with a minimum travelway width of 30 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, a mow strip at roadway grade, or other approved curbs along both sides of the street, and a centerline gutter, as necessary to accept and convey street surface drainage of Street "A" to the drainage system, in accordance with applicable City standards. Construct a Type B2 gutter, modified to 3 feet wide, along the centerline of Street "A" in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 11. Streets "B" through "D" shall be two-way with a minimum travelway width of 25 feet, and shall be constructed with standard 6 inch curb and gutter, a wedge curb, a mow strip at roadway grade, or other approved curbs on both sides of the streets, and a centerline gutter, as necessary to accept and convey street surface drainage of the on-site streets to the drainage system, in accordance with applicable City standards. Construct a Type B2 gutter, modified to 3 feet wide, along the centerlines of the on-site private Streets "B" through "D" in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 12. The minimum pavement section for all on-site pavement shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, between the edges of the proposed gutters (or mow strips) of the on-site private streets. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 13. Parking shall be restricted along both sides of the on-site private streets, as necessary to maintain a minimum 24 feet wide clear two-way travel way. Alternatively, the guest parking areas scattered throughout the development, shall be used in lieu of on-street parallel parking. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the private streets as necessary to enforce parking restrictions. The Home Owners Association (HOA) shall be responsible for regulating and maintaining required no parking restrictions, which shall be included in Covenants, Conditions, and Restrictions (CC&Rs) required for the development.

ENG 14. The gated Main Entry on Belardo Road is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements around the Main Entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 50 feet shall be provided between the back of sidewalk on Belardo Road and the gated entry directory/control panel, with an approved maneuvering area provided between the directory/control panel and the entry gates. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. A Knox key operated switch shall be installed at every automatic gate. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch when required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official. In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed

open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

ENG 15. The gated entry at Street "B" shall be for egress only. A Knox key operated switch shall be installed at every automatic gate.

ENG 16. The gated entry for Lots 37, 38, and 39 shall be for ingress to and egress from these lots only. A Knox key operated switch shall be installed at every automatic gate

SANITARY SEWER

ENG 17. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

ENG 18. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

ENG 19. The proposed connection of the sewer system to the existing private sewer manhole in Belardo Road, and the existing private sewer system across the Plaza Del Sol Shopping Center is not approved. The existing on-site private sewer system in the Plaza Del Sol Shopping Center is not an approved public sewer system. As necessary to provide public sewer service to Tentative Tract Map 36548, the applicant shall construct one of the following alternatives or another alternative as approved by the City Engineer:

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

Alternative B: The applicant may construct a public sewer main from the Street "B" driveway across Belardo Road to Tribal Allottee Parcel 67B within that parcel identified by Assessor's Parcel No. 513-300-038 (Plaza Del Sol Shopping Center) a minimum of 10 feet away from the most southern portion of the Steinmart Building and connect to a proposed sewer manhole on the

west side of S. Palm Canyon Drive. A 20 feet wide public sewer easement shall be attained across the Tribal Allottee parcel 67B for the Alternative B public sewer main. When public dedications of easements or rights-of-way over Tribal Allottee land are required, the applicant shall be responsible for compliance with all Bureau of Indian Affairs (BIA) requirements, including payment of any BIA fees, obtaining appraisals and payment of just compensation to the underlying owner. It is the applicant's responsibility to determine what additional costs or other requirements may be necessary to obtain any required public dedications as identified by the City for this development. Required public dedications for easements or rights-of-way are "without limitation as to tenure"; easements granted with a defined term, or made in connection with an underlying Indian Land Lease, shall not be accepted. Upon completion of Alternative B improvements by the applicant, and as a condition of acceptance by the City Engineer, the applicant shall prepare for the City Engineer's approval, an Affidavit of Completion in accordance with Section 169.16, Title 25, of the Code of Federal Regulations, for any improvements constructed by the applicant for which an easement was dedicated to the City through the Bureau of Indian Affairs. The Affidavit of Completion shall be provided to and approved by the City Engineer prior to final acceptance of the project, including issuance of a final certificate of occupancy. The applicant shall be responsible for obtaining the necessary form for the Affidavit of Completion from the Palm Springs Agency of the Bureau of Indian Affairs, and for having it completed as necessary by the applicant's Engineer of Record.

ENG 20. Construct an 8 inch V.C.P. sewer main across the entire on-site private street frontages located 5 feet from centerline or as required by the City Engineer and connect to the extended public sewer system in Belardo Road at the northeast corner of the site or alternatively, connect to an extended public sewer system going from the project from the "B" Street driveway across Belardo Road to the Plaza Del Sol Shopping Center onto Tribal Allottee Parcel 67B . All sewer mains constructed by the applicant and to become part of the public sewer system shall be digitally video recorded by the City prior to acceptance of the sewer system for maintenance by the City. A computer disc of the video recording shall be provided to the City Engineer for review. Any defects of the sewer main shall be removed, replaced, or repaired to the satisfaction of the City Engineer prior to acceptance.

ENG 21. The applicant shall dedicate a 15 feet wide public sewer easement across common area Lot AA. The required sewer easement shall be located entirely within common area Lot AA. Note that the sewer main shall be constructed in Street "A" from Street "B" to Belardo Road, and not across Lot 1. The easement shall be kept clear and free of any and all obstructions to allow for the continued operation and maintenance of the proposed public sewer main within the easement. Construction of permanent structures or other improvements determined to be an obstruction of the public sewer easement shall not be allowed. Planting of large trees or other planting material with

invasive or deep root structures shall be restricted. Access to the public sewer easement from Street "B" shall be maintained. Provisions for the maintenance of the public sewer easement, acceptable to the City Engineer, shall be included in the CC&Rs for the tract. Notice shall be clearly included in the CC&Rs defining restrictions of development within the easement.

ENG 22. Provisions for maintenance of the public sewer easement, acceptable to the City Engineer, shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development. Notice shall be clearly included in the CC&Rs defining the restrictions of development within the easement across common area Lot AA. The CC&Rs shall advise the property owners of the City's right to enter the site, clear and remove any and all improvements and/or obstructions within the easement, and give the City the right to charge all costs incurred in enforcing this provision to the owners of common area Lot AA. The CC&Rs shall also advise the property owners of the fact that the City is not required to replace in like kind, any landscaping or other improvements within the public sewer easement in the event repair or replacement of the existing sewer main is required, and that the City shall be limited to leaving the property in a rough graded condition following any such repair or replacement.

ENG 23. Applicant shall construct an 8 inch V.C.P. sewer main across the entire on-site private street frontages located 5 feet from centerline or as required by the City Engineer and connect to the extended public sewer system in Belardo Road adjacent to the northeast corner of the TTM36548 site or alternatively, to connect to the proposed public sewer main across the Tribal Allottee parcel running easterly to the proposed public sewer manhole on the west side of S. Palm Canyon Drive, or alternatively to another location as approved by the City Engineer. The on-site public sewer system will not be accepted for public maintenance until the system has been accepted by the City.

ENG 24. 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 25. Common space Lot II shall not be graded by applicant. A Grading plan submitted to the City Engineer for review and approval shall incorporate this grading restriction. Lot II shall be dedicated to the City on the Final Map for open space, recreation, or other purposes, as approved by the City Engineer.

ENG 26. Submit a Precise Grading & Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The

Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

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

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

ENG 27. 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 28. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control

perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 29. 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 30. 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 31. Prior to issuance of grading permit, the applicant shall provide verification to the City that the Tribal Habitat Conservation Plan (THCP) fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the THCP.

ENG 32. In accordance with the Geologic Evaluation for Rock Fall Hazard Report prepared by Earth Systems, dated June 9, 2006, the following mitigation measures shall be required:

a. The proposed retaining wall along the toe of slope of the mountains shall be utilized as a debris wall. The wall shall have a minimum of 2 feet of freeboard with a v-channel constructed on the slope-facing side to manage stormwater runoff. The v-channel shall require routine maintenance to clean accumulated debris that may roll or wash down the slope and collect behind the wall. Provisions for maintenance of the v-channel shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development.

b. Structure setbacks shall be a minimum of 10 feet from the toe of slope.

ENG 33. Mitigation Measure VI-1 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Foundation design and pool locations adjacent to the shelf area near the existing slope will mitigate for intact bedrock, talus and accumulated boulders from past rockfall to the satisfaction of the City Engineer (see also MM-VI-14).

ENG 34. Mitigation Measure VI-2 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Retaining walls will be designed to accommodate loading from the retention of rock materials. The upper freeboard portion of the retaining wall will be designed to include loading from debris flows.

ENG 35. Mitigation Measure VI-3 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project.

Northwestern Half of Lots (Lot 33 and northwestward): As recommended by the geotechnical engineer, a catchment ditch shall be employed from Lot 33 northwestward along the toe of slope to Lot 22. The basic design of the ditch shall conform to the parameters described on page 11 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

Proposed catchment ditches may be designed to serve a dual use for stormwater retention and debris flow mitigation, in addition to rockfall mitigation. Access ramps and easements shall be provided to allow accessibility for maintenance equipment and work crews. Before finalizing, the design engineer shall submit cross-sections of proposed catchment ditches to the engineering geologist and geotechnical engineer. Final design shall be tested with the use of computer simulation for effectiveness relative to the specific slope geometry.

ENG 36. Provisions for maintenance of the catchment ditches shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development.

ENG 37. Mitigation Measure VI-4 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Southwestern Half of Lots (south of Lot 33): As recommended by the geotechnical engineer, a debris flow wall shall be constructed for the remaining portion of the project along the existing slope. The wall and drainage swale behind the wall shall be designed in conformance with the parameters described on pages 7 and 12 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. Adequate access for maintenance equipment and crews shall be provided.

ENG 38. Provisions for maintenance of the wall and drainage swale behind the wall shall be included in the Codes, Covenants, and Restrictions (CC&Rs) required for this development.

ENG 39. Mitigation Measure VI-5 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Deck/Flatwork Subgrade Preparation: In the deck/flatwork areas, the subgrade shall be overexcavated according to parameters described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. Compaction shall be verified by testing.

ENG 40. Mitigation Measure VI-6 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Cut Slopes: Cut slopes in bedrock shall be evaluated on a slope-by-slope basis by the project engineering geologist, as described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

ENG 41. Mitigation Measure VI-7 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Oversize Rock Disposal: The project shall consult the recommendations pertaining to oversize rock removal and stockpiling provided on page 10 of Earth Systems Southwest's geotechnical plan review on August 9, 2013.

ENG 42. Mitigation Measure VI-8 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Slopes: To avoid erosion or overflowing of slopes as they weather and deteriorate, the project shall consult the recommendations described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

ENG 43. Mitigation Measure VI-9 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Catchment Ditch: The project shall consult the design recommendations for the catchment ditch, which are described on page 11 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

ENG 44. Mitigation Measure VI-10 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Remedial Grading: The project shall implement specific recommendations pertaining to grading, remedial grading, trench backfill, and foundation criteria provided in the following geotechnical reports: Geotechnical Engineering Report, File No. 09709-02, Doc. No. 04-08-825, Earth Systems Southwest, August 31, 2004; Summary of Findings, Geologic Evaluation of Rock Fall Hazard, File No. 09709-03, Doc. No. 06-06-759, Earth Systems Southwest, June 9, 2006; and Geotechnical Engineering Report Update, File No. 09709-02, Doc. No. 13-04-707, Earth Systems Southwest, April 9, 2013.

ENG 45. Mitigation Measure VI-11 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. A qualified geotechnical engineer shall be retained during the construction process to provide testing and observe compliance with approved plans and mitigation measures.

ENG 46. Mitigation Measure VI-12 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. All depressions and/or sink holes identified in the geotechnical plan review prepared by Earth Systems Southwest, dated August 9, 2013, shall be excavated to firm materials and backfilled with soil or slurry.

ENG 47. Mitigation Measure VI-13 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Transition Conditions for Residences: In pad transition areas (cut to fill), overexcavation shall occur in accordance with the parameters described on page 9 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. The bottom of the excavation and excavation sidewalls shall be

reviewed by the project geotechnical engineer or geologist for suitability prior to recompaction. Compaction shall be verified by testing.

ENG 48. Mitigation Measure VI-14 from the 2013 Initial Study/Mitigated Negative Declaration shall be considered in the design and construction of the project. Subgrade Preparation for Pools and Spas Founded in Bedrock and Transition Conditions: Soils below pool/spa shells and foundation areas (for any water features of support structures) shall be overexcavated in accordance with the methods described on pages 9 and 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. The bottom of the excavation and excavation sidewalls shall be reviewed by the project geotechnical engineer or geologist for suitability prior to recompaction. Compaction shall be verified by testing.

ENG 49. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 50. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.

ENG 51. This project requires the preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

ENG 52. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars ($2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.

ENG 53. 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 54. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.

ENG 55. 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 56. 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 57. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&Rs) required for the development.

ENG 58. 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 59. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.

ENG 60. 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 61. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. The applicant shall obtain approval from Riverside County Flood Control & Water Conservation District (RCFC) for connection of proposed storm drain improvements to the existing regional flood control system identified as Palm Springs Line 28-B. Verification of the capacity of Palm Springs Line 28-B for the additional stormwater runoff accepted and conveyed by Tentative Tract Map 36548 shall be determined, subject to review and approval by RCFC and the City Engineer. RCFC approval shall be required for any connection of proposed storm drain facilities to the existing RCFC facility. The applicant shall be required to obtain an Encroachment Permit from RCFC for connection of proposed storm drain improvements to Palm Springs Line 28-B. A copy of the Encroachment

Permit shall be provided to the City Engineer, prior to approval of on-site storm drain improvement plans.

ENG 62. The Preliminary Hydrology Analysis for Tentative Tract No. 36548, prepared by Sanborn A/E, Inc., dated March, 2013, shall be finalized to determine the volume of increased stormwater runoff due to development of the site, and to determine required stormwater runoff mitigation measures for the proposed development. Final storm drain system sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology analysis by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology analysis. In the event additional capacity is unavailable within Palm Springs Line 28-B, the applicant shall be required to revise the Hydrology Analysis to identify additional stormwater runoff mitigation measures necessary to contain the increased stormwater runoff generated from Tentative Tract Map 36548.

ENG 63. Submit storm drain improvement plans for all on-site storm drainage system facilities for review and approval by the City Engineer.

ENG 64. Construct drainage improvements, including but not limited to catch basins, and storm drain lines, for drainage of on-site streets, as described in the Preliminary Hydrology Analysis for Tentative Tract No. 36548, prepared by Sanborn A/E, Inc., dated March, 2013. The hydrology analysis for Tentative Tract Map 36548 shall be amended to include catch basin sizing and storm drain pipe sizing, and other specifications for construction of required on-site storm drainage improvements.

ENG 65. All on-site storm drain systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&Rs) required for this project.

ENG 66. Applicant shall design the storm drain system so that the 10-year storm will be discharged to Regional Storm Drain Line 28B; the difference in runoff between the 100-year storm and the 10-year storm will be discharged as secondary free land overflow to the on-site streets and ultimately to Belardo Road through a catch basin outlet system; or another alternative as approved by the City Engineer.

ENG 67. 15 feet wide easements to the future Home Owners Association for storm drainage purposes shall be reserved over non-hillside areas of Lots 1 through 39, common area lots BB and DD (on each side of the Main Entry), and common area Lots CC, EE and FF, (or others, as may be required) for those portions of the on-site private storm drain system that cross individual lots. 10 feet wide easements to the future Home Owners Association for storm

drainage purposes shall be reserved over the hillside portions of the aforementioned lots for the on-site private storm drain system as necessary.

ENG 68. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is $7,271.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit. Drainage fees may be waived upon verification of prior costs paid related to the construction of the Palm Springs Storm Drain Line, Lateral 28B.

GENERAL

ENG 69. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

ENG 70. All proposed utility lines shall be installed underground.

ENG 71. All existing utilities shall be shown on the improvement plans for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 72. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.

ENG 73. 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 74. 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 75. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

ENG 76. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

ENG 77. A copy of draft Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&Rs shall be approved by the City Attorney prior to approval of the Final Map, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

ENG 78. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

ENG 79. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks. Minimum clearance on public sidewalks shall

be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Belardo Road frontage of the subject property.

ENG 80. 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 81. Applicant shall restripe the bike lane (if necessary, as determined by the City Engineer) using thermoplastic material along the project frontage on the west side of Belardo Road. All required traffic striping and signage improvements shall be completed in conjunction with required street improvements, to the satisfaction of the City Engineer, and prior to issuance of a certificate of occupancy.

ENG 82. Install a 30 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the intersection of Belardo Road and the Main Entry, at the Street "B" driveway access south of the Main Entry, as well as at the Lot AA driveway serving residential lots 37, 38, and 39, 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 83. If identified by a name, install a street name sign at the intersection of Belardo Road and the Main Entry in accordance with City of Palm Springs Standard Drawing Nos. 620 through 625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.

ENG 84. Install stop controls at on-site street intersections, as may be required by the City Engineer. Stop signs within the development may be customized, provided the sign maintains the minimum standards for stop signs in the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, subject to review and approval by the City Engineer.

ENG 85. The applicant shall provide and install one 5600 lumen high pressure sodium vapor decorative safety street light with glare shield on marbelite pole on the southwest corner of Belardo Road and the Main Entry with the mast arm over Belardo Road. The decorative nature of the street light shall be similar to the style within the project or within the Plaza Del Sol Shopping Center. The applicant shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light.

ENG 86. 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 87. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

GENERAL CONDITIONS

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

FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated _____. Additional requirements may be required at that time based on revisions to site plans.

FID 2 Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID 3 **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

FID 4 **PLANS AND PERMITS**

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

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

Plans shall be submitted to:

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

Counter Hours: M – TH, 8:00 AM – 11:00 AM and 2:00 PM – 6:00 PM

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

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

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

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

FID 5 **Public Safety CFD**: The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed $500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.

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

FID 7 **Access Road Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.

FID 8 **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.

FID 9 **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

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

- **Minimum Access Road Dimensions:**
  1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a ***minimum width of 24* feet** is required for this project, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.
  2. Roads must be 30 feet wide when parking is not allowed on only one side of the roadway.
  3. Roads must be 40 feet wide when parking is not restricted.

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

FID 12 **Roadway Dimensions**: Private streets shall have a minimum width of at least 20 feet, pursuant to California Fire Code 503.2.1 however, a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a **minimum width of 24 feet**, unless otherwise allowed by the City engineer. No parking shall be allowed in either side of the roadway.

FID 13 **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 14 **Required Turn Arounds:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 45 feet from centerline. The other is a hammerhead turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 9-4-02.

FID 15 **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities. Decomposed granite (DG), grass, dirt, sand and other materials that can wash away, develop ruts or be dug up shall not be used. Interlocking pavers, turf block or other similar materials may be allowed, subject to the provision of proper base material and compliance with City Engineering Department compaction requirements. Prior to permit sign-off, compaction test results shall be submitted to the City Engineering Department for approval.

FID 16 **Premises Identification (505.1):** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for SFR occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

FID 17 **Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5):** Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 750 gallons per minute (with fire sprinklers) (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on lot street frontages. (CFC Appendix C)

FID 18 **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable

prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

FID 19 **NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2010 Edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.

FID 20 **Residential Smoke and Carbon Monoxide Alarms Installation with Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3; CRC R315):** Provide and install Residential Smoke and Carbon Monoxide Alarms (Kidde SM120X Relay / Power Supply Module connected to multi-station Kidde smoke and carbon monoxide alarms or equal system and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm, carbon monoxide alarm or fire sprinkler flow switch causes all smoke and carbon monoxide alarms within the dwelling to sound and activate the exterior horn/strobe.

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

FID 21 **Additional Residential Smoke Alarm Requirements (NFPA 72: 29.5.1.3):** Where the interior floor area for a given level of a dwelling unit, excluding garage areas, is greater than 1,000 Sq. Ft., the additional requirements are that all points on the ceiling shall have:

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

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

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

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

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

FID 23 **Audible Residential Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated.

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

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

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

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

END OF CONDITIONS

COMMITTEE MEMBER PURNEL likes the minimal disturbance.

CHAIR SECOY-JENSEN commented on the significant architecture.

M/S/C (Secoy/Jensen/Fredricks, 7-0) Recommend approval to the Planning Commission.

3B. ARCHITECTURAL REVIEW OF PRELIMINARY AND FINAL DEVELOPMENT PLANS BY WESSMAN HOLDINGS, LLC, FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY, DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PD 365 / TTM 36548).

A letter was submitted by Judy Deertrack and reviewed by the Board.

In response to a question by Committee Member Hirschbein regarding neighborhood meetings, Director Wheeler reported that the purpose of the meeting is to receive and give information. The developer may or may not take input. It is not the opportunity for the neighborhood to design the project for the developer. The developer has the opportunity to submit as he wishes to do so. Director Wheeler indicated that the City Attorney indicated the matter can go forward.

COMMITTEE MEMBER HIRSCHBEIN asked about the issue of public benefit.

Staff replied that City Council adopted a policy establishing types of public benefit, at least one of which is to be included in PDD proposals - meeting General Plan objectives such as economic development, key features such as open space / meeting rooms, sustainability or off-site dedications. As these are requirements for the zoning action, it is a Planning Commission matter.

COMMITTEE MEMBER FREDRICKS asked if there are any units other than lot 39 with casita. How tall are the walls.

MICHAEL BRAUN, applicant representative, responded the only number 39 has a casita and the height of the wall is 6'.

COMMITTEE MEMBER FREDRICKS asked questions regarding plant location.

COMMITTEE MEMBER CASSADY asked how many guest parking there are.

MICHAEL BRAUN responded 15 guest parking spaces.

COMMITTEE MEMBER SONG asked if the side setbacks are 3' - 6' and will the garbage cans be kept within the garage.

MICHAEL BRAUN commented that the buildings are 22' high; units 1 and 19 are closer than would be allowed by underlying zoning without a PDD.

The following speakers provided testimony:

JUDY DEERTRACK said that use and design cannot be separate, that it implies single-family is compatible to multi-family residential. The open space is different; facing the pools. She requested that this project be sent back to the Planning Commission before a decision is made.

FRANK TYSON said the project has improved. The AAC needs to be independent committee to review the public benefit; the AAC needs more power.

MICHAEL BRAUN responded that 1.82 acres will be dedicated to the City.

COMMITTEE MEMBER HIRSCHBEIN suggested dedicating a ROW to give access to the open space.

COMMITTEE MEMBER FREDRICKS commented on the lack of open space within the project and plant materials. Need answers from landscape architect on use of certain plant types that will only survive in shaded areas.

COMMITTEE MEMBER HIRSCHBEIN directed questions to landscape committee members on landscape area along Belardo, as it appears too narrow a space.

COMMITTEE MEMBER PURNEL responded.

COMMITTEE MEMBER HIRSCHBEIN expressed concern on building setbacks for units 1 and 19 from adjacent residential complex.

COMMITTEE MEMBER FAUBER expressed concern with no interior public space and no sidewalks.

CHAIR SECOY-JENSEN said that comments previously made had not been addressed. The entry needs to be addressed with landscape changes suggested.

COMMITTEE MEMBER CASSADY said the project is too dense and setbacks are too little. They are detached condominiums.

COMMITTEE MEMBER SONG said that density is important and suggested fewer swimming pools and provides more open space. Staggering buildings may provide more open space in front.

COMMITTEE MEMBER HIRSCHBEIN said that more research should be done to access the dedicated hillside area.

M/S/C (Fredricks/Fauber, 6-1 Cassady) Table and request applicant's landscape architect to be present.

COMMITTEE MEMBER COMMENTS: None.

STAFF MEMBER COMMENTS: None.

ADJOURNMENT: The Architectural Advisory Committee adjourned at 5:09 pm to the next regular meeting on ***Monday, January 6, 2014*** at 3:00 pm in the Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

2. WESSMAN HOLDINGS, LLC, FOR ARCHITECTURAL REVIEW OF PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY, DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PD 365 AND TTM 36548). (DN)

Associate Planner Newell and Director Wheeler presented the proposed project and responded to comments from the Committee Members.

JOHN WESSMAN, applicant, requested a vote up or down.

VICE-CHAIR FAUBER commented that unit 19 is too close to the property line.

CHAIR SECOY-JENSEN concurred with Fauber and questioned if trees will be planted on the adjacent property.

COMMITTEE MEMBER FREDRICKS questioned the landscape.

JOHN WESSMAN said that he is flexible and will do his own landscape architecture on the adjacent property. If the Committee has valid reasons he may well do it.

COMMITTEE MEMBER FREDRICKS commented that both mesquite and peppers are problematic and recommends the acacia stenophylla. He advised the osmanthus fragrans be changed to pittosporum tobira. He concurred with the applicant's landscape architect, Jim Ridge, proposal to replace the prunus to swanhill olive and changing the liriope muscari to aloe barbedensis.

COMMITTEE MEMBER SONG commented that on Lots 3 -9 there are no front trees; and on Lots 32 - 35, as well.

COMMITTEE MEMBER FREDRICKS suggested that open space / small dog park be considered.

JOHN WESSMAN, applicant, responded no. He said they have added 15' to the yards and need guest parking more than a dog park.

COMMITTEE MEMBER HIRSCHBEIN expressed concern regarding the public benefit in the design, hillside access not provided and underlying setback is not met within the PD.

COMMITTEE MEMBER SECOY-JENSEN commented that unit 19 adjacency is bothersome and unit 1 is also.

M/S/C (Fauber/Secoy-Jensen, 6-1 Hirschbein) Approve with condition as follows:

If not above utilities add acacia trees on Lots 3 - 9 and 32 - 35.

3. GEOFF MCINTOSH, OWNER OF BERNIE'S SUPPER CLUB, TO REPLACE EXISTING ENCLOSED ENTRY CANOPY WITH NEW METAL AWNING WITH PIN-STRIPED BLACK / GOLD FABRIC LOCATED AT 292 EAST PALM CANYON DRIVE, ZONE C-1. (CASE 3.1324 MAA) (GM)

GEOFF MCINTOSH, applicant, described the awning.

COMMITTEE MEMBER Hirschbein said it is very nice and confirmed the sign stenciled on the end.

VICE-CHAIR Fauber commented that the stripes run vertically on the drapery and valance.

COMMITTEE MEMBER questioned if the valance is rigid.

DARREN STARLEY, contractor, responded that the valance could flap in the wind.

COMMITTEE MEMBER SONG questioned if the roof of canopy is horizontal or sloped.

DARREN STARLEY, applicant's contractor, replied the canopy is level.

VICE-CHAR FAUBER asked if there is a gate to the rear parking.

GEOFF MC INTOSH responded there is an emergency access that was approved.

M/S/C (Secoy-Jensen/Cassady, 7-0) Approve as submitted.

COMMITTEE MEMBER COMMENTS:

STAFF MEMBER COMMENTS: Director Wheeler commented on the Desert Sun article about new development on the south side of the city, including today's item #3.

The newly proposed revision to the Section 14 Master Plan was distributed for future consideration.

ADJOURNMENT: There being no further comments the Architectural Advisory Committee adjourned at 4:00 pm to the next regular meeting at 3:00 pm on ***Tuesday, January 21, 2014***, Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

David Newell

From:	judydeertrack@gmail.com on behalf of Judy Deertrack <judy@judydeertrack.com>
Sent:	Tuesday, November 12, 2013 4:19 PM
To:	David Newell
Subject:	Fwd: Dakota Project (Case No. 5.1310 PDD 365)
Attachments:	RESIDENTIAL STANDARDS - SFR.png; RESIDENTIAL STANDARDS - R-3 & R-4.png; RESIDENTIAL STANDARDS - PDD Density Consistency.png; RESIDENTIAL STANDARDS - Open Space.png; RESIDENTIAL STANDARDS - Compatibility.png; RESIDENTIAL STANDARDS - Compatibility 2.png; CITY DOCS CC Staff Report 2013.09.04 LU 1B.pdf

FYI

---------- Forwarded message ----------
From: **Judy Deertrack** <judy@judydeertrack.com>
Date: Tue, Nov 12, 2013 at 4:11 PM
Subject: Dakota Project (Case No. 5.1310 PDD 365)
To: david.ewell@palmspringsca.gov

David:

Thank you for our conversation of today. I had indicated to the Planning Director, Ms. Wheeler, that I still do not agree that the amendment introduced September 4th to remove the minimum threshholds for land use classifications (Resolution 23415) allows for single-family residential (SFR) in a high-density residential (HDR) land use designation. Please note the sections I have attached to illustrate.

Your Housing Element under "Development Standards," references Table 3-14, and *explicitly limits SFR homes to the Guest Ranch Zone (G-R-5), and R-1.* The section states, "This zoning district [G-R-5 and R-1] corresponds to general plan land use designation of estate and very low density."

The Dakota Project is within a land classification of High Density Residential (HDR), zoned R-3. The Housing Element General Plan Development Standards state, "The City has three multiple-family residential zones, including garden apartments (R-G-A), limited multi-family (R-2), and multiple-family residential and hotel (***R-3*** and R-4)." [italics & bold script added]

Another section of the city's general plan specifies that a planned development district (PDD) can change zoning, but must remain consistent with the general plan (and its land use classifications).

The use of SFR next to multi-family residential at Tahquitz Mesa Villas also violates a standard of conformance required under the Architectural Review section of the Housing Element. This project requires review by the Architectural Review Committee. (See attached section for Development Standards). I would like my comments appended to their review.

The site layout, orientation, location of structures, and relationship to generous open space and topography (including wildlife paths), is mandated in the General Plan to occur so as to create a harmonious relationship with adjoining uses. The height, the area, setbacks, and overall mass of Dakota with Tahquitz Mesa Villa are not well suited to one another in design.

The city is in fact choosing to convert lands reserved for multi-family affordable housing. A PDD has a strict requirement of off-setting losses by the creation of public benefits in either design, amenities, or impact fees, and I see none of that here.

A multi-family housing unit allows for a minimum of 45% open space, which creates the spaciousness and design conformance to Tahquitz Mesa Villas, including our wildlife corridors that accommodate the abundant wildlife coming off the mountain. This is the real loss; the attractive landscaping that offsets the clustered multi-family housing, and the creation of affordable housing for the area.

Trying to "fit" single family residential into a lot classified as MFR is problematic, and that is exactly why the developer has had three applications on file with continuously decreasing density; from 66 units, to 43 units to the current 39.

This new application is also identified as an "amendment." The developer has previously adopted the PDD and TTM by using an outmoded 2007 negative declaration, which does not take into consideration the area changes, RHNA obligations, changes to streetscaping, and other planning factors that have occurred in the interim. I am also asking the city to proceed with an Initial Study. The density decrease from project to project also do not excuse the obligation for a current environmental review, because CEQA covers multiple environmental factors, and decreasing density with an impact to affordable housing land stock also may easily be classified as an environmental impact in and of itself.

The project design asks for the removal of a 45% open space factor that would otherwise be allowed if this were MFR. The project is built at the bottom of a steep hill. There will be 39 pools excavated, and I have not seen a soils analysis on whether this would de-stabilize the slope or cause drainage issues in this sensitive habitat area, but the elimination of open space and building 39 separate back yards with their fences will impact habitat flow, and create imbalances in the design and flow of the neighboring project. I see nothing in the proposed project that buffers impacts between the two

projects; as it stands, those units that adjoin the project will have a six foot wall five feet off their patio, and will completely lose their view of the mountain.

I would appreciate the due consideration of these thoughts, and also ask if I may be placed on the list to receive notice of all hearings and environmental processes. Thank you.

Judy Deertrack

Tahquitz Mesa Villas

1333 South Belardo Road, Unit 510

Palm Springs, Ca 92264

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

Monday, December 9, 2013

To the Planning Director and
Architectural Review Committee

Re: Item 3B. ARCHITECTURAL REVIEW OF PRELIMINARY AND FINAL DEVELOPMENT PLANS BY WESSMAN HOLDINGS, LLC, FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY, DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PD 365 / TTM 36548).

To the Honorable Architectural Review Committee:

I am a resident of Tahquitz Mesa Villas, immediately north of the land area at issue, and as such I am a citizen directly affected by the proposed uses and design.

Please accept this as a request to recommend against the proposed architectural standards of PDD 365 and TTM 36548, otherwise known as the Dakota Project, based upon a proposed architectural build-out of single-family residential (SFR) homes within an area designated for High Density Residential (HDR).

The General Plan requirements for the City of Palm Springs in both its land use element and housing element specifically prohibit single-family residential homes within a HDR classification. The staff report, at page 3, has very clearly identified this lot as high-density residential.

The committee is prevented from a recommendation or finding of compatible design with adjoining residential properties until the proposed land use is corrected to comply with general plan requirements, particularly under review standards 2, 4, and 5 in the staff report.

Please see attached General Plan Housing Element Table 3-12 which specifies that HDR accommodates the higher density residential homes built at a density of 15.1 to 30 dwelling units per acre, and Table 3-13 which specifies that single-family residential occur within zones G-R-5, R-1, R-G-A, and R-2, but not R-3/R-4 or R-MHP. Despite recent amendments to the city's general plan to lower or eliminate density ranges for residential homes, these general plan standards cited herein have never been amended in the general plan, and remain in effect.

Accordingly, recommendations regarding compatibility, site layout consistency, and harmonious relationships with adjoining properties (Staff Report AAC Review Sections 2, 4, and 5) cannot be made by the Architectural Advisory Committee and remain consistent with the General Plan land use requirements, OR with Architectural Review Standards within City of Palm Springs Ordinance 94.04.00 (D) Architectural Review.

My suggestion is to re-submit this to the City for further review for a resolution of the issue of general plan consistency before Architectural Review is timely.

With regard,
Judy Deertrack

ATTACHMENTS:
General Plan Housing Element Table 3-12
General Plan Housing Element Table 3-13

Table 3-12
General Plan and Zoning
Primary Residential Land Use Designations

General Plan Land Use Designation	Zoning Districts	Allowed Residential Uses
Estate Residential (0 to 2 du/ac)	R-R-5	Large estate single-family homes, many of which are near the foothill areas of the community.
Very Low Density (2.1 to 4.0 du/ac)	R-1	Accommodates single-family homes situated on large lots one-half acre or larger.
Low Density (4.1 to 6.0 du/ac)	R-G-A	Accommodates "typical" single-family detached residences on 7,500-square-foot or larger lots.
Medium Density (6.1 to 15 du/ac)	R-2	Accommodates single-family attached and detached uses, multiple-family units, and mobile homes.
High Density (15.1 to 30 du/ac)	R-3, R-4	Accommodates higher density residential homes built at a density of 15.1 to 30 dwelling units per acre.
Central Business District	CBD	Allows commercial, residential, and office uses at a high intensity and density (21 to 30 units per acre).
Tourist Resort Commercial	R-C	Allows commercial, residential and office uses at a medium intensity and density of up to 21 units per acre.
Mixed-Use/Multi-Use	MU	Allows commercial, residential, and office uses at a low concentration and density at up to 15 units per acre.

Notes: Palm Springs allows residential development in the Open Space/Conservation, Mountain, and Desert land use designations at a lower density than the above residential land use categories. A Small Hotel land use classification also allows up to 10 units per acre. The Land Use Element provides more detail on these categories.

Land Ownership

One of the distinguishing characteristics in Palm Springs is the unique pattern of land ownership. Palm Springs is divided into Indian and non-Indian property holdings, based upon a grid pattern of square-mile sections of alternating ownerships. This grid pattern of alternating ownership dates back to the original land agreement between the Agua Caliente Band of Cahuilla Indians (the Tribe) and the federal government.

Indian lands fall into three categories:

- ***Tribal Trust Lands.*** In the 1970s, the City and the Tribe came to an agreement that recognized the Tribe's authority to regulate Indian Trust lands. Under this agreement, the City acts as the Tribe's agent to impose City land use regulations and consults with the Tribe regarding any action that may affect Indian Trust Lands. In addition, the agreement established an appeal process designating the Tribal Council as the final authority over land use matters on Indian lands.

- ***Allotted Trust Lands.*** These lands are former Tribal Trust Lands, the title of which is now held by the United States for members of the Tribe (allottees). The Tribe retains sovereign authority over

Table 3-13
Zoning and Residential Land Use Designations and Associated Regulatory Processes

Housing Type	Zoning Districts					
	G-R-5	R-1	R-G-A	R-2	R-3/R-4	R-MHP
Single-Family	P	P	P	P		
Multiple-Family			P	P	P	
Accessory Dwelling	CUP	CUP	CUP	CUP		
Guest House		P				
Manufactured Housing		P	P	P		
Mobile Home Parks						P
Assisted Living			CUP	CUP	CUP	

Source: Palm Springs Zoning Code.
Notes: P designates a use permitted by right; CUP designates a conditionally permitted use
The City also allows residential development in the Open Space/Conservation, Mountain, and Desert land use designations. Please refer to the Land Use Element for greater detail.

The following describes provisions that allow housing opportunities other than more conventional single-family and multiple-family housing.

Manufactured Housing

State law requires cities to permit manufactured housing and mobile homes on lots for single-family dwellings when the home meets the location and design criteria established in the Zoning Code. The Zoning Code does not define manufactured housing, but treats manufactured housing like any other single-family home and permits it in all residential zones.

Accessory Dwelling Units

State law requires local governments to adopt an administrative approval process for accessory dwelling units, unless the City Council has adopted specific findings that preclude such uses due to adverse impacts on the public's health, safety, and welfare. The City presently allows accessory dwelling units in residential zones in accordance with State law. As allowed under AB 1866, the City currently reviews accessory or second units under the standards allowed if a City does not have a local ordinance. As part of the City's comprehensive update of its Zoning Ordinance, the City has developed a local ordinance with City-specific standards. That ordinance is being reviewed by the Planning Commission in 2009, and will be approved and implemented in this planning period.

	INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Project Title:	Dakota	
Case No.	TTM 36548 5.1310 PD-365 in-lieu of zone change 5.1310 PD-365 Preliminary Development Plan 5.1310 PD-365 Final Development Plan	
Assessor's Parcel No.	APN 513-300-057	
Lead Agency Name and Address:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262	
Project Location:	1501 S. Belardo Road Palm Springs, California	
Project Sponsor's Name and Address:	John Wessman	Wessman Development 555 S. Sunrise Way, Ste. 200 Palm Springs, California 92264
General Plan Designation(s):	HDR, High Density Residential (0–30 du/ac)	
Zoning:	R-3, Multiple-family residential and hotel zone	
Contact Person:	David Newell, Associate Planner	
Phone Number:	(760) 323-8245	
Date Prepared	December 13, 2013	

Description of the Project

The applicant proposes the construction of a gated community of 39 detached single-family residential units and 1 casita on a ±6.37-acre vacant site on South Belardo Road, south of Morongo Road. The minimum lot size proposed is 2,885 square feet, and the average lot size 3,614 square feet. The project includes private internal streets, private yards, and swimming pools on each residential lot. Two residential floor plans are proposed, with a maximum of 1,791 square feet. Structures will be two stories in height with a maximum height of 23 feet 3 inches.

Four (4) access points are proposed on South Belardo Road, including two gated entrances accessing Lots 1-36, one gated entrance to Lots 37-39, and one non-gated entrance to the casita at the southernmost tip of the property. The casita will function as accessory living space for Lot 39 to the immediate north.

A Planned Development District (PDD) in lieu of a zone change will be required to address modifications to permitted land uses and development standards. A Tentative Tract Map (TTM 36548) is proposed to subdivide the property into 39 lots, as well as lots for interior streets and common areas.

In April 2007, The City approved the project (formerly called "The Edge") for 66 two- and three-story clustered townhome units, as well as six lettered lots, a recreation area, and one community swimming pool. The City adopted a Mitigated Negative Declaration, Planned Development District (PDD No. 326), and Tentative Tract Map (No. 34580). However, due to the economic downturn, the project was not developed.

The current proposal reduces the total number of units, includes a swimming pool on each lot, eliminates the community swimming pool and recreation area, and eliminates the 3rd story option for structures. The table below compares the 2007 and current projects.

Table 1
Comparison of
2007 Project (The Edge) vs. Current Project (Dakota)

	2007 Project	Current Project
Acreage	6.9±	6.37±
Dwelling Type	Townhome	Single-family
Number of units	66	39
Density (du/ac)	10.1	6.1
Maximum number of stories	2, with option for 3	2
Maximum building height	22 feet, with option of 30' 6" for 3-story bldg.	23'3"
Building Coverage	22%	17%
Number of parking spaces	148	95

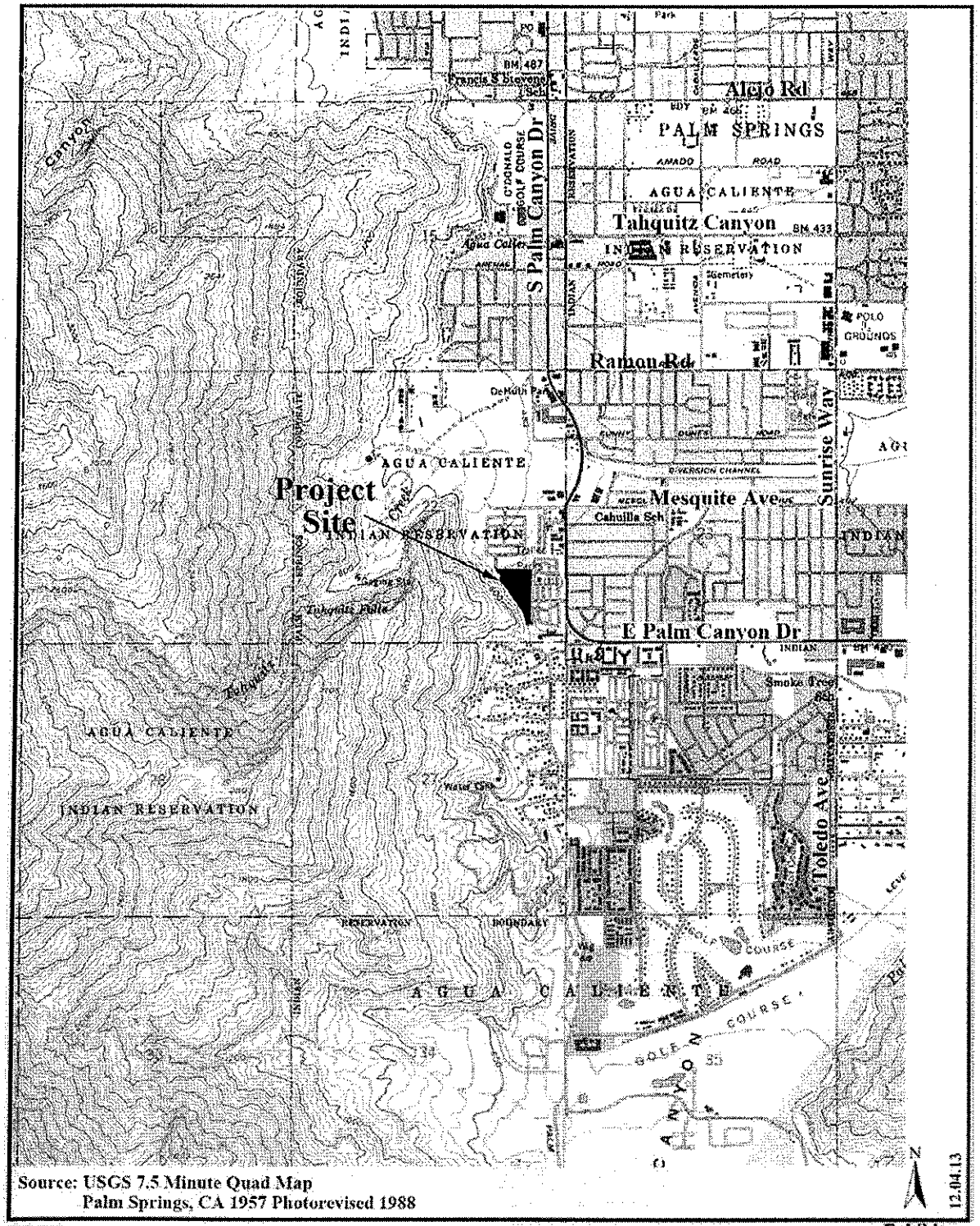
Environmental Setting and Surrounding Land Uses

The subject property is vacant, with sandy soils and sparse desert vegetation. It is relatively flat and located at the base of the foothills of the San Jacinto Mountains. Surrounding land uses include the following:

North: apartments (Tahquitz Mesa Villas)
South: open space (San Jacinto Mountains)
East: commercial retail, vacant land to southeast
West: open space (San Jacinto Mountains)

Other public agencies whose approval is required

None.



Source: USGS 7.5 Minute Quad Map
Palm Springs, CA 1957 Photorevised 1988

TERRA NOVA®
Planning & Research, Inc.

Project Vicinity Map
Dakota
Palm Springs, California

Exhibit 1

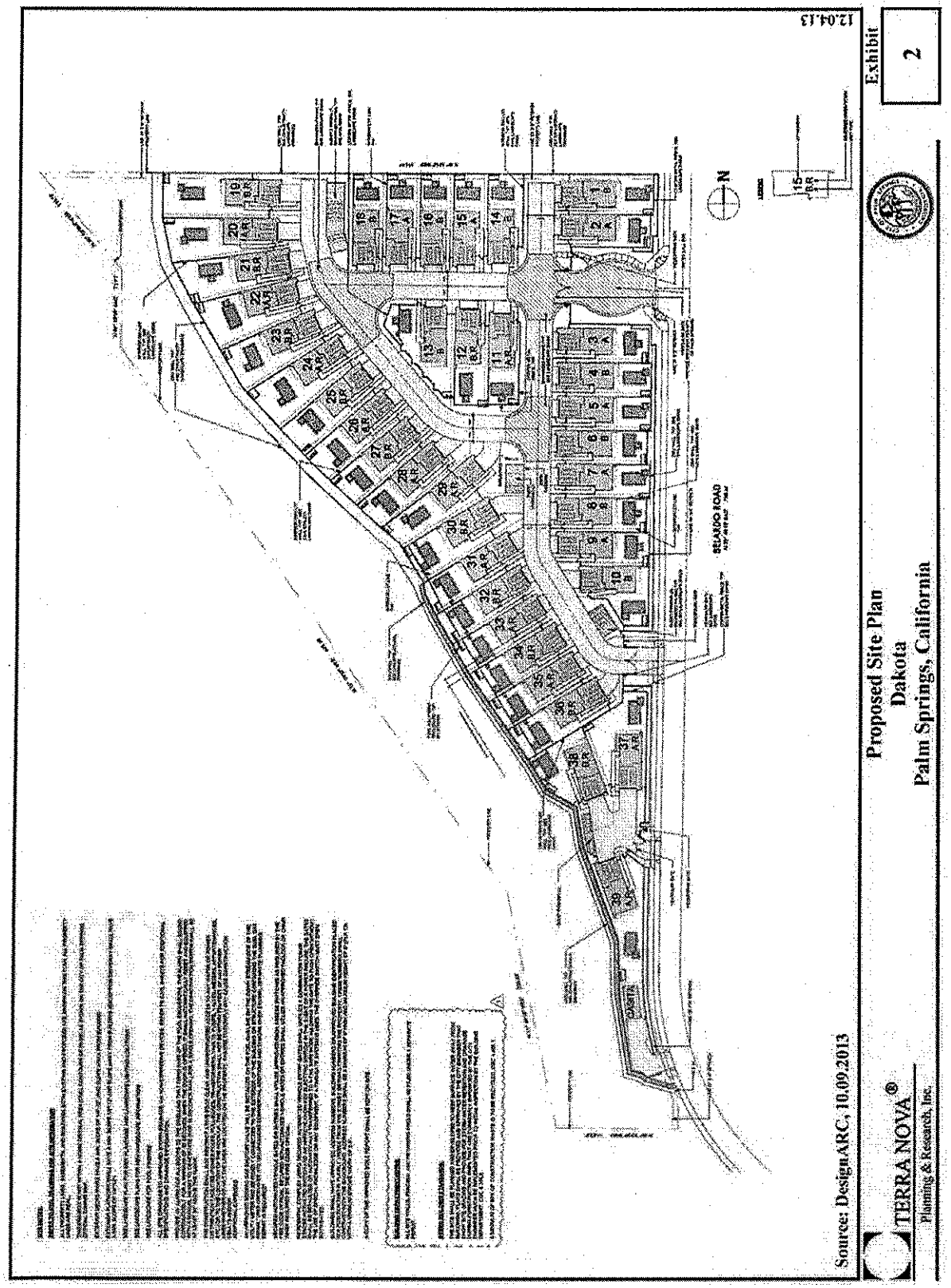


Exhibit 2
12.04.13
Proposed Site Plan
Dakota
Palm Springs, California
Source: DesignARC, 10.09.2013
TERRA NOVA®
Planning & Research, Inc.
N
RELIANCE ROAD

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.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/ Traffic
☐ Utilities/Service Systems	☐ 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.

David A. Newell
Associate Planner

12/23/2013
Date

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, 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 the preparation of a Mitigated 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: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures 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.

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.

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

Discussion of Impacts

a-c) ***Less Than Significant Impact.*** The Initial Study for the 2007 proposed project found that aesthetic impacts resulting from the project were expected to be less than significant. The current project is expected to result in similar but somewhat less intense aesthetic impacts. Compared to the 2007 proposal, the current project proposes a decrease in density from 10.1 to 6.1 dwelling units per acre; development of detached homes rather than clustered townhomes; decrease in building coverage from 22% to 17%; and reduction in building height from 3 to 2 stories, all of which will provide additional view corridors through which to view the foothills of the San Jacinto Mountains to the immediate west. The architectural scale and style of proposed units are largely unchanged. Building elevations show that colors and materials are typical of others in the City and will complement surrounding development and the natural environment.

Existing onsite conditions are relatively unchanged from 2007. The project site remains vacant, and does not occur within a state scenic highway. Terrain consists of boulders and rocks along the westerly boundary and coarse-grained alluvial sand throughout the remainder of the site. Project development will require the excavation and removal of some rocks and boulders; however, no important tree or rock features are known to occur onsite, and impacts to such features are not anticipated. Evidence of past human disturbance has been observed, including a relocated mobile home park, homeless encampments, and trash dumping. No historic buildings are present.

As it was when the 2007 environmental analysis was prepared, the site is surrounded by two-story multi-family residential development to the north, and two-story commercial development to the east. The views from the existing apartments are limited to the foothills of the adjacent mountains, which are limited by the proximity and orientation of the apartment buildings.

The 2007 project proposed 8 two and three story buildings adjacent to the apartment buildings. The current project reduces the number of structures to 7, and provides rear

yards and swimming pools adjacent to the apartments, thereby increasing setbacks when compared to the 2007 project for all but two lots. Lots 1 and 19 will occur immediately south of the apartment project. Lot 1 occurs adjacent to the existing carports, and will have no impacts on the apartment units to the north. Lot 19 occurs at the northwest corner of the property, and results in reduced mass and scale, when compared to the 2007 project. The current project will result in a smaller structure, and a greater view corridor, because of the rear yard provided (with no structure to block views), and the size of the single family home. Overall impacts associated with the adjacent apartments will be somewhat less than those previously analyzed.

The currently proposed project is consistent with existing development patterns and visual character in the area, providing two story structures similar in height to the adjacent apartments to the north, although the proposed project's structures and mass will be less intense than the existing apartments. The low intensity commercial development to the east of the project site includes a two story component as well.

Overall, impacts associated with scenic vistas, scenic resources and visual character will be less than significant, and somewhat less than the previously analyzed project.

d) ***Less Than Significant Impact.*** Impacts associated with lighting and glare are expected to be similar, but somewhat less intense, than those analyzed in the 2007 environmental analysis. The current project proposes 27 fewer units than the 2007 project, but overall, lighting impacts will continue to be limited and typical of a medium-density residential neighborhood.

Development of the currently proposed project will result in increased light and glare over current conditions. Light and glare will be generated by light emanating from 39 new residences, landscape lighting, and vehicles accessing the site. The project will be required to comply with the outdoor lighting requirements of Section 93.21.00 of the City Zoning Ordinance, which is intended to maintain dark skies and enhance community character. No significant light sources are proposed, and impacts to nighttime skies are expected to be less than significant.

II. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With 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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion of Impacts

a-c) ***No Impact.*** The 2007 environmental analysis determined that the project would have no impact on agricultural resources. This remains true for the currently proposed project.

The subject property is located at the base of the foothills of the San Jacinto Mountains and consists of relatively flat and sandy soils. The property is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance by the California Department of Conservation. There are no agricultural activities on or adjacent to the project site. It is zoned for residential use and will not conflict with zoning for agricultural uses or a Williamson Act contract. It will not involve other changes that could result in the conversion of farmland to non-agricultural uses. As with the 2007 analysis, no impacts associated with agricultural resources are anticipated.

III. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
d) Result in significant construction-related air quality impacts?	☐	☐	☒	☐
e) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
f) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion of Impacts

a) ***No Impact.*** The Coachella Valley is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for monitoring criteria air pollutant concentrations and establishing policies for the SSAB. All development in the SSAB is subject to SCAQMD's 2012 Air Quality Management Plan and the 2003 Coachella Valley PM10 State Implementation Plan. SCAQMD based its management plans on local general plan land use designations, including the Palm Springs General Plan.

Like the project proposed in 2007, the currently proposed project will be developed in accordance with all applicable air quality management plans. Both projects would result in residential development intensities that are lower than what is permitted by the current General Plan land use designation, and therefore, will result in lower emissions than originally anticipated by SCAQMD, consistent with the intent of the AQMP. No impacts associated with compliance with applicable management plans are expected.

b-d) ***Less Than Significant Impact.*** Criteria air pollutants will be released during both the construction and operational phases of the proposed project. In 2006, an air quality analysis was prepared for The Edge, in which 66 residential units were proposed. The analysis determined that the project would not exceed SCAQMD emission thresholds. The 2007 Mitigated Negative Declaration nonetheless recommended mitigation

measures, even though the project emissions did not exceed SCAQMD thresholds of significance. Since its original review, the SCAQMD has changed the modeling software used in analyzing impacts, but has not changed its thresholds of significance.

The California Emissions Estimator Model (CalEEMod) was used to project air quality emissions generated by the currently proposed project. Table 1, below, summarizes short-term construction-related emissions, and Table 2 summarizes ongoing emissions generated during long-term operation. Output data is provided in the Appendix.

Construction Emissions

The construction period includes all aspects of project development, including site preparation, grading, hauling, paving, building construction, and application of architectural coatings. For analysis purposes, it is assumed that construction of the currently proposed project will occur over a 12-month period from January 2014 to December 2014..

Table 1 provides a summary of projected maximum daily construction related emissions generated by the project. Like the 2007 project, emissions generated by this project's construction activities will not exceed SCAQMD thresholds of significance for criteria air pollutants. The data reflect average daily emissions over the 12-month construction period, including summer and winter weather conditions.

Table 1
Dakota
Maximum Daily Construction-Related Emissions Summary
(pounds per day)

	CO	NO_x	ROG	SO_2	PM_{10}	$PM_{2.5}$
Unmitigated Emissions[1]	52.31	97.73	73.26	0.14	74.92	13.55
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00

[1] Average of winter and summer emissions, unmitigated, 2014.
Source: CalEEMod version 2011.1.1 output tables generated 12.13.13. See Appendix A.

The data presented are conservative as they represent unmitigated emissions. Implementation of standard reduction measures during construction will further reduce emission levels. Such measures include, but are not limited to, the implementation of dust control plans in conformance with SCAQMD Rule 403.1, proper maintenance and limited idling of heavy equipment, use of oxidation catalyst for construction equipment, and use of low-polluting architectural paint and coatings. In addition, the project would be required to comply with Chapter 8.50 of the City Municipal Code which requires adherence to a Fugitive Dust Mitigation Plan, and Sections 8.04.230 and 8.04.240 which address erosion and debris control.

Impacts to air quality for criteria pollutants from construction of the currently proposed project, therefore, are expected to be less than significant.

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. They include area source emissions, emissions from energy demand (electric and natural gas), and mobile source (vehicle) emissions. Table 2 provides a summary of projected emissions during operation of the proposed project.

Table 2
Dakota
Operation-Related Emissions Summary
(pounds per day)

	CO	NO_x	ROG	SO_2	PM_{10}	$PM_{2.5}$
Unmitigated Emissions[1]	32.81	14.81	7.20	0.05	4.87	1.18
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00

[1] Average of winter and summer emissions, unmitigated, 2014.
Source: CalEEMod version 2011.1.1 output tables generated 12.13.13. See Appendix A.

As shown, operational emissions will not exceed SCAQMD thresholds of significance for any criteria pollutants. The data are conservative and reflect unmitigated operations. Implementation of standard reduction measures will further reduce pollutant emissions. These include, but are not limited to, the use of low-VOC architectural paints and coatings and energy-efficient appliances.

Non-Attainment

Historically, the Coachella Valley in which the project is located, has been classified as a "non-attainment" area for PM_{10} and ozone. The proposed project will contribute to an incremental increase in regional ozone and PM_{10} emissions. However, given its relatively limited size (6.37± acres), cumulative impacts are not expected to be considerable. Project construction and operational emissions will not exceed SCAQMD thresholds for PM_{10} or ozone precursors (NOx), and appropriate standard reduction measures will be implemented that will further reduce emissions. The project will not conflict with any attainment plans and will result in less than significant impacts.

The following mitigation measures, included in the 2007 analysis, shall be implemented to further reduce construction-related emissions. Even without their implementation, impacts are expected to be less than significant.

Mitigation Measures

MM III-1 **Earth-moving activities on the project site shall be suspended during first and second stage ozone episodes or when winds exceed 25 MPH, pursuant to the Coachella Valley PM_{10} State Implementation Plan and SCAQMD Rule 403.1.**

MM III-2 **Adequate watering techniques shall be employed on the project site to mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day, as part of the construction specifications.**

MM III-3 **Any construction access roads to the project site shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed limit on unpaved road surfaces shall be 15 mph.**

MM III-4 **All trucks shall maintain at least two feet of freeboard.**

MM III-5 **Trucks hauling dirt, sand, soil or other loose dirt material off-site, shall be covered and washed off before leaving the site.**

MM III-6 **Adjacent streets shall be swept if silt is carried over to adjacent public thoroughfares.**

MM III-7 **As part of the construction specifications, any vegetative ground cover to be utilized on-site shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems needed to water these plants shall be installed as soon as possible to maintain the ground cover and minimize wind erosion of the soil.**

MM III-8 **Construction operations affecting off-site roadways shall be scheduled for off-peak traffic hours and shall minimize obstruction of through-traffic lanes.**

e) ***Less Than Significant Impact.*** As was the case with the 2007 project, the nearest sensitive receptors are multi-family apartments (Tahquitz Mesa Villas) immediately north of the project site. The closest apartment buildings are approximately 15 feet north of Dakota's northern boundary.

Development of the currently proposed project will require an estimated 21,760 cubic yards (net) of fill to be imported onsite. The fill will originate from an off-site location, and its greatest dust generation will occur off-site where the ground surface is scraped and the dirt is lifted and dumped into hauling trucks. However, once brought onsite, the fill could also generate PM_{10} and $PM_{2.5}$ emissions that affect residents at Tahquitz Mesa Villas. These impacts will be temporary and mitigated to less than significant levels through a variety of mitigation measures, including adherence to SCAQMD's Rule 403.1 and the City Municipal Code which require implementation of dust control plans (see Mitigation Measures above in III.b-d). These measures will also assure that no debris is deposited on adjacent properties and streets.

f) ***Less Than Significant Impact.*** As was the case when the 2007 project was analyzed, diesel exhaust from heavy equipment may be detectable by nearby development during the construction phase of the project. These potential impacts will be temporary and infrequent, and will only occur for a short duration. However, over the long term, the proposed single-family project is not expected to generate objectionable odors.

IV. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Discussion of Impacts

a) ***Less Than Significant Impact.*** The 2007 environmental assessment determined that the proposed project would not have a substantial adverse effect on any sensitive species. The site-specific biological assessment and impact analysis conducted in 2006 indicated that no special-status species or sensitive habitat occur onsite.

The physical conditions of the site and surrounding lands are largely the same as they were in 2007. The property has been disturbed previously by a mobile home park, homeless encampments, and trash dumping. Project-related impacts to sensitive species are expected to be less than significant.

The proposed project will convert approximately 6.37 acres from open space to residential development. However, the site is located in an urban area, was partially developed for many years, and is not known to contain special status plant or animal species. The loss of habitat is not considered significant.

b, c) ***No Impact.*** As was the case in 2007, the subject property is not known to contain any riparian habitat, sensitive natural community, wetlands, marshes, vernal pools, or other waters. No impacts associated with such features are anticipated.

d) ***No Impact.*** The physical characteristics of the property and surrounding land uses are largely unchanged since 2007. The site is isolated, located in an urban area and remains vacant. It is not known to contain any wildlife corridors or nursery sites. The proposed project will not result in adverse impacts.

e) ***No Impact.*** The 2006 site-specific biological survey and 2007 Initial Study indicated that no sensitive biological resources or landmark trees are located onsite, and that no conflict with local policies/ordinances that protect biological resources would occur as a result of the 2007 project. The physical characteristics of the site are largely unchanged from 2007, and no special trees or other locally-protected resources are known to occur onsite. No conflicts with local regulations are anticipated from the current project.

f) ***Less Than Significant Impact.*** The 2007 environmental analysis determined that no impacts associated with HCPs or NCCPs were anticipated. However, subsequent to the 2007 analysis, the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (CVMSHCP) and Agua Caliente Tribal Habitat Conservation Plan became effective. These Plans establish a comprehensive approach to conserving open space and sensitive species in the Coachella Valley.

The City of Palm Springs is a participant in both the CVMSHCP and the Tribal HCP, and the project site is located within the Plans' boundaries. The project site is not identified as a conservation area, nor is it identified as harboring sensitive species. Therefore, the project is subject to payment of the THCP Valley Floor Planning Area fee, which mitigates potential impacts to covered sensitive species resulting from project development. This standard requirement will assure that impacts associated with conservation plans are reduced to less than significant levels.

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

Discussion of Impacts

a) ***No Impact.*** As described in the 2007 Initial Study, aerial photos were reviewed to evaluate the history of the site. In 1974, the northeast corner of the site was developed as a mobile home park with approximately four dozen homes and lightly paved roads. Objects associated with an adjacent residence were stored near the southern property boundary. By 1984, the mobile home park had been razed. A 1988 USGS topographic map depicts the site as undeveloped and identifies it as part of the Agua Caliente Band of Cahuilla Indians Reservation.

The physical conditions of the site are largely unchanged from 2007. The site is vacant and includes no structures, is not listed as a historical resource, as defined in Section 15064.5, and no impacts to historical resources are anticipated.

b) ***Less Than Significant Impact With Mitigation Incorporated.*** As indicated on the 1988 USGS topographic map, the site is within the boundary of the traditional reservation of the Agua Caliente Band of Cahuilla Indians. Although portions of the site have been developed and disturbed by a previous mobile home park and trash dumping, it is possible that buried cultural materials may be discovered during earth-moving and ground-disturbing activities.

Impacts from the currently proposed project are similar to those anticipated from the 2007 project. Both projects would require similar grading and earthwork processes and acreages. Impacts associated with the currently proposed project are considered less than significant with incorporation of the following mitigation measures.

Mitigation Measures

MM V-1 **As there is always a possibility of buried cultural and paleontological resources in a project area, prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and**

Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

MM-V-2 **A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. The Agua Caliente Band of Cahuilla Indians Cultural Office shall be contacted for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate the find. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval. Human remains discovered shall be handled consistent with state law provisions.**

c) ***No Impact.*** Both the 2007 and currently proposed projects would involve grading and earthwork activity of similar acreages. As with the 2007 project, the current project is not expected to impact paleontological resources. The site consists of recent Aeolian and water-borne deposits, has been heavily disturbed by past development and illegal trash dumping, and uncovering any paleontological resources is unlikely. The presence of a monitor, as described in MM-V-2, above will assure that should any paleontological resources be uncovered by project activities, appropriate action will be taken.

d) ***No Impact.*** No human remains are known to be located onsite, and given that the property has been disturbed and developed in the past, it is unlikely that human remains will be uncovered.

In the event that human remains are discovered onsite, State law requires that all activities stop and that the Coroner be consulted. Should the Coroner identify remains as being historic, he is required to involve the Tribe. These standard requirements will assure that any impacts associated with human remains are less than significant.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☒	☐	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion of Impacts

a.i.) ***No Impact.*** The 2007 environmental analysis determined the project would have no impact from fault rupture. This remains true for the currently proposed project.

Active earthquake faults which have the potential to generate surface rupture are present in the northernmost portions of the City. The nearest Alquist-Priolo Earthquake Fault Zone is located along the Banning Pass Fault, approximately 8 miles north of the subject property. Another Alquist-Priolo Zone extends along the San Andreas Fault, 10

miles north of the site. The project site does not lie within a currently designated Alquist-Priolo Earthquake Fault Zone, and the proposed project will not be impacted by fault rupture.

ii.) ***Less Than Significant Impact.*** Impacts to the current project from groundshaking will be the same as were anticipated for the 2007 project. The subject property is located in an active seismic area. Moderate to severe groundshaking from earthquakes originating on local and regional faults could occur on the subject property. Engineered design and earthquake-resistant construction methods shall be implemented into proposed structures, as part of the City's implementation of the Building Code. At a minimum, seismic design shall be required to comply with the most recent edition of the California Building Code (CBC) to provide collapse-resistant design. This standard requirement will assure that impacts associated with groundshaking remain less than significant.

iii.) ***No Impact.*** Liquefaction occurs when loose, unconsolidated soils that are saturated with water lose strength due to ground vibrations, typically during a seismic event. According to the General Plan (Figure 6-1), the potential for liquefaction to occur on the subject property is low due to groundwater depths greater than 50 feet. These conditions are unchanged from the 2007 environmental analysis.

iv.) ***Less Than Significant Impact With Mitigation Incorporated.*** The 2007 Initial Study indicated that the previously proposed project would result in "No Impact" with regard to landslides. However, based on the 2007 General Plan, a site-specific geologic evaluation (2006), and geotechnical plan reviews (August 2013 and October 2013), potential hazards from rock falls and debris flow have been reassessed, and mitigation is required.

The 2007 General Plan (Figure 6-2) shows that the site has a moderate to high susceptibility to rock falls and seismically induced landslides. The subject property is adjacent to steep mountainous terrain and contains numerous large boulders past the toe of slope that suggest they have rolled out onto flat portions of the site.

The August 2013 geotechnical report noted that portions of the property are characterized by large boulders and/or shallow bedrock at or near the surface. Excavation of pools and foundations in the shelf area near the toe of slope will be very difficult due to the presence of large and partially exposed boulders over 8 feet in length. The report recommended inclusion of a rockfall/debris ditch and setback, particularly in the northwestern half of the site (Lot 33 northwestward) which has a very high potential for rockfall from medium to large rocks (3-10 feet in dimension) and debris flow hazards. A combination of catchment ditches, debris walls/fences, and building setbacks at the base of the slope were recommended to reduce rockfall hazards. Debris flow walls along the existing slope must be designed to accommodate additional loading from the retention of rock material.

The October 2013 geotechnical plan review concluded that the reviewed grading plans for Dakota (Precise Grading & Drainage Plan for Parcel Map No. 36548, prepared by Sanborn A/E, Inc., printed October 24, 2013) were in substantial conformance with the intent of the recommendations provided by the geotechnical consultant.

No changes to the plans are required. However, additional mitigation measures were provided by the geotechnical consultant and shall be incorporated into the project's design.

Mitigation Measures

MM-VI-1 Foundation design and pool locations adjacent to the shelf area near the existing slope will mitigate for intact bedrock, talus and accumulated boulders from past rockfall to the satisfaction of the City Engineer (see also MM-VI-14).

MM-VI-2 Retaining walls will be designed to accommodate loading from the retention of rock materials. The upper freeboard portion of the retaining wall will be designed to include loading from debris flows.

MM-VI-3 Northwestern Half of Lots (Lot 33 and northwestward): As recommended by the geotechnical engineer, a catchment ditch shall be employed from Lot 33 northwestward along the toe of slope to Lot 22. The basic design of the ditch shall conform to the parameters described on page 11 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

Proposed catchment ditches may be designed to serve a dual use for stormwater retention and debris flow mitigation, in addition to rockfall mitigation.

Access ramps and easements shall be provided to allow accessibility for maintenance equipment and work crews.

Before finalizing, the design engineer shall submit cross-sections of proposed catchment ditches to the engineering geologist and geotechnical engineer. Final design shall be tested with the use of computer simulation for effectiveness relative to the specific slope geometry.

MM-VI-4 Southwestern Half of Lots (south of Lot 33): As recommended by the geotechnical engineer, a debris flow wall shall be constructed for the remaining portion of the project along the existing slope. The wall and drainage swale behind the wall shall be designed in conformance with the parameters described on pages 7 and 12 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

Adequate access for maintenance equipment and crews shall be provided.

MM-VI-5 Deck/Flatwork Subgrade Preparation: In the deck/flatwork areas, the subgrade shall be over-excavated according to the parameters described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. Compaction shall be verified by testing.

MM-VI-6 Cut Slopes: Cut slopes in bedrock shall be evaluated on a slope-by-slope basis by the project engineering geologist, as described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

MM-VI-7 Oversize Rock Disposal: The project shall consult the recommendations pertaining to oversize rock removal and stockpiling provided on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

MM-VI-8 Slopes: To avoid erosion or overflowing of slopes as they weather and deteriorate, the project shall consult the recommendations described on page 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.

MM-VI-9 **Catchment Ditch: The project shall consult the design recommendations for the catchment ditch, which are described on page 11 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013.**

MM-VI-10 **Remedial Grading: The project shall implement specific recommendations pertaining to grading, remedial grading, trench backfill, and foundation criteria provided in the following geotechnical reports:**
a. Geotechnical Engineering Report, File No. 09709-02, Doc. No. 04-08-825, Earth Systems Southwest, August 31, 2004.
b. Summary of Findings, Geologic Evaluation of Rock Fall Hazard, File No. 09709-03, Doc. No. 06-06-759, Earth Systems Southwest, June 9, 2006.
c. Geotechnical Engineering Report Update, File No. 09709-02, Doc. No. 13-04-707, Earth Systems Southwest, April 9, 2013.

MM-VI-11 **A qualified geotechnical engineer shall be retained during the construction process to provide testing and observe compliance with approved plans and mitigation measures.**

b) ***Less Than Significant Impact.*** The Coachella Valley is characterized by seasonal flooding and soils that can be highly susceptible to wind and water erosion. The acreage to be disturbed during development of the currently proposed project is generally comparable to that of the 2007 project, and erosion impacts are expected to be comparable.

Standard City grading and erosion control requirements will be required. Because the parcel is larger than 1 acre in size, it will be required to comply with National Pollution Discharge Elimination System (NPDES) standards and Construction General Permit, prepare a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), and include appropriate best management practices (BMPs) to control erosion and off-site discharge of pollutants to surface waters. A Fugitive Dust (PM_{10}) Mitigation Plan will also be required. These standard requirements will assure that impacts are reduced to less than significant levels.

c) ***Less Than Significant Impact With Mitigation Incorporated.*** The subject property consists of relatively flat terrain that is adjacent to steep, rocky slopes of the San Jacinto Mountains. Although these slopes are largely stable, they are still susceptible to seismically induced rockfall hazards or debris flow resulting from prolonged rainfall.

Landslide
See VI.a.iv, above.

Liquefaction
See VI.a.iii, above.

Ground Subsidence
Ground subsidence is the gradual sinking of the ground surface with little or no horizontal movement, and is typically associated with the extraction of groundwater, oil, or gas or seismic events. Ground subsidence can result in sinkholes and disruption of surface drainage.

The geotechnical plan review dated August 2013 noted that the site has numerous depressions and/or sink holes along the easterly property boundary. They are most likely

associated with cesspools, drywells, or septic seepage pits from the mobile home park that was once located onsite. In light of these new observations, which were not cited in the 2007 Initial Study, the following mitigation shall be required.

Mitigation Measures

MM-VI-12 **All depressions and/or sink holes identified in the geotechnical plan review prepared by Earth Systems Southwest, dated August 9, 2013, shall be excavated to firm material and backfilled with soil or slurry.**

Settlement

The 2013 geotechnical review states that many of the currently proposed residences and pools along and near the toe of slope have "transition" conditions in which underlying geologic materials are dissimilar (bedrock to fill). Such conditions could result in differing settlement characteristics and cracking. The following mitigation measures shall be implemented to address potential hazards.

Mitigation Measures

MM-VI-13 **Transition conditions for residences: In pad transition areas (cut to fill), over-excavation shall occur in accordance with the parameters described on page 9 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. The bottom of the excavation and excavation sidewalls shall be reviewed by the project geotechnical engineer or geologist for suitability prior to recompaction. Compaction shall be verified by testing.**

MM-VI-14 **Subgrade Preparation for Pools and Spas founded in bedrock and transition conditions: Soils below pool/spa shells and foundation areas (for any water features of support structures) shall be over-excavated in accordance with the methods described on pages 9 and 10 of Earth Systems Southwest's geotechnical plan review dated August 9, 2013. The bottom of the excavation and excavation sidewalls shall be reviewed by the project geotechnical engineer or geologist for suitability prior to recompaction. Compaction shall be verified by testing.**

d) ***No Impact.*** Soil conditions are the same as they were in 2007. Expansive soils typically have significant amounts of clay that can shrink or swell. The subject property consists of sandy soils that are not typically susceptible to expansion. No impact is anticipated.

e) ***No Impact.*** Like 2007 conditions, no septic tanks or alternative wastewater disposal systems are planned in the currently proposed project. No impacts will occur.

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

a, b) Greenhouse gas emissions are generated during both the construction and operational phases of a project. At the time The Edge was proposed (2007), analysis of greenhouse gas (GHG) emissions was not required. To compare potential GHG emissions generated by the previously proposed and currently proposed projects, land use data for each project was input into the California Emissions Estimator Model (CalEEMod) which estimates greenhouse gases emitted during project construction and operation.

For both projects, construction-related emissions are temporary and end once the project is built. They can be minimized by limiting idling times of construction equipment, adequate maintenance of heavy machinery, and efficient scheduling of construction activities to minimize combustion emissions.

For both projects, long-term operation results in ongoing greenhouse gases through the consumption of electricity and natural gas, mobile sources, and the transport and pumping of water.

Tables 3 and 4, below, summarize projected annual unmitigated operational GHG generation for The Edge and Dakota, respectively.

The Edge

Table 3
The Edge (2007)
Projected GHG Emissions from Construction and Operation
(metric tons per year)

	CO2	CH4	N2O	CO2e
Construction Activities	666.80	0.11	0.00	669.13
Operational Activities[1]	1,185.25	0.79	0.00	1,204.83

Source: CalEEMod Version 2011.1.1 output tables generated on 12.12.13.
Values shown represent unmitigated emissions
[1] Operation GHG emissions include area, energy, mobile, waste, and water source emissions.

Dakota

Table 4
Dakota
Projected GHG Emissions from Construction and Operation
(Metric Tons/Year)

	CO2	CH4	N2O	CO2e
Construction Activities	633.81	0.06	0.00	635.03
Operational Activities	949.03	1.22	0.00	976.92

Source: CalEEMod version 2011.1.1 output tables generated on 12.13.13. Values shown represent the total annual, unmitigated GHG emission projections for construction and operation of the proposed project, 2014. See Appendix A.

Comparison of projected GHG emissions indicates that build out of the currently proposed Dakota project is expected to result in lower GHG emissions than The Edge during both its construction and operational phases. This is largely due to the current project's reduction by 27 residential units.

State legislation, including AB32, aims for the reduction of greenhouse gases to 1990 levels by 2020. However, currently there are no thresholds of significance for greenhouse gases. The City has implemented a number of measures to reduce greenhouse gas emissions, and is currently completing a Climate Action plan. Statewide programs and standards, including new fuel-efficient standards for cars and expanding the use of renewable energies, will help reduce GHG emissions over the long-term.

The proposed project will be required to comply with Title 24 of the CBC, which in 2014 requires a further 30% reduction in energy use for new construction. These and other standards will reduce GHG emissions from the project once implemented. GHG emissions generated by the proposed project are not expected to result in significant adverse impacts on the environment or conflict with applicable GHG plans or policies.

VII. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Discussion of Impacts

a-b) Less Than Significant Impact. Compared to the 2007 project, the current project represents a reduction of 27 dwelling units, reduction of one recreation center, and

increase of 38 swimming pools. The land use (moderate density residential) and acreage (6-7 acres) of each project are comparable. Minimal transport, usage, and upset of hazardous materials are anticipated with both projects. The currently proposed project will result in the development of a moderate density neighborhood with 39 dwelling units, private open space, and swimming pools, a reduction of 27 units. Small quantities of chemicals routinely used for household and landscaping purposes will be utilized onsite; however, they will not be used in sufficient quantities as to pose a threat to humans or cause a significant chemical release into the environment. A vehicle staging area will be used during the construction phase of the project to minimize potential fuel or oil spills and risks of explosion or accidental chemical release. Adherence to applicable local, State, and federal laws pertaining to occupational safety will reduce impacts to less than significant levels.

c) ***No Impact.*** As was the case when the 2007 project was analyzed, the nearest school to the project site is Cahuilla Elementary School, located approximately 0.6 mile to the northeast at 833 E. Mesquite Avenue. Like the 2007 project, the transport and usage of hazardous materials resulting from the currently proposed project will be limited to that associated with a residential neighborhood. No impacts to a school are anticipated.

d) ***No Impact.*** The subject property is not included on a list of sites containing hazardous materials. The site is not identified as being a specific hazardous materials cleanup site or waste facility, as monitored by the California Department of Toxic Substances Control. This status remains unchanged from the 2007 environmental analysis, and no impact is anticipated.

e) ***No Impact.*** The subject property is located approximately 2.5 miles southwest of the Palm Springs International Airport and is outside the boundaries of the Riverside County Airport Land Use Compatibility Plan for the airport. Like the project analyzed in 2007, its development will not generate a hazard for people working or residing in the project area.

f) ***No Impact.*** The site is not located in the vicinity of a private airstrip, and like the project analyzed in 2007, will not result in a safety hazard for people working or living in the project area.

g) ***No Impact.*** The project will not physically interfere with an emergency evacuation or response plan. Like the project evaluated in 2007, the currently proposed project will be accessed from the existing street grid (Belardo Road). With the recent extension of Belardo Road, access to and from the site has been improved over 2007 conditions. Private internal roads will be required to provide adequate turn-around space for emergency vehicles, and gated entrances will be accessible to emergency personnel. No adverse impacts will occur.

h) ***Less Than Significant Impact.*** The 2007 Initial Study stated that "no impact" would occur regarding wildfire hazards. However, this response is being reevaluated based on information published after 2007.

According to wildfire hazard maps prepared by CAL FIRE (dated December 24, 2009), this project is located within a "very high fire hazard severity zone." Construction features as contained in the building code shall be incorporated into this project to address fire

hazards. The project site itself is not designated as a fire hazard zone and is located in a semi-urban setting with development to the north and east. The City is responsible for fire protection within the City limits, and the U.S. Forest Service is responsible for fire protection in the San Jacinto Mountains. Both agencies plan for and respond to wildfires and maintain mutual aid agreements with numerous other agencies to assure all fire-fighting capabilities are utilized as necessary. Impacts associated with project buildout will be less than significant.

VIII. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
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)?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
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:	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐

VIII. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion of Impacts

a) ***No Impact.*** The proposed project will not violate any water quality standards or waste discharge requirements. The neighborhood will be connected to existing sewer lines, and wastewater will be transported to and processed at the City's Wastewater Treatment Plant. The City contracts with Veolia Water North America to operate the plant, which implements the requirements of the Regional Water Quality Control Board as they relate to wastewater discharge requirements and water quality standards.

Compared to the 2007 project, the currently proposed project will result in the development of 27 fewer dwelling units. The current project, therefore, will reduce the overall amount of discharge generated. However, both projects would connect to the existing sewer system, and neither would be expected to violate water quality standards. Both projects would be required to comply with NPDES regulations and discharge requirements.

b) ***Less Than Significant Impact.*** Impacts for both the 2007 and currently proposed project are considered less than significant. Long-term water consumption from the currently proposed project will be that required by 39 residences and private swimming pools. This represents a decrease from the 2007 project, which proposed 66 residences and one community swimming pool.

Domestic water will be supplied to the site by Desert Water Agency (DWA) through existing water mains beneath Belardo Road. DWA has prepared an Urban Water Management Plan (2011 UWMP) to help plan for current and future water demands. The UWMP demonstrates that DWA has available, or can supply in the future, sufficient and reliable water supplies to serve future development in the project area. In the short-term, water may be required during site grading as part of the dust mitigation program. Over the long-term, the project will be required to use drought tolerant planting materials and limited irrigation water for landscaping, and will implement Building Code requirements for water efficient fixtures.

c-e) ***No Impact.*** The subject property is generally flat and gently slopes toward the east. It does not contain any streams or rivers; however, it does take on storm flows from the hillside to the west. Compared to the 2007 project, the current project proposes 27 fewer dwelling units and driveways. Building coverage will be reduced from 22% to 17%. Neither project would significantly alter drainage patterns.

Buildout of the proposed project will add impervious surfaces to a currently vacant site. The Tentative Tract Map indicates that 33% of the site (2.1± acres) will consist of building footprints, paving, streets, and drives.

The project will be required to capture and convey hillside flows as well as storm flows generated onsite. The Tentative Tract Map proposes a network of storm drain improvements that will drain higher elevations (westerly portions of the site) to an existing 24-inch storm drain beneath Belardo Road. This is part of a regional flood control system owned and managed by the Riverside County Flood Control and Water Conservation District (RCFC), and connection to it will require approval from RCFC. This stormwater infrastructure will minimize the potential for erosion and/or flooding to occur on- or off-site. Alterations to existing drainage patterns are expected to be less than significant.

f) ***No Impact.*** Like the 2007 project, the currently proposed project is not expected to degrade water quality. Project buildout will result in the development of a residential neighborhood that will not involve the production, use, or disposal of hazardous substances that could significantly degrade existing water quality. It will connect to existing sewer infrastructure, and wastewater will be treated at the City's wastewater treatment plant in accordance with standard protocol. Stormwater will be collected and conveyed to existing storm drains. During the construction process, Best Management Practices (BMPs) will be implemented to minimize soil erosion and the emission of pollutants and material waste. These standard requirements will assure no impact associated with the proposed project.

g,h) ***Less Than Significant Impact.*** The 2007 environmental analysis determined that "no impact" would occur with regard to the 100-year flood zone. The subject property is still located outside the 100-year floodplain, but may be subject to low-depth flooding, as described below.

Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) have been revised since the 2007 analysis. The easterly portion of the subject property is now designated as Flood Zone X (shaded), which is subject to 0.2% annual chance flood or 100-year flooding with average depths of less than one (1) foot or with drainage areas less than 1 square mile. The site is still outside the 100-year floodplain, but low-depth flooding could occur. The westerly portion of the site, at the edge of the foothills, is outside the 0.2% annual chance floodplain.

Impacts will be less than significant as stormwater flows will be conveyed through the site into the existing storm drain beneath Belardo Road. As part of its review, the City will require that the 100 year storm be accommodated in the drainage system, thus eliminating the potential hazard. Impacts will be less than significant.

i) ***No Impact.*** The project site is not within the 100-year floodplain, and is not subject to potential hazards associated with failure of a dam or levee. Therefore, no impact will occur. This is unchanged from the 2007 analysis.

j) ***No Impact.*** Due to its substantial distance from the Pacific coast, the City is not subject to tsunamis. No impact will occur.

Seiche is the earthquake-generated oscillation of water in an enclosed body of water, such as an above-ground water reservoir, lake, or similar basin. Water may spill over and

flood adjacent properties. No such facilities are located in close proximity to the subject property, and no impact is anticipated.

Mudflow is associated with rupture of a reservoir. None are located in close proximity to the project site, and therefore, no impact will occur. These conditions are unchanged since 2007.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

Discussion of Impacts

a) ***No Impact.*** Land use conditions on and around the subject property have not changed since 2007, and the project site is still vacant, and still an isolated site. The proposed project will not physically divide an established community. The property is vacant and bounded to the immediate north by a multi-family residential development (Tahquitz Mesa Villas) and to the east by commercial development. The proposed project will subdivide the 6.37±-acre parcel into 39 single-family lots and internal streets. Like the 2007 project, proposed homes will be consistent with surrounding land uses.

b) ***Less Than Significant Impact.*** Prior to the 2007 "Edge" project approval, the City was in the final stages of adopting a new General Plan. As was the case in previous General Plan, the current land use designation for the site is HDR, High Density Residential. When the project was analyzed in 2007, the maximum permitted density was 21 dwelling units per acre, and the project proposed 10.1 units per acre. In the General Plan, the density range for HDR is 0–30 dwelling units per acre. The current project proposes 39 dwelling units on 6.37± acres, which yields a density of 6.1 units per acre.

As was true in 2007, the current zoning designation is R-3 (Multiple-Family Residential and Hotel Zone). The 2007 project proposed the development of townhomes and was compatible with this zoning designation. The current project is seeking approval of a Planned Development District (PDD) in lieu of a change of zone and to provide development flexibility. Approval of a Tentative Tract Map (TTM) will also be required to subdivide the property into 39 lots with internal streets. The application includes a Planned Development District, which is the City's Zoning vehicle to allow "compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications." (94.030.00) In this case, the proposed project will include single family homes on small lots, which are not of a size typical of standard single family subdivisions. The application provides for a density that is higher than a single family subdivision, while providing an ownership product. This concept is consistent with General Plan Goal LU6, and its supporting policies and actions, which encourages the provision of all types of housing within the City, particularly on infill sites.

The proposed project is consistent with the General Plan designation applied to the property, and with adoption of the Planned Development District, will be consistent with the City's Zoning Ordinance. As a result, impacts associated with land use planning and policy will be less than significant.

c) ***Less Than Significant Impact.*** When the project was analyzed in 2007, there were no habitat conservation or natural community conservation plans adopted for the project area, and the project was determined to have "no impact" with regard to such plans.

However, since approval of the 2007 project, the Coachella Valley Multiple Species Habitat Conservation Plan and Natural Communities Conservation Plan (CVMSHCP) and Tribal Habitat Conservation Plan have been implemented by numerous participating agencies, including the City of Palm Springs.

The project is not located within or adjacent to a designated Conservation Area. Because the subject property is located within the reservation of the Agua Caliente Band of Cahuilla Indians, the currently proposed project will be required to pay the THCP Valley Floor Planning Area mitigation fee. The fee is designed to mitigate the potential impacts to sensitive species throughout the Valley.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion of Impacts

a-b) ***No Impact.*** Mineral resource conditions are unchanged since 2007 when The Edge proposal was analyzed. No significant mineral resources have been identified on or in the immediate vicinity of the project, and the General Plan designates the property for residential uses. A large portion of the City, including the project site, is identified by the California Division of Mines and Geology as being within Mineral Resources Zone 3 (MRZ-3) which contains aggregate mineral deposits, the significance of which cannot be evaluated from available data. No drill holes are identified in the project area. The site has been designated for urban development for a number of years, and would not be an appropriate location for mineral extraction. The project will have no impact on important mineral resources.

XI. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion of Impacts

a-c) ***Less Than Significant Impact.*** The 2007 Initial Study indicated that the project would have "no impact" on exposure of people to noise levels which exceed established standards, or excessive groundborne noise or vibration. Given that the currently proposed project involves changes to the site plan, potential noise impacts have been reevaluated.

The grading and construction process for Dakota will generate temporary noise impacts from construction equipment, such as bulldozers, backhoes, and hauling trucks. Temporary groundborne noise and vibration may also occur if blasting or ripping of rock is required for excavation of shallow bedrock, particularly where swimming pools are proposed on northwesterly parcels. However, these impacts will be short-term, temporary, and will occur during daytime hours, consistent with the City's regulations relating to construction activities (please see subsection (d), below).

Permanent increases in ambient noise levels will be less than significant during operation of the project. The City will require compliance with Building Code standards for interior noise levels, including the preparation of noise analyses to demonstrate that interior noise

levels will meet these requirements. The project site is located in a low noise area of the City, and it is therefore not expected that ambient noise levels will impact the proposed project. Noise levels generated by project activities will be consistent with a medium-density residential neighborhood, and permanent noise sources will be limited to typical household appliances, landscape maintenance equipment, and vehicles accessing the property. Long-term noise impacts are expected to be less than significant.

d) ***Less Than Significant Impact With Mitigation Incorporated.*** As was the case for the 2007 project, noise impacts from the currently proposed project will be less than significant with mitigation incorporated. The currently proposed project will result in the development of 39 single-family residences and internal private streets. Temporary noise impacts will be generated during the grading and construction process by typical construction equipment, such as bulldozers, backhoes, and trucks.

The construction of 39 private swimming pools is also proposed. The project geotechnical review (Earth Systems Southwest, August 9, 2013) indicates that portions of the site proposed for pools are characterized by a mix of bedrock, talus, and boulder fill, including large boulders over 8 feet in length. Blasting and/or ripping of very hard bedrock may be required during excavation depending upon rock hardness, spacing, and the presence of joints and fractures. This could require the use of special tools and equipment, such as rams, hammers, and tractor-dozers. Grading, ripping, and construction will result in temporary groundborne vibration and noise that will end when the construction phase is complete. Noise may be particularly noticeable by existing multi-family residences to the north (Tahquitz Mesa Villas). Construction activity, including days and hours of operation, will be required to comply with the City's noise ordinance and standard noise reduction practices. Even with implementation of these standard requirements, however, construction activities may temporarily impact neighboring apartment residents. This impact could be significant if not mitigated. Mitigation measures that reduce impacts to acceptable levels are provided below.

Mitigation Measures

MM XI-1 **All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.**

MM XI-2 **All construction equipment shall be in proper working order and maintained in a proper state of tune to reduce backfires.**

MM XI-3 **Stationary construction equipment shall be placed such that emitted noise is directed away from noise-sensitive receptors, and as far south on the project site as possible.**

MM XI-4 **Should blasting be necessary on the project site, the contractor shall post notices of blasting activities a minimum of 48 hours prior to such activities. The notices shall be posted on the gates of the apartment project (in a size legible from an arriving or departing vehicle), at the mailbox banks and at the common area recreation building.**

e-f) ***No impact.*** The project's proximity to an airport is the same as it was when the project was analyzed in 2007. The property is located approximately 2.5 miles southwest of the Palm Springs International Airport and is outside the boundaries of the Riverside County

Airport Land Use Compatibility Plan for the airport. It is not located in the vicinity of a private airstrip. The project will not expose people residing or working in the area to excessive noise levels associated with an airport.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With 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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion of Impacts

a) **Less Than Significant Impact.** The 2007 project would result in 66 new townhomes. The environmental analysis for the project assumed an average household size of 2 persons per unit, which would result in approximately 132 new residents.

The currently proposed project will include 39 single-family residences. Based on an average household size of 1.93 persons per household (2010 U.S. Census), the population of the project at buildout will be 75. This represents a 0.2% increase in the City's population of 44,552 (2010 U.S. Census). Compared to the 2007 project, it represents a reduction of 27 dwelling units and 57 individuals. Given the seasonal nature of the local and regional population, it is possible that some new residents will be seasonal, thereby reducing impacts associated with population growth even further.

The project will take access from existing roads (Belardo Road) and connect to existing utility infrastructure. No major extensions will be required. As with the 2007 project, impacts of the currently proposed project on population growth will be less than significant.

b,c) ***No Impact.*** As was the case in 2007, the subject property is vacant. No homes or people will be displaced, and no replacement housing will be required elsewhere. The project will result in no impact relating to displacement of people or housing.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

Discussion of Impacts

a-e) ***Less Than Significant Impact.*** Like the 2007 project, the currently proposed project will result in a medium-density residential neighborhood that will have a less than significant impact on public services. Its projected population increase of 75 residents represents a 0.2% increase in the City's population. Compared to the 2007 project, the current project will result in 27 fewer dwelling units and approximately 57 fewer residents, and therefore can be expected to result in a decreased demand for services when compared to the 2007 project.

The Palm Springs Fire Department provides fire protection for 96 square miles of the Palm Springs area. The nearest fire station to the project is Station 4, located approximately 1 mile southeast of the project at 1300 S. LaVerne Way.

Police protection is provided by the Palm Springs Police Department. The police station is located at 200 S. Civic Drive, approximately 2.5 miles northeast of the subject property.

Emergency personnel will be able to open the neighborhood's privacy gates whenever necessary via a Knox Box, and the internal road system has been designed to provide adequate turnaround space for emergency vehicles.

Given the limited population size anticipated at project buildout, increased use of schools, parks, and other public facilities is expected to be less than significant. The project will not require the construction of new public roads or enhanced public transportation services. The project proponent will be required to pay development

impact fees to mitigate potential impacts to public facilities, including schools in the Palm Springs Unified School District, and parks and recreation facilities.

Overall, impacts associated with public services are expected to be less than significant.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion of Impacts

a-b) ***Less Than Significant Impact.*** The 2007 analysis determined impacts to recreation would be less than significant. The currently proposed project will also result in less than significant impacts.

The 2007 project proposed attached townhome development with private courtyards, a recreation area, a neighborhood swimming pool, and a common area. The current project proposes 39 detached single-family residences with a private yard and swimming pool on each lot. Approximately 1.81 acres at the base of the hillside are proposed for dedication to the City or its designee for hillside preservation or public use. Compared to the 2007 project, the current project represents a decrease of 27 dwelling units and approximately 57 residents.

The estimated buildout population of the currently proposed project is 75 residents, which constitutes a 0.2% increase in the City's population. New residents will increase the demand for public recreational facilities to some extent. However, given the limited size of the population, and the on-lot recreation opportunities provided by swimming pools, this is a negligible increase, and impacts will be less than significant.

XV. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant Impact	Less Than Significant With 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)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion of Impacts

a, b) ***Less Than Significant Impact.*** According to the 2007 Initial Study, 5 access points along Belardo Road were planned. Interior streets were proposed to be 24 and 32 feet wide with on-street parking. Potential impacts to traffic and circulation were determined to be less than significant.

Impacts from the currently proposed project will also be less than significant. The currently proposed project includes 4 access points along Belardo Road. The northernmost access point is designed as the primary entrance to the development. The southernmost only accesses the casita. All access points will include automated vehicular gates, except that for the casita. Four (4) internal lettered streets are proposed, each of which will be 25' feet wide. Each residential lot includes a driveway, and all units (except the casita) include attached garages that accommodate two vehicles side-by-side. Fourteen (14) off-street guest parking spaces are provided, as well as one (1) parking space designated for a USPS postal service worker next to the community mailbox.

Like the 2007 project, the currently proposed project will increase traffic along Belardo Road and within the local and regional roadway network. Vehicle trips will be consistent with those of a medium density residential neighborhood.

The 2007 project would have generated approximately 384 trips per day, 29 of which would have occurred in the morning peak hour, and 34 of which would have occurred during the evening peak hour[1]. The proposed project will generate 373 average daily trips, of which 29 will occur during the morning peak hour, and 39 of which will occur during the evening peak hour[2]. The proposed project will therefore generate 97% of the trips previously planned for the project site. The relatively small decrease is due primarily to the type of resident typically occupying a townhome versus a single family home. Generally, a townhome is occupied by smaller families, while a single family home is likely to include children, some of which are likely to drive. As a result, the Institute of Traffic Engineers estimates per unit daily trips higher for single family homes than for townhomes. Regardless, the proposed project will result in marginally fewer trips than potentially created by the previously approved project. Further, levels of service on Belardo Road are currently acceptable, and are expected to remain at acceptable levels through build out of the General Plan. Therefore, impacts associated with traffic will be less than significant.

The project proponent will be required to pay Transportation Uniform mitigation fees (TUMF) required by the City for all projects, to contribute to regional transportation improvements.

c) ***No Impact.*** As was the case in 2007, the nearest airport to the subject property is the Palm Springs International Airport, located approximately 2.5 miles to the northeast. Neither the 2007 project nor the currently proposed project would result in a change in air traffic patterns that would pose a safety risk. No impact will occur.

d) ***No Impact.*** As was the case for the 2007 project, the currently proposed project will not create a substantial safety hazard due to a design feature or incompatible uses. The project does not include sharp curves or dangerous intersections. Proposed residential land uses are compatible with existing residential and commercial development in the project vicinity.

e) ***No Impact.*** The currently proposed project will have no impact on safety or emergency access. All automated vehicular gates will be outfitted with approved access switches for use by emergency personnel. Buildings will have approved address numbers for easy identification during emergency situations. The Fire Department will review development plans to assure that adequate turnaround space for emergency vehicles is provided. No adverse impacts are anticipated.

f) ***No Impact.*** Per the requirements of Zoning Code Section 93.06.00, the project is required to provide a total of 88 parking spaces (2 spaces for each single-family unit, plus 1 guest space per each 4 units). The project provides 95 spaces and exceeds the requirements. No adverse impacts associated with parking are anticipated.

[1] Institute of Transportation Engineers' "Trip Generation, 8th Edition," category 230.

[2] Ibid, category 210.

g) ***No Impact.*** Like the 2007 project, the currently proposed project will have no impact on alternative transportation facilities or plans. The nearest bus stops are along South Palm Canyon Drive and East Palm Canyon Drive, in close proximity to the proposed project.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
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?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion of Impacts

a-d) ***No Impact.*** The 2007 Initial Study analysis determined that the project would have no impact on the need for new water, wastewater, or stormwater facilities. Compared to the 2007 project, the currently proposed project will result in 27 fewer dwelling units and approximately 57 fewer residents. Its impacts to utility infrastructure, therefore, can be expected to be less intense.

Wastewater

The City contracts with Veolia Water North America to provide wastewater collection and treatment services. The proposed project will require connection to, and extension of, existing sewer infrastructure in the project area. Wastewater will be conveyed to the Palm Springs Wastewater Treatment Plant, which has a capacity of 10.9 million gallons

per day (mgd) and treats approximately 6 mgd. Therefore, it has available capacity to serve new development.

Wastewater discharge requirements for the City are administered by the Colorado River Basin Regional Water Quality Control Board. Veolia implements all the requirements of the Regional Water Quality Control Board as they relate to wastewater discharge and water quality. Although the project will increase wastewater flows to the treatment plant, these flows will be less than previously approved, and it will not adversely impact water quality standards or waste discharge requirements.

Domestic Water

The subject property falls under the jurisdiction of the Desert Water Agency (DWA) for domestic water services. DWA's Urban Water Management Plan (2011) sets forth a long-range plan for the provision of sufficient water to serve future development. The proposed project will be required to connect to existing water lines beneath Belardo Road. The project is not expected to require the expansion or construction of new water facilities, other than that needed to directly serve the project, and will not require the need for additional water entitlements. As demonstrated in the Urban Water Management Plan, DWA has sufficient water supplies to serve future development within its service area. Since the Plan was developed based on the City's General Plan land use build out estimates, and the proposed project will not exceed the capacity planned for the property in the General Plan, the DWA has identified sufficient water supplies to serve the proposed project.

Stormwater Management

The Riverside County Flood Control and Water Conservation District is responsible for regional stormwater management in the project vicinity, and the City is responsible for local stormwater management. The subject property is located at the base of the San Jacinto Mountains and takes on mountain runoff from the west. The project proposes the installation of a storm drain system that extends from the foothills on the west to an existing 42-inch storm drain beneath Belardo Road. The City will require that the project proponent demonstrate compliance with its requirements for storm water retention and release, consistent with all project approvals. These requirements, and the existing facilities in Belardo Road are expected to adequately convey stormwater flows from the site, and their construction is not expected to cause significant adverse environmental effects.

e) ***Less Than Significant Impact.*** See XVI.b, above. The Palm Springs Wastewater Treatment Plant has sufficient capacity to serve new development, including the proposed project.

f,g) ***Less Than Significant Impact.*** The 2007 project analysis assumed that residents generate 2 lbs. of solid waste per day. It anticipated a population of 132 residents would generate approximately 264 lbs. of waste per day. Using the same assumption, the current project's projected buildout population of 75 residents would generate approximately 150 lbs. of waste per day. This represents a reduction of approximately 114 lbs. per day. Impacts from the currently proposed project on area landfills are expected to be less than those anticipated from the 2007 project.

Palm Springs Disposal Services (PSDS) provides solid waste collection and disposal services to the City. Waste is transported to the Edom Hill Transfer Station in northern Cathedral City, which is operated by Burrtec. Burrtec distributes the waste to several regional landfills that have adequate capacity to serve additional development. Burrtec

is required to meet all local, regional, state, and federal standards for solid waste disposal. As a result, impacts associated with solid waste are expected to be less than significant.

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.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☒	☐	☐
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)?	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) ***Less Than Significant With Mitigation Incorporated.*** The biological and cultural conditions of the subject property remain largely unchanged from 2007 conditions. As was the case at that time, the currently proposed Dakota project will not significantly degrade the quality of the environment, reduce wildlife habitat, or threaten to eliminate a plant or animal community. No special-status species were identified onsite, and no evidence of critical habitat was detected.

Similarly, the proposed project will not eliminate important examples of major periods of California history. However, the site is within the reservation of the Agua Caliente Band of Cahuilla Indians, and it is possible that buried cultural artifacts could be unearthed during the development process. Potential adverse impacts can be mitigated to less than significant levels with implementation of the mitigation measures described in Section V of this Initial Study.

b) ***Less Than Significant Impact.*** Buildout of the currently proposed project will result in 39 residential units within a private community. Compared to the project proposed in 2007, this represents a decrease of 27 units in a similarly designed community, which can be

expected to result in a corresponding decrease in potentially adverse environmental impacts. The project is consistent with existing residential development in the area and consistent with the intent of the site's General Plan and zoning designations. Approval of a Planned Development District is being sought to provide flexible development standards. No other development projects are currently underway in the project vicinity.

The project will contribute, to a limited extent, to the cumulative impacts of development in the City and Coachella Valley region. The proposed project, however, is less intense than the maximum development that could occur on the site. The General Plan EIR identified cumulative impacts associated with build out of the City, and the proposed project will ultimately, because of its lesser density, result in marginally fewer cumulative impacts.

c) ***Less Than Significant Impact with Mitigation Incorporated.*** As was the case with the project proposed in 2007, the Dakota project is not expected to result in significant adverse impacts to human beings. The site plan and development proposal have been redesigned to respond to potentially hazardous geologic conditions, including increasing setbacks from the toe of slope, redesigning retaining walls, and providing catchment ditches for rockfall mitigation, all for the purpose of enhancing the safety of future residents. As described in this Initial Study, impacts associated with air quality and noise can be mitigated to less than significant levels. Therefore, the proposed project will result in less than significant impacts to human beings, with the implementation of mitigation measures.

REFERENCES

"Initial Study/Mitigated Negative Declaration for Case 5.1108 PD-326 and TTM 34580," City of Palm Springs, January 2007.

"Geotechnical Plan Review, Dakota (formerly The Edge)," Earth Systems Southwest, August 9, 2013.

"2nd Geotechnical Plan Review, Dakota (formerly The Edge)," Earth Systems Southwest, October 25, 2013.

"Summary of Findings, Geologic Evaluation for Rock Fall Hazard, The Edge," Earth Systems Southwest, June 9, 2006.

"Hydrology Analysis for Tentative Tract 36548," Sanborn A/E, Inc.

Letter from John Wessman, Crescendo, LLC to David Newell, City of Palm Springs, October 23, 2013.

"Short Form Air Quality Analysis, The Edge Residential Project, Palm Springs, California," LSA Associates, Inc., revised September 18, 2006.

"Biological Assessment and Impact Analysis of the Proposed Wessman 7-Acre Belardo Road Site," James W. Cornett Ecological Associates, May 19, 2006.

"Environmental Assessment for Wessman Development Company," MSA Consulting, Inc., November 2004.

City of Palm Springs General Plan and General Plan EIR, 2007; including subsequent amendments and updates.

City of Palm Springs Zoning Code, current through June 2013.

City of Palm Springs Historic Resources Survey, Final Draft Summary Report, June 2004.

City of Palm Springs Designated Historic Sites and Historic Districts, www.palmsprings-ca.gov, November 2013.

"CEQA Air Quality Handbook," South Coast Air Quality Management District, 1993.

"2007 Air Quality Management Plan," South Coast Air Quality Management District.

"2003 Coachella Valley PM_{10} State Implementation Plan," South Coast Air Quality Management District.

Flood Insurance Rate Map, Map Number 06065C1566G, Federal Emergency Management Agency, effective August 28, 2008.

"Special Report 159: Mineral Land Classification: Aggregate Materials in the Palm Springs Production-Consumption Region," California Department of Conservation, Division of Mines and Geology, 1988.

"Riverside County (West) Very High Fire Hazard Severity Zones in Local Responsibility Areas, as Recommended by CAL FIRE," California Department of Forestry and Fire Protection, December 24, 2009.

"2010 Urban Water Management Plan," Desert Water Agency, March 2011.

"Riverside County Airport Land Use Compatibility Plan, Volume 1, Policy Document," adopted by Riverside County Airport Land Use Commission, October 14, 2004.

"Riverside County Important Farmland 2010 Map," sheet 2 of 3, California Department of Conservation, published January 2012.

Envirostor Map Database, California Department of Toxic Substances Control, www.envirostor.dtsc.ca.gov, accessed December 2, 2013.

2010 U.S. Census.

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January 14, 2014

Mr. David A. Newell
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Review of the Draft Mitigated Negative Declaration (MND) for the Dakota (Case Numbers 5.1310 PD 365 and TTM36548) Project

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the final CEQA document as appropriate.

The proposed project is adjacent to a sensitive land use[1] (i.e., residential uses north of the project site), however, the Draft MND did not evaluate potential localized air quality impacts that could result from construction of the proposed project. Therefore, the SCAQMD staff recommends that the lead agency revise the air quality analysis to include an assessment of potential localized air quality impacts during construction of the proposed project. These potential air quality impacts should be assessed using SCAQMD's Localized Significance Methodology and compared to the localized significance thresholds specific to the project area[2]. Further, the lead agency should ensure that all future projects include a localized air quality analysis if warranted. In the event that the lead agency determines the proposed project will result in significant localized construction air quality impacts the SCAQMD staff recommends that the lead agency require mitigation to minimize these impacts to a less than significant level. Additional construction-related air quality mitigation measures are available at: http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html

Please provide the SCAQMD staff with written responses to all comments contained herein prior to the adoption of the final CEQA document. Further, staff is available to

[1] California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at:http://www.arb.ca.gov/ch/landuse.htm

[2] The Localized Significance Threshold (LST) methodology and Mass Rate LST Look Up Table is available at: http://www.aqmd.gov/ceqa/handbook/LST/LST.html

work with the lead agency to address these issues and any other questions regarding air quality that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding these comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

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Via US Mail and Email

City of Palm Springs
Palm Springs Planning Commission
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262
Care of: David Newell
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RE: Proposed Planned Development District PDD 365, TTM 26548 (Dakota)

Honorable Planning Commissioners,

These comments are submitted on behalf of People for Proper Planning ("PFPP") in connection with the above-referenced project, referred to as the "Dakota" or "the Project". The City previously approved this project but that approval was rescinded by the applicant after PFPP brought a petition for writ of mandate challenging the City's approval. The Project was originally approved in 2007 as a multi-family condo project, but was resubmitted in 2013 for approval as a single-family project.

The City should deny the Dakota as proposed because the project is inconsistent with the General Plan (High Density Residential) because this project is not a multi-family high density project. Nor is the Project consistent with the zoning designation (R-3 Multi-family residential and hotel). Table 3-13 of the Housing Element clearly shows that single-family development is not a permitted use in R-3 zone. The inquiry should stop here, as the Project must be denied on the basis of inconsistency with the General Plan and the zoning designation.

The Project should also be denied because it is inconsistent with land-use standards, including minimum parcel size and maximum density (for single-family residential). The minimum parcel size for single-family residential units is 7500 square feet and the maximum density 6 units per acre. This project proposes parcel sizes as small of 2,885 square feet and a density of 6.1 units per acre.

The Initial Study/Negative Declaration proposed by the City attempts to paper over the project's inconsistency with the City's General Plan and zoning restrictions by claiming that the Project can be processed as a Planned Development District in order to "address the modifications to the permitted uses and development standards." As more fully explained below, however, the project cannot be approved through the PDD process

because the project is inconsistent with the General Plan's underlying designation (High Density Residential, HDR) for the site. Table 3-12 of the General Plan provides High Density designation "accommodates higher density residential homes built at a density of 15.1 to 30 dwelling units per acre." This project is clearly outside this range. The City has adopted a formal policy of ignoring the lower range density limits in the General Plan, but PFPP has challenged that policy which is subject to ongoing litigation at this time. The fact thus remains that the General Plan designates this site as a HDR intended to accommodate higher density residential homes at 15.1 – 30 units per acre. Given the single-family minimum lot size restrictions, the reference to "homes" in connection to HDR can only be understood as referring to some kind of multi-family product. The General Plan HDR designation cannot accommodate detached single-family residential houses.

The Initial Study's contention that providing substandard single family houses at this location is consistent with General Plan Policy LU6, which "encourages the provision of all types of housing within the City" must be rejected because this argument proves much too much. According to this argument, every conceivable type of housing would be consistent with the General Plan because the General Plan encourages a diversity of housing types.

This conclusion is consistent with the Housing Element's following discussion of different types of housing allowances:

> The City allows a range of housing types in 10 primary residential zones. Development standards for different types of housing by zone are summarized below and in Table 3-14.
>
> - Single-family homes are allowed in the Guest Ranch Zone (G-R-5) and R-1 with variations for lot sizes ranging from 7,000 to 20,000 square feet. This zoning district corresponds to general plan land use designation of estate and very low density.
>
> - The City has three multiple-family residential zones, including garden apartments (R-G-A), limited multiple-family (R-2), and multiple-family residential and hotel (R-3 and R-4).

Accordingly, the City may not process a PDD for this Project because single-family residential is not a permitted use on parcels designated HDR by the General Plan. See, Palm Springs Municipal Code (PSMC) 94.03.00(B).

Even if the Project were consistent with the General Plan and therefore could be processed as PDD, the City could not approve the Project with a zone change processed as a PDD because such approval would amount to an illegal "spot zone." Foothill Cmtys. Coalition v. County of Orange, 2014 Cal. App. LEXIS 22, 19, a case published by the Third Appellate District only yesterday, held that

the creation of an island of property with less restrictive zoning in the middle of properties with more restrictive zoning is spot zoning. This conclusion does not end our analysis, however, as spot zoning may or may not be impermissible, depending on the circumstances. "The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit."

Under this ruling, the proposed PDD must be considered an impressible "spot zone" to the extent that this PDD would create an island of (nonconforming) single family residential housing in the middle of multi-family, high density residential and commercial zoning parcels.

The spot-zoning of this parcel pursuant to the PDD is not justified as the General Plan Land Use and Housing Elements do not identify any "substantial public need" for sub-standard, single-family residential units in the City in general, and at this location in particular. The Project at issue in Foothills Community Coalition involved the creation of special zoning designation permitting the creation of a senior housing district, which the court concluded "is in the public interest and consistent with the County's general plan and with the North Tustin Specific Plan." Id., at 20. The proposed Dakota is inconsistent with the General Plan, and the Initial Study fails to identify any "substantial public need" for this type of cramped, substandard single-family housing on this parcel.

As required by City Policy, the applicant offers certain alleged "public benefits" of the project to justify the PDD. The suggested public benefits, however, are hardly a benefit, let alone a "substantial public need" as required for approving a spot zone.

The first so-called public benefit of the project is the allegation that development of the site would "help activate the commercial corridor along Palm Canyon Drive and Morongo, . . ." This claim must be rejected for several reasons: there is no evidence or rationale supporting a conclusion that the development of sub-standard single-family housing would necessarily support new restaurants or retail stores to a greater extent than multi-family housing (that would be consistent with the General Plan Designation.) Likewise, it can be argued that any development on this parcel would have some positive effect on local businesses; there is nothing magical about single family housing.

The applicant also suggests that the proposed reduction of the building heights from 3 to 2 story will provide more view corridors to the mountains. This claim too must be rejected as the City has already concluded that even the 3 story buildings approved in 2007 would not cause a significant impact on views. Accordingly, any marginal improvements in views realized as a result of the reduction in building heights must be considered a minor, insubstantial benefit, if a benefit at all.

According to the applicant, the third alleged benefit of the Project is that the revised design creates a sense of community, while preserving greater open space areas at the base of the hillside and better views. The claim that the proposed single-family houses, with their individual swimming pools built behind walls segregating neighbor from neighbor would foster a greater sense of community defies logic and common sense. The original proposal included substantial communal open space, amenities and a swimming pool thereby much more likely to create a cohesive community than the currently proposed detached single-family houses.

Finally, the applicant also suggests the proposed revised project benefits the public by enabling the applicant to dedicate 1.81 acres of open space at the base of hillside, behind the project. This claim appears disingenuous at best, because the proposed 1.8 acre "open space" is not nearly large enough to amount to a meaningful addition to the City's inventory of open space. This sliver of land behind the project is essentially worthless because it is not buildable, and therefore useless to the applicant, who is undoubtedly only too glad to be rid of the potential liability he would incur unless he divests himself of this useless property.

Another requirement of the City Policy on public benefits for Planned Development Districts is that public benefits of a proposed project must be proportionate to the level of zoning flexibility requested. While the level of flexibility requested by the applicant for the Project is significant, proposing single-family residences in a zone that does not permit such development, the supposed public benefits of the proposed project are neither proportionate nor unique, and could in fact be realized by any residential development at this location.

Before concluding, I would like to note that the Initial Study fails to adequately identify in sufficient detail the particular development standards with which the proposed project is inconsistent. Moreover, as discussed above, the Initial Study's conclusion that the Project does not conflict with the General Plan and zoning ordinance is arbitrary, capricious not supported by substantial evidence.

Sincerely,

Babak Naficy,
Counsel for People for Proper Planning