



PLANNING COMMISSION STAFF REPORT

DATE: JUNE 11, 2014

SUBJECT: TRIPALMSVIEW PROPERTIES, LLC. FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE EXISTING LOT 10 AND LOT LINE ADJUSTMENT FOR LOT 11 TO CREATE FOUR SINGLE-FAMILY LOTS AND AN ADMINISTRATIVE MINOR MODIFICATION TO REDUCE FRONT LOT LINE DIMENSIONS IN LAS PALMAS ESTATES SUBDIVISION LOCATED AT 555 NORTH VIA MONTE VISTA, ZONE R-1-B (CASE TPM 36706). (GM)

FROM: M. Margo Wheeler, FAICP, Director of Planning Services

SUMMARY

The Planning Commission to review a request for a Tentative Parcel Map to subdivide one existing Lot 10 and lot line adjustment for Lot 11 creating four (4) lots for a net gain of two parcels and an Administrative Minor Modification to reduce front lot line dimensions located in Las Palmas Estates at 555 N. Via Monte Vista.

RECOMMENDATION:

Approve as submitted with conditions and recommend approval to City Council

ISSUES:

- Las Palmas Estates was subdivided as part of TTM 28966 in 2002.
- Applicant is working with Engineering Department for lot line adjustment.

BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc.</i>	
3/1987	Building permit issued for house, swimming pool, and tennis court.
10/9/2002	Planning Commission reviews and approves a request for TTM 28996 to subdivide into 17 single-family lots; and approval of a Negative Declaration.
09/02/2004	Grading permit approved for street improvements and pad construction.

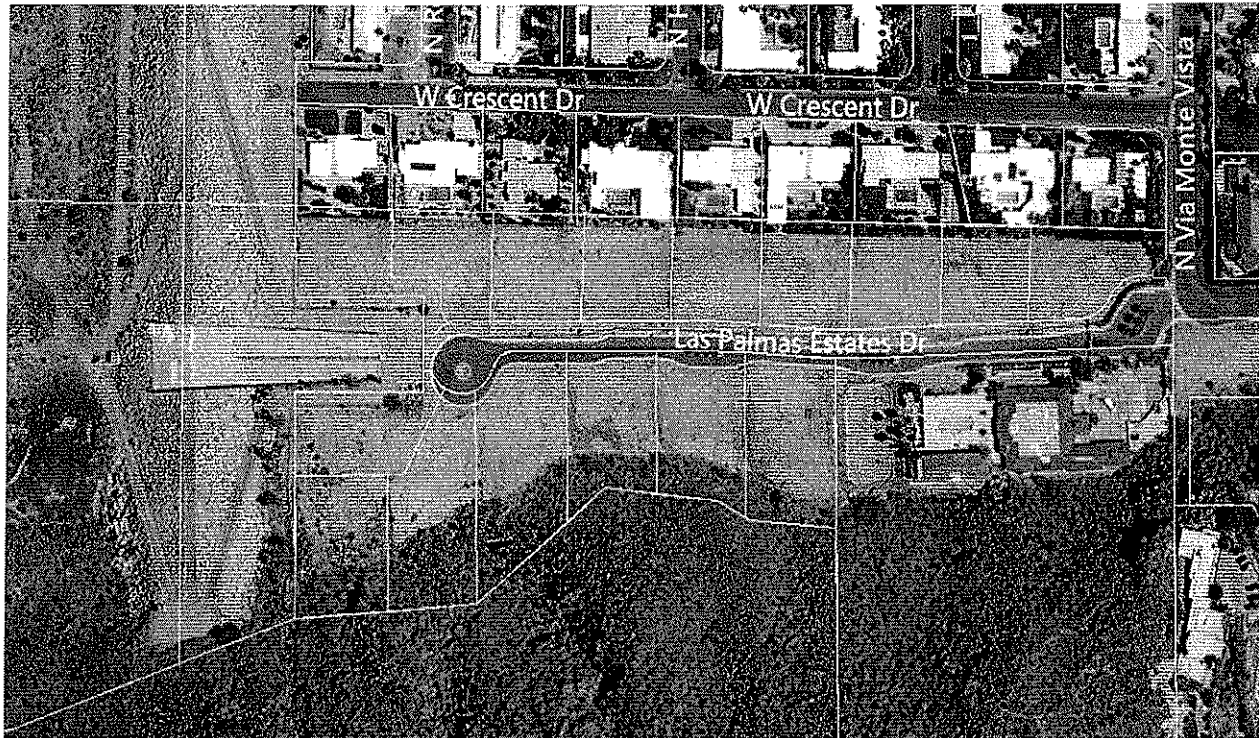
<i>Most Recent Ownership</i>	
7/7/2010	Tripalmsview Properties LLC

<i>Neighborhood Notification</i>	
5/31/2014	Email notification was sent to representatives of Old Las Palmas, and Vista Las Palmas Neighborhood Organizations

<i>Field Check</i>	
June 2014	Staff visited site to observe existing conditions

<i>Notification</i>	
5/31/2014	Notice sent to all property owners within 500 feet of subject site

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Area	18.23 acres into 17 Lots



Subject Site: Las Palmas Estates Drive

ANALYSIS:

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	ER (Estate Residential)	Single-Family Residential - Vacant	R-1-B (Single-Family)
North	ER (Estate Residential)	Single-Family Residential	R-1-B (Single-Family)
South	Open Space	Mountain	O-20 (Open Space)
East	ER (Estate Residential)	Single-Family Residential	R-1-A (Single-Family)
West	Water Course	Water Course – Riverside County Flood Control Dam.	W (Water Course)

General Plan			
Land Use Designation	Density	TPM 36706 & TTM 28966	Compliance
ER (Estate Residential)	Up to 2 dwelling units / acre	Residential use at 1.01 dwelling units / ac.	Yes

DEVELOPMENT STANDARDS:

	R-1-B	Proposed Project
Lot Area	15,000 – sq. ft.	15,000 to 23,000- sq. ft. (conforms) Lots vary in size
Lot Width	120 feet	Lots 12 – 14 110 feet (conforms with approval of AMM) Parcels 1-3 110 feet (conforms with approval of AMM)
Lot Depth	100 feet	193 to 203 feet (conforms)
Front Yard	25 feet	25 feet (conforms)
Side Front Yard	10 feet	10 feet (conforms)
Rear Yard	15 feet	15 feet (conforms)
Building Height (max.)	12 feet at setback line to max 18 at a 4:12 slope	New construction (conforms)
Bldg. Coverage	35% lot coverage	New construction (conforms)
House / Garage	1,500 – sq ft	New construction (conforms)
Off-street parking	2 covered spaces	2 covered provided (conforms)

Note: 1) Existing Lots #15 and #17 are previously approved as part of TTM 28966 with substandard lot width located the end of cul-de-sac.

Table – Lot Configuration

Lot #	Width	Depth	Size	Conforming
12	110 feet	193 feet	Approx 21,230 – sq ft	Yes – with AMM for width
13	110 feet	180 feet	Approx 21, 335 – sq ft	Yes – with AMM for width
14	110 feet	240 feet	Approx 23, 100 – sq ft	Yes – with AMM for width
Parcel 1	110 feet	205 feet	22,869 – sq ft	Yes – with AMM for width
Parcel 2	110 feet	209 feet	23,217 – sq ft	Yes – with AMM for width
Parcel 3	110 feet	211 feet	22,825 – sq ft	Yes – with AMM for width
Parcel 4	275 feet	193 feet	190,270- sq ft	Yes – with AMM for width

PROJECT DESCRIPTION:

Tentative Tract Map 28966

The Las Palmas Estates subdivision was approved by the Planning Commission including a Negative Declaration on October 9, 2002 as Tentative Tract Map 28966 for 17 single-family residential lots and one conservation lot (Lot 18). The project site was formally known as the Mountain Falls Golf Course project which never gained approval. Currently the site has been graded; pad sites formed and infrastructure including streets, curbs and gutters has been installed. A control access gate has been added at the entrance to the development.

The approval of TTM 28966 included several conditions of approval granting deviations from the required lot sizes and lot widths for several parcels. An Administrative Minor Modification (AMM) allowed Lot #2 to be 14,810- square feet substandard in area; and Lots #15 and #17 substandard in width. The justification for granting the AMM was based upon adjacent R-1-B zoned properties directly to the north of the subdivision along Crescent Drive. Several of these residential lots are substandard in overall lot size and it was determined that the proposed subdivision would be consistent with neighboring properties under identical zoning classifications. A condition of approval requires Lots #11 – #17 be subject to Architectural Approval subject to hillside development standards.

Tentative Parcel Map 36706

Tentative Parcel Map 36706 is seeking approval for lot line adjustment of Lots #11 to #14 and subdividing existing Lots #10 and #11 creating Parcels #1 to #4. These actions will result in an increase of two (2) additional lots in the Las Palmas Estates subdivision. Currently there exists within the subdivision a large two building residential compound

with a swimming pool and tennis court. The property owner intends to raze the two-story residential building, pool and tennis court and subdivide the lot. A lot line adjustment for the parcels on the south side of Las Palmas Estates Drive will shift all lot lines several feet narrowing the front property lines. The proposed subdivision and lot line adjustment will result in a non-conforming front lot line width. An Administrative Minor Modification (AMM) is required to reduce the front lot lines by 10% to a possible minimum of 108 feet. Lots #12, #13, #14 and Parcels #1, #2, #3 to have front lot line widths of 110 feet which is less than a 10% reduction from the required 120 foot lot width for the R-1-B zone. A lot line adjustment is pending review by the City Engineering Department contingent upon approval of the TPM

Findings:

Tentative Parcel Map

Findings are required for the proposed subdivision pursuant to Section 66474 of the California Subdivision Map Act. If any of these findings are not met, the City shall deny approval:

a. That the proposed Tentative Parcel Map is consistent with all applicable general and specific plans.

The TPM proposes a lot line adjustment for of Lots #11 to #14 and subdividing existing Lots #10 and #11 creating Parcels #1 to #4. The proposed sizes for all lots meet the density requirement for Estate Residential (ER) consistent with the General Plan land use designation. No specific building plans are associated with the subject property. The proposed map is consistent with the applicable general plan, and this finding has been met.

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

The proposed subdivision is consistent with the R-1-B zone with the approval of an Administrative Minor Modification (AMM) for the reduction of lot width by 10% resulting in six (6) lots with 110 foot width. The new single-family residential lots will be greater than 22,000-square feet with the required minimum density consistent with the R-1-B zone. The design of the proposed subdivision is consistent with the applicable zoning and the finding has been met.

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

The Las Palmas Estates subdivision was original approved in 2002 with construction of all infrastructure including streets, curbs, gutters, and utilities. The development has been graded with pad sites available for future development. Lots #12 to #17, and

Parcels #1 to #3 require architectural approval. The site is physically suited for this type of development and the finding has been met.

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

The proposed project of one single-family dwelling unit of a minimum of 22,000-square feet or roughly 1.01 du/ac is consistent with the allowable density under the General Plan. The site abuts improved public streets with existing utilities and 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 Parcel Map has been reviewed under the California Environmental Quality Act, and subsequent to Section 15315 is considered Categorical Exempt as a "Minor Land Division" located in an urbanized residential area of four or fewer parcels. A Negative Declaration has been adopted as part of a previously approved Tentative Tract Map 28966. The subdivision has been graded and is a flat lot with an average buildable slope less than 20% and does not include any natural habitat. Conservation easements are in place for lots on the south side of Las Palmas Estates Drive. 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 private street will provide access to the subject lots.

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 access 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.

Administrative Minor Modification

- 1. The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

There is no General Plan Policy that would be adversely affected by this modification. The proposed number of units per acre is consistent with the Estate

Residential land use designation. Palm Springs Zoning Code (PSZC), Section 94.06.01(A)(4) specifically allows for the reduction of lot dimensions by not more than 10%.

- 2. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The request for a reduction of lot width less than 10% to allow six (6) lots with front lot lines at 110 feet will not impact surrounding properties. The existing Las Palmas Estates subdivision consists of large single-family residential lots fronting on a private street. Construction of new homes has not occurred and the requirement that lots #12 to #17 and Parcels #1 to #3 require architectural review, will allow for discretionary approval of new house types.

- 3. The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

All building and renovations will be built to the Uniform Building Code, and Palm Springs Zoning Code as modified by this Administrative Minor Modification, and Fire Code.

- 4. The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The modification to lot widths is justified due to the similar reduced lot widths within the subdivision and adjacent residential neighborhood. The proposed new construction of single-family homes will meet R-1-B zone established setbacks and minimum size of structures. The proposed subdivision will be consistent with neighboring properties under identical zoning classifications. Staff has determined the lot width reduction less than 10% is in harmony with the current standards of the neighborhood, and is in keeping with historical development patterns of the surrounding area.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15315 of the California Environmental Act (CEQA), the project is considered a "Minor Land Division" and is Categorical Exempt. The preparation of further environmental assessment is not necessary since the proposed subdivision meets the standards as stated above. The present request will not result in any new environmental impacts.

NOTIFICATION:

A public hearing notice was advertised and was mailed to all property owners within 500 feet of the subject property/adjacent property owners as well as relevant neighborhood organizations. As of the writing of this report, staff has not received any comments.



Glenn Mlaker, AICP
Assistant Planner



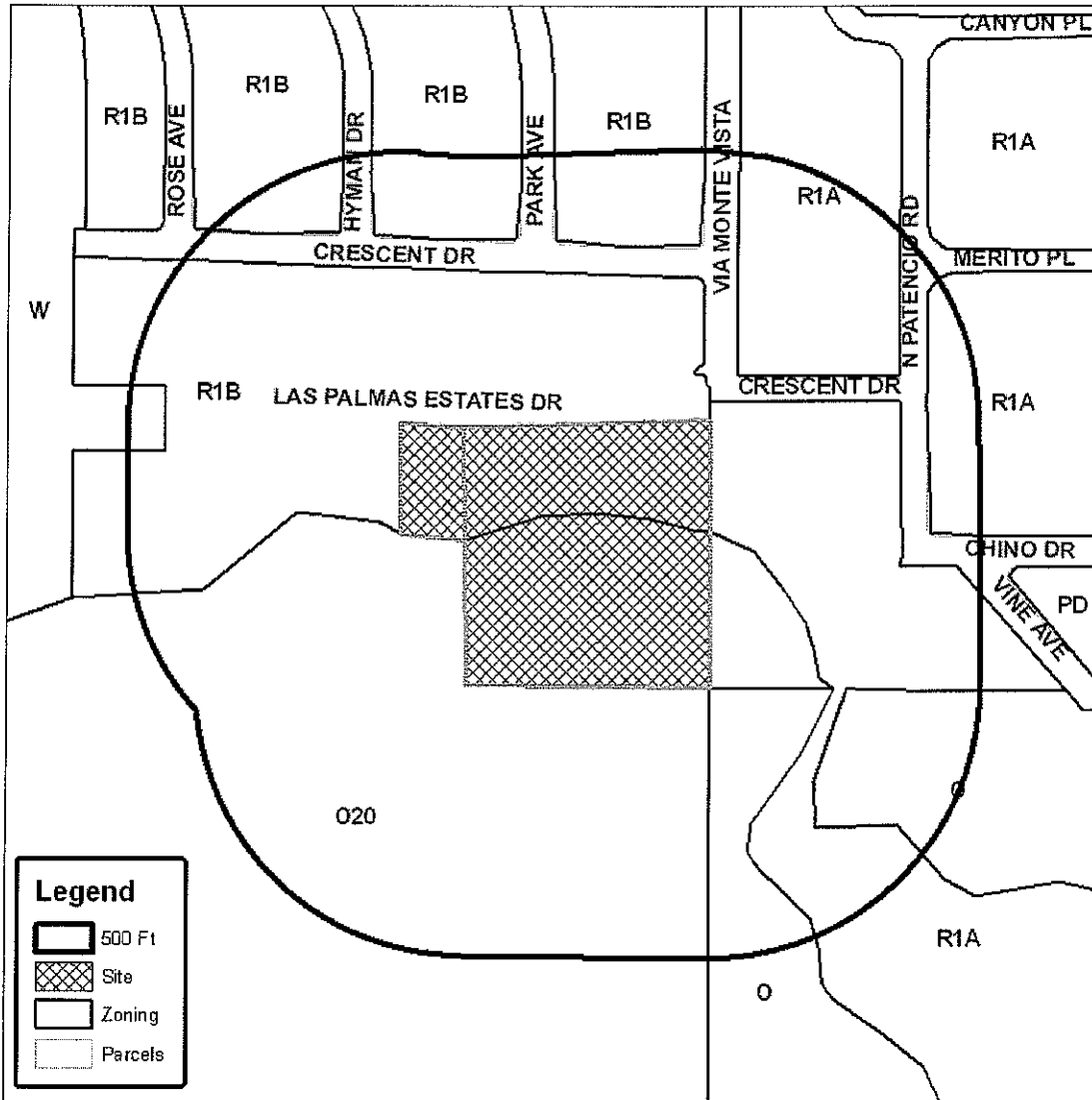
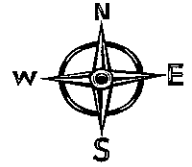
M. Margo Wheeler, FAICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Resolution
3. Conditions of Approval
4. Justification Letter from Applicant
5. TPM 36706
6. City Council Staff Report October 16, 2002
7. Conditions of Approval TTM 28966
8. Site Photographs



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: TPM 36706

APPLICANT: Tripalmsview Properties, LLC

DESCRIPTION: To consider an application by Tripalmsview Properties, LLC for TPM 36706 to subdivide Lot 10 and adjust Lot 11 of Tract 28966 resulting in four single-family lots; a gain of one lot, at 555 North Via Monte Vista and Las Palmas Drive, Zone R-1-B, Section 10.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE TPM 36706, A TENTATIVE PARCEL MAP TO SUBDIVIDE EXISTING LOT 10 AND LOT LINE ADJUSTMENT FOR LOT 11 TO CREATE FOUR SINGLE-FAMILY LOTS AND AN ADMINISTRATIVE MINOR MODIFICATION TO REDUCE FRONT LOT LINE DIMENSIONS IN LAS PALMAS ESTATES SUBDIVISION LOCATED AT 555 NORTH VIA MONTE VISTA, ZONE R-1-B, SECTION 10.

WHEREAS, Tripalmsview Properties LLC, ("the applicant") has filed an application with the City pursuant to Chapter 9.62 of the City's Municipal Code (Maps) and Section 66474 of the State of California Subdivision Map Act, for a Tentative Parcel Map proposing to subdivide an existing lot and lot line adjustment to create four single-family residential lots; and

WHEREAS, a notice of public hearing for Case TPM 36706 was given in accordance with applicable law; and

WHEREAS, on June 11, 2014, a public meeting on Case TPM 36706 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, City has evaluated the project pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined that the project is Categorically Exempt from further analysis pursuant to Section 15315 of the CEQA guidelines (Minor Land Divisions); 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: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission recommends that the City Council adopt a Class 15 Categorical Exemption (Minor Land Division) for the proposed parcel map.

Section 2: Pursuant to Municipal Code Chapter 9.64 (Maps) and the State of California Subdivision Map Act Section 66474, the Planning Commission finds as follows:

- a. *That the proposed Tentative Parcel Map is consistent with all applicable general and specific plans.*

The TPM proposes a lot line adjustment for of Lots #11 to #14 and subdividing existing Lots #10 and #11 creating Parcels #1 to #4. The proposed sizes for all lots meet the density requirement for Estate Residential (ER) consistent with the General Plan land use designation. No specific building plans are associated with the subject property. The proposed map is consistent with the applicable general plan, and this finding has been met.

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

The proposed subdivision is consistent with the R-1-B zone with the approval of an Administrative Minor Modification (AMM) for the reduction of lot width by 10% resulting in six (6) lots with 110 foot width. The new single-family residential lots will be greater than 22,000-square feet with the required minimum density consistent with the R-1-B zone. The design of the proposed subdivision is consistent with the applicable zoning and the finding has been met.

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

The Las Palmas Estates subdivision was original approved in 2002 with construction of all infrastructure including streets, curbs, gutters, and utilities. The development has been graded with pad sites available for future development. Lots #12 to #17, and Parcels #1 to #3 require architectural approval. The site is physically suited for this type of development and the finding has been met.

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

The proposed project of one single-family dwelling unit of a minimum of 22,000-square feet or roughly 1.01 du/ac is consistent with the allowable density under the General Plan. The site abuts improved public streets with existing utilities and 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 Parcel Map has been reviewed under the California Environmental Quality Act, and subsequent to Section 15315 is considered Categorical Exempt as a "Minor Land Division" located in an urbanized residential area of four or fewer parcels. A Negative Declaration has been adopted as part of a previously approved Tentative Tract Map 28966. The subdivision has been graded and is a flat lot with an average buildable slope less than 20% and does not include any natural habitat. Conservation easements are in place for lots on the south side of Las Palmas Estates Drive. 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 private street will provide access to the subject lots.

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 access easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

Section 3: Pursuant to the Palm Springs Zoning Code Section 94.06.01 (4) for approval of an Administrative Minor Modification (AMM), the Planning Commission finds as follows:

- 1. The requested minor modification is consistent with the General Plan, applicable Specific Plan(s) and overall objectives of the zoning ordinance.*

There is no General Plan Policy that would be adversely affected by this modification. The proposed number of units per acre is consistent with the Estate Residential land use designation. Palm Springs Zoning Code (PSZC), Section 94.06.01(A)(4) specifically allows for the reduction of lot dimensions by not more than 10%.

- 2. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the minor modification.*

The request for a reduction of lot width less than 10% to allow six (6) lots with front lot lines at 110 feet will not impact surrounding properties. The existing Las Palmas Estates subdivision consists of large single-family residential lots fronting on a private street. Construction of new homes has not occurred and the requirement that lots #12 to #17 and Parcels #1 to #3 require architectural review, will allow for discretionary approval of new house types.

- 3. The approval of the minor modification will not be detrimental to the health, safety, or general welfare of persons residing or working on the site or in the vicinity.*

All building and renovations will be built to the Uniform Building Code, and Palm Springs Zoning Code as modified by this Administrative Minor Modification, and Fire Code.

- 4. The approval of the minor modification is justified by environmental features, site conditions, location of existing improvements, or historic development patterns of the property or neighborhood.*

The modification to lot widths is justified due to the similar reduced lot widths within the subdivision and adjacent residential neighborhood. The proposed new construction of single-family homes will meet R-1-B zone established setbacks and minimum size of structures. The proposed subdivision will be consistent with neighboring properties under identical zoning classifications. Staff has determined the lot width reduction less than 10% is in harmony with the current standards of the neighborhood, and is in keeping with historical development patterns of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council approves Case TPM 36706 a Tentative Parcel Map subdividing existing Lot 10 and lot line adjustment for Lot 11 creating four single-family lots and an Administrative Minor Modification reducing the front lot line dimensions in Las Palmas Estates located at 555 North Via Monte Vista; subject to the attached conditions set forth in Exhibit A.

ADOPTED this 11th day of June 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, FAICP
Director of Planning Services

RESOLUTION NO.
EXHIBIT A

Case TPM 36706
Las Palmas Estates
555 North Via Monte Vista

June 11, 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 TPM 36706; and the conditions below;
- ADM 2. Any and all conditions associated with Tentative Tract Map 28966 shall remain and be made part of the TPM 36706 approval.**
- 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 Parcel Map 36706 known as the Las Palmas Estates subdivision located at 555 North Via Monte Vista date stamped June 11, 2014. 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 TPM 36706. 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 Tentative Parcel Map (TPM) 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.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$50 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the

County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid (projects that are Categorically Exempt from CEQA).

- ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 3. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 4. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)
- ENV 5. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 2. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 3. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
 - b. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 4. **Any and all conditions associated with Tentative Tract Map 28966 shall remain and be made part of the TPM 36706 approval.**
- PLN 5. (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

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.

Any and all conditions associated with Tentative Tract Map 28966 shall remain and be made part of the TPM 36706 approval.

FIRE DEPARTMENT CONDITIONS

(none at this time)

END OF CONDITIONS



architecture / planning / interior / construction / project management

210 N. Central Avenue Suite 200 Glendale, California 91203

Tel: 818.244.5666 Fax: 818.244.7304 administrator@heritage-usa.com

7.1418 AMM
RECEIVED

FEB 27 2014

PLANNING SERVICES
DEPARTMENT

February 11, 2014

**Subject: Las Palmas Estate Drive Lot Adjustment Public Benefit
information
City of Palm Springs, California**

The reduction of the lots to less than ten percent width has the following multiple public Benefits:

We request the reduction of the following lots to less than ten percent of the lot width only. The current lots, No. 11, 12, 13, 14 are standard lots with a width of 120 feet in the subdivision. Lot 10, which is the first lot at the southwest of the subdivision, is a non-standard lot with a width of 448 feet, as per the tract map no. 28966. We propose subdividing this particular lot in to three lots. By reducing the scale of this massive lot, we would reintroduce the same balance, harmony and order into an otherwise disproportionate lot at the head of the subdivision.

One of the public benefits is the creation of more orderly lot sizes and scale with respect to the surrounding lots of similar sizes.

A further public benefit would be that the rear portion of this tract, including the three newly created lots, is that a large portion of each lot is dedicated to the public and will be part of the wilderness preserve as part of open space. Each lot newly created and existing already has an area that far exceeds the required minimum lot area in this zone of the City of Palm Springs.

Additionally, a further benefit to the public is the security of the subdivision in itself. The massive lot No. 10 currently has a portion of its lot line outside the main entrance to this gated community. It is currently possible to enter lot 10 from outside the gated community boundary and exit into the gated community boundary. By reducing the size of lot No. 10 into three lots, we eliminate the possibility of gaining access to the gated community and the



architecture / planning / interior / construction / project management

210 N. Central Avenue Suite 200 Glendale, California 91203

Tel: 818.244.5666 Fax: 818.244.7304 administrator@heritage-usa.com

adjustment facilitates the economic feasibility of developing these lots, so the neighbors and city public safety services are not burdened by vacant land that may attract public nuisance type activities.

Please refer to the lotline adjustment preliminary map sheet 1 of 1, Exhibit A and B attached to this letter for reference.

Best regards,

The HERITAGE GROUP
Vicky Barbieri, Managing Principal
Architect, A.I.A.

E: October 16, 2002

O: City Council

FROM: Director of Planning & Zoning

✓ Day -
Please have CEQA
notice filed w/ fee.
Good work -
Thanks!
D.G.

TENTATIVE TRACT MAP ~~28886~~ ²⁸⁹⁶⁶ APPLICATION BY JOHN SANBORN, THE OWNER IS THE PRESERVE GOLF COMPANY, LLC., TO SUBDIVIDE 18.23 ACRES INTO 17 SINGLE FAMILY RESIDENTIAL LOTS, ONE LETTERED LOT FOR USE AS PRIVATE STREET AND ONE CONSERVATION LOT, LOCATED AT THE SOUTHWEST CORNER VIA MONTE VISTA AND CRESCENT DRIVE, ZONE R-1-B, SECTION 10.

RECOMMENDATION:

At it's October 9, 2002 meeting, the Planning Commission voted 6-0, with one member absent, to recommend that the City Council adopt a mitigated negative declaration and approve the tentative map with conditions. The officers of Preserve Golf Company, LLC. are Fred N. Grand, President, and William H. McWethy, Jr., Chief Executive Officer.

PLANNING COMMISSION UPDATE:

APPROVED
4-0

At the hearing a number of issues were raised by the applicant with regards to the draft conditions. These issues included grading and pad elevations, construction of a masonry wall, demolition of existing golf course improvements, landscaping, internal and external sidewalks, type of curbs, and collection of the drainage acreage fee. Although a number of community members had visited the Planning Department following receipt of the hearing notices, no community members spoke at the hearing in regard to the project.

The Planning Commission revised the conditions to allow a grading plan with finished floor elevation at or below those exiting to the north (# 9), affirm the requirement to construct a block wall on the north property line (# 18), require that the grading plan be reviewed and approved by the Planning Commission prior to allowing mass grading (#19), defer construction of sidewalks along Via Monte Vista by covenant #57), eliminate the requirement for interior sidewalks (#61), and allow the option of wedge curb (# 62).

The Planning Commission also directed the City Engineer to review drainage acreage fee requirements with the City Attorney, prior to the City Council hearing.

Additional agency correspondence has been received regarding the Environmental Assessment since preparation of the initial City Council report. Correspondence from the Agua Caliente Band of Cahuilla Indians requests that, in addition to an archeological monitor, a Native American cultural resource monitor be present during all phases of grading (Condition #48).

14A

A letter was also received from the Department of Toxic Substances Control (DTSC) outlining the agency's concerns. The soils report, which will be prepared when the grading plan is prepared, will identify any known or potentially contaminated sites and address the remaining issues raised by the DTSC (Condition #19). There is no evidence or reports that any previous or current use on the site resulted in any release of hazardous wastes/substances on the site.


DOUGLAS R. EVANS
Director of Planning and Zoning


City Manager

Attachments:

Correspondence
Revised Conditions

14A2

DATE: October 16, 2002
TO: City Council
FROM: Director of Planning & Zoning

TENTATIVE TRACT MAP 29886 - APPLICATION BY JOHN SANBORN, THE OWNER IS THE PRESERVE GOLF COMPANY, LLC., TO SUBDIVIDE 18.23 ACRES INTO 17 SINGLE FAMILY RESIDENTIAL LOTS, ONE LETTERED LOT FOR USE AS PRIVATE STREET AND ONE CONSERVATION LOT, LOCATED AT THE SOUTHWEST CORNER VIA MONTE VISTA AND CRESCENT DRIVE, ZONE R-1-B, SECTION 10.

RECOMMENDATION:

The Planning Commission will review this project at it's meeting on October 9, 2002. The City Council will receive a supplemental report following that meeting which contains the Planning Commission's recommendation. The officers of Preserve Golf Company, LLC. are Fred N. Grand, President, and William H. McWethy, Jr., Chief Executive Officer.

BACKGROUND:

The Planning Commission conducted a public hearing on this item on October 9, 2002.

The subject property is designated by the General Plan as L2 (Low Residential 2 Units/Acre) and is zoned R-1-B (Single Family Residential) with a minimum lot size of 15,000 square feet. The application includes the subdivision of 18.23 acres into 17 parcels, one lettered lot for use as a private street and one conservation parcel, ranging in size from 14,810 square feet to 32,234 square feet, with Lot #18 at 4.89 acres and Lot #10 at 5.18 acres in area.

The proposed project would create a gated community with 17 single family residences. No architecture is proposed at this time. The proposed map is located east of the spillway of the Tachevah Dam, and a portion of the project incorporates steep hillside slopes. The applicant has proposed a building limit line, which would limit development of the hillside on seven hillside lots. In working with the applicant, the project design has evolved to include a large conservation lot, on which all future development would be prohibited. The project site was formerly proposed to be utilized for casitas for the Mountain Falls Golf project. The applicant of the proposed project is the same applicant as the Mountain Falls project. The applicant has submitted a letter to the City formally withdrawing its earlier application for the Mountain Falls Golf Course project.

Three of the proposed parcels do not meet all of the R-1-B zone requirements for lot sizes and dimensions. All lots are reasonable and staff supports minor adjustments to lot size and dimensions. Lot #2, at 14,810 square feet, is substandard in area by 190 square feet (1.2%). Lots #15 and 17 are substandard in width, while a lot width of 120' is required, lot #15 measures 112' in width and is substandard by 7.1%. Lot #17 is 111 feet in width and is substandard by 7.5%. Pursuant to Section 94.06.01.A.4, an applicant may apply for an Administrative Minor Modification to allow reductions in lot area, width or depth by a maximum of 10%. Adjacent lots to the north are also zoned R-1-B and range from 14,336 square feet to 18,480 square feet in area. The proposed lot sizes and dimensions are therefore consistent with property in the vicinity and under identical zoning classification. Pursuant to Section 93.06.00 of the Zoning Ordinance, a reduction of lot area, and lot dimensions, by not more than ten percent is permitted through the AMM process. Staff recommends approval of the lots as proposed.

14A7

The 18.23 acre site is commonly referred to as the former Coler estate. The site contains a large main residence, a guest building, a swimming pool, and a tennis court. The site previously contained a three hole golf course. The existing residence and its improvements will be contained with the proposed Lot #10. The remainder of the site was previously developed as a private golf course and is located directly east of the Tachevah Dam. As proposed, Lot 9 would be a flag lot and lot # 16 and 17 would share a 25' driveway easement. The flat, developable portion of the site slopes gently to the east at an overall gradient of two to three percent and ranges in elevation from 541.3 to 519.5. The overall differential in elevation is approximately 22.3 feet. The proposed road ranges from 533 to 519. The elevation of the hillside portion of the project range from 530 feet at the proposed building limit line to an elevation of of approximately 770 above sea level. Hillside slopes averaging between fifty to seventy percent are common on this site.

Pad heights have not been proposed. A grading plan has not been prepared. Given the general topography of the area, the proposed pad heights for lots # 1 - 9 will be controlled through the conditions of approval, and would be conditioned to be within 18" of the elevations of top of the curb at the private street. The conditions include as provision for minimum graded slopes of 0.5% for drainage, 1% has been the City standard. Slopes in excess of 0.5% shall be prohibited for the purposes of site drainage and pad development. The intent is to minimize elevational differences for built-up slopes and residential pads during site grading operations. With two exceptions the existing elevations of the proposed lots are one to two feet below the pad heights of the existing residences to the north. Lot #1 has some topographical features, such as berms, swales, sand traps and greens from the site's former golf course and varies in elevation from 519 to 525, whereas lot #42 directly the north ranges from 520 to 521. Lot #8 ranges in elevation from 536 to 538, while lot #35 to the north is 537. Through the conditions of approval, staff will recommend the imposition of conditions of approval which would ensure that these pad elevations are below the heights of existing residential development to the north.

The site is noted for an abundance of non-native vegetation. The top soil on site is coarse and underlain with sand. There are outcroppings of granitic rocks on the upper portion of the site. The site has been altered by previous grading activities.

Section 9313.00 and Section 9406.01, Minor Modifications, of the Ordinance, allow for building height up to 30 feet in hillside areas. This is typically only done in response to topographic issues. Staff recommends that the Commission allow the City's architectural approval process to guide future development of the hillside lots 10-16, within the project site. However, based on existing topography, staff does not feel two story from grade houses would be appropriate. Based upon the City's architectural approval process, and the established procedure of sending courtesy notices to abutting property owners when any single family residential development being proposed in hillside areas, future conflicts can be reduced to a level acceptable within the community.

The staff also recommends that the applicant submit codes, covenants, and restrictions ("CC&R's") to the Director of Planning and Zoning for approval prior to final map approval. The CC&R's will include project design guidelines, landscape requirements, slope restoration, building height standards, walls, building materials and require multi-level homes conforming to existing topography.

SURROUNDING ZONING/LAND USE:

North: R-1-B (Single Family Residential); single family homes
South: 0-20 (Open Space); Vacant
East: R-1-A (Single Family Residential); single family homes
West: 0-20 (Open Space) and W (Watercourse); Debris basin, dam and vacant

14A8

ENVIRONMENTAL ASSESSMENT AND NOTIFICATION:

An Environmental Assessment/Initial Study has been prepared for the project and routed to the appropriate agencies. A number of environmental studies originally prepared for the Mountain Fall Gold Course Environmental Impact Report (EIR) were incorporated into the study. These special studies include: Final Environmental Impact Report on the General Plan Update; Mountain Falls Golf Preserve Final Environmental Impact Report, State Clearinghouse #97111049, prepared by Smith Peronii & Fox, a division of Dudek & Associates, 1998; Identification and Evaluation of Historic Properties Mountain Falls Golf Preserve, CRM Tech, December 17, 1997; Mountain Falls Golf Preserve Traffic Impact Analysis, Endo Engineering, December 1997; Mountain Falls Golf Preserve Air Quality and Noise Impact Analysis, Endo Engineering December 1997; Hydrology report for the Mountain Falls Golf Preserve, Harold Vance, PE, August 1997; Phase I Environmental Site Assessment, Earth Systems, November 25, 1997; Soils report prepared for the Mountain Fall Golf Resort Project; Geotechnical report prepare for the Mountain Falls Golf Resort Project; and Biological Survey of the Mountain Falls Golf Preserve Site, Lilburn Corporation March 1998.

The study identified a number of areas of potential impact including land use and zoning, geologic, water, air quality, transportation, biological resources, hazards, public services, and cultural resources. The environmental assessment concluded that although the proposed project could have a significant effect on the environment, the project will not result in a significant environmental impact because of the mitigation measures described in the Mitigated Negative Declaration.

The City received two responses regarding the Initial Study (attached). Correspondence from the Palm Spring Unified School District outlines school fee requirements. Correspondence from the California Department of Fish and Game requests that the standard bighorn sheep exclusion fence needs to be 8' in height to be effective. A 6' fence had been recommended. Staff has revised the mitigation measures to require that, should bighorn sheep become a problem on the site, the proposed 6' fence would be augmented with an additional 2' of iron fence, for a total of 8' of fence.

Biological studies of this and other sites have indicated that San Jacinto Mountain Peninsular Bighorn Sheep (PBS) do not frequent existing development for forage or water purposes. No PBS have been sighted on the subject property and the portions of the site proposed for development does not contain any PBS habitat. PBS in the Santa Rosa Mountains are known to frequent developed areas. As of this date, PBS in the San Jacinto Mountains for not exhibit similar behavior. Recently, the Bighorn Institute (BI), Fish and Wildlife Service (FWS) and California Department of Fish and Game (CDFG) released sheep into the San Jacinto Mountains. These sheep were relocated from the Santa Rosa Mountains and the BI. City staff raised questions regarding this capture and augmentation program with regards to the possibility that released sheep could change the behavior patters of the existing San Jacinto Mountains herd. To date the BI, FWS and CDFG have not responded to the City's letter and concerns.

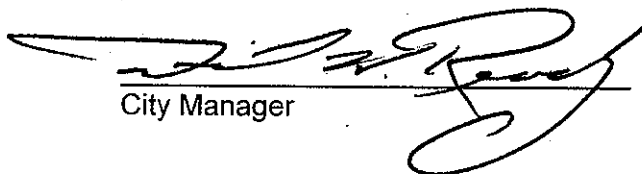
The applicant conducted an informational meeting on the project on June 6, 2002. Approximately 20 people attended the meeting.

14A9

The public hearing was noticed in accordance with established City procedures. Four residents have inquired about the project at City Hall. As of the writing of this report, no correspondence from neighbors has been received.



DOUGLAS R. EVANS
Director of Planning and Zoning



City Manager

ATTACHMENTS:

1. Vicinity Map
2. Environmental Assessment
3. Correspondence
4. Resolution
5. Conditions of Approval

14A10

RESOLUTION NO.

EXHIBIT A

APPROVED BY PLANNING COMMISSION

Case # 28966 Date 10-9-02 Initial AM

Tentative Tract Map ²⁸⁹⁶⁶~~29886~~

Preserve Estates

APPROVED BY CITY COUNCIL

555 North Via Monte Vista

(APN 505-130-015, 016),

Case # 28966 Date 11-16-02 Initial AM

Section 10, T 4 S, R 4 E, S.B.B.M.

Resolution # _____ Ordinance # _____

October 16, 2002

APPROVAL SUBJECT TO ALL REQUIRED

CONDITIONS BY ABOVE BODIES

REVISED 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, 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.

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning TM 29886. 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 judgement or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The project is located in an area defined as having an impact on fish and wildlife as defined in Section 711.4 of the Fish and Game Code; therefore a fee of \$1,328.00 plus an administrative fee of \$50.00 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to Council action on the project. 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.

4. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation sidewalks, conservation easements, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalks, conservation easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
5. 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 plans prior to Planning Commission consideration of the environmental assessment.
6. Final landscaping, irrigation, exterior lighting, gates and fencing plans and an entry plan shall be submitted for approval by the Department of Planning and Building prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
7. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Building for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
8. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
9. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped. The plan shall include the elimination of all topographic features associated with the former golf course. All lakes, berms, tees and greens shall be removed. The plan shall include pad and finish floor elevations at or below those of the adjacent residences to the north.
10. Drainage swales shall be provided adjacent to all curbs and sidewalks - 3' wide and 6" deep. The irrigation system shall be field tested prior to final approval of the project. Section 14.24.020 of the Municipal Code prohibits nuisance water from entering the public streets, roadways or gutters.
11. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Engineering specifications.

12. The applicant, prior to Final Tract Map approval, shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning and Building for approval in a form to be approved by the City Attorney, to be recorded prior to issuance of occupancy permits. The CC&R's shall be enforceable by the City, shall not be amended without City approval, shall require maintenance of all property in a good condition and in accordance with all ordinances, and the establishment of a permanent conservation easement over lots #17 and 18. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$2000, for the review of the CC&R's by the City Attorney.

The CC&R's shall include project design guidelines, landscape requirements, slope restoration, building height standards, walls, building materials and require multi-level homes conforming to existing topography.

The CC&R's shall include a provision requiring that the developer construct a fence or wall at least 6 (six) feet high around the perimeter of the subdivision for the purpose of keeping bighorn sheep out of the area of development and to prohibit residents from access to the conservation lot or easement areas. Should the six foot fence prove ineffective at excluding sheep, the developer shall install an additional 2' of iron fence, for a total of 8' of fence.

13. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
14. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Building prior to the issuance of building permits for future single family residences and entry way improvements. Manufacturer's cut sheets of all exterior and landscape shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.
15. Prior to the issuance of grading permits, locations of all utility service, including but not limited to telephone, electrical boxes, transformers etc., must be indicated on the grading plans and must be completely located in a below ground vault.
16. An Administrative Minor Modification shall be granted for Lot # 2 (substandard lot area), Lot #15 (substandard lot width) and Lot # 17 (substandard lot width) prior to approval of a final map.
17. Lots # 11-17 shall be subject to Architectural Approval (Section 94.04) and the Hillside Development Ordinance (93.13).
18. The applicant shall construct a decorative masonry wall along the entire north property line.

MITIGATION MEASURES AND MONITORING PROGRAM

19. A preliminary grading plan and soils report shall be reviewed and approved by the Planning Commission. Contour and terrace grading shall be required for development of lots 11 - 17. Split level pads and yards shall be required which step development and create grade transitions. The soils report prepared with the grading plan shall address the concerns stated in the DTSC letter dated October 1, 2002.

20. A courtesy notice shall be provided to properties adjacent to lots # 11-17, with each single family residence application.
21. Prior to approval of final map pad elevations for lots 1-13 shall be established and approved by the Director of Planning and Zoning and the Director of Public Works.
22. Residences on lots #1-9 shall be limited to a single story, maximum height of 18'.
23. The developer shall record building limit lines on Lots #10-16 and 18 and shall dedicate and record of conservation easements on Lots # 10 and #18. These building limit lines limit the area of construction and are intended to limit the development of the parcels to the downslope areas. No structures, landscape, lighting, water features or any other type of construction would be allowed past these building limit lines.
24. For lots # 1-9, the project shall include minimum slopes of 0.5% for drainage for individual lot grading. Slopes in excess of 0.5% shall be prohibited for the purposes of site drainage and pad development
25. The developer and future owners will be prohibited from planting or constructing any other improvements on the hillside areas above the building limit lines or slope protection boundary.
26. All landscape, golf course improvements and construction debris on site shall be excavated, removed and replaced with compacted fill.
27. The minimum seismic design of all future residences shall comply with the Uniform Building Code.
28. All future residences shall employ engineered design and earthquake resistant construction.
29. The developer shall submit a precise grading plan and soils report for each individual lot as part of the architectural approval or building permit process.
30. For lots # 10-16, the Director of Planning and Zoning and City Engineer shall approve all individual grading plans and building pad locations.
31. The developer shall prepare a storm water pollution prevention plan (SWPPP) and revise the SWPPP as necessary as construction conditions change.
32. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 MPH per the PM10 SIP.
33. Construction operations affecting off-site roadways shall be scheduled for off-peak hours and shall minimize construction of through traffic lanes.
34. The developer shall construct an intersection of the private street with Via Monte Vista and Crescent Drive, with curb returns, cross gutter, access ramps and removal and relocation of existing improvements.
35. The developer shall provide a stop sign to control exiting site traffic. Clear unobstructed sight clearances shall be provided at the driveway.

36. Entry monumentation that does not interfere with sight distance or turning movements shall be incorporated in the project entry. Landscaping shall be provided that is appropriate to the entry but will not interfere with sight distances or turning movement operations. The final design for the project entrance and corresponding entry lighting shall be reviewed by the City Engineer prior to the issuance of the first building permit.
37. If blasting is determined to be necessary as part of the excavation operation for any of the future residences on the property, the timing of such a procedure shall be planned with the assistance of a biologist. If the biologist determines that the location and extent of blasting is likely to affect sheep lambing, breeding, or watering, blasting should be done during a period when the auditory impacts will be negligible. A biological monitor may also be necessary prior to and during blasting events to halt blasting immediately if sheep are present in the area. While the biologist will determine the final implementation techniques, it is anticipated that the biologist will be positioned at the higher elevations of the site equipped with a spotting scope and radio and would conduct visual surveillance before and during blasting.
38. Any additional landscaping or landscape alteration outside of fenced areas shall consist of plant species that are native to the immediate area. No oleanders shall be planted on the project perimeter or within areas open to undeveloped areas, as they have been implicated in Peninsular Bighorn Sheep deaths through poisoning.
39. The final design of any perimeter fencing or walls shall be reviewed by the Planning and Building Departments as part of the Architectural Review process for each residence within the subdivision. The fencing shall be of a height, location, and design as to not create a "trap" for Peninsular Bighorn Sheep that could potentially wander to the fringe of the subdivision.
40. The developer shall be responsible for compliance with the State Endangered Species Act and Federal Endangered Species Act prior to the issuance of grading permits, if deemed necessary by the applicable resource agencies.
41. Lot #18 shall have a conservation easement recorded which prohibits any and all development of the property, including structures, landscaping, lighting and recreational use, with the exception of the North Lykken Trail. A trail easement for the North Lykken Trail shall be noted in the conservation easement. The conservation easement shall be granted in favor of the City of Palm Springs. Lot #18 shall also be dedicated to the City of Palm Springs.
42. Lot #10 shall have a conservation easement recorded which prohibits any and all development of the property, including structures, landscaping, lighting and recreational use, with the exception of the North Lykken Trail. A trail easement for the North Lykken Trail shall be noted in the conservation easement. The conservation easement shall be granted in favor of the City of Palm Springs.
43. Lots #11-16 shall have conservation easements recorded for all areas above the no-build line.
44. The developer shall prepare and cause to be recorded CC&R's which shall address conservation easements and no build restrictions. The no build restrictions shall include provisions against the construction of structures, trails, pools, landscaping, and hillside lighting, etc.

45. The developer shall design and construct all water mains, fire hydrants and on-site circulation in accordance with City of Palm Springs Fire Department rules and regulations prior to the issuance of building permits.
46. The developer shall create and implement , with consultation and approval from the City of Palm Springs Fire Department, a fuel modification plan which provides fire safety buffer treatments between natural and open space and planned buildings, which provided for long term maintenance of the buffer, prior to issuance of occupancy permits. Maintenance under the plans shall continue for the life of the project.
47. The construction of this project shall utilize, to the extent feasible, non-combustible exterior building materials, and fire resistant ornamental vegetation, subject to Fire Department approval prior to issuance of building permits.
48. An on-site archeological monitor shall be present during all grading operations. An archeological report shall be submitted by the monitor to the City following observation of grading operations. In addition to an archeological monitor, a Native American cultural resource monitor be present during all phases of grading.

POLICE DEPARTMENT:

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

WASTE DISPOSAL SERVICES:

50. The location of the trash enclosure is acceptable subject to approved construction details approved by the Director of Building and Safety consistent with approved City details.

ENGINEERING

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

51. The developer shall submit a final soils report and hydrology study with recommendations to the City Engineer with the first submittal of a grading plan.
52. Dedicate an easement for sewer and public utility purposes with right of ingress and egress over the private street. The easement shall be the width of the travel way from back of curb to back of curb. Provide the City with Key or card (whatever access mechanism is used) for access to the development for sewer maintenance purposes.
53. The developer shall comply with Riverside County Flood Control and Water Conservation District requirements placed on this project, and approved by the City Engineer.

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

STREETS

54. Any improvements within the street right-of-way require a City of Palm Springs Encroachment Permit.
55. Submit street improvement plans prepared by a Registered Civil Engineer to the Engineering Department. The plan(s) shall be approved by the City Engineer prior to issuance of any grading or building permits.

Minimum submittal shall include the following, IF applicable:

- A. Copy of signed Conditions of Approval from Planning Department.
- B. All agreements and improvement plans approved by City Engineer, IF applicable.
- C. Proof of processing dedications of right-of-way, easements, encroachment agreements/licenses, covenants, reimbursement agreements, etc. required by these conditions.

VIA MONTE VISTA

56. The existing fire hydrant shall be relocated out of the main entry and a blue marker shall be placed in the street opposite the relocated fire hydrant, per Fire Department standards.
57. * Construct a minimum 5 foot wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
58. Developer shall construct an intersection of the Private Street with Via Monte Vista and Crescent Drive, complete with curb returns, cross-gutter, access ramps, and removals and relocation of existing improvements. The intersection design shall be shown on the Street Improvement Plans for the Private Street and be subject to the review and approval of the City Engineer.

The maintenance driveway along the east property line shall be redesigned to intersect with the private street.

59. All broken or off grade CURB, GUTTER AND AC PAVEMENT shall be repaired or replaced.

* Indicates conditions to be deferred by covenant.

PRIVATE STREET

60. All centerline radii shall be a minimum of 130 feet.
61. The right-of-way width of the private street shall be 37 feet.

62. Construct a Type B-1 curb and gutter, or other curb configuration (wedge curb) to the satisfaction of the City Engineer, 18 feet both sides of centerline along the portions of the street with on-street parking and 12 feet both sides of centerline along the portions of the street with no on-street parking per City of Palm Springs Standard Drawing No. 200.
63. Deleted.
64. Construct minimum 10 wide driveway approaches at approved locations to each lot, in accordance with City of Palm Springs Standard Drawing No. 201.
65. See Condition No. 83 for gated entrance requirements for Main Entries that are proposed to be gated.
66. The curb radius throughout the cul-de-sac bulb shall be a minimum of 43 feet.
67. Construct pavement with a minimum pavement section of 2-1/2 inch asphalt concrete pavement over 4 inch aggregate base with a minimum subgrade of 24 inches at 95% relative compaction, OR equal, from edge of proposed gutter to edge of proposed gutter along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110. The pavement section shall be designed, using "R" values, by a licensed Soils Engineer and submitted to the City Engineer for approval.

SANITARY SEWER

68. Connect all sanitary facilities to the City sewer system. Lateral shall not be connected at manhole.
69. Developer shall construct an 8 inch sewer main across the entire PRIVATE STREET frontage and connect to the existing sewer system manhole at the intersection of Via Monte Vista and Crescent Drive.
70. All sewer mains constructed by the developer and to become part of the City sewer system shall be televised by the developer prior to acceptance of said lines.
71. Submit sewer improvement plans prepared by a Registered Civil Engineer to the Engineering Department. The plan(s) shall be approved by the City Engineer prior to issuance of any grading or building permits.

Minimum submittal shall include the following:

- A. Copy of signed Conditions of Approval from Planning Department.
 - B. Proof of processing dedications of right-of-way, easements, encroachment agreements/licenses, covenants, reimbursement agreements, etc. required by these conditions.
 - C. Sewer Study/Report, IF required by these conditions.
72. Stamp an "S" on the top of curb where all laterals cross to each lot.

GRADING

73. A copy of a Title Report prepared/updated within the past 3 months and copies of record documents shall be submitted to the City Engineer with the first submittal of the Grading Plan.
74. Submit a Grading Plan prepared by a Registered Civil Engineer to the Engineering Department for plan check. A PM 10 (dust control) Plan shall be submitted to and approved by the Building Division prior to approval of the grading plan. The Grading Plan shall be approved by the City Engineer prior to issuance of any grading or building permits.

Minimum submittal includes the following:

- A. Copy of signed Conditions of Approval from Planning Department.
 - B. Copy of Site Plan stamped approved and signed by the Planning Department.
 - C. Copy of Title Report prepared/updated within past 3 months.
 - D. Copy of Soils Report.
 - E. Copy of Hydrology Study/Report.
 - F. Copy of the General Construction Activity Storm Water Permit from the State Water Resources Control Board (Phone No. 916 657-0687) to the City Engineer prior to issuance of the grading permit.
75. Drainage swales shall be provided adjacent to all curbs and sidewalks - 3' wide and 6" deep - to keep nuisance water from entering the public streets, roadways, or gutters.
 76. Developer shall obtain a General Construction Activity Storm Water Permit from the State Water Resources Control Board (Phone No. (916)-657-0687) and provide a copy of same, when executed, to the City Engineer prior to issuance of the grading permit.
 77. In accordance with City of Palm Springs Municipal Code, Section 8.50.00, the developer shall post with the City a cash bond of two thousand dollars (\$2,000.00) per acre for mitigation measures of erosion/blowsand relating to his property and development.
 78. A soils report prepared by a licensed Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed site. A copy of the soils report shall be submitted to the Building Department and to the Engineering Department along with plans, calculations and other information subject to approval by the City Engineer prior to the issuance of the grading permit.

The previous Soils Report required that proposed buildings be constructed a minimum of 30 feet from the toe of steep, rocky slopes. A catchment area shall be constructed between the toe of slope and buildings. The height and width of the retention walls shall be determined by the Soils Report and submitted to the City Engineer for review and approval. An alternate design for the catchment area may be proposed by a Geotechnical Engineer subject to review and approval by the City Engineer prior to issuance of grading permits. If any changes are to be made to the mitigation measures of the previous report, said report shall be revised to mitigate the new site conditions.

79. Contact the Building Department to get information regarding the preparation of the PM10 (dust control) Plan requirements.
80. 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 import or 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) or a verbal release from that office prior to the issuance of the City grading permit. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert. (Phone: 760-776-8208)

DRAINAGE

81. The developer shall accept all stormwater runoff passing through and falling onto the site and conduct this runoff to an approved drainage structure (if available). On-site retention/detention or other facilities approved by the City Engineer shall be required if off-site drainage structures are unavailable or cannot contain the increased stormwater runoff generated by the development of the site. Provide a hydrology study to determine if the increased stormwater runoff due to development of the site exceeds the capacity of offsite drainage structures (if any exist), and to determine required stormwater runoff mitigation measures for this project.
82. The project is subject to flood control and drainage implementation fees and/or construction of drainage facilities (Line 14) according to the approved Master Plan of Flood Control and Drainage. Validated costs incurred by the developer for design and construction of storm and/or drainage improvements adjacent to such development as shown in said Master Plan shall be credited toward the drainage fee otherwise due or in the event such cost exceeds the fee otherwise due, the City will enter into a reimbursement agreement with developer to reimburse him for such excess costs from drainage fees collected from other development. The acreage drainage fee at the present time is \$9,212.00 per acre per Resolution No. 15189. This condition shall be complied with, to the satisfaction of the City Engineer, prior to filing any final map or issuance of the building permit.

ON-SITE

83. The following requirements for a gated entry shall be met to provide adequate setbacks and turning movements for vehicles entering the primary parking facilities of this project:
 - A. Provide a minimum 50 foot setback to the access gate control mechanism.

- B. Provide a turnaround after the mechanism for vehicles unable to enter the project.
- C. Security gates shall be a minimum of 15 feet clear width in each direction.

GENERAL

- 84. Any utility cuts in the existing off-site pavement made by this development shall receive trench replacement pavement to match existing pavement plus one additional inch. See City of Palm Springs Standard Drawing No. 115. Pavement shall be restored to a smooth rideable surface.
- 85. All existing and proposed utility lines that are less than 35 kV on/or adjacent to this project shall be undergrounded. The location and size of the existing overhead facilities shall be provided to the Engineering Department along with written confirmation from the involved utility company(s) that the required deposit to underground the facility(s) has been paid, prior to issuance of a grading permit.

All undergrounding of utilities shall be completed prior to issuance of the first Certificate of Occupancy requested for this project.

- 86. All proposed utility lines (service drops) on/or adjacent to this project shall be undergrounded prior to issuance of a Certificate of Occupancy.
- 87. All existing utilities shall be shown on the grading/street plans. The existing and proposed service laterals shall be shown from the main line to the property line. The approved original grading/street plans shall be as-built and returned to the City of Palm Springs Engineering Department prior to issuance of the first Certificate of Occupancy requested for this project.
- 88. The developer is advised to contact all utility purveyors for detailed requirements for this project at the earliest possible date.
- 89. The developer shall take every precaution needed to "Protect -in-Place" any existing Whitewater Mutual Water Company water line(s) that may traverse his project.
- 90. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code 93.02.00 D.
- 91. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Engineering specifications.

MAP

- 92. The 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 Department.
- 93. The Final Map shall be prepared by a licensed Land Surveyor or qualified Civil Engineer and submitted to the Engineering Department for review. Submittal shall be made prior to issuance of grading or building permits.

94. A reciprocal access easement agreement between Lot 15, Lot 16 and Lot 17 shall be indicated on the Final Map, or recorded as a separate document prior to issuance of grading or building permits.

TRAFFIC

95. The developer shall provide a minimum of 48 inches of sidewalk clearance around all street furniture, fire hydrants and other above-ground facilities for handicap accessibility. The developer shall provide same through dedication of additional right-of-way and widening of the sidewalk or shall be responsible for the relocation of all existing traffic signal/safety light poles, conduit, pull boxes and all appurtenances located on the VIA MONTE VISTA frontage of the subject property.
96. Street name signs shall be required at each intersection in accordance with City of Palm Springs Standard Drawing Nos. 622 and 623.
97. A 30 inch "STOP" sign and standard "STOP BAR" and "STOP LEGEND" shall be installed per City of Palm Springs Standard Drawing Nos. 620-625 at the following locations:

Via Monte Vista and Private Street
Crescent Drive and Via Monte Vista

The "STOP" sign at the northeast corner of Crescent Drive and Via Monte Vista shall include a warning sign indicating that cross traffic on Via Monte Vista does not stop.

98. The developer shall provide and install a 9,500 lumen high pressure sodium vapor safety street light with glare shield on a marbelite pole on the NORTHEAST corner of CRESCENT DRIVE and VIA MONTE VISTA with the mast arm over VIA MONTE VISTA. The developer shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light. As an alternative, other decorative landscape and entryway lighting which adequately illuminates the project entry may be considered.
99. Construction signing, lighting and barricading shall be provided for on all projects as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with State of California, Department of Transportation, "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES" dated 1996, or subsequent additions in force at the time of construction.
100. This property is subject to the Transportation Uniform Mitigation Fee based on the RESIDENTIAL SINGLE FAMILY DETACHED ITE Code B land use.

FIRE

101. Access During Construction: Access for fire fighting 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 14'6". Fire department access roads shall have an all weather driving surface and support a minimum weight of 67,500 lbs. (Sec. 902 CFC)

102. Fire Apparatus Access Plans: Plans for fire apparatus access road shall be submitted to the fire department for review and approval prior to construction. Plans shall include certification from a Registered Professional Engineer stating the roads are of all weather construction and capable of supporting fire apparatus weighing 67,500 lbs. G.V.W. (901.2.2.1 CF).
103. Water Systems and Hydrants: Where underground water mains are to be provided, they shall be installed, completed, and in service with fire hydrants or standpipes (or combinations thereof located as directed by the fire department) not later than the time when combustible materials are delivered to the construction site. (Sec. 903 CFC)
104. Residential Fire Hydrants: Residential fire hydrants shall be installed in accordance with DWA specification and standards. No landscape planting, walls or fencing are permitted within three (3) feet of fire hydrants, except ground cover plantings.
105. Site Plan: Provide the fire department with two (2) copies of an approved site plan. Approved locations for fire hydrants will be marked on this site plan, with one (1) copy being returned to the applicant. The second copy will be retained by the fire department.
106. Fire Hydrant Systems: Following fire department selection of hydrant locations, plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. (901.2.2.2)
107. Building or Complex Gate Locking Devices: Gate(s) shall be equipped with a KNOX key switch device or key box. Contact the fire department for a KNOX application form.
108. Residential Smoke Detector Installation: Provide residential smoke detectors. Detectors shall receive their primary power from the building wiring and shall be equipped with a battery backup. (310.9.1.3 CBC)
109. Site Fire Protection: Provide a garden hose or hoses on construction site equipped with an adjustable spray nozzle capable of reaching all combustible construction.
110. Premises Identification: Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.
111. Fire Department Access Road Dimensions: Provide a minimum of 20 feet unobstructed width. If parking on access road is desired, provide an eight (8) foot parking lane with opposing curb marked red with appropriate signage for a total of 28 feet in width. Provide an additional eight (8) feet for parking on both sides of access road for a total of 36 feet width.
112. Vertical Fire Apparatus Clearances: Palm Springs fire apparatus require an unobstructed vertical clearance of not less than 14'6".

113. Fire Flow Determination: Provide information on the size of the proposed buildings and type of construction. This is necessary to determine fire flow requirements. All residences located at toe of slope will require automatic fire sprinklers. All other residences may be required to have automatic sprinklers, depending on size and type of construction.
114. Distance From Water Supply: It appears that portions of buildings to be constructed on several lots could be more than 150 feet from a water supply on a public street. This may require the construction of additional on-site fire protection facilities. (903.2 CFC)

