



## Planning Commission Staff Report

DATE: SEPTEMBER 24, 2014

SUBJECT: A TIME EXTENSION REQUEST BY PALM SPRINGS FREEWAY DEVELOPMENT, LLC, FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO DEVELOP A 65-ROOM HOTEL, TWO DRIVE-THRU RESTAURANTS, PARKING AND SIGNAGE AT 610 WEST GARNET AVENUE, ZONE M-1-P, SECTION 15; CASE NO. 5.0856-CUP

FROM: DEPARTMENT OF PLANNING SERVICES

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### SUMMARY

The Planning Commission to consider a one-year time extension request for a Conditional Use Permit (CUP) that was previously approved for the development of a 65-room hotel, two drive-thru restaurants, parking and signage. The project is to be located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10

### RECOMMENDATION:

Approve a one-year time extension for Conditional Use Permit No. 5.0856-CUP, from August 12, 2014 to August 11, 2015.

### ISSUES:

- Mission Springs Water District (MSWD) completed a study to develop and analyze a proposed wastewater system in the area around I-10 and N. Indian Canyon Drive. (Report is attached to Staff Report)
- Report recommends a new sewage lift station be constructed described as Alternative 2).
- The State Water Resources Control Board and Regional Water Quality Control Board have recently evaluated requests for an Onsite Wastewater Treatment System on a nearby large development parcel which may affect the subject property.

**BACKGROUND:**

<b><i>Related Relevant City Actions</i></b>	
8.8.01	The Planning Commission adopted a mitigated negative declaration and approved a Conditional Use Permit for the 60-room hotel project with two restaurants.
7.23.03	The Planning Commission granted the first of a series of a one year time extension for the CUP
8.13.03	The Planning Commission approved an amendment to the CUP to allow for a 65-unit hotel project and a freeway sign with two restaurants. The amended CUP remained valid for two years from August 13, 2003, to August 12, 2005.
7.13.05	A one-year time extension which expired on August 13, 2006 was approved by the Planning Commission.
8.9.06	The Planning Commission approved a one-year time extension from August 13, 2006 to August 12, 2007.
7.25.07	The Planning Commission approved a one-year time extension from August 13, 2007 to August 12, 2008.
7.9.08	The Planning Commission approved a one-year time extension from August 13, 2008 to August 12, 2009.
7.22.09	The Planning Commission approved a one-year time extension from August 13, 2009 to August 12, 2010.
11.10.10	The Planning Commission approved a one-year time extension from August 13, 2010 to August 12, 2011.
9.28.11	The Planning Commission approved a one-year time extension from August 12, 2011 to August 11, 2012.
9.26.12	The Planning Commission approved a one-year time extension from August 11, 2012 to August 10, 2013.
10.9.14	The Planning Commission approved a one-year time extension from August 11, 2013 to August 10, 2014.

<b><i>Most Recent Ownership</i></b>	
2005	The Tahiti Group

<b><i>Site Area</i></b>		
Project Area	Approximately 3.2 acres of vacant land	
<b><i>Planning Areas</i></b>		
Specific Plan		N/A
Design Plan		N/A
Airport Overlay		N/A
Indian Land		N/A

## **ANALYSIS**

Pursuant to Section 94.04.01(H) of the Palm Springs Zoning Code, Architectural Approval is valid for two years and may be extended by the Planning Commission upon demonstration of good cause. Review of the time extension must consider changes in the applicable rules and the changes in the character of the neighborhood since the original entitlement was approved. The City's Ordinance has no specific findings for extension of time for previously approved projects; however, in reviewing the request, staff considered if specific circumstances have changed such that the CUP approval might need reconsideration. The Municipal Code does limit all time extensions to one-year and that requirement is being carried forward in staff's recommendation. Staff's analysis is provided below on each of the factors applicable to the original approval to be considered by the Planning Commission.

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

There are no changes to the current plan and overall project configuration. The original project called for the development of a 65-room hotel, two drive-thru restaurants and a freeway sign; the project is still in keeping with these approved uses.

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

The applicant has been working with State Agencies, the County, the Mission Springs Water District and the City to resolve wastewater infrastructure in that section of the City. Recently, the State Water Resources Control Board and Regional Water Quality Control Board have begun discussions to allow an Onsite Wastewater Treatment System (OWTS). According to the applicant the change in direction may allow the project to move forward before a regional waste water treatment facility is built.

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

As stated below, the most significant recent development within the surrounding area is the reconstruction project involving the I-10 Freeway and the widening of Indian Canyon Drive. The Planning Commission on June 11, 2014 approved Case # 5.1307 for the construction of a FedEx 150,560-square foot transportation terminal directly across W. Garnet Road from the subject site. The FedEx site includes an Onsite Wastewater Treatment System. In addition, there is an existing Pilot Truck Stop with a gas station and fast food restaurant adjacent to the east, and vacant property borders the project site to the west. The site is currently vacant, and is generally level.

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

Staff has reviewed the project, surrounding area and underlying zoning regulations and determined that no significant changes have occurred that would suggest that the project

is consistent with the neighborhood or the City's development policies and standards. The General Plan and zoning designations have not changed.

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

Within the past several years, a major reconstruction project realigning the on and off ramps at the I-10 and Indian Canyon Drive interchange was completed. Two new ramps from the east bound lanes of Interstate 10 located directly west of the subject property have been completed and are now open to traffic. Finally, the north bound section of Indian Canyon Drive was recently widened.

Staff received amended conditions from the Engineering Department. A list of these changes and modifications to the Conditions of Approval are as follows: Engineering Conditions – Sanitary Sewer #11A; Water Quality Management Plan #18, 19, 20, 21.

#### **ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration (MND) was previously adopted by the Planning Commission on August 8, 2001. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the preparation of a Subsequent Negative Declaration, Addendum Negative Declaration, or further environmental assessment is not necessary because the changed circumstances of the project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. However Staff made a determination that the development of the new interchange at Interstate 10 and Indian Canyon Drive has warranted the need to conduct a revised traffic analysis to meet the requirements of CEQA. The analysis concluded that the new traffic patterns will not cause traffic impacts beyond those already assessed in the adopted Mitigated Negative Declaration.

#### **CONCLUSION:**

Although this project has been granted several time extensions previously, staff believes that the applicant has demonstrated good cause for additional extension of time given the nature of the different and various entities involved with the installations of wastewater infrastructure in that section of the City. Making a realistic projection of possible commencement time of this development is difficult; however, adequate assurances have been given by the developer, the Mission Springs Water District and State Water Resources Control Board about the ongoing efforts to resolve the difficulties relating to onsite wastewater treatment.

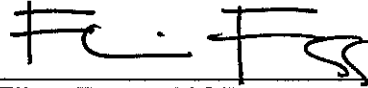
Staff recommends that the Planning Commission approve a one-year extension from August 12, 2014, to August 11, 2015, for Case No. 5.0856-CUP, subject to the previously adopted Categorical Exemption and conditions of approval.





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Glenn Mlaker, AICP  
Assistant Planner



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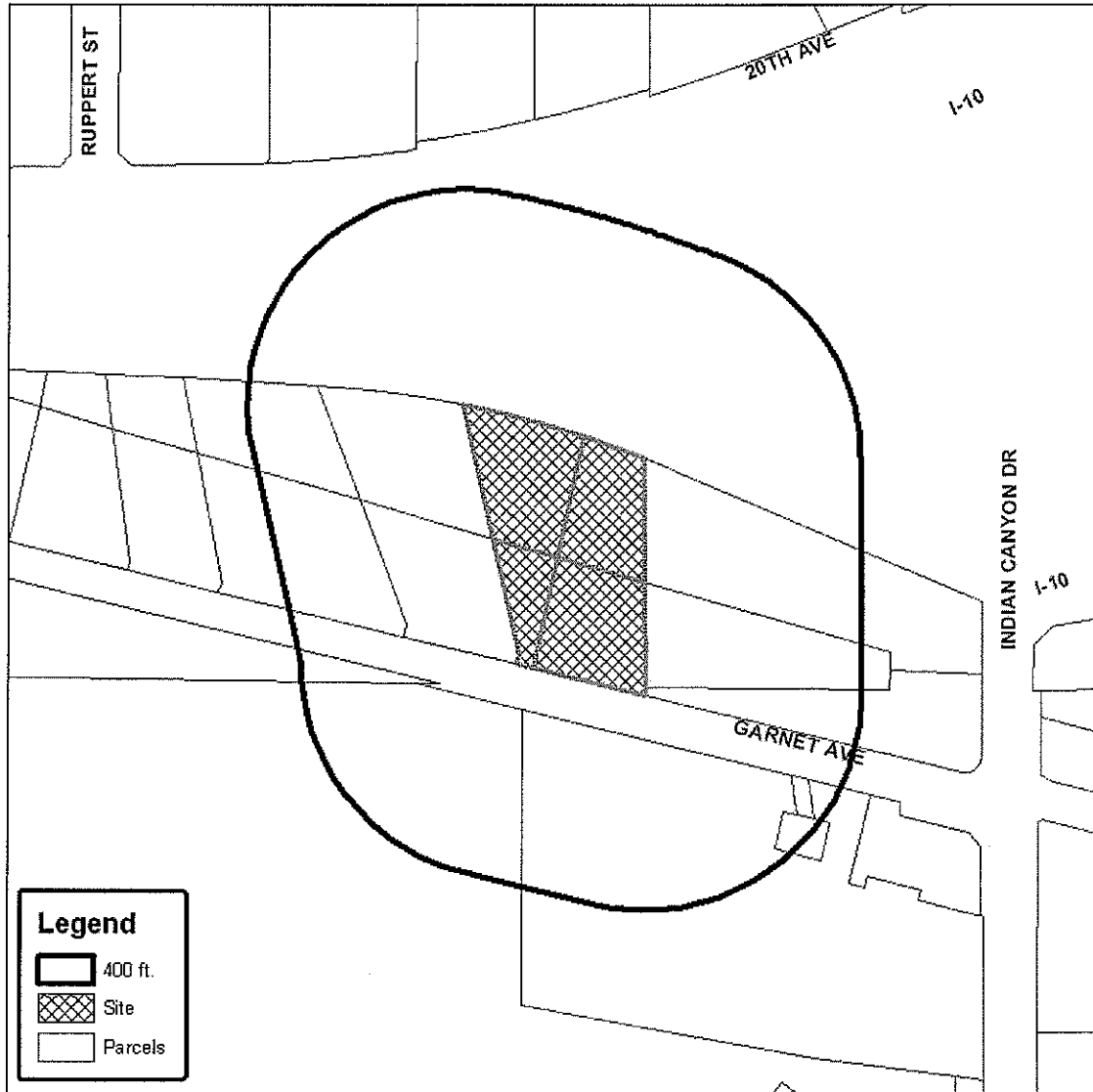
Flinn Fagg, AICP  
Director of Planning Services

**Attachments:**

- Vicinity Map
- Draft Resolution & Conditions of Approval
- Planning Commission Minutes of October 9, 2014
- Letter of request and email
- Engineering Report for I-10 & Indian Avenue Sewer System
- Original Staff Report – 8-13-2003



## Department of Planning Services Vicinity Map



### CITY OF PALM SPRINGS

CASE NO: 5.0856 CUP – Time Ext.

APPLICANT: Freeway Development

DESCRIPTION: Request by Freeway Development for a one-year time extension request for a CUP to allow a 65-unit hotel, 2 drive-thru restaurants and a 60 ft. Freeway sign located at 610 w. Garnet Ave, Zone M-1-P, Section 15.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF A ONE-YEAR TIME EXTENSION FROM AUGUST 12, 2014 TO AUGUST 11, 2015 THE PALM SPRINGS FREEWAY DEVELOPMENT LLC, A PROPOSAL TO DEVELOP A 65-UNIT HOTEL, A FREEWAY SIGN AND TWO DRIVE-THRU RESTAURANTS LOCATED AT 610 GARNET AVENUE, ZONED M-1-P SECTION 15, APN 666-330-043

WHEREAS, Palm Springs Freeway Development, LLC ("Applicant") has filed an application with the City pursuant to Section 94.02.00(F) of the Zoning Ordinance for an extension of time for Case No. 5.0856 Conditional Use Permit.

WHEREAS, on September 24, 2014, a public meeting was held on the application by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the Mitigated Negative Declaration for this Case No. 5.0856 was previously adopted by the Planning Commission on August 1, 2001. It was determined that the development of the new interchange at Interstate 10 and Indian Canyon Drive warranted a revised traffic analysis to meet the requirements of CEQA. The analysis concluded that the new traffic patterns will not cause traffic impacts beyond those already assessed in the adopted Mitigated Negative Declaration.

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 requirements of Section 94.02.00(F), the Planning Commission finds:

1. The previously approved Mitigated Negative Declaration is the controlling environmental documentation for this request.
2. The applicant has requested an extension of time in accordance with the requirements of the City Municipal and Zoning Codes.
3. A demonstration of good cause has been made and that the Conditions of Approval ensure that the developer will pursue the project in good faith.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves a one-year time extension from August 12, 2014 to August 11, 2015, for Case No. 5.0856 – CUP.

ADOPTED this 24<sup>th</sup> day of September 2014.

AYES:

NOES: None.

ABSENT: None.

ABSTAIN: None.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

**RESOLUTION NO.**

**EXHIBIT A**

CASE 5.0856-CUP  
PALM SPRINGS FREEWAY DEVELOPMENT, LLC  
610 W. GARNET AVENUE

**REVISED CONDITIONS OF APPROVAL**

September 24, 2014

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

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

**PLANNING DEPARTMENT:**

Administrative

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.0856-CUP. 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 further indemnification hereunder, 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.
3. Pursuant to Fish and Game Code Section 711.4 a filing fee of \$78.00 is required. This project has a de minimus impact on fish and wildlife, and a

Certificate of Fee Exemption shall be completed by the City and two copies filed with the County Clerk. This application shall not be final until such fee is paid and the Certificate of Fee Exemption is filed. Fee shall in the form of a money order or cashier's check payable to Riverside County.

4. 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.
5. This Conditional Use Permit approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
6. The appeal period for a Conditional Use Permit application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
7. The applicant shall provide all tenants with Conditions of Approval of this project.

Site Plans:

8. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. The landscape plans shall demonstrate 50% parking lot shading.

Grading:

9. 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 requirements.
10. 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.
11. 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.

Landscape:

12. 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.

13. 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.

Architectural:

14. 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.
15. All materials on the flat portions of the roof shall be earth tone in color.
16. All roof mounted mechanical equipment shall be screened from all possible vantage points both existing and future per Section 9303.00 of the Zoning Ordinance. The screening shall be considered as an element of the overall design and must blend with the architectural design of the building. The exterior elevations and roof plans of the buildings shall indicate any fixtures or equipment to be located on the roof of the building, the equipment heights, and type of screening. Screening shall be at least 6" above the equipment.
17. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
18. The design, height, texture and color of building(s), fences and walls shall be submitted for review and approval prior to issuance of building permits.
19. The street address numbering/lettering shall not exceed eight inches in height.
20. An exterior lighting plan in accordance with the lighting ordinance in effect at the time shall be submitted for review and approval by the Director of Planning and Zoning prior to issuance of building permits. A photometric study and manufacturer's cut sheets of all exterior light fixtures shall be submitted with the lighting plan.
21. Parking lot light fixtures shall align with stall striping and shall be located two to two feet from curb face. The locations of all fixtures shall be indicated on the site plan.
22. Plans meeting City standards for approval on the proposed trash and recyclable materials enclosure shall be submitted prior to issuance of a building permit.

23. Details of pool fencing (materials and color) and equipment area shall be submitted with final landscape plan.
24. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
25. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage of the property. Said transformer(s) must be adequately and decoratively screened.

Parking:

26. Islands of not less than 9 feet in width with a minimum of 6 feet of planter shall be provided every 10 parking spaces.
27. Parking lot shading requirements for parking lot areas as set forth in Section 9306.00 of the Zoning Ordinance shall be met. Details are to be provided with final landscape plans.
28. Parking stalls shall be delineated with 4 to 6 inch double stripe-hairpin or elongated "U" design. Individual wheel stops shall be prohibited; a continuous 6" barrier curb shall be provide wheel stops.
29. Concrete walks with a minimum width of two (2) feet shall be installed adjacent to end parking spaces or end spaces shall be increased to eleven (11) feet wide.
30. Tree wells shall be provided within the parking lot and shall have a planting area of six feet in diameter/width.
31. Handicapped accessibility shall be indicated on the site plan to include the location of handicapped parking spaces, the main entrance to the proposed structure and the path of travel to the main entrance. Consideration shall be given to potential difficulties with the handicapped accessibility to the building due to the future grading plans for the property.
32. Final landscape plans shall include 4'-0" walls, berms and/or screening of parking lot and drive through stacking areas.

Fees:

33. The project site is located with the Fringe Toed Lizard Habitat Conservation Area. The developer shall pay a mitigation fee of \$600 per acre, prior to issuance of building permits.



**Mitigation Measures:**

34. One (1) street light shall be installed at the project driveway on Garnet Avenue
35. The existing traffic striping (double yellow centerline) shall be extended along the project frontage.
36. Sidewalks shall be installed along the project frontage.
37. The curb shall be painted red along the project frontage.
38. Existing traffic signals at Indian Canyon Drive and Garnet Avenue and at Indian Canyon Drive and Eastbound I-10 ramps shall be re-timed as deemed necessary by the City Engineer.

**ENGINEERING DEPARTMENT:**

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

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

**STREETS**

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- 4A. ~~The applicant shall dedicate a temporary construction easement to the State of California, Department of Transportation (Caltrans) as necessary to implement construction of the Indian Canyon Drive/Interstate 10 Interchange Project. The required easement shall be dedicated as required by the City Engineer, in coordination with the County of Riverside and Caltrans. Reconfiguration of on-site improvements shall be implemented as necessary to reflect the required temporary construction easement dedication for the Interstate 10 Interchange Project.~~

**GARNET AVENUE**

2. Construct a 32 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 120 feet west of the southeast corner of the site.

3. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 214. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer and ADA Coordinator. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
4. ~~Construct an 8 foot wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.~~
5. All broken or off grade street improvements shall be repaired or replaced.

#### ON-SITE

6. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.
7. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

#### SANITARY SEWER

8. ~~Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. The sewer connection fee shall be paid prior to issuance of the current building permit (for future connection). The record property owner shall enter into a covenant agreeing to extend the private sewer lines the necessary distance to connect to the public sewer system within one year of official notice that an operating public sewer has been completed within 500 feet of the lot. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee of \$135 in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.~~
9. All on-site sewer systems shall be privately maintained.

10. Submit public sewer improvement plans prepared by a California registered civil engineer to Mission Springs Water District (MSWD) for review and approval. All bonds required by MSWD for the sewer service must be submitted to MSWD prior to the final design plans being signed. The plans shall be approved by MSWD prior to issuance of any building permits. In the event the applicant obtains a letter from MSWD to the City Engineer, indicating that MSWD has no future plans to extend sewer service to the property, this obligation shall be null and void. This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD and determine what requirements MSWD may have for provisions of domestic water and/or sanitary sewer service to the property.
11. ~~Construct a sewer main across the entire Garnet Avenue frontage located 5 feet from centerline, including a sewer lateral for future connection of the on-site sewer system to the public sewer, as required by the City Engineer and in accordance with the Mission Springs Water District (MSWD) Master Sewer Plan, specifications, rules, and regulations. In the event the applicant obtains a letter from MSWD to the City Engineer, indicating that MSWD has no future plans to extend sewer service to the property, this obligation shall be null and void.~~
- 11A. The City recommends that the applicant contact the Riverside County Health Department for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the Regional Water Quality Control Board. Construct a private sanitary sewer system in accordance with City of Palm Springs Ordinance No. 1084. Development shall be connected to an approved Sanitary Septic System or Package Plant and is subject to review and approval by the Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board (RWQCB) for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the RWQCB.

## GRADING

12. Submit a Precise Grading and Paving Plan prepared by a California registered Civil Engineer to the Engineering Division for review and approval. The Precise Grading and Paving Plan shall be approved by the City Engineer prior to issuance of grading permit.
- 12A. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and

shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at [www.AQMD.gov](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 Precise Grading and Paving Plan.

- 12B. The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the site plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.
- 12C. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- 12D. 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.
- 12E. 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.
- 12F. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer, or the Tribal Archaeologist, at (760) 699-6800 to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to

- coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
  14. Notice of Intent to comply with Statewide California General Construction Stormwater Permit (Water Quality Order ~~99-08-DWQ as modified December 2, 2002~~ 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. (760) 346-7491). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading permit.
  - 14A. Projects causing soil disturbance of one acre or more, must comply with either the General Permit for Stormwater Discharges Associated with Construction Activity or the General Permit for Stormwater Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects, and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
  15. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h) 8.50.025 (e), 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.
  16. A soils report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the soils report shall be submitted to the Engineering Division with the first submittal of a grading plan.
  - 16A. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City

Engineer.

- 16B. The applicant shall provide pad or finish floor elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
17. 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 Precise 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

18. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).
19. 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.
20. 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 issuance of any grading or building permits.

21. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall:
  - a. Demonstrate that all structural BMPs have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs 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

22. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. The Hydrology and Hydraulic Calculations for the development (prepared by IW Consulting Engineers, Inc., dated May 15, 2006) 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 retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology report by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology report. No more than 40-50% of the street frontage parkway/setback areas should be designed as retention basins. On-site open space, in conjunction with dry wells and other subsurface solutions should be considered as alternatives to using landscaped parkways for on-site retention.
23. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to W. Garnet Avenue or the California Department of

Transportation right-of-way. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

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

#### GENERAL

25. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
26. All proposed utility lines shall be installed underground.
27. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting,



and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities across the south property line along the Garnet Avenue frontage, meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, a copy of the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.

28. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
29. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
30. 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.
31. 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.
32. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed per City of Palm Springs Standard Drawing No. 904.
- 28A. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

## MAP

33. In accordance with Government Code 66426 (c), an application for a Tentative Parcel Map shall be submitted to the Planning Department if the subject property is proposed to be subdivided for purposes of sale, lease, or financing of commercial parcels within the proposed development.
34. The existing parcels identified by Assessor's Parcel Numbers (APN 666-430-013, 666-430-014, 666-430-018, and 666-430-019 ~~666-330-043, 666-330-058, 666-330-067, and 666-330-075~~) shall be merged; or the applicant shall otherwise demonstrate to the satisfaction of the City Engineer that the underlying parcel identified as Parcel 4 of Parcel Map 21921 has not been subdivided. An application for a parcel merger shall be submitted to the Engineering Division for review and approval. A copy of a current title report and copies of record documents shall be submitted with the application for the parcel merger. The application shall be submitted to the City Engineer for review and approval prior to issuance of building permit, and shall be recorded prior to issuance of a building permit.

## TRAFFIC

- ~~35. Install traffic striping and signage improvements on Garnet Avenue as required by the City Engineer. The curb along the Garnet Avenue frontage shall be painted red prohibiting on-street parking along the Garnet Avenue frontage. Submit traffic striping and signage plans to the City Engineer for review and approval. 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.~~
36. Install a 24 inch stop sign, stop bar, and "STOP" legend for traffic exiting the development at the site access on Garnet Avenue 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.
37. If required by the City Engineer, ~~The~~ applicant shall provide revised traffic signal timing plans for the intersection of Indian Avenue and Garnet Avenue to address increased traffic on Garnet Avenue generated by the project, for review and approval by the City Engineer. Revised traffic signal timing plans shall be provided for the Indian Avenue and Interstate 10 eastbound on-ramp and eastbound off-ramp, for review and approval by the California Department of Transportation (Caltrans). The revised signal timing plans shall be submitted to and approved by the City Engineer and Caltrans prior to issuance of a certificate of occupancy.

- 33A Any additional mitigation measures as determined by the approved version of the amended traffic analysis for the newly constructed on and off-ramps for Garnet Avenue from Interstate Highway 10, as well as the intersection of N. Indian Canyon Drive and Garnet Avenue, submitted by George Dunn (dated September, 2011), will be required to be incorporated into the project.
- 33B Applicant shall provide a detailed striping plan for review as part of the project evaluation process. The project driveway shall provide for a southbound left-turn lane and a southbound right-turn lane with a single entrance lane of sufficient width to accommodate larger vehicles.
- 33C Applicant shall provide a detailed striping plan including the maximum eastbound left-turn storage at Garnet Avenue and the project driveway.
- 33D After the two specific fast food tenants are identified, the adequacy of storage in the drive-through lanes of each fast food tenant, shall be re-accessed to determine if there is enough storage.
38. The applicant shall provide and install a 9,500 ~~9,000~~ lumen high pressure sodium vapor safety street light with glare shield on a marbelite pole on the northwest corner of the site access and Garnet Avenue with the mast arm over Garnet Avenue. The developer shall coordinate with Southern California Edison for required permits and work orders necessary to provide electrical service to the street light.
39. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, and striping, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
40. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development. Minimum clearance on public sidewalks or pedestrian paths of travel shall be provided by either an additional dedication of a sidewalk easement (if necessary) and widening of the sidewalk, or by the relocation of any obstructions within the public sidewalk along the Garnet Avenue frontage of the subject property.
41. 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 ~~September 26, 2006~~, or subsequent editions in force at the time of construction.
42. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

**END OF CONDITIONS**

**1A. APPROVAL OF MINUTES: SEPTEMBER 25, 2013**

Approved, as presented.

**1B. TA EDISON CORP. FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 2,035 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND 483-SQUARE FOOT GARAGE ON A VACANT HILLSIDE LOT LOCATED 2408 VISTA DRIVE, ZONE R-1-B (CASE 3.3679 MAJ). (DN)**

Commissioner Calerdine asked that staff confirm that no trash enclosure is required.

Approved, as presented.

**1C. PALM SPRINGS FREEWAY DEVELOPMENT, LLC, REQUEST FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO DEVELOP A 65-ROOM HOTEL, TWO DRIVE-THRU RESTAURANTS AND SIGNAGE AT 610 WEST GARNET AVENUE, ZONE M1P, SECTION 15 (CASE 5.0856-CUP). (ER)**

Principal Planner Robertson provided an overview of the proposed time extension.

Commissioner Calerdine noted the advantage to the City in resolving the wastewater issues on Indian Canyon and Gene Autry Trail and suggested this be brought to the attention of the City Manager and Director of Economic Development. Director Wheeler concurred that this comment will be forwarded to appropriate parties and would provide an update at their next meeting.

**ACTION:** Approve subject to the previously adopted Negative Declaration and conditions of approval. Motion Commissioner Calerdine seconded by Commissioner Lowe and unanimously carried on a roll call vote.

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

**PUBLIC COMMENTS:**

Chair Donenfeld opened public comments and with no appearances coming forward public comments was closed.

## Glenn Mlaker

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**From:** Jack Vander Woude <tahiti.tahiti@verizon.net>  
**Sent:** Thursday, September 11, 2014 9:17 AM  
**To:** Glenn Mlaker  
**Subject:** RE: Freeway Development Time Extension  
**Attachments:** NoPS\_CHL\_e-mail9-10-14..pdf

Glenn: Response to your questions as follows....Thank you for your assistance. . Jack Vander Woude

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**From:** Glenn Mlaker [mailto:Glenn.Mlaker@palmsprings-ca.gov]  
**Sent:** Wednesday, September 10, 2014 2:41 PM  
**To:** tahiti.tahiti@verizon.net  
**Subject:** Freeway Development Time Extension

Hello Jack, you will find below four questions that the Planning Commission will use to evaluate the upcoming time extension.

Can you provide a few sentences and then forward to me.

Thanks - Glenn

1. Are there any changes to the project's overall plan and site configuration? No, but as we go forward (if we are permitted to do so) our first potential use will have to be scaled down to one major-brand fast-food restaurant .....which is likely the most that we will be allowed to place on the site by SWRCB for the immediate future.
2. What specific steps have been taken by the applicant over the past year to advance the project? Innumerable contacts and discussions with SWRCB staff. They, as we all know, hold the 'keys to the kingdom' for now.... And that situation will not change until Mission Springs water District builds its new wastewater treatment plant and brings service lines to this North Palm Springs area. PLEASE SEE attached e-mail from one of our technical consultants. The door has begun to open.
3. Have there been recent changes to nearby developments or uses within the surrounding area?

City of Palm Springs has tendered new facility approval for "FexEx" operations virtually across the street from our project site on Garnet Avenue.

4. Any off-site improvements, installation of infrastructure and other changes within 400 feet radius of the project site?

Not at yet, but new project above may add to infrastructure. We have not seen (Conditions of Approval.)

Glenn Mlaker, AICP  
Assistant Planner  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
760-323-8245

## Jack Vander Woude

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**From:** Bob Johnson <bobjgeo@yahoo.com>  
**Sent:** Wednesday, September 10, 2014 4:45 PM  
**To:** Jack Vander Woude  
**Subject:** Palm Springs

Jack

I will bring you up to speed with my discussions on the Palm Springs site relative to moving forward. You and I have discussed the project by phone with Jose Angel and Mary Serra at the Colorado River Regional Quality Control Board many times in an effort to move forward. I finally met with Jose and Mary at their office in Palm Desert to discuss on site waste water disposal first hand for our site. We have essentially been on hold for what seems forever because of the unavailability of sewers and the "moratorium" on septic tank use tacitly imposed by the WQCB. My discussions centered around the fact that according to my sources the Board Staff was in the process of allowing an "enhanced" on site system for a project very near our site. They acknowledge that fact which means that the "log jam" has been broken with respect to on site treatment for waste water in this area.

By an enhanced system, they mean a system that will allow for Nitrogen removal. I have located several suppliers of such systems, JET waste water treatment solutions in particular. FedEx has also acquired a parcel for development of a +/- 300K sf distribution system very near our site with the same issue.

Once the WQCB acts to set waste discharge requirements for effluent application by leach line or pit, we will have our parameters for the JET system design team to start on our system.

I have also had numerous discussions with a former Senior Engineer with one of the regional boards who is assisting me in my efforts with the WQCB

I think we have finally reached a point where we will be able to go ahead with the entire project. It is NOW time to get with the potential tenants and begin to firm up our deals. Once a system is decided on we will be a fast "go" and do not need to waste any time in getting started with the project.

I will be following up with WQCB to see where the other users are in the process

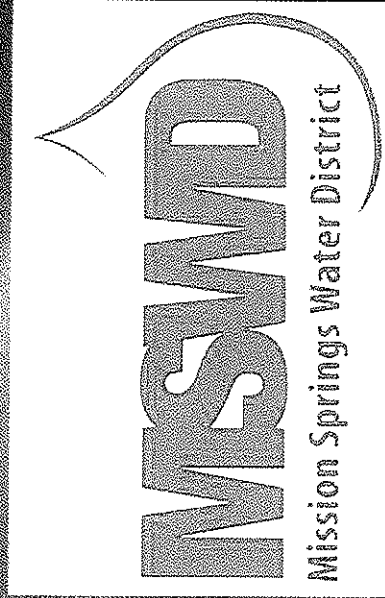
But for the quasi "moratorium" which has existed on this site it would have been developed now that the new ramp system is in place for I-10. Looks like the "moratorium" is over and we had better move forward post haste.

I will keep you advised. Questions, give me a call.

Bob

# I-10/INDIAN WASTEWATER INFRASTRUCTURE

## Preliminary Project Discussion



The following presentation was given at the meeting of November 14, 2012. Please refer to the annotation boxes (like this one) for information about each slide. As additional information is gathered from property owners (discussed later in this presentation) the District will refine the project until a proposal is developed for consideration by the owners. Contact information is listed at the end of the presentation. You can go to the [MSWD website](#) to review additional documents related to the I-10/Indian Ave Project.



# Meeting Agenda

- ▣ Introductions
- ▣ Project study area
- ▣ Project scope
- ▣ Cost discussion: apportionment/financing
- ▣ Financing and apportionment options
- ▣ Project timeline
- ▣ Owner questionnaire
- ▣ Open discussion/questions

These were the topics discussed in detail at the meeting.

# Introductions

MSWD

Webb Associates

Desert Hot Springs Staff

City of Palm Springs

County of Riverside

Representatives from this list attended the meeting. Mission Springs Water District staff and consultants included:

- Arden Wallum, General Manager
- Matt McCue, Director of Finance
- John Soulliere, Admin Officer/Public Relations
- Michael Thornton, TKE Engineering, MSWD Contract Engineer
- Paul Thompson, Webb Associates Engineering, Assessment Engineer

John Soulliere is your contact and the project manager for the formation of the proposed financing district to construct wastewater facilities.

Webb Associates is the Design and Assessment Engineering firm.

Rick Daniels, City Manager, was present representing the City of Desert Hot Springs.

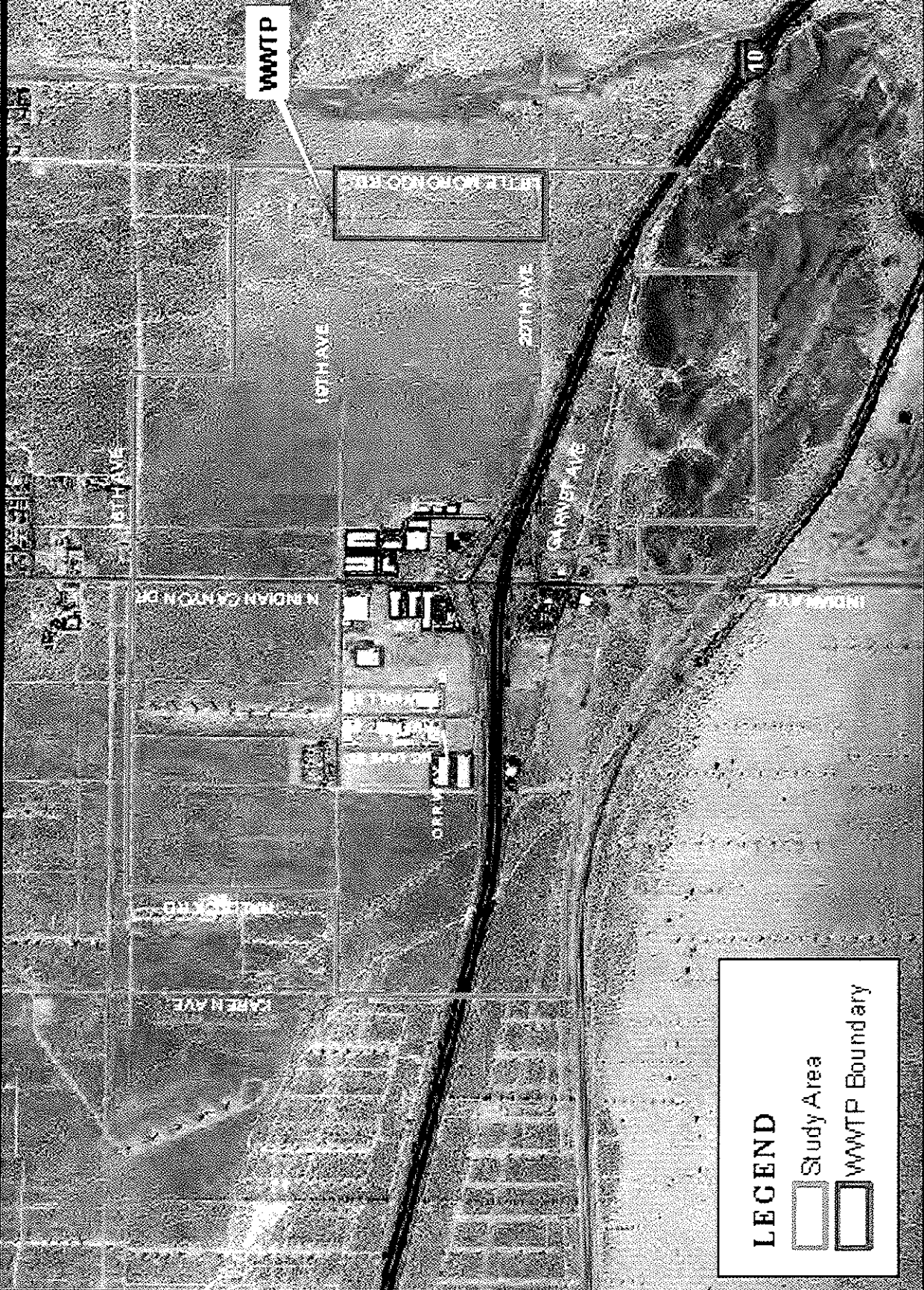
The city of Palm Springs and County did not send representatives but did meet with MSWD staff prior to the meeting.




The blue delineation is the study area for the Preliminary Design Report (PDR). The study area consists of 193 parcels owned by 88 individuals or groups.


The red area is land owned by MSWSD and the proposed wastewater treatment plan (WWTP) site.

A copy of the PDR is available on the [MSWD website](#).



**LEGEND**

 Study Area

 WWTP Boundary

Sources: Eagle Aerial, March 2010; County of Riverside, 2011.



**Figure 1**  
I-10 and Indian Ave. Area Sewer System Study Area



# Project Scope (at build out)

## Collection System:

- 38,500 LF pipeline
- 38,000 LF Asphalt
- 103 Manholes
- 400' 30" Casing
- 1 Lift station

▣ 1.58 MGD WWTP

The proposed amount of infrastructure to serve the study area is outlined here. The collection system was designed based upon Alternative 2 (discussed later in this presentation). The size of the collection system may vary depending on whether some of the outlying parcels participate in the formation of the financing district. Once the final parcel list is identified, the collection system will be built to accommodate full capacity of the study area.

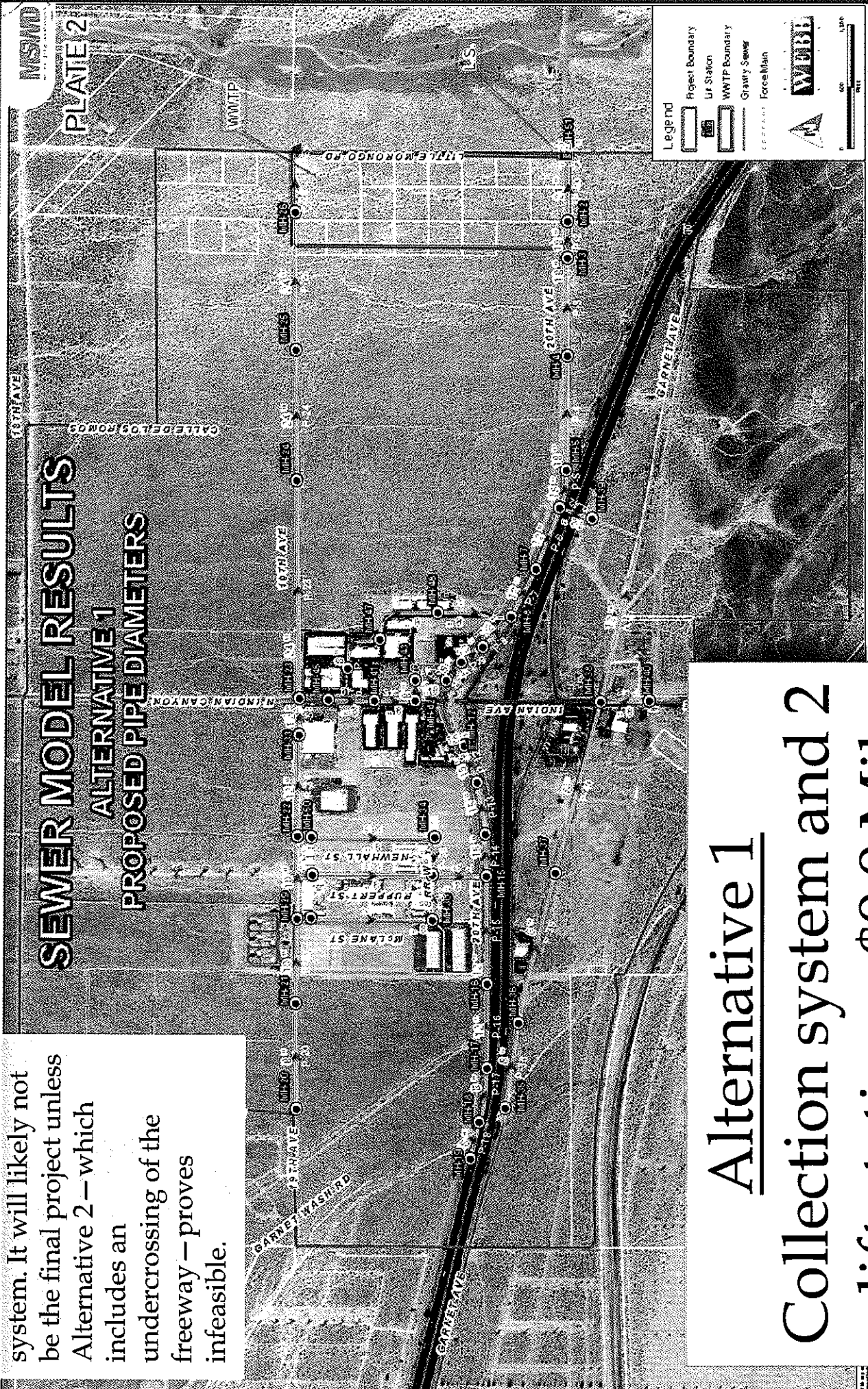
The treatment plant is projected at 1.5 MGD (million gallons per day) to serve the entire study area at build-out. Constructing facilities to accommodate full build-out immediately is not a likely option. The result would be a significant amount of idle capacity — with its costs — for an unknown period of time. This would not be fiscally responsible for MSWD.

Identifying phase one capacity of the treatment plant is the key to forming the financing district and will determine the initial project cost to each property owner.



This exhibit is the Alternative 1 collection system. It will likely not be the final project unless Alternative 2 – which includes an undercrossing of the freeway – proves infeasible.

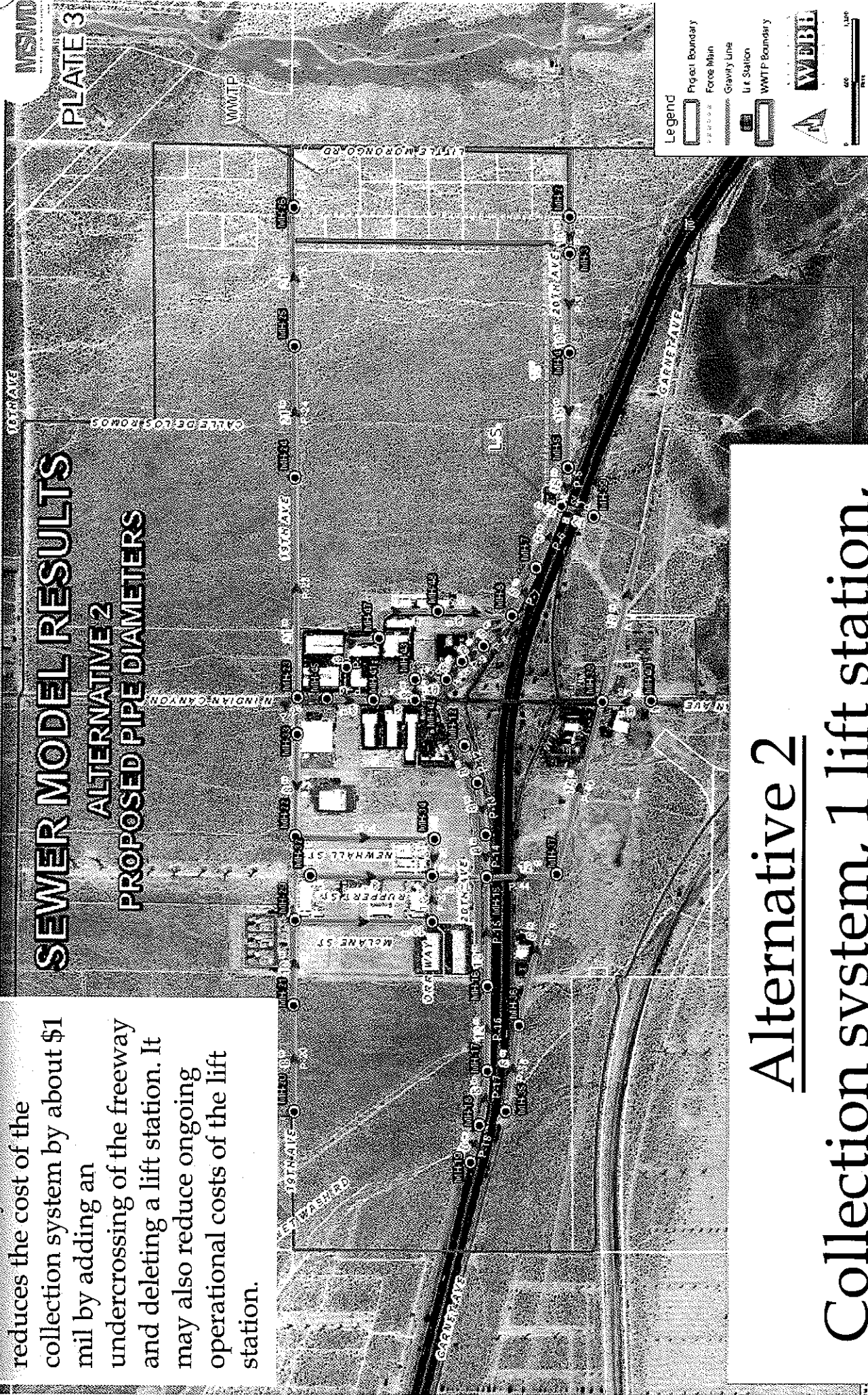
**SEWER MODEL RESULTS**  
**ALTERNATIVE 1**  
**PROPOSED PIPE DIAMETERS**



**Alternative 1**  
**Collection system and 2**  
**lift stations: \$9.9 Mil**

This exhibit is the Alternative 2 collection system. It reduces the cost of the collection system by about \$1 mil by adding an undercrossing of the freeway and deleting a lift station. It may also reduce ongoing operational costs of the lift station.

## SEWER MODEL RESULTS ALTERNATIVE 2 PROPOSED PIPE DIAMETERS



Alternative 2  
Collection system, 1 lift station,  
undercrossing: \$8.8 Mil



# Apportionment/Financing Options

Project Cost at build out

\$26,320,000

City of Desert Hot Springs

?

City of Palm Springs

?

County of Riverside

?

State and Fed grants

?

Property owners

?

The full build out of the area, base on current land use and associated flows, is \$26 million. The agencies identified on the left are stakeholders in development of the region to varying degrees.

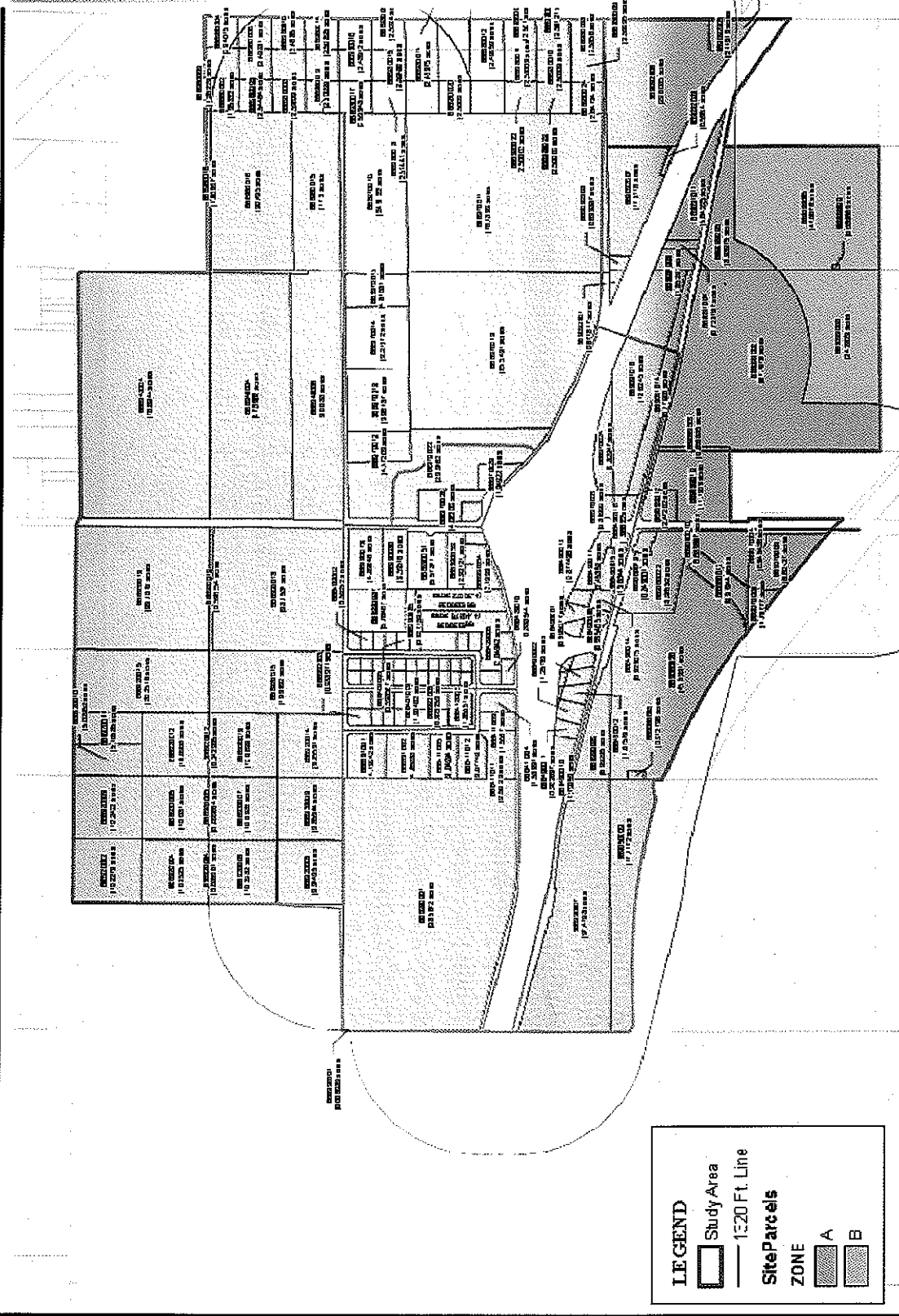
The question marks represent the unknown of direct financial contribution to the project by the stakeholder agencies, if any.

Mission Springs Water District has already contributed nearly \$1 million in engineering, land assemblage and the existing undercrossing of the interstate.

As it stands, the property owners are the primary project beneficiaries as well as primarily responsible for the costs of development of the project.

# Apportionment/Financing Options

One alternative for apportionment of the phase one project would be to reduce the initial assessment for properties that do not abut the wastewater collection system. These parcels are identified as Zone B (blue) parcels. As properties develop, owners would be responsible to extend the collection system to their respective property.



Source: Eagle Aerial, March 2010; County of Riverside, 2011.

ALBERT A. WEBB ASSOCIATES

Figure X  
I-10 and Indian Ave. Area Sewer System Study Area





# Financing Option 1

## Assessment District – partial costs

- 4 to 6 months to form, simple majority
- 100% cost of collection system for all parcels
- 100% cost for treatment facilities for improved parcels based on current flow
- A portion of costs for treatment plant based upon proposed or per-acre flows
- Remaining costs for future development charged at time of development
- Risk factor: Owner/ Developer – inflation

The following three slides outline potential financing mechanisms available to MSWD.

# Financing Option 2

Incremental Assessment District – 100% cost, incremental bonding

- 4 to 6 months to form, simple majority
- 100% cost of collection system for all parcels
- 100% cost for treatment facilities for improved parcels based on current flow
- 100% of cost assessed to vacant parcels based upon proposed or per-acre flows
- Incremental bonding as WWTP expansion demand increases
- Risk factor: MSWD – Inflation



# Financing Option 3

## Community Facilities District (CFD)

- 9 to 12 months to form, two-thirds vote
- 100% cost of collection system for all parcels
- Treatment facilities:
  - Variable phasing scenarios based on demand
- Risk factors: Owner/Developer – variable





# Project Timeline

This slide is self-explanatory.

## Construction

- Construction of the project will take three to five years depending on scope and financing.
- Clock starts once property owners give the go-ahead based on voting in the affirmative for a financing mechanism.
- A three-year design/build project is feasible if the financing can be expedited.



# Owner Questionnaire

Information obtained through the questionnaire will shape the ultimate phase-one scope.

The deadline for responding to the questionnaire is February 14, 2013.

Questionnaire data is sent directly to MSWD for calculating.

- ☐ If you have comments or questions, you can call, email or use the “additional information about the property” box in the questionnaire to communicate.



# Owner Questionnaire

If you prefer not to fill out a portion of the questionnaire, simply leave the box blank. Once you have completed the questionnaire, click the "submit" button to forward your answers to MSWD staff.

# Contact Information and Link to Questionnaire

## MSWD Contacts:

- Assessment District Formation:
  - John M. Soulliere, 760/329-5169 ext. 144. Email: [jsoulliere@mswd.org](mailto:jsoulliere@mswd.org)
  - Engineering:
    - Danny Friend, 760/329-5169, ext. 149 Email: [dfriend@mswd.org](mailto:dfriend@mswd.org)

▪ [Link to Questionnaire](#)







Date: August 13, 2003  
 To: Planning Commission  
 From: Director of Planning & Zoning

CASE 5.0856-CUP. APPLICATION BY PALM SPRINGS FREEWAY DEVELOPMENT, LLC FOR A REVISED CONDITIONAL USE PERMIT TO ALLOW A 65-UNIT HOTEL WITH AMENITIES AND, TWO DRIVE-THRU RESTAURANTS, LOCATED AT 610 W. GARNET AVENUE, M-1-P/HC ZONE, SECTION 15.

**RECOMMENDATION:**

That the Planning Commission approve a revised Conditional Use Permit 5.0856 for a 65-unit hotel with amenities, two drive-thru restaurant facilities and a 60 foot tall freeway sign, located at 610 W. Garnet Avenue, subject to the conditions outlined in the attached Resolution.

**BACKGROUND:**

On August 8, 2001, then Planning Commission approved Conditional Use Permit 5.0856-CUP for a 60 room hotel facility and two drive through restaurants on this location. On July 23, 2003, the Planning Commission granted a one year time extension of this conditional use permit, through August 7, 2004.

Palm Springs Freeway Development, LLC has submitted an revised application for a Conditional Use Permit to develop a 65-unit hotel with amenities, two drive-thru restaurants and a 60 foot tall freeway sign. This would provide for an additional five hotel rooms. The CUP is required for the hotel use, as well as the drive-thru restaurants. The project is located at 610 W. Garnet Avenue, west of the intersection of Garnet Avenue and N. Indian Canyon Drive and south of Interstate 10.

The 3.02 acre project site is bounded by Garnet Avenue on the south, and Interstate 10 on the north, and is located west of the intersection of Garnet Avenue and N. Indian Canyon Drive. The existing Pilot Truck Stop with a gas station and fast food restaurants is adjacent to the east, and vacant property borders the project site on the west. The site is currently vacant, and is generally level. The site has a split zoning classification, the west side of the parcel is HC, and the east side of the parcel is M-1-P.

The project proposes a two-story, 65-unit hotel, two freestanding drive thru restaurant facilities and a sixty-five foot tall freeway sign. The proposed hotel consists of 22,000 square feet, and will include 60 guest rooms and an outdoor pool for guests. The two proposed restaurants are 2,400 square feet with seating for 100, and 1,800 square feet with 80 seats.

Adjacent General Plan, Zoning and Land Use			
	General Plan	Zone	Use
North	IND	M-2	Interstate 10
South	IND	M-1-P	Unimproved
East	HC	H-C	Truck Stop
West	IND	M-1-P	Unimproved

## ANALYSIS:

The proposed project is consistent with existing uses in the vicinity; these include a truck stop with gas station and fast food uses on the easterly adjacent property at the northwest corner of Garnet Avenue and N. Indian Canyon Drive, and a freestanding fast food restaurant at the southwest corner of Garnet Avenue and N. Indian Canyon Drive.

The proposed hotel and drive-thru restaurants are conditionally permitted uses in the M-1-P and H-C zones and, with Planning Commission approval of a Conditional Use Permit, the project will conform with zoning requirements for the M-1-P zone. As specified by the M-1-P zone, the hotel is subject to the standards of the R-4 (Large Scale Hotel and Multiple Family Residential) zone.

The design review committee has reviewed and approved the architecture of the proposed hotel, which is reminiscent of the International movement of modern design. The long expanse of the hotel's east elevations on either side of the entry feature regular building offsets and the extensive use of windows to create visual interest; these treatments are repeated on the west (rear) elevation. The north and south elevations feature bold, geometric building planes. The proposed color palette includes stucco in natural desert colors. The color palette proposed for the drive-thru restaurants will complement the hotel color scheme.

Pursuant to Section 93.20.05 of the Zoning Ordinance (Signs), the applicant has submitted an application for a freeway sign. Such signs are allowed on parcels designated HC. This parcel in question is a split zoned parcel, half of the parcel is zoned M-1-P the remainder is HC. The applicant is requesting to locate the freeway sign on the portion of the parcel that is designated M-1-P. In considering the site, the alignment of I-10, the Indian Avenue overpass, and the adjacent topographic features, the proposed location of the sign is the most logical in that it would maximize visibility of the sign to freeway traffic, and therefore be consistent with the intent and purpose of the sign ordinance. Pursuant to Section 94.02.00.6.e of the Zoning Ordinance, the Planning Commission may approve minor modifications to the property development standards, including the regulation of signs, where the Planning Commission finds that such an approval is justified by the unique site conditions and physical constraints which would reduce and obstruct the visibility of a conventional building mounted sign.

The applicant has submitted a schematic design for this sign. The code allows a maximum height of 50', plus five feet for each additional business advertised. Therefore, a maximum height of 60' would be allowed. The distance between the face of the sign and the ground shall not be less than half the height of the structure, therefore, the bottom of the text portion of the sign may be no more than 30 from the ground. The maximum letter size is 3 feet in height. Lastly, businesses are allowed a maximum of 150 square feet per business. As of the writing of this report, the applicant is preparing a flag test, which will simulate the visibility of the proposed sign. Staff will review photo-simulations to determine if size above 25' is warranted per section 93.20.05.11.D of the Zoning Ordinance (Signs). A preliminary site evaluation indicates the additional height may be justified due to the existing bridge. A 25' sign would not be visible to westbound traffic.

Zoning Requirements:

As noted, the hotel is subject to R-4 zoning requirements. R-4 regulations applicable to the subject project are as follows:

	Allowed/Required	Proposed
Density:		
Minimum 1,000 sq.ft. net lot area for hotel room	85 units (Hotel net area)	65 units
Building Height:	30 feet	21 feet
Building Setbacks:		
Front Yard	30 feet	97 feet
Side Yards	20 feet	20 feet
Rear Yard	20 feet	20 feet
Coverage:	45% of site	45% of site

Additional code requirements are as follows:

Parking Front Yard Setback:	10 foot, landscaped with wall or berm	min. 18 foot landscaped area
Off Street Parking:	120 spaces	114 spaces (5% short)
Off Street Loading	required	provided

The applicant is seeking a minor modification to reduce the number of parking spaces by five percent (5%). Staff finds this request to be reasonable given the quick turnover of customers, given the location of the site, and overlap of peak users.

In order to shield the drive through restaurant vehicle stacking from view from the public right of way, the applicant shall design the restaurants with a berm or other screening as appropriate. Both restaurants are designed with the appropriate minimum seven vehicle stacking area.

A landscaping plan has been submitted as part of the application. However, the plan lacks information on the percentage of total parking area to be shaded. Due to the size of the project, a minimum of 50% of the parking area is required to be shaded by landscaping. As a condition of approval, the final landscape plan will be required to meet the a 50% parking lot shading requirement.

Staff has concerns regarding traffic conditions in the project vicinity. The intersection of Garnet Avenue and N. Indian Canyon Drive currently experiences significant traffic issues during peak periods as drivers approach Interstate 10. In response to staff concerns, the applicant has provided a traffic analysis prepared by Mark Greenwood, P.E. The traffic analysis evaluated a 60 room hotel and three fast food restaurants. The project has since been revised, the 45 seat fast food restaurant has been eliminated and five rooms have been added to the hotel. Utilizing the Institute for Traffic Engineers (ITE) Trip Generation Manual, staff has determined that these revisions to the project will reduce the overall traffic

impacts of the proposed project. Specifically, the 45 seat fast food restaurant would have generated 878 additional trips to the site, whereas the additional five hotels rooms will generate an average of 46 additional daily trips to the site. Thus, the revisions to the project will result in a net reduction of 501 average daily trips to the site.

The traffic analysis found that the estimated project traffic can be accommodated by the existing intersection without physical modification, although operating efficiency may be improved by optimizing the traffic signal timing for post-project conditions. The intersection is projected to operate at LOS C with the addition of project traffic; the intersection currently operates at LOS B. The study recommends that the project incorporate the following mitigation measures to ensure safe and efficient traffic flow in the project area; installation of a street light at the project driveway on Garnet Avenue; extension of existing traffic striping (double yellow centerline) along the project frontage; construction of a sidewalk along the project frontage; red painting of the curb along the project frontage; and re-timing the existing traffic signals at Indian Canyon Drive and Garnet Avenue and at Indian Canyon Drive and Eastbound I-10 ramps if necessary. The public works department will need to work with Caltrans on signal timing.

#### ENVIRONMENTAL ANALYSIS AND NOTIFICATION:

An environmental assessment dated April 5, 2001 was prepared by staff for the project. In completing the Environmental Checklist, staff found that there could be a significant environmental impact in the area of traffic if mitigation measures are not incorporated into the project design. A traffic study for the project was prepared by Mark Greenwood, P.E.; this study recommends certain mitigation measures which are listed in the Mitigated Negative Declaration and have been included in the conditions of approval recommended by staff.

The project site is located within the Fringe Toed Lizard Habitat Conservation Area. The developer shall pay a mitigation fee of \$600 per acre, prior to issuance of building permits.

Caltrans has reviewed the project and noted that the project will not impact the proposed redesign of the Interstate 10/Indian Avenue Interchange.

All property owners within four hundred (400) feet of the subject site have been notified. As of the writing of this report, staff has not received any correspondence from adjacent property owners.

#### ATTACHMENTS:

1. Vicinity Map
2. Resolution
3. Conditions of Approval