



City Council Staff Report

DATE: November 19, 2014

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1862 APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD) AND CEQA NOTICE OF EXEMPTION

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1862.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1862, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD) AND CEQA NOTICE OF EXEMPTION."

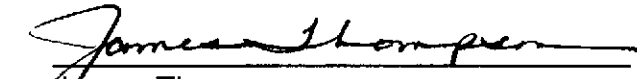
STAFF ANALYSIS:

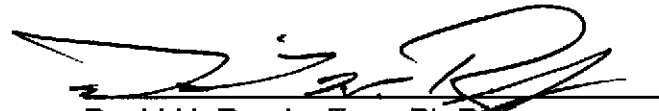
On November 5, 2014, Ordinance No. 1862 was introduced for first reading, as noted below:

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1862, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD) AND CEQA NOTICE OF EXEMPTION," **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

Item No. 2.0.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachments:
Ordinance No. 1862

ORDINANCE NO. 1862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF WEST VISTA CHINO ROAD AT KAWEAH ROAD.

City Attorney's Summary

This Ordinance approves a Planned Development District in lieu of zone change from the R-3 Zone to accommodate 3 residential units on property generally located at 260 West Vista Chino Road.

WHEREAS, Gain Limited Partnership ("Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District), and 94.07.00 (Zone Change) of the Zoning Code, seeking approval for a Planned Development District in Lieu of a Change of Zone (including Preliminary Development Plans) proposing three single-family residential dwellings with minor deviations to development standards on an approximately 0.91-acre parcel located at 260 West Vista Chino Road; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1333 PD 368, was given in accordance with applicable law; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1333 PD 368 in-lieu of change of zone, was given in accordance with applicable law; and

WHEREAS, on August 27, 2014, a public hearing on the application was held by the Planning Commission in accordance with applicable law, and the Commission adopted Resolution No. 6443; unanimously recommending approval of Case No. 5.1333 PD 368 in lieu of change of zone; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case Nos. 5.1333 PD 368 in lieu of change of zone, was given in accordance with applicable law; and

WHEREAS, on November 5, 2014, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and

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

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case No. 5.1333 PDD 368 in-lieu of change of zone; and

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

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

SECTION 1. The proposed amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the proposed amendment be determined to be Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act, because the proposed zone text proposes minor changes to land use limitations for the 0.91-acre site; and

SECTION 2. Pursuant to Section 94.07.00 (Change of Zone), *"the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property":*

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

The General Plan land use designation of the subject site is LDR (Low Density Residential). This designation allows residential uses with densities of up to six dwelling units per acre. The proposed project includes single family residences at a density of about three dwelling units per acre, which is consistent with the type and density of development within the LDR land use designation. Thus, the proposed change of zone is in conformity with the General Plan map and report.

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

The density of the proposed project is much less than the R-3 zone permits. The proposed site plan incorporates a private access way that will be required to conform to the minimum width standards for access and safety. The project proposes lot sizes that

are adequate to provide usable outdoor space, including outdoor living. Thus, the project is deemed consistent with this finding.

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

The applicant proposes single-story single-family dwelling units on individual lots exceeding 13,000-square feet in size. Similar development exists to the west and south. The proposed zone change is necessary and proper to allow a lower density project. The use would not be detrimental to adjacent property or residents in this area due to a less dense project and zoning.

SECTION 3. The City Council adopts an ordinance to approve the zone map change which changes the land use classification / zoning designation from R-3 to PD 368 for a roughly 0.91-acre area located on the north side of West Vista Chino Road and Kaweah Road, in conjunction with Case Nos. 5.1333 PDD 368, subject to those conditions of approval attached as Exhibit "A" to Resolution No. 23687.

SECTION 4. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED THIS 19TH DAY OF NOVEMBER, 2014.

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \

EXHIBIT A

Case 5.1333 PDD 368 and TPM 36686

260 West Vista Chino Road
0.91-acres on the north side of Vista Chino Road at the Kaweah Road intersection

November 5, 2014

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1333 PDD 368 and TPM 36686; except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (May 29, 2014), including site plans, architectural elevations, exterior materials and colors, and grading on file in the Planning Division except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 36686, date stamped February 20, 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 5.1333 PDD 368 & TPM 36686. 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. The time limit for submittal of Final Development Plans shall be two (2) years from the effective date of approval. Commencement of construction shall occur within six (6) months of Final Development Plan approval. Extensions of time may be approved by the Planning Commission upon demonstration of good cause by the applicant.

The Tentative Parcel Map (TPM 36686) shall be valid for a period of two (2) years from the date of the approval by City Council. Extensions of time may be approved pursuant to Municipal Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the approval.

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

ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide

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

- ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 12. Community Facilities District. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Facilities District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM 13. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code.
- ADM 14. CC&R's Prior to recordation of the final Tract Map, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be

amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances

ADM 15. CC&R's. Prior to recordation of the final Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:

- a. The document to convey title
- b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
- c. Provisions for joint access to the proposed parcels, and any open space restrictions.
- d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.

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

ADM 16. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 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 City Council'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

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting shall be in conformance with

Section 93.21.00 of the Zoning Code. Manufacturer's cut sheets of all exterior lighting shall be submitted to the Planning Department for review and approval. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape / irrigation plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Development Plans must be submitted within two (2) years of the City Council approval of the Preliminary Development Plans, unless an extension of time is granted by the Planning Commission.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- a. Exterior elevations to be consistent with site plan in Final Development Plans;
 - b. Landscape and surrounding walls to be return for review.
- PLN 5. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 6. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 7. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

- PLN 8. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 9. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 10. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 11. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 12. Development Standards. Individual lots shall be developed as shown on the approved site plan, and meet the following criteria:

PDD 368	
A. Lot Area	13,200 sq. ft.
B. Lot Dimension	
Min. Width	130 feet
Min. Depth	100 feet
C. Density	13,200 sq. ft. of lot area per dwelling
D. Building Height	1 story, 15 feet
E. Yard Setbacks	
1. General Provisions	25 feet
2. Front Yard	Parcel 1: 55 feet (east property line) Parcel 2 and 3: 45 feet (east property line)
3. Side Yards	Parcels 1 and 2: 8 feet (north and south property lines) Parcel 3: 16 feet (south property line) and 8 feet (north property line)
4. Rear Yard	Parcels 1, 2 and 3: 12 feet (west property line)
F. Distance Between Buildings	16 feet between buildings

- PLN 13. Access Driveway. The reciprocal access driveway shall be 24-feet wide and remain clear for emergency access at all times. This shall be reflected in the Final Development Plans.
- PLN 14. Planning Commission Final Development Plan Requirements. The following requirements shall be included as a part of the Final Development Plans.
 - a. Eliminate entry gated to project
 - b. Reciprocal driveway to be 24ft. wide on Parcels 2 and 3
 - c. Each home to have separate smart controller for landscape irrigation
 - d. No live turf in any front yards

- e. Pre-wire for rooftop solar collection

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

ENGINEERING DEPARTMENT CONDITIONS

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

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

STREETS

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

VISTA CHINO

- ENG 1. Construct a 6 inch curb and gutter, 20 feet north of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
- ENG 2. Construct a 24 wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
- ENG 3. Construct a 5 feet wide sidewalk behind the proposed curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
- ENG 4. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the Vista Chino frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 300. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

- ENG 5. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

- ENG 6. Construct a 24' wide drive isle with hammer head turn around for emergency vehicles for reciprocal access as indicated on approved Tentative Parcel Map 36686, Construct pavement with a minimum pavement section of 2 1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to edge of pavement (redwood header or zero curb). If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 7. Parking shall be restricted along both sides of the 24 feet wide reciprocal access road, except in the designated areas shown on approved Tentative Parcel Map 36686. Maintaining required no parking restrictions, shall be included in Covenants, Conditions, and Restrictions required for the development.

SANITARY SEWER

- ENG 2. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.
- ENG 3. If an on-site private sewer system is proposed to collect sewage from the development and connect to the existing public sewer system, sewer plans shall be submitted to the Engineering Division for review and approval. Private on-site sewer mains for residential projects shall conform to City sewer design standards, including construction of 8 inch V.C.P. sewer main and standard sewer manholes. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

GRADING

- ENG 4. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise

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

- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
 - b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.
- ENG 5. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 6. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control

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

- ENG 7. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 8. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 9. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 10. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blow sand relating to this property and development.
- ENG 11. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan (if required) or prior to issuance of any permit.
- ENG 12. 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 even though there may not be a grading plan for the project. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 13. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building foundation.
- ENG 14. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the

export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 15. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets without first intercepting and treating with approved Best Management Practices (BMP's).
- ENG 16. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6,511.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

GENERAL

- ENG 17. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 18. All proposed utility lines shall be installed underground.
- ENG 19. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

- ENG 20. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 21. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 22. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 23. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

MAP

- ENG 24. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map. The Parcel Map shall be approved by the City Council prior to issuance of building permits.
- ENG 25. A 29' feet wide Reciprocal access easement which shall also include utilities and emergency vehicle access for the benefit of all parcels as shown on approved Tentative Parcel Map 36686, shall be shown on map.
- ENG 26. Upon approval of a parcel map, the parcel map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase,

ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

TRAFFIC

- ENG 27. A minimum of 48 inches of clearance for 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 W. Vista Chino frontage of TPM 36686.
- ENG 28. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 29. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 30. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

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

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plans received and dated February 20, 2014. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private

fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID 3 Plans and Permits (CFC 105.1):

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

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

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

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

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

FID 4 Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13'-6". Fire Department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.

FID 5 Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

FID 6 Surface (CFC 503.2.3): Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs.

GWV) and shall be surfaced so as to provide all-weather driving capabilities.

FID 7 Fire Department Access: Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC).

- **Minimum Access Road Dimensions (CFC 503.2.2):**

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet; a greater width for private streets may be required by the City engineer to address traffic engineering, parking, and other issues. The Palm Springs Fire Department requirements for two-way private streets, is a minimum width of 24 feet. No parking shall be allowed in either side of the roadway.

FID 8 Fire Lane Marking (CFC 503.3): Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

FID 9 Security Gates (CFC 503.6): The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and shall utilize a combination of a Tomar strobe-activated switch and an approved Knox key electric switch. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

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

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

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

FID 10 NFPA 13D Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a licensed contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.

END OF CONDITIONS